
ICANN73 | Virtual Community Forum – GAC Communique Review Session
Tuesday, March 8, 2022 - 16:30 to 17:30 AST

GULTEN TEPE:

The session will begin. Please start the recording. Welcome to the ICANN73 GAC Communique Review Session at 20:30 UTC. We will not be doing a roll call today for the sake of time. GAC members' attendance will be available in the annex in the GAC communique and the minutes. To ensure transparency of participation in ICANN's multistakeholder model we ask that you sign into the Zoom session using your full name. You may be removed from the session if do you not sign in using your full name.

If you would like to ask a question or make a comment start and ending your sentence with <question> or <comment> to allow all participants to see your request. Interpretation for GAC sessions include all 6 U.N. languages and Portuguese. Participants can select the language they wish to speak or listen to by clicking on the interpretation icon located in the Zoom tool bar. 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 make sure to mute all other devices.

Finally, the session, like all other ICANN activities, is governed by the ICANN Expected Standards of Behaviour. You will find the link in the

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chat for your reference. With that I would like to leave the floor to the GAC Chair, Manal Ismail, over to you. Thank you.

MANAL ISMAIL, GAC Chair:

Thank you, Gulden, and welcome back everyone. It's now time for our GAC Communique review and this is the last session of the day for 60 minutes.

During this session we will be planning our Communique drafting process. We will check any Communique language that has already been inserted, identify other potential parts that are missing. And assign pen holders for those missing parts. So let's start by looking at the Communique. I see already the file is displayed. As mentioned during the GAC Opening Plenary we use Google doc for collective drafting of the Communique and we might at a certain point in time ask everyone to submit text through the support staff, but for now the document is open and please feel free to insert the parts you are assigned directly into the file.

Also, as we mentioned during the Opening Plenary. We allow 72 hours from the time we finalized the Communique, and the dates are still unclear because sometimes we finish on the Wednesday. Sometimes we need the session the one on Thursday, so this remains to be seen, and once we conclude we start counting the 72-hour review. Then have the Communique posted by the Monday.

Please, if you have any questions on the process this is the time, and I think we can scroll down again we have -- went through the instructions on how to insert the text into the Google doc. You have to make sure you are in suggesting mode -- mood -- sorry, in the suggested suggesting mode, so that you are not changing text permanently of someone else and propose the text in the insert the text in the appropriate place.

Identify yourself so that everyone knows who inserted the text, and finally don't forget to hit the reply button, otherwise the edits will not be shown. Let's continue scrolling down. For the benefit of a new GAC colleagues as well, maybe we can simply explain the structure of the Communique. Part of it is pure information part. The other part is related to our GAC advice to the Board.

We normally have support staff filling any factual information like listing the meetings we attended, the agenda of the meetings, and participation and cross-community panels and so on. We expect text from the relevant working groups under the relevant sections of the Communique, and other topics of interest if we can scroll down, so this is the introductory part, and then we have the inter-constituency activities and community engagement and this is where we report on our bilateral meetings simply listing the bilateral and the agenda so this is something support staff helpfully fill it for us, and cross-community discussions as well, as you can see pending what is going to happen of course during Wednesday and Thursday.

Some of the meetings are still to take place tomorrow and after tomorrow, like the bilateral with the Board tomorrow, the ALAC after tomorrow, and the DNS Abuse community session is also on Thursday, so we are just saving time and filling in things we so far know are going to happen, and then, of course, subject to any changes if any need be.

So scrolling down, then we have internal matters where we report on our GAC membership, any updates regarding the leadership and also reporting back from the different working groups. If we can continue scrolling down then it's the section on issues of importance to the GAC, and this is where we report on our substantial discussions that are still in the form of discussions and did not mature yet to be a GAC advice to the Board. But again starting from here I have to say the Board reads even this part very closely and discuss it with the GAC through the Board GAC interaction group.

So, this part is also because it gives some insights on the thinking of the GAC and the things that might mature and be reflected as a GAC advice to the Board later so an early discussion is very useful.

Can we please scroll down? This is GAC consensus advice to the Board, and this part we provide the GAC advice to the Board per our operating principles and per the ICANN Bylaws, and not following the GAC advice triggers the Bylaws which means that the Board then have to reach out to the GAC, explain why they did not follow GAC advice to the Board and try to find a mutually-acceptable solution.

And finally, if we scroll down there is the follow-up on previous GAC advice and this is if a certain advice was still not implemented and we would like to just reiterate or follow up on a previous GAC advice, and finally reporting on our next meeting.

So I'm pausing to see if there are any questions at this stage. Otherwise, I think we can go through a quick read identifying parts that are missing, and assigning pen holders and, of course, thanks to everyone who already submitted text in the Communique Google doc and, of course, thanks to support staff for populating the skeleton of the Communique that early.

So the text reads, the GAC ICANN73 Communique was drafted and agreed remotely during the ICANN73 Virtual Community Forum. The Communique was circulated to the GAC immediately after the meeting to provide an opportunity for all GAC members and observers to consider it before publication, bearing in mind the special circumstances of a virtual meeting. No objections were raised during the agreed time-frame before publication, and we need to highlight this in yellow as well as we normally do because this is something that we need to check and make sure it is valid at the time of issuing the Communique.

Under introduction the text reads the Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met via remote participation from 7 to 10 March 2022. Per ICANN Board resolution on 4 November 2021, in response to the

public health emergency of international concern posed by the global outbreak of COVID-19, ICANN73 was transitioned from an in-person meeting in San Juan Puerto Rico to a remote participation only ICANN meeting.

Then we will be inserting the numbers of GAC members who attended, and observers, so so far it's -- it reads XX number GAC members and X number of observers attended the meeting.

The GAC meeting was -- and just to note that the number of GAC participants is being counted throughout the sessions, so support staff are doing an amazing job trying to make sure they do not miss any of the attendees. It's a difficult job, and as I said, they have to collect participation from all the sessions, so please, if we can help them by identifying ourselves properly in the participants list so that they are able also to differentiate between GAC members and observers versus other community participants.

Now reading the following paragraph, the GAC meeting was conducted as part of the ICANN73 Virtual Community Forum. All GAC plenary, all GAC plenary and working group sessions were conducted as open meetings. And then we inserted this sentence in reference to the statements that were made during the Opening Plenary. And it reads the GAC would like to reference the statements made by GAC members during the GAC Opening Plenary session following Ukraine's request for an emergency meeting of the GAC. And the link of the transcripts is shared at the footnote.

Now, under inter-constituency activities and community engagement we have, as I said, the meeting with the ICANN Board, will take place tomorrow morning UTC time but not even UTC time, so it's going to take place tomorrow morning with the following agenda, and, of course, we will fine tune this after the meeting if anything changes.

The GAC met with the ICANN Board and discussed GAC 2022 priorities. GAC suggestions for enhancing the implementation of recommendations from policy development processes and independent reviews, SSR2 review recommendations, Global Public Interest Framework, registration data including the system for standardized access and disclosure, data protection agreements between ICANN and contracted parties, and the accuracy of registration data.

ICANN Board responses to the GAC's questions and statements presented during the meeting are available in the transcript of the GAC ICANN Board meeting annexed to this document.

So the transcripts of the session will be also annexed similar to what we referenced in the statements, and, of course, this will be available once we finish the meeting.

Also meeting with the At Large Advisory Committee, which is yet to take place on the Thursday, the GAC meeting with members of the ALAC, I'm sorry, the GAC met with members of the ALAC and discussed public

interest processes, universal acceptance and internationalized domain names, the proposed system for standardized access and disclosure registration data, SSAD. And again, subject to finalization and confirmation after the meeting.

Moving on to the meeting with the Generic Names Supporting Organization. The GNSO which took place on Monday, the GAC met with members of the GNSO and discussed SSAD operational design phase, subsequent rounds of new gTLDs operational design phase, DNS Abuse, EPDP on specific curative rights protections for IGOs, accuracy of registration data and closed generics.

On our meeting today with the Country Code Names Support Organization, the I think its name supporting and ING is missing organization, the ccNSO the GAC met with members of the ccNSO and discussed, ccPDP 3 on review mechanisms update to the GAC. CcPDP 4 on IDN's update to the GAC. And ccNSO activities related to DNS Abuse.

On cross-community discussions GAC members participated in relevant cross-community sessions scheduled as part of ICANN73 including regarding ICANN's Global Public Interest Framework, the session that was held yesterday, and DNS Abuse, again this is the session that will be held tomorrow.

Moving to internal matters starting by the GAC membership so there are currently 179 GAC member states and territories, and 38 observer organizations.

On the GAC leadership, the GAC thanked its outgoing vice-chairs Jorge Cancio, Switzerland, Jacques Rodrigue Guiguemde, Burkina Faso and Pua Hunter, Cook Islands, for their valuable support and contribution to the GAC during two, one-year terms.

And the end of the ICANN73 meeting marks the start of a new term for the incoming GAC Chair and Vice Chair team, so Manal Ismail, Egypt, Chair, Pär Brumark, NIUE, Francis Olivier Cubahiro, Burundi. Sorry for the pronunciation -- Shi Young, Republic of Korea, Jaideep Kumar, India, and Ola Bergström from Sweden.

So I'm just wondering whether this is accurate because it's not a new term to the GAC chair. The GAC chair the term of the GAC chair is two years so, but anyway, we can look into this off list -- I mean off record.

Okay. Term of team. Thank you, Rob, so it's reporting on the whole leadership team, so as far as this justified it's okay.

Now, on GAC working groups there is the GAC Public Safety Working Group. Are we expecting text from the GAC Public Safety Working Group I believe? Anyone holding the pen? Any expectations when should we expect the text? I know the sessions just got concluded. Thank you very much, Laureen, for confirming in the chat that you will be coordinating this.

So -- and thank you Chris -- so it's between Chris and Lauren as the co-chairs of the PSWG. Thank you very much.

Now, on the GAC Working Group on Human Rights and International Law, the working group reviewed the GAC prospective proposal document on Work Stream 2 recommendation 1.1 on the definition of diversity and particularly on each of the seven elements of diversity identified in the report.

The working group took into account the additional element proposed by the GAC in regard to diversity in views and will share the document with the newly formed community coordination group, CCG, for future community-wide discussion.

So thanks for the Human Rights and International Law Working Group for submitting the Communique language on what they have presented today. And moving to the GAC Operating Principles Working Group, the GAC was briefed on recent activities carried out by the GAC operating principles evolution working group, including its updated Work Plan and the updated framework for GAC Working Group Guidelines. GAC members provided preliminary comments on these guidelines with further comments invited.

The Work Plan for 2022, 2023 was adopted by the GAC. Setting the working group's priorities to first finalize the framework for GAC Working Group Guidelines prior to commencing the review of GAC Operating Principles.

GOPE Working Group members will meet inter-sessionally and share relevant developments with the GAC membership prior to ICANN74. So again, thanks to Ian and Feng and support staff as well. This is very helpful.

And, please, if you have any comments just stop me. So far it's factual information that is reflecting our activities throughout the week. If we can move down to issues of importance to the GAC.

So here we have first Global Public Interest Framework. And it reads, the GAC recognizes the importance of incorporating global public interest GPI considerations into policy development and decision making at ICANN. The GPI is of particular importance to the GAC, which serves to consider and provide advice on public policy matters within ICANN's remit. The GAC thus welcomes the development of a tool that could help ensure the GPI is imbedded into policy at ICANN, and the GPI framework the Global Public Interest Framework discussions during ICANN73 were a good first step towards that goal.

The GPI framework could be adapted and applied by all advisory committees and supporting organizations in their work, including, for example, through the process of developing and endorsing policy recommendations, decisions, and public comments. The requirement of inclusiveness established in the articles of incorporation should be explicitly enshrined in the Global Public Interest Framework.

The GAC notes that the initial application of the GPI to the SSAD operational design phase appears to have been limited. It is important that the public interest concerns are not only considered but effectively addressed. For example, one public interest concern identified during the EPDP Phase 2 SSAD deliberations concerned the classification of cybersecurity threats including threats to consumer protection as priority 3 which is the lowest priority.

The GAC and several other stakeholder groups noted that this low priority may be insufficient to address the reality of serious online threats as well as too slow to deliver data at speeds to satisfy operational security needs. Despite the concerns the ODA concluded that the community considered and addressed public interest considerations in the rationale for the SSAD recommendations. Going forward, the GAC would encourage a more exhaustive application of the GPI framework in the ODA for the new gTLD subsequent procedures operational design phase. The GAC will closely follow the development of the GPI framework going forward.

So I'm pausing to see if there are any comments, and, of course, to take my breath. And I'm wondering whether do we normally thank our guest speakers, or we've never done this before? I'm wondering whether it is appropriate to thank Avri for being with us. I know we had guest speakers before so if we have never done this before then no need. If we normally do this then maybe we can write a sentence here. So I'll -- okay. Thank you, Fabien, saying not sure in issues of importance but will research so, yes, please let's see how we handled similar

situations before and thank you Nigel for noting that it is a courtesy to thank the likes of Avri.

So, yeah, we will see how we handled before. I'm in favor of thanking her but if we have never done this before then it's going to be -- so thank you, Fabien, for helping us to research and let's see the results of this research.

Let's move on. So the next issue that is of importance to the GAC is subsequent rounds of new gTLDs. And the text reads the GAC discussed subsequent rounds of new gTLDs and received an update from ICANN org about the current state of work of the operational design phase ODP relative to policy recommendations in the final report of the GNSO policy development process working group, PDP working group, on subsequent rounds for new gTLDs. The GAC will continue to maintain open communication channels with ICANN org throughout the ODP providing input as appropriate during community consultation phases.

Following the ICANN Board invitation for a GAC and GNSO facilitated dialogue aimed to explore a mutually agreeable way forward on closed generics, the GAC intend to respond favorably noting its willingness to contribute to this effort.

The GAC will continue to engage in seeking a compromise solution relative to closed generic applications in the next round of new gTLDs, in keeping with GAC advice for closed generics to serve a one interest goal.

Again, pausing to see if there are any initial comments on this again thanking our topic leads and support staff for being able to work on Communique language so timely, and in parallel of everything else that is already taking place.

The last topic of interest to the GAC is the Public Safety Working Group, issue of importance to the GAC, I mean, is the Public Safety Working Group update on DNS Abuse. And the text reads the GAC acknowledged the issue of DNS Abuse, which registrants continue to abuse by using different domain name registered to the same registrar and the importance of tackling it.

Thank you. And I think there is more will be -- I mean, do we expect more under this topic? Or, yes, Velimira, please go ahead.

VELIMIRA GRAU NEMIGUENTCHEVA: Thank you, Manal, and apologies. I think my raising of the hand was a little bit quick. I wanted to just inform that there would be an additional topic under issues of importance, but we are currently working with the other topic leads so this topic will be on accuracy. So it will be sorted tomorrow, and we are just refining the language. Thank you.

MANAL ISMAIL, GAC Chair: Thank you very much, Velimira, so we are having a place holder for accuracy of registration data and thank you for offering to provide the

language under this topic. So anything else we're missing under the issues of importance to the GAC? I'm reading Nigel in the chat. First Jorge and Benedetta makes miracles, so yeah, I'm sure, and Nigel, yes, there is more to be added here. We also need to note discussion on EU report, etcetera.

Yeah, this is what I was thinking too, Nigel, so I'm just wondering whether we should expect more text under the DNS Abuse? And Velimira, I'm assuming this is an old hand?

VELIMIRA GRAU NEMIGUENTCHEVA: Indeed. Apologies, Manal.

MANAL ISMAIL, GAC Chair: No worries. So yeah, Nigel, please go ahead.

UNITED KINGDOM: Yes, thank you very much, and sorry -- good evening. I think two points if I may briefly -- well, three points. First of all, to agree with Velimira over the insertion of something on the accuracy of registration data. I think that's very important.

Secondly under DNS Abuse, yes, I think we need to reference some of the points of the discussion this afternoon. So both the EU report which provided much food for thought or something along those lines, and also the news about the DNS Abuse Institute, [there was some news] on that side as well that we perhaps should reflect, and the other thing I

think we should reflect as well as accuracy of registration data is our concern -- or is the discussion on the -- in relation to the WHOIS -- sorry. It's been a long day -- in relation to the implementation of the WHOIS registration data issue in terms of phase one review -- implementation review team time scales.

I'm not being very coherent, but I think there is something that we ought to add in there as well because it was, you know, was a discussion we've had today. But we can certainly look at text. Thanks.

MANAL ISMAIL, GAC Chair:

Thank you very much, Nigel. So first on DNS Abuse, I see Susan in the chat agreeing and saying that she anticipates -- I anticipate that we will seek to work with colleagues to propose further text, and Lauren saying perhaps we could provide more details about the topics covered in the session so, yeah, that would be much appreciated.

Thank you very much, Susan and Lauren. So we also have the EPDP phase one recommendations implementation time-line, any volunteers, any pen holders for this topic? So I am assuming Nigel this is an old hand? And in that case I will go directly to Chris. Please, Chris, thank you go ahead.

CHRIS LEWIS-EVANS:

Thank you. Christopher Lewis-Evans, for the record. Yeah, I'll take the pen on the IRT time-line. Gabriel is involved. Obviously, Dennis did put in the chat there had been something, so I just need to make sure it

meets the GAC's requirement that we asked for last meeting, but I'll do that in the next day or so. Thank you.

MANAL ISMAIL, GAC Chair: Thank you very much, Chris. This would be very helpful. So we have Velimira for accuracy. We have Chris for EPDP phase one implementation time-line and we have joint efforts under the DNS Abuse by Susan and Lauren for now.

Any other topics missing? And seeing no requests for the floor, I will now move to GAC consensus advice to ICANN Board. And so any, any key things that we need to convey as an advice to the Board? So, an early flagging would be good, but I think we can also accommodate suggestions tomorrow. I know it's been a very long day, intense one too, so please if there is anything -- because this is the most, this is the part that takes most of the discussions, so it would be good that we started as early as possible. I am reading Nigel in the chat I think we need to revert upon this after Board discussion tomorrow.

Indeed, Nigel, so in light of our bilateral with the Board I'm sure things will be more clear.

So, I think -- and we have nothing under follow up on previous GAC advice and again I don't think -- I'm normally not very much in favor of this section but if we need to insert something, again like Nigel said maybe tomorrow after our meeting with the Board it will be made more clear.

And next meeting the GAC is scheduled to meet next during the ICANN74 policy forum on 13 to 16 June 2022 and we normally refrain from saying whether it's in person virtual or hybrid, just leaving it as is, and playing it by ear at the appropriate time.

Anything on the Communique, whether process or language? And please support staff if I have overlooked anything that I should have flagged during this session, please. Appreciate reminders.

So, thank you, Fabien, for confirming that nothing pending, at least for today, and I'm sure everyone would appreciate a few minutes back after such a long day, so with that, I thank you very much. I'm thanking everyone very much. I know it's been a long day, but I thank you for the active participation and engagement and this concludes our meetings today, we will start tomorrow at 9:00 Seattle(sic) time, 13:00 UTC by our bilateral with the Board, so please be prompt and before our official start the GAC leadership will provide the daily 30-minute update at 11:30 UTC to those who have missed any of today's sessions. So until we meet tomorrow please stay safe and have a good rest of your days. Thank you.

[END OF TRANSCRIPT]