
ICANN74 | Policy Forum – GAC Communique Drafting (4 of 6)
Thursday, June 16, 2022 – 09:00 to 10:00 AMS

GÜLTEN TEPE ÖKSÜZOĞLU: Hello everyone, and welcome to the ICANN74 GAC Communique drafting session. Please note the session is being recorded and is governed by the ICANN Expected Standards of Behaviour. During this session questions or comments submitted in the chat will be read out loud, if you put it in the proper form. If you are remote please wait until you are called upon and unmute your Zoom microphone. For those of you in the GAC room raise your hand in Zoom and when called upon unmute your microphone. For benefit of our other participants please state your name for the record and speak at a reasonable pace. You may access all available features for the session in Zoom tool bar. With that I will hand the floor to GAC Chair, Manal Ismail. Over to you, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much. And good morning, good afternoon and good evening everyone, in the room and on Zoom. Thank you for making it early to our 4th Communique drafting session, and I believe this session is scheduled for an hour and we will go again throughout Communique and try to start with parts that we haven't finalized yesterday.

So if you give us just a minute to get the Communique on the screen.

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FABIEN BETREMIEUX: So maybe, Manal, what we can do is scroll through and note where things were done and tell us what you'd like to start with maybe? This is Fabien Betremieux, for the record, so if we scroll down in we'll take look at quickly what changed since the last session yesterday.

So in the first section there was no changes. Just some edits here that we can come -- we won't stop. We'll just scroll through. In internal matters there were some edits to the text of Public Safety Working Group report. I understand with a view to shortening it a little bit.

Then, there was a mention of the, .. GAC operational matters we haven't read yesterday. In issues of importance we have text for SSAD. We have text also for accuracy registration data. These 2 texts were not read yesterday.

I understand we will also receive a new version of the DNS abuse text later this morning. We have -- and I think the rest will be no -- we discussed yesterday, so this is hopefully providing an idea of what's new.

MANAL ISMAIL, GAC CHAIR: Okay. Thank you, Fabien, and then okay, let's start by the first thing we haven't discussed before. Not necessarily minor edits, but the text? Yeah, I think SSAD is okay so this is new text on the system for standardized access and disclosure of registration data, and it reads: The GAC appreciates the work of the small group focussing on issues identified in ICANN org's Operational Design Assessment, and

encourages progress that paves the way for the Board's consideration and action upon the approved consensus recommendations of the Phase 2 expedited policy development process for gTLD registration data.

A small team of ICANN, a small team of ICANN community members concluded that the ODA does not provide enough information to determine the cost and benefit of the SSAD recommendations. The small team also considered what further information may be needed and how this information can be obtained to allow the GNSO Council and the Board to confidently determine the costs and benefits, and if modifications need to be made to the SSAD recommendations.

As a result, the small team recommended a pause in its consideration of the SSAD recommendations so that approve of concept approach could be implemented. ICANN org is currently supporting the small group's work in developing such a, proof of concept. The GAC emphasizes the importance of providing specifically timelines and goals for the proof, of concept. This clarity will certificate to have notify the community of the schedule for the proof of concept and what will happen after the proof of concept phase concludes.

Providing an effective centralized system for access and disclosure of domain name registration data remains important, and the GAC looks forward to the timely completion of the proof of concept, which may assist the Board in its assessment of the Phase 2 policy recommendations.

So I'm pausing here to see if there are any comments on paragraph 1?
And checking on-line too. Okay, I have Santhosh, please, go ahead.

INDIA: Okay. So good morning, Manal, so while asking discussion on SSAD, SSAD Light was mentioned, so that has not been mentioned here, so is it the proof of concept called SSAD Light? So --

MANAL ISMAIL, GAC CHAIR: Yes, I'm seeing nodding here, so it is it is meant to refer to the SSAD Light. Yeah, Fabien, please if you can help.

FABIEN BETREMIEUX: This is Fabien Betremieux speaking, for the record. So the small -- there has been discussion of a, proof of concept for which I can propose the notion of a SSAD Light concept and now I can understand ICANN org talks about a disclosure system, so I think proof of concept -- my understanding is proof of concept is a fairly generic denomination for the work that's currently ongoing.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Fabien, and I saw Laureen also nodding. Are you seeking the floor? Please, Laureen, go ahead.

LAUREEN KAPIN: Yes, just to clarify even more, Fabien, of course, is correct. The SSAD Light and the proof of concept, I believe are synonymous terms. The terminology within the group actually is a little bit inconsistent, but proof of concept is actually what the -- this prototype is referred to in the GNSO correspondence to the Board, which is why the -- that is in the text, so I just wanted to clarify that we're talking about the same thing.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Laureen, so obviously it's the concept of having a proof of concept irrespective of the exact name, how are we going to call it. So, I hope this answers your question Santhosh, and Nigel please U.K., go ahead.

UNITED KINGDOM: Yes, thank you very much. Good morning, Manal. Good morning, colleagues. Yes, just to follow up on this specific point, I mean, I think it's an excellent question by Santhosh, and I mean for clarity, I think after proof of concept you know we put in brackets, you know formerly referred to as SSAD Light, or something to that extent, sorry something like that because you know people are going to read this that have been reading about SSAD, have been reading the SSAD Light for the last 6 months, and going to wonder what this proof of concept is all about.

You know, unless you've been here on the ground and hear the unilateral decision to change the name of it you wouldn't have a clue. So let's put formerly known as SSAD Light after that. Thanks you very much.

MANAL ISMAIL, GAC CHAIR: Thank you, Nigel. And, I see it already on the screen. I hope this captures your proposal.

So, any other comments? And, I had one comment on the sentences that are highlighted in blue. I don't have a strong position of course, but I'm just wondering whether this is something that is being addressed more to the GAC for information, or is it something that we want to convey to the outside community because I had the feeling that, again for the sake of brevity, maybe we can shorten this? But again, I'm -- have no strong position here.

So, if everyone is okay with the text, maybe we can remove the comments and accept it, and thank you for fixing the last sentence, it was not reading well to me, and thank you for taking care of this.

Okay, if there are no further comments on the SSAD part, maybe we can --

PORTUGAL: I'm trying to raise the hand but I can't find -- so I think we must write in the text that SSAD and the proof of concept are the same. So it's, if it's -- if it's confused for us, maybe for the rest of the people who are going to read the Communique it will be also confuse, so maybe it's needed a clarification or in the text say it's the same.

MANAL ISMAIL, GAC CHAIR: Thank you, Portugal. The highlighted part in the highlighted part we already tried to do this so it reads now proof of concept formerly known as SSAD Light. Does this address your point?

PORTUGAL: Yes, sorry, I didn't read.

MANAL ISMAIL, GAC CHAIR: It's okay. Thank you. Any other comments on SSAD or should we move on? Okay. Seeing no further requests for the floor then maybe we can move to the next uncounted text?

And just so that you know, at the end we do one read through the whole document, but we're now trying to finalize the text section by section.

Okay. So under issues of importance to the GAC we have accuracy of registration data, and this is new text. The GAC recognizes the efforts of the accuracy scoping team, and appreciates the team's work to assess the current state of -- the current state of accuracy. At the same time, the GAC notes with concern some recent developments, namely, a proposal to pause the team's work -- the team's work pending resolution of ICANN's planned outreach to the European Data Protection Board on whether ICANN has a legitimate purpose to access nonpublic registration data, in order to review the accuracy of such

data. The GAC believes that pausing the work would be counterproductive.

Given the GAC's interest in seeing the work of the team resolved in a timely manner, the GAC suggests that the team focus on additional and complementary -- work that may continue in the interim.

For example, the team should strive to reach agreement on what current accuracy requirements encompass. As part of assignment 1, the team agreed to refer to a current description of how existing accuracy requirements are understood and enforced. This topic remains under discussion and should move towards resolution. In this context, the GAC stresses that contractual requirements are not limited to accurate, but also to reliable data. The team has not yet analyzed whether there are procedures in place to ensure that the registration data are both accurate and reliable.

Further -- if we can scroll, please -- the accuracy scoping team could focus on obtaining more detailed information from the contracted parties about how they currently enforce accuracy requirements. In this context, the GAC welcomes the interim report's recommendation "that the GNSO Council requests ICANN org to carry out a registrar survey" with the aim of collecting information on the verification procedures that registrars have in place to assess accuracy.

The voluntary nature of the survey, however, could limit the volume of feedback received. Therefore, the GAC encourages the team to explore additional and complementary work items such as testing accuracy

controls in a manner that is not dependant upon access to personally identifiable data.

So, I'm pausing here, and if we can scroll up a little bit, and I'm now asking if there are any comments on the first paragraph? And just noting the footnotes, and I hope they are needed, I mean necessary, given our agreement that we try to limit the footnotes to the extent possible, but I'm sure you have already gone through this, and if they are there then they are needed,

Yes, please, Julia go ahead.

JULIA CHARVOLEN: Yes, thank you. Jorge has his hand up.

MANAL ISMAIL, GAC CHAIR: Yes, sorry, Jorge. I haven't woken up yet. Please go ahead.

JORGE CANCIO: Thank you, Manal. I guess it's hard for all of us to wake up. So, I had perhaps 3 comments but they relate to the first para, so the very first one is when we say, of ICANN's planned outreach. Shouldn't we specify that it is ICANN org's planned outreach? So that would be the first question, whether we should be more specific there.

So, thank you, Fabien, for taking this up. Then there is -- what irritated

me a little bit or didn't help me in understanding things is that we mention the interim report under footnote one, but then we link it later on under this point on accuracy, so perhaps we would -- it would be good to mention the interim report at the very start in the first para perhaps, and there we could include the hyperlink to the interim report so that it's more easy to read and more easy to understand that we are referring all the time to the same interim report.

And, my third point is more a question as this para very heavily refers to the interim report. I'm assuming that we will be making an input to the corresponding public, public comment phase? So that's not a question on the text but more a question on how we will proceed, and obviously this text could be a good basis for such an input. So I leave it by that. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge, for the suggestions, and thank you Fabien and Benedetta for taking care of the editorial suggestions.

So, any -- yes, yeah, Nigel, please go ahead, U.K.

UNITED KINGDOM: Oh, sorry, sorry, thank you Manal. Firstly, to really thank the U.S. and Velimira from the European Union putting this together. We had a good discussion on this yesterday and I think this text now placed in the issues of importance to the GAC is really important text, and in the right place so to speak.

We're looking through it in detail, and might have a couple of comments as we read it, as we read it through, but it does look very positive. I mean, I think there was a couple of points at the end, but you know we can come to those later where we might have a couple of editorial points but thank you very much indeed.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel. Fabien, please go ahead.

FABIEN BETREMIEUX: This is Fabien speaking, for the record. I just want to note the hyperlink that's included in the text right now is to a draft document, a Google doc, from an editorial perspective I'm a bit concerned that the life of that draft document will not be very long, and so I wonder if it would be better to just dispense of that link because we generally expect the Communique to have a long life -- a longer life for sure than this draft document.

MANAL ISMAIL, GAC CHAIR: I think this is a sensible suggestion and I see the U.S. nodding. And Paraguay, so any suggestions? Okay, if not, then thank you, Fabien. Let's do this.

Any comments on paragraph 2, or 3? I see Jorge, please go ahead.

SWITZERLAND:

Thank you, thank you, Manal. Jorge Cancio, for the record. Just to clarify because it's not entirely clear to me, is this interim report final? Has it been adopted by the small team? That's the first question.

And the second is to repeat my comment that if we are really talking about a final interim report, we should mention it the first time we are talking about its proposals, which is in the third line I think when we say namely a proposal to pause, which is then by the footnote referred to the interim report -- and to mention explicitly there that this is coming from the interim report because otherwise it's bit confusing. It's not clear.

So first the question whether this is really a final interim report? And second, the comment and the request to mention it in the third line when we talk about it for the first time and to include the link to the corresponding document there, thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Jorge. So I don't think it's a final report. And I see lawyer confirm that it is in the a final report but I also see a hand up from Fabien so, please, Fabien go ahead.

FABIEN BETREMIEUX: I wanted to come back on a suggestion Jorge made which was to consider some of the text for a comment, possible GAC comment on the report and I'm not sure there will be a public comment period on this report because this is [inaudible] this is not a formal PDP. There could always potentially be a public comment period but I'm not sure that it's being considered, so I want to just caution the committee that there may not be an opportunity to provide comment on this interim report of the scoping team to the GNSO Council.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Fabien. So obviously we're not sure since this is a scoping team and not a PDP that there will be a public comment, so Jorge, please go ahead.

SWITZERLAND: Yes, sorry to take the floor so often. If the interim report has not been adopted we should be consistent and talk about a draft interim report. Otherwise we are taking it for granted that it's really already adopted. I think that it is mentioned -- yeah, also in the footnote. So just for the take of clarity and of being clear in a we say. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jorge, and I also see Velimira in the chat thanking Fabien for the precision, and she's saying I had doubts indeed on the public comment period, and Velimira, please go ahead.

EUROPEAN COMMISSION: Yes, thank you, thank you Manal, and good morning to everybody from Brussels. As Jorge has -- I'm little bit on-line after being on site, I just wanted to follow up on Jorge's question and just provide a small clarification when it comes to the context of this first paragraph.

Jorge, thank you very much for your suggested -- you know, clarification whether the pausing of eventually the work that comes from the draft report actually, of course, here I'm referring also to our U.S. colleagues who are in the scoping team with us, but I would think that actually, leaving this broad in the first paragraph might be also good approach for the reason that apart from the recommendation 2 which is now in the draft report, there were also some documents coming as explanation from the chair of the scoping team and explaining when he proposed to step down from this function which are [inaudible] pause of the work linked to ICANN org as request to the European Data Protection Board, and from that perspective just for the clarification of everybody I think it makes sense also to leave it a bit more open when we talk about the recent developments because they are indeed linked to the overall work of the scoping team and going on but not only I would say to recommendation 2 of the report.

Sorry if I have made this things a little bit more complex. But this is how for me the factual part of it looks like. I hope this helps a bit to understand the context. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Velimira, and Jorge, I hope this provided more clarity to you, and to everyone in the room as well, of course.

Any other comments on the text under accuracy as it stands on the screen? If we can scroll a little bit down? Any comments? Oh, sorry. Okay, if not, then let's move to any other text that we have not gone through before.

Okay, so I think we don't have any bulk text that we have not read before, and we will go now through the edits that have been done, and have not been confirmed yet but GAC colleagues.

First, under the GAC Public Safety Working Group, I'm just trying to find the beginning of the sentence so let me try to read this from the beginning of the GAC Public Safety Working Group continued its work to advocate and improve -- to advocate for improved measures to combat DNS abuse, and promote effective access to domain name registration data. The PSWG led a session to update the GAC on DNS abuse that included 1, updates on various initiatives from ICANN org, the GNSO and private entities to research, assess, and mitigate DNS abuse, in particular recognizing recommendations from the DNS abuse security facilitation initiative technical study group which would support the creation of an information sharing platform which the PSWG notes, in order -- in other business sectors -- I'm sorry, which the PSWG notes in other business sectors has contributed to the reduction

in harm and in, and an increase in best practices.

Okay, so instead of the increase it's now an increase. Any objections or shall we accept the edits? Seeing no requests for the floor, and assuming Velimira's hand is an old one -- okay.

EUROPEAN COMMISSION: Yes, Manal. Apologies.

MANAL ISMAIL, GAC CHAIR: It's okay. Thank you. Paraguay.

PARAGUAY: Thank you just a little suggestion. Why instead of putting -- yeah, yeah, there. It says it says the technical study group which would support the creation of an information sharing platform. Why don't we put directly supports the creation of an information sharing instead of using conditional there?

MANAL ISMAIL, GAC CHAIR: Yes, okay, so I see an agreement from Lauren so maybe we can delete would. And Chris, please go ahead.

CHRIS LEWIS-EVANS: Yeah, Chris Lewis-Evans, for the record. The only reason I put the conditional in there is it doesn't explicitly say that it would create an information sharing platform so it's not explicit in the text. It just allows for that [inaudible].

MANAL ISMAIL, GAC CHAIR: Okay, so you'd rather keep the would, right?

CHRIS LEWIS-EVANS: Christopher Lewis-Evans. I just think it's little more accurate regarding the recommendations in the study group.

MANAL ISMAIL, GAC CHAIR: So if I understand right, it's foreseen that it would support, it's not a fact that is currently existing, so if this clarifies the need for the would, so, thank you Paraguay. So let's keep would.

And if we can go to the following edit okay so the last 2 paragraphs read as Par its Work Plan, the PSWG continued its outreach to public safety bodies. With the support of the European Commission and Europol, the PSWG gave presentations to 17 member states. The PSWG also held discussions with a number of constituents groups within ICANN. Thank you very much to our PSWG co-chairs for trying to accommodate the request of yesterday for shortening the text, very much appreciate the extra effort. Thank you.

Any comments? Okay, seeing none I think we can accept the edits here, and move on.

Yes, so, under GAC operational matters, and as mentioned yesterday, we need to start a discussion on how and when and where to have a high level government meeting, so we added just one sentence to that effect and it reads, the GAC chair alerted GAC members to the need to start discussions regarding planning for the next GAC high level government meeting.

Any comments? Okay, I think -- yes, Nigel, please. U.K. go ahead.

UNITED KINGDOM:

Yes, thank you very much Manal, and, yeah, this text is welcomed. I just wonder whether we could just say a bit more? You know the GAC chair alerted GAC members to the need to you know, start discussions, and this was welcomed by GAC members or something to that effect because I think you know we -- this was a point that was brought up in the closing GAC plenary at the last meeting wasn't it ICANN73? Or whatever it was. And so -- and you kindly allowed a very briefly discussion on it, you know, yesterday.

So I just wondered whether we could say that you know, it was, it was more than just you telling us about it. You know, we welcomed you know we're not saying we need one next week or you know we understand the logistical challenges, but you know, we welcome this discussion. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel, it makes sense, and please let me know if the text on the screen captures your point, and this was welcomed by GAC members.

Okay, I see nodding. So, yeah, let's accept the edits here, and move on.

And I think we can delete comments -- yes, if everybody is okay with the text here let's delete the comments here as well. And here, if you recall this -- the highlighted GNSO Council was initially between brackets to be confirmed, and this is what Brian of WIPO confirmed yesterday, so we deleted to be confirmed, and inserted GNSO Council.

And this is because, of course, the council held its meeting yesterday.

Yes, and this is DNS abuse. Okay. So, DNS abuse, we are expecting new text, so we'll leave it at this for now, and -- yes, so thank you, Benedetta. And under auction proceeds if you recall yesterday the discussion on the second sentence, the GAC intend to follow up on or to closely monitor or to closely follow up, so we haven't provided an advice to GAC support on how to proceed. So, any preference, whether we need the word closely or not? And whether we want to go with monitor or follow up?

I think there was a concern from Kavouss yesterday to use monitor, and he was in favor of follow up. And I see nodding, so maybe we can delete

monitor, and should we keep closely or not? Doesn't matter, and I see Fabien suggesting to delete, so yeah, the shorter the better.

So, the sentence now reads the GAC intend to follow up on implementation planning and design of the CCWG on auction proceeds recommendations and remains available to provide input throughout the process. Any comments?

Okay, great.

FABIEN BETREMIEUX:

Manal, this is Fabien speaking. We are just going to the section 3 of issues of importance. We've just noted that the second sentence start with we look forward to the adoption of the recommendations by the Board. Usually the text we prefer the GAC looks forward, so we suggest to make that editorial change ourselves.

MANAL ISMAIL, GAC CHAIR:

Yes, please do. We normally refer to ourselves as the GAC and not we. So thank you for noting this. Yes, please go ahead, Rob.

ROBERT HOGGARTH:

Thank you, Manal. I'm sorry, I was slow raising my hand in Zoom, I had a question about the previous text where you replaced monitor with follow up, and just from an editorial perspective, and an intentions understanding or clarification, by saying follow up, does that mean the

committee intends to actually do something as opposed to follow, on -- or you know follow on implementation planning? Simply a question. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Rob, and, in fact,, I had the same comment when I reviewed this yesterday, but I forgot to insert it here so I think it's enough to say the GAC intends to follow implementation planning, and I'm looking -- I see nodding from Denmark and Paraguay.

Okay, so thank you. Thank you Rob for noting this. I'm just waiting to see what else in terms of edits? So yeah, so, we had this text under accuracy under GAC consensus advice to the Board, and we now have the accuracy text for issues of importance to the Board, and I hope it incorporates the messages that were intended here, Nigel, please can you confirm if you are okay with deleting the part under GAC advice to the Board or not?

UNITED KINGDOM: Good. Yes. Thank you very much, Manal. Yes, I should have said so earlier. Very much appreciate the text that's been crafted in issues of importance to the GAC, and there's no consensus yesterday about having specific advice, and as you mention, there is a, there is a problem in issuing advice where the Board, if you like, don't have the -- all the levers at their disposal to take forward the advice, and we've discuss this had issue before.

So, the U.K. is quite happy for this text to you know be deleted, and you know for us to focus on the text that we have in front of us, and under issues of importance. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel. So, let's delete this.

FABIEN BETREMIEUX: We have a heading that's left.

MANAL ISMAIL, GAC CHAIR: Yeah, I think we need to delete this too if U.K., Nigel, if also okay with you. We had a place holder under the title of DNS abuse, and upper body follow up on previous GAC advice, which I don't believe we still needed, but appreciate your confirmation.

UNITED KINGDOM: Yes, thank you. Yeah, it was just a place holder in case we needed it, and, yeah, clearly we have text as -- on this now under issues of importance. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel. So, we can delete the place holder.

FABIEN BETREMIEUX: So we are going back up all the way to just make sure we -- while we wait for the new text, the shortened text for DNS abuse we are just scrolling back down from the top to catch I think there's one or two small edits. So if we scroll down I think introduction there's none of inter constituency activities neither. And there's one here in, in GAC election where we introduce the date for the start of the potential voting process.

MANAL ISMAIL, GAC CHAIR: Yes, noted, so under elections, if needed, a voting process will be conducted from if 29th August. This is the date that was inserted. It was not there yesterday, so thank you for flagging that, Fabien.

FABIEN BETREMIEUX: And I believe that that's all actually for pending edits, so my understanding, if I'm correct, is that we're now left with the section 5, subsection 5 of issues of importance on DNS abuse, where we are expecting text.

MANAL ISMAIL, GAC CHAIR: Perfect. Great progress. So, I think happy to give everybody ten minutes additional to the coffee break. I think we can -- we will meet here again at half past, and we have 2 things to do then, confirm the text under DNS abuse, and make a full reading of the Communique one last time. So thank you very much everyone, please be back in the room

at half past. Thank you.

[END OF TRANSCRIPTION]