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LONDON – GAC Meeting: New gTLDs  
Tuesday, June 24, 2014 – 09:30 to 10:00  
ICANN – London, England

CHAIR DRYDEN: Thank you, Iran.

Okay. So this is a good point to move us into the next session.

So this is agenda item 11 we are now moving to, which was some time we had set aside in case we needed additional time on new gTLDs. And we decided to use this time to continue the discussion on WHOIS, as we only had 30 minutes in the schedule when we first began this discussion.

So just to recall what we did the other day, we had a briefing about the various streams of work under way at ICANN in relation to the topic of WHOIS. We also had a briefing and a reminder from the Expert Working Group about their efforts to look at WHOIS issues generally and for the future. And then we had a bit of an exchange about some of the WHOIS issues that GAC members have identified and would like to engage further in discussion with the GAC on.

So we have a lead, Australia, Peter.

Can I hand over to you for this session. Okay. Over to you, Australia.

AUSTRALIA: Thank you, Chair. I think you've introduced this issue well.

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As we all know, this cluster of issues around WHOIS raised particular sensitivities for government, or potential particular sensitivities. It's one of the areas where the GAC has issued principles and taken the time to outline some public-policy considerations in the WHOIS space related to privacy, data protection, the movement of data across borders, appropriate circumstances or, you know, appropriate uses for this kind of data.

So the GAC has a long history of focusing on this issue. And as we discussed the other day, there are some significant developments. Potentially the most significant one is the Expert Working Group's report which is looking to -- recommending a fundamental shift from a publicly accessible WHOIS database to one where the data is centralized -- distributed publicly accessible to one where the data is available centrally to one where the data is potentially limited from public access where accredited parties can have access to some of the data. It's a significant shift.

There are also recommendations to deal with accrediting privacy and proxy service providers, which is again something that the GAC has been looking at and encouraging for a long time. It was dealt with by the WHOIS Review Team, and it was also covered by the law enforcement recommendations.

I recall, certainly, some GAC members were keen on discussing this after our session. We didn't have very much time. So I would like to GAC members who have an interest in this to start a discussion to see if there's anything we can particularly mention in our communique here or whether there is anything that we can look to going forward,

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whether the GAC wants to work intersessionally. I'm hope to comments from the floor.

Sweden.

SWEDEN:

Thank you, Peter. I'm just wondering if there's a timeline. Because now the 166 pages report is presented for us to put our teeth in, and it was introduced in a way that now to give this to the community for debate and discussion. But is there a timeline at all for when things should be, I don't know, concluded? Scary word.

CHAIR DRYDEN:

We will find out what the deadline is.

AUSTRALIA:

Yeah, I'm sure I have a very competent secretary that can tell us. It is out, and I expect the timeline finishes before we meet again in Los Angeles, knowing how ICANN's comment periods work, but I could be wrong.

In fact -- Yeah, that we'll find out. The Expert Working Group, because it is a different process from a policy process, may be running on a different track. We'll check. You.

Denmark. Thank you.

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DENMARK: Yes, thank you. If I remember correctly, our American colleague asked for -- that ICANN stop the pace a bit on these important issues. I mean, we have so much on our plate at the moment, and these are really crucial issues that we need to digest and to discuss. And I believe it might be useful to ask the Board of this question as well, because we want that governments have to be able to participate in this and we have to be involved. So thank you.

AUSTRALIA: Thank you, Denmark. I agree and I'm trying to spot our U.S. colleague in the audience but I have Iran next and then Argentina.

IRAN: Thank you, Chairman. If I understood correctly, from the totally publicly available information, you want to be a publicly accredited available information. Is that right? If that's the case, then we have to see what are the criteria of accreditation and who issued the accreditation.

Thank you.

AUSTRALIA: Thank you, Iran. I believe you are right, and again, this is one of the issues which is very complicated. There is a lot of detail here, and I think as that colleague from Denmark has said, it's going to take some time to get across. This is a very big change.

In our preliminary discussions with the expert working group, which we've had at previous meetings, the GAC pointed to a number of issues that they would need to consider, and clearly they have and they've

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come out with a series of recommendations that they think provide an appropriate balance and so on.

But I think the GAC would do well to give this some serious attention.

Argentina, thank you.

ARGENTINA:

Thank you, Peter, for bringing this up. Argentina would also like to know when is the deadline for submitting any comments and also to raise the point that we have to review that at our national level because we have national regulations regarding data protections. So we have to also make this be revised by other parts of our government. Thank you very much.

AUSTRALIA:

Thank you, Argentina. I have Thailand and then the United States. I apologize for missing you before.

THAILAND:

Thank you, Chair. Good morning, colleagues. As we have so many topics to discuss, I'd like to make it brief.

So we had circulated a document about translation and transliteration, that part of the WHOIS. And it's a draft resolved from the working group which required input from the multistakeholder. So far this working group tried to answer a few important questions from very much what we do see on the public policy issues whether it is necessary to translate and transliterate the contact information into the common

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language or they call scripts. Like English is one of the options that is being proposed. And who will be -- need to be applied -- how we apply the policy to whom. Registrant, registrar, or applicant. And most important is the cost issues that who bear the costs of doing translation, transliteration. Some of the language cannot do with the machine translations. Machine for cost. So I will email the question that I've been asked. They had sent to the GAC from the GNSO Secretariat in February before Singapore.

And so far we get only 10 response, two from the GAC, from China and Thailand. And we think it's important to get the \* (indiscernible) especially the country that relates to the non-ASCII, WHOIS information.

In our case, the complexity is a non-standardization address of Thailand because Thailand do not use English as a second language. One word can have four English names. Difference in Googles, in other GIs and then in the registration and in the road sign. The difference English translations.

And with Thailand we see that we need to have somebody to act as validators to give the correct information out. Because that also helps to facilitate the registrations for the registrant to be able to file the correct information which the registrar and registry are having accountabilities and when you talk about validation and verification in the future. So I would like to reiterate and encourage the GAC colleagues to review and respond the working group, especially the country who is a non-ASCII country. Thank you.

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AUSTRALIA: Thank you very much, Thailand. Another very complex and important issue, clearly.

United States.

UNITED STATES: Thank you very much, Peter. Good morning, everybody.

As some of my colleagues have already noted, the other day I did sort of flag a concern that we had when we first initially discussed WHOIS issues. And I want to ask my colleagues if they would concur with the GAC advising the board rather formally, I suppose, in our communique that we would like an extension of time and a focus in Los Angeles at the Los Angeles meeting on WHOIS issues. Whatever is pending.

As we now know, the ICANN staff have done a very comprehensive overview for us, which is extremely helpful. And yet it's equally alarming because it tells us exactly what we were sort of guessing at. There are -- there's a number of work streams and work projects related to some aspect of WHOIS all going on at the same time with different timelines and different deadlines.

The Expert Working Group report, I believe, if I understand correctly, has gone to the board. And they've taken public comment, but it's now up to the board to decide what to do.

So that is what sort of suggested in our minds that we might want to have the GAC recommend to the board, advise the board, why don't you pull all of this together in one piece, provide a very extensive

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briefing to the GAC, to the community in Los Angeles. So that's a proposal we have.

Like other colleagues, we care very deeply about the privacy issues. Care -- we have a number of concerns about WHOIS, what it looks like today, what it might look like tomorrow. We have not had time to analyze the Expert Working Group report. We intend to. But, again, that's going straight to the board for the board to act on.

What they have hinted at, I believe, is that they would consider some sort of a PDP. That raises other issues for us. It's very useful that we have our GAC GNSO consultation group that is getting off the ground because this might be an opportunity for us to collaborate together from the very early stages. But, again, I think we need proper notice and good time to prepare for that kind of work.

So it's a suggestion for colleagues to consider whether we might formally sort of advise the board that we believe all of the WHOIS issues are so important. We need additional time, and there should be a fairly extensive briefing session in Los Angeles. Thank you.

AUSTRALIA:

Thank you, United States.

I was going to have an attempt at summing up. But I see Indonesia, so I'll pass to Indonesia first. Thanks.



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INDONESIA:

Thank you, Chair. Sorry. I didn't have the mic there, so I moved. There's two parts I would like to point out regarding Indonesian positions and, as was passed by our head of delegate.

Number one is that, regarding the WHOIS and data like that, it is our common understanding that informing regulation in one country to another country is different. And it is common for us that we need to say to stop some information and to block some information and so on. And for this reason sometimes we have to work together with the Web sites that do that. In this case, we have to inform them what is our IP address that should not be -- that information not be sent to.

So in this case some of the WHOIS information might be needed for that purpose. Secondly, it's about the timeline for gTLD and so on.

As we pointed out before, public interest (indiscernible) So it is possible that, if we agree for a particular domain name today, our position might change in one or two years to come. So it -- I would like to point out that we -- we want to make sure that, if that kind of things happen, there should be a way out to sort that problem. If we agree for particular names, perhaps in two years' time we do not -- we want to change it again, our agreement that we made a few years ago, for example. This should be possible or give a way out for that change. Thank you.

AUSTRALIA:

Thank you, Indonesia. I have Switzerland and then European Commission. And then I'll move to close this session out. So thank you, Switzerland.

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SWITZERLAND: Thank you, Mr. Chair. With respect to this issue, I think it's quite a delicate issue. Quite sensitive.

We have been listening carefully to what our colleague from the United States has said and we may agree on her words. We think it's important to have some time so as to evaluate and review all these topics and all of the arguments that we have available right now.

We have to do it in coordination internally in Switzerland. And we also have to work together at the GAC as well as with other fora so as to find an acceptable solution, a solution that may be agreed by all of us considering the sensitivities of this topic.

AUSTRALIA: Thank you, Switzerland. European Commission.

EUROPEAN COMMISSION: I will speak in French. The European Commission is mentioning it's quite simple. We fully support the United States, Switzerland -- as United States and Switzerland has said, we need more time to work on this issue. Many of us have claimed the same. Thank you.

AUSTRALIA: Thank you, European Commission. You have made my job of summing up particularly easy. Because, in addition to those who were speaking, it was very clear. A lot of people in the audience were nodding. I think there's a pretty clear consensus that this is an important issue for the

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GAC. There's a lot going on. It's complicated, and we are facing a major change. So we need some time.

My proposal is that we raise this with the board this afternoon. We have a preparatory session before that so we can again discuss, if we need, what particular nuance we might like to take.

But it appears that we have some sort of sense that this is important. We would like to take some time intersessionally to focus on it and then to have a comprehensive discussion in Los Angeles.

Looking forward, I think it will be important for the GAC to consider what kind of mechanism we will use to focus our efforts in the intervening period between London and Los Angeles so that we are well-prepared for that discussion. If we do ask the board to pause or to give us some time to consider, we'll need to ensure that we can be well-prepared. So let's take some time in between now and leaving London to consider what kind of approach we could take as a GAC to being well-prepared for that. I'll pass back to the chair.

CHAIR DRYDEN:

Thank you very much. Okay. So I think we have a clear way to proceed on the matter of WHOIS.

We now have a coffee break for 30 minutes. And then we return to come back to an update on the working group on working methods. Thank you. 30 minutes, please.

(Break)

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