
LOS ANGELES – New gTLDs - Board Responses to GAC Advice
Saturday, October 11, 2014 – 14:30 to 16:00
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CHAIR DRYDEN:

Okay.

So let's continue moving through our agenda. We're a little bit behind. But we might be able to make up some time in the next session.

So here we're going to look at gTLDs, specifically in relation to the scorecard of advice that we provided safeguard advice and advice related to protections for IGOs and the Red Cross and Red Crescent. So there are a number of issues in here. And, depending on what GAC members want to discuss, want to do, then we can organize further discussion to continue throughout the week where it is needed. So, if we start with the first topic we have here, protections for IGO names and acronyms, I can provide some update here on this issue. You will recall that there has been back and forth between the GAC and the new gTLD program committee of the board and the Generic Name Supporting Organization about how to find a mechanism or an approach that better meets the needs expressed by the intergovernmental organizations.

The GAC has provided some advice. And, as I say, there has been some back and forth to provide some kind of approach.

So over time, there have been developments in coming up with some sort of solution. And the latest really flows from having the new gTLD program committee working on a solution with us here in the GAC with

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the IGOs and then now having some policy recommendations coming from the GNSO to the NGPC that are not entirely consistent with what the NGPC and the GAC are working on.

For the most part there is agreement about how to approach this. But there are a few items where we have an apparent difference in view about the mechanism or the precise way to approach providing protections specifically for the acronyms. And the acronyms have demonstrated to be a bit more challenging to contend with rather than the names. But this is all what has gone on in recent months.

You'll also recall that an informal group was set up in order to look at some of the details. And this informal group included a couple of our colleagues from the new gTLD program committee and the chair and vice chairs from the GAC and some of the representatives from the IGOs who have formed a kind of coalition on this. And so we've had a few meetings in this informal grouping to try and come up with solutions outside the GAC and to help us be more effective in dealing with these issues.

We had another meeting of that informal group this morning where we had some update from our colleagues on the NGPC. And the document we are still working from is a proposal that has already been circulated to the GAC when it was first provided to us by the NGPC around Buenos Aires, unless I'm mistaken. And this has now been recirculated to you by Tom, by the Secretariat. And efforts are going to continue using this informal grouping where useful to do so but now via what we're calling a small group. And the small group is going to come up with guidance to go back to the GNSO.

The GNSO does have some sort of provision that will allow them to go back and look at policy recommendations that they have already provided to the NGPC and perhaps make some adjustments or look at ways, perhaps, to take into account whatever would be provided to them by other parts of the community.

And so this small group is aiming to help the GNSO go back and at least understand where the issues are and what the thinking of others is so that they can look at where they may or may not have flexibility.

So what this means is that, for the GAC, I think we need to identify a couple of colleagues in order to participate in that small group. I don't want us to have this discussion now about that, but I do think we need people with really good expertise in -- in the issues. So the history in the GAC as well as the particular laws, current practices in this area, as well as understanding the process that the GNSO will be engaging in, and so forth.

So we're looking for a couple of colleagues that have that expertise, and also would have the time to commit to participating in a small group.

So please think on that. But as I say, I don't want us to get into a heavy-handed selection process over that.

The key point here is to be aware of this update and know that the chair and vice chairs will still be very much involved and have responsibility to be reporting back to the GAC and the IGOs so you are all aware of progress that we are making there.

Iran, please.

IRAN:

Thank you, Madam Chairman. Certainly I'm not going to volunteer myself for that group, but I want to inform you that all the government are very, very much concerned about the lengthy process of this issue. From the 20th of October to 7th of November, we have plenipotentiary conference of the ITU. The highest organ of the ITU will meet, and this issue certainly will be discussed under one of those resolutions relating to the Internet. Resolution 101, 102, 133, and 130, and maybe others.

In fact, in one regional organizations met between 15 to 18th of September, they have discussed that, and the government of a country raised this issue and it was told that, yes, GAC is behind this matter and pursuing the issue, but we are not convinced at the moment that there are still discussions between two group inside the ICANN and then inside the process. And we need to have some positive sign on this issue to report to the plenipotentiary conference, at least a number of the government attending. Myself will be there. To the fate of the issue, we could not say it. Is still within the two group, they are discussing among each other. We should have some timeline and we should have some concrete perspective of the matter, have some deadline when this issue will be solved, chairman.

We could not stay for years, and then we have to have another discussion, another policy, and so on, so forth.

Please convey this message appropriately to the people, and we have to have some reply from this GAC to report to the government.

Thank you.

CHAIR DRYDEN:

Thank you, Iran.

And I think you're welcome that colleagues are seeking resolution of this.

It is important to net that while a resolution is being sought, that IGO names and acronyms have all been put in reserve. So for those that are participating in the gTLD program, that will remain. That is in place, and that is not going to be removed.

So there are those protections in place while we try to come up with a resolution.

So OECD, would you like to comment, please.

OECD:

Thank you, Heather.

Yeah, I just -- I can't help but underline that we're also frustrated that the process has taken so much time. It's been almost three years now since this started. However, I do think that this could be a positive development. It's a small group that we discussed this morning. Increased communication between IGOs and the GNSO through the NGPC could only be a good thing. I think the more information that flows among the various constituencies, the better, as this has proved to be a complicated issue and I think there have been some misunderstandings about the unique status of IGOs and protections that we already have under international law.

I want to emphasize that this draft that was circulated you this morning just before the meeting is, indeed, a document that was developed by

the NGPC. As you stated, it's something that's already been circulated before to the GAC. This is a document that was discussed, I believe most recently in the context of the Singapore meeting, or at least in the margins of the Singapore meeting. And around that time, the IGOs gave several comments to the NGPC and those comments are not reflected in this current document.

One of the most important of those issues for the OECD is the fact that notification through the TMCH to a potential registrant is not provided in this document. And that is an element that we think is just as important as notification to IGOs through the TMCH.

So we hope that that will be reflected in any resolution that is ultimately achieved by this -- by this process.

And I also think it's very important that all of these issues are reflected in the GAC communique. So I hope to see that these issues are underlined in the communique drafting process.

Thank you.

CHAIR DRYDEN:

Thank you, OECD. And thank you for continuing to engage in this. I know you are willing to contribute and contribute to the small group. If the IGOs do continue to take an interest in that process.

And as far as what are our work items are for this meeting, we are shifting this effort to that small group. So really what we need to do is confirm who is going to participate and monitor developments in relation to progress made with the small group.

We are not able to get into the substance in the GAC, and I do in the believe we would be able to comment further on the substance of a mechanism while at our meetings here. In fact, we've given our advice. And as I say, we had shifted the effort to this informal group, and now we're forming the small group to enable the NGPC to work with us and the NGPC. And so those are our next steps. But I think we are agreed that this needs to remain on our list of priority items and things to resolve. And so let me assure you that that continues to be the case.

So at this point, let's move, then, to touch upon the issue of Red Cross/Red Crescent protections.

November a great deal to provide you with in terms of an update there other than noting that we have a response from the Board, and the response is saying that they are looking at what to do.

And so until we have some guidance from the Board NGPC, then I think we are waiting for further guidance.

Thank you, yes.

So there is a meeting of the New gTLD Program Committee tomorrow afternoon where they will be looking at some GAC scorecard issues, and that may well include discussion of Red Cross/Red Crescent, and some of the other outstanding issues that were flagged to us by the NGPC. So just keep note of that. And if there are decisions or if there's further information coming out of that meeting, then we will do our best to bring that back to the GAC and keep you updated.

U.K., please.

UNITED KINGDOM:

Yes, thank you, Chair. I note what you say, and I would only comment that this issue is moving forward at a glacial pace. We raised this at least over two meetings.

The issue here, as you and colleagues will recall, is the protection of the 189 national Red Cross societies and six-U.N. languages.

For their part, the GNSO Council acknowledged there was a difference in position between the GNSO and the GAC. The GNSO recommendation was not acceptable to the GAC, and that was duly acknowledged by the GNSO Council.

They wrote -- The chair of the GNSO council wrote to the NGPC on the 7th of October asking for their views, the NGPC's views, on what protection should be afforded to the national societies.

So I just comment that this is really very slow process. And it's unacceptable. And I hope we can register our concern about that, and urge the NGPC really to respond to the GNSO Council as promptly as possible, and to keep the GAC informed.

Thank you, Chair.

CHAIR DRYDEN:

Thank you, U.K., for providing that perspective on progress with this issue. So we will look forward to hearing from -- further from the NGPC on additional developments here.

I do think that this process has developed a different way than looking at the IGOs. And one of the challenges I am aware of is that the -- because we had not asked for protections for the national names, a

reservation or a hold was not placed on these names for operators in the current round.

So in terms of implementation, this is a significant issue. And it's not really about the substance of the issue, but, rather, to reflect the fact that a number of top-level domains are now in operation, have gone ahead. There are more coming into operation. And since a hold was not placed on those national-level names, this is presenting a challenge regarding the implementation of the advice that we most recently gave on this.

I think the fact that we also asked that there not be a policy development process on this matter is being viewed quite negatively by other parts of the community -- in particular, the GNSO -- because, as you know, the GNSO is there to initiate work. And should they elect to initiate a policy development process, I'm sure they believe it is within their purview to do so.

And so to have governments say that there cannot be a PDP sounds to them like we are perhaps being quite heavy handed on that issue. So that might be also something that comes up in our discussions this week in resolving that.

Okay. So I can see the international -- the Red Cross. Yes, please.

STEPHAN HANKINS:

Red Cross Red Cross thank you very much. Stephan Hankins, International Committee of the Red Cross.

Just to express our appreciation to the GAC and the members who have spoken and taken a stand on this issue for their continued attention to this question of the protection of the Red Cross/Red Crescent designations, as well as the names of the respective components, organizations within the international Red Cross/Red Crescent movement.

There has been, indeed, a very long string of advice over the past two years from the GAC on this issue. And, indeed, we join also the remarks that have been made that, you know, this is really a process that is taking a very extensive and long time. And we hope that it can at last find closure.

What I wanted to emphasize is perhaps just to remind that, you know, the call for the protection of these designations, Red Cross, Red Crescent, Red Crystal and related names, rests, once again, in international humanitarian law treaties which have been ratified by the entire international community. And I think in this relation, it is worth making a link with, you know, the issues which are this week on the agenda of the GAC and which touch upon the accountability issues of ICANN, the place of public international law within ICANN's process and decision-making procedures, and, therefore, also of the global public interest, which lies and justifies public international law, and in this case, which justifies the protections of the Red Cross/Red Crescent designations and names.

So again, we appreciate the GAC's continued commitment. And, indeed, we hope that a favorable decision can be reached without entering into a new and potentially very lengthy policy development

process, although of course we understand the need for those processes and procedures to take place.

Thank you very much.

CHAIR DRYDEN:

Thank you.

Okay. So I think with that -- Ah. Switzerland.

SWITZERLAND:

Thank you, Madam Chair.

Just to support what has been said by the U.K. and by the representative of the International Red Cross.

We know that this is a long and complicated history, and we should really make sure or just convey the expectation to the Board that we want a timely solution, and that we're willing and ready to help and try to make things move forward and not make them more complicated.

Thank you.

CHAIR DRYDEN:

Thank you.

Okay. So we will wait to hear whether there is further to report on this following the NGPC meeting tomorrow afternoon.

We also have an opportunity to raise this with the Board when we meet with them, if we would like further clarification. So keep that in mind.

Okay. So at this point, I think we can move to the next topic, and that is specific strings.

I do not know whether colleagues are interested in raising any specific strings in this discussion, so now is your chance, if there is anything you would like to raise.

Belgium, please.

BELGIUM:

Thank you, Madam Chair. I'm going to be brief. I will speak about the .SPA gTLD.

The telecommunications minister of Belgium sent an email in July, sent an email to the NGPC setting forth some procedural aspects regarding this domain name.

Last week, we received a very lengthy reply from the NGPC, and we do appreciate this reply. I will not go into further detail, but I would like to say that we reserve the right to raise this point again in the future.

And I would like to insist on the fact that in they're letter, the NGPC insists on the fact that the geographic names panel that addressed the .SPA issue take into consideration the government's position.

The Applicant Guidebook says that it's important that a city should be able to give its viewpoint regarding, for instance, the case of .SPA. So we do wonder to what extent the geographic names panel took into account or was able to take into account the position of the different interested parties.

We do believe this is a very important topic and a problematic one at that.

The procedure is ongoing, so we resorted to the community evaluation solution or procedure because there was a community application.

So this is an ongoing process, and we expect our look forward to a favorable solution.

CHAIR DRYDEN:

I don't see any other reports to come in. Okay.

So let's keep moving through our agenda. And here we have the issue of child protection, which I believe was a proposal from the U.K. Is that correct?

So could you perhaps introduce this topic, please. Thank you.

UNITED KINGDOM:

Yes. Thank you, Chair.

This is an issue we've raised on many occasions. There are a number of new gTLD proposals. Some gTLDs are now moving to contract stage, and so on, which relate to children, domains which very much seek to engage with children.

So the issue of child protection and preventing abuse and misuse of domains under these new gTLDs is something of great concern to the U.K. and to administrations in Europe, and I'm sure administrations across the world. And what I understand is the current situation, following the specifics that I raised in London about representations

made by NGOs to ICANN, including eNACSO which is the European alliance of child protection agencies and experts, an NGO, what I understand from the ICANN side from a consultation this morning is that ICANN will be responding to these NGOs very shortly.

So I find that an encouraging development, and I hope we will hear by the conclusion of this meeting how the Board has sought to reassure the NGOs and the many administrations for which -- for whom child protection is a key issue in the online world; that we will hear that ICANN has taken full account of the concerns, the necessity for safeguards to be incorporated in contractual relationships with these registries, and so on.

So we wait and see. It's an encouraging development, and I hope, as I say, by the conclusion of this meeting we will have a very clear understanding of ICANN's recognition of this important issue.

Thank you.

CHAIR DRYDEN:

Thank you, U.K., for keeping us up-to-date with progress on that issue.

Okay. So I think we can keep moving through our agenda.

So we have two more topics in this session before we break. And the first is safeguards implementation, and then we're going to talk about the new gTLD program, and a recent work plan that was published covering plans and timelines for future round of gTLDs.

We do have ICANN staff here available to answer questions and address any concerns that we may wish to put to them. So I'm letting you know

they're here. Because of the need for access to a microphone, if we are going to ask them questions, they would need to come and sit up at the front.

So I wonder whether we could have the discussion about safeguards implementation as GAC. If we do find we have a question that we want to ask staff, then we can invite them up.

I would, in particular, think that it would be useful for them to brief us about the last agenda item, in particular; about the work plan and so on, because we have not had a briefing on that.

But let's start with the safeguards. And as I say, if we do need to ask them questions, then let's invite them to provide us with a response.

Okay.

So on safeguards implementation, we have had some back and forth here with the NGPC in terms of understanding how the safeguards will be implemented. So in Beijing, at our Beijing meeting, we came up with a set of safeguard advice. This was accepted by the NGPC. And then they began to look at implementing that safeguard advice. This gave rise to a number of questions from the GAC about how the safeguards will be implemented. And we have been pressing for better clarity around those implementation details. And I think it's fair to say at this point that while we may not have full clarity, there are some lingering concerns about -- about how the implementation is going to be carried out in relation to those safeguards.

So you have, hopefully, in front of you the latest response from the Board, from the Board NGPC, about those details, and I hope we can

focus, then, on that response and then concerns that have been raised by some GAC members in relation to that.

So what I would like to do now is invite those of you that have provided comments to give us a sense of what those concerns are. And if, in fact, we do need to spend more time on this this week, then we can find a way to allow those colleagues most interested in this to take it away and to look at these issues.

So I'm looking at the European Commission. If you could start us off on this, please.

EUROPEAN COMMISSION: Yes, thanks very much.

Well, we still have a number of concerns. As you said, there is some improvement on clarity, but you said yourself that there's still a lot more that needs to be done.

We're still not at all convinced that the revised response from the ICANN Board and the NGPC provides sufficient assurance. It's still insufficient in many senses.

Just as an example, the processes and timelines are still rather vague. It's not clear exactly how things are going to work. The response by the registry operators to identify security risks is not sufficiently clear. There is not sufficient reassurance that the complete set of safeguards will be implemented and fully enforced in a reasonable period of time. And there's a lot of detail still lacking, you've mentioned yourself as well, considering the consultation processes.

So we really think that these aspects require better and fuller review and revision in this meeting and in further discussions. And we think it should be raised also with the ICANN board and the discussion with the ICANN board. I'm not sure if you want to go into all the detailed discussion now of the issues that we have. I'm not sure that that's perhaps the right time. But, if you like, we can do that as well later.

CHAIR DRYDEN:

Thank you, European Commission, for giving us a sense of what your concerns are. So, if other members also want to let us take a temperature check, let's do that now. And then, once we understand better what the GAC would like to do, then we can perhaps set up some sort of group to look at these issues in greater detail. It may be the case that some of you are more interested in doing that. And then we can take that more detailed discussion out of the plenary and allow that discussion to continue. Okay. So I have United States and Peru.

UNITED STATES:

Thank you, Madam Chair. And I'm certainly happy to concur with my colleagues from the EU Commission as to flagging several concerns that they have identified vis-a-vis the NGPC's latest response to the GAC's advice.

We, too, have identified a number of concerns, many of them related to those safeguards that relate to WHOIS accuracy. We do share the EU's assessment that there are a number of details that remain completely outstanding and seem to be very -- whatever is proposed seems not sufficient to meet the concerns.

I'll just flag some of the categories of concerns beyond WHOIS. And there's a whole set there. We're also concerned about the security audits, the NGPC's response to the GAC's advice on validation and verification of credentials, particularly for highly-regulated strings. The public interest commitments dispute resolution process also lacks a lot of details to give us enough confidence. And, finally, the ensuring non-discriminatory registration policies for those strings that kind of fall under category 2.

So, following your lead and the Commission's lead, Madam Chair, I'm happy to stop here and perhaps to collaborate with colleagues in Europe. And we can maybe compare notes on text and then perhaps reach agreement in the small group to circulate among GAC colleagues around the room to see if our assessment might be shared by others and could be shared then with the board as GAC advice.

Thank you, Madam Chair.

CHAIR DRYDEN:

Thank you, United States. Peru, please.

PERU:

I will speak in Spanish. I agree with the European Union's representative and the United States's representative points of view. But I would like to point out that safeguards identified in Beijing in China are not sufficient, are not enough. No doubt, we need to -- or the process needs improvement. And safeguards coordinated or agreed upon in Beijing do not need to be considered as something concluded or

finished. This required further work. We still have to consider human rights among other topics that have to be included within safeguards.

CHAIR DRYDEN: Thank you, Peru. Are there other colleagues wanting to comment? U.K., please?

UNITED KINGDOM: Yes, thank you, Chair. I agree with all comments made by colleagues previously on this topic. And I just sort of flag my sense of what's going on. For some gTLDs in the financial sector, dot bank, dot insurance, the progress and the state of play is very encouraging. These domains are going to be run by committed players in those financial sectors to ensure that, for example, in the dot bank, you will not get rogue players registering on the dot bank and defrauding consumers worldwide. So encouraging progress in that sector. There may be good practices and templates of commitments and safeguards and verification and validation checks that could serve for instructing how other gTLDs and other regulated sectors should be operated and run. So it seems very patchy to me.

My second concern is that we're aware of contracts being awarded for a number of gTLDs in our category 1, for example, in the gambling sector. Are we assured that appropriate safeguards are being embedded into those contracts? I have no idea. For example, under dot Lotto. That has had a contract awarded. I think we need clarification of what the situation is. Otherwise, when we go back to our ministers and say well, we're confident about some new gTLDs, but we're not sure what's

happening about others, our ministers will be highly critical of how we are safeguarding the public and consumer interest. Thank you.

CHAIR DRYDEN: Thank you, U.K.

Germany, please.

GERMANY: Yes, thank you. I'd just like to echo what colleagues said before, in particular, a colleague from U.K. And I trust the issue of corporate identifiers, which are also part of the highly-regulated sectors. But there are already some delegations in this part. And some obvious abbreviations for corporate identifier have been delegated. And I wondered to what extent the safeguard advice from the GAC is implemented in this new delegated string. Thank you.

CHAIR DRYDEN: Thank you, Germany. Switzerland.

SWITZERLAND: Thank you, Madam Chair. In fact, we're also concerned by, let's say, struggling with knowing enough as a delegation about what's going on or whether as the U.K. and others have said, things are implemented in the right way. And I think we might not have the time here in the plenary to go for all the details of concerns. But we should maybe get a feeling and also communicate this in the communique that this situation is actually quite difficult for us as a GAC with things moving at a very

high speed. Us not being too close to the implementation system. And that we're also struggling with the fact that we in Beijing and thereafter were trying to make -- give advice on an abstract level on a principle level. But we're not really sure whether this is actually enough or whether to what extent we should have a look or somehow gain confidence in the implementation of these matters. And this is not such an easy thing for us in the structure we have with the working methods and resource constraints that we have. But we need to somehow be clear what we want, what our role is, what our expectation -- the expectation is of our consumers and taxpayers and so on and so forth, our industries. And we somehow need to find an answer that is appropriate for the GAC. But that should be clear. And thank you very much.

CHAIR DRYDEN: Thank you, Switzerland. Indonesia, please.

INDONESIA: Sorry. I thought Switzerland first.

Yeah.

Hello. One that we said at another GAC meeting is recent concern about the sensitivity of names related to social problems. As you might have been aware, Indonesia is a country consists of 250 million people, several hundred ethnics, many beliefs, religions, and so on. It may be possible that a particular name, particular gTLD names which we agree today might cause a particular problem in a year's time, which we do not know or we cannot predict. At the moment we believe that the

name is all right. So I would like to raise our concern as how we should react. If a particular gTLD name has been given to a particular company but suddenly in one year time also we have a social problem in the country related to that name.

So that's a social problem. And perhaps it is -- and I believe this is caused by the construction of a country with so many beliefs, so many religions, and so on and so on. Thank you.

CHAIR DRYDEN:

Thank you, Indonesia. Okay. So, if I can sum up at this point, while we acknowledge that the GAC's safeguards that were issued in Beijing have been accepted, there are still some questions, still some concerns around how the safeguards are being implemented. So for this meeting, if those interested colleagues, in particular, the European Commission and United States and perhaps some of those that have spoken that have particular strings or issues in mind, Germany, U.K., and so on, Australia, okay,

Switzerland -- if you could meet outside of this main meeting and come up with text that we could consider for inclusion in the communique, we do have this awkward situation that Switzerland referred to of still having these concerns even though many top-level domains have now moved to contracting and are now in operation.

So, if we can acknowledge up front that this is the circumstance and keep this in mind when contemplating what we might provide advice on to the NGPC, to the board, then I think that will help us to focus our effort and, hopefully, influence what we can and to see improvements

where we can within the confines that are already set out and that we cannot realistically change. So I'm seeing some nodding. Okay. All right.

So that is my request to the small group that will form and look at these issues to please keep in mind where we are in the program and what is practical. And we may need to focus on particular issues where there is room for adjustments to be made regarding the implementation. So I certainly hope that's the case.

So with that and with thanks to those colleagues for pursuing that and bringing something back to us for us to consider further in the GAC.

Okay. So we have -- ah, European Commission, please.

EUROPEAN COMMISSION: Sorry to come back on this again. Thank you for your suggestion. And we agree, of course, on the communique. But I also ask that it be raised in the ICANN board. We're going to have a discussion on that in another time, but I wanted that to not be forgotten. Thanks.

CHAIR DRYDEN: We can certainly raise this with the ICANN board. And we will make sure that's on our list of topics.

Okay. So we have about 15 minutes before the break. And, at this point, if I can invite ICANN staff to come up to the front table so that you have access to a microphone and can assist us in being updated about the latest regarding new gTLD program reviews and assessments and the work plan. So, while they are getting seated, this is a document

that you have linked in your agenda that was posted recently outlining steps or activities to be undertaken regarding reviews and assessments of the current program and then also providing some timelines for the future. And, if there is to be another gTLD round, I know that this has concerned at least some of us in the GAC. And now is our opportunity to receive a briefing about what this document is, what it's intended to do, and to answer some questions that you may have around these activities and the timing around it.

So can I turn to you to provide us a brief introduction. And then we can go from there. So Akram Atallah, who is in charge of gTLD operations at ICANN, please. Akram.

AKRAM ATALLAH:

Thank you, Madam Chairman. So we've actually -- we actually have a session in the meeting about the next round. We issued a document that outlined all of the different categories of reviews and studies that we need to do before we can actually implement a second round. We have to remember that the GNSO advice was that the new gTLD program will be performed in rounds. And so -- and the board had already resolved that there be a second round before we even started the current round.

So, given all of that, we thought that we needed to get everybody a perspective on all of the different tracks that need to be done before we can actually start talking about a date for a second round. So there is some reviews that were required before we do the second round including a review of the effect of the current round on competition and also on choice.

So there are two studies that are being made. The plan is to actually do a baseline toward the beginning of next year and then redo the same tests or the same studies a year later and see the effects of the program both from competition perspective as well as awareness of the new gTLD program.

So that's one track. There are also our own operational reviews. So we're going to be reviewing all of our -- the way that the implementation happened and where we can actually improve on things or find better ways of implementation. There is also the GNSO policy reviews. There is also the review for the root operation and resiliency. So there are a lot of different tracks. And we will see -- if you attend the session on the subject, you'll be able to discuss where we're going to go with each one of these tracks and how -- what is expected to happen there.

And an important point is that we still have not decided what needs to take place before we can start saying okay, this is a date for the next round. So first -- the first step would be that the committee has to come together and the board has to decide that all of these things has to happen or subset of all of these things has to happen before we can do a second round. The next round.

And, once this is done, we have to also factor some time for the implementations of the systems that need to be in place for the second round -- for the next round to start.

So there is a lot of work to be done. And, you know, we said the earliest possible would be toward the end of 2016. We believe it will be longer given that all the work that needs to happen and how much we still

have ahead of us. But that's where we are right now in a very high-level summary. Okay? Thank you.

CHAIR DRYDEN: Thank you, Akram, for that update. Okay. So are there questions? Denmark.

DENMARK: Yes. Thank you very much, Madam Chair. And thank you very much, Akram, for outlining. Sorry. Ah, sorry. Is this better? Yeah.

Well, thank you very much, Akram, for outlining the process a bit more. I mean, we are a bit concerned about the process and about this plan at this moment in time. But I have two questions maybe for -- that you may clarify. And that is about the timeline and why you choose to initiate the process at this time. I think we have many important tracks of work going on like IANA transition, the accountability process, the WHOIS reform. I mean, these are very important tracks of work for governments. So that's one thing. And then the other one, having taken a look at your proposed timeline and the different tracks of work, it seems to me or it shows that the review of the first round -- this round that we're still talking about is going to take place at the same time as the GNSO policy development process. That's just one example. So the evaluation of the round that we're still discussing or implementing will take place at the same time, yeah, as the new policy development will start.

So, if you could clarify a bit on that. Thank you very much.

AKRAM ATALLAH:

So what actually triggered this review or this start of the review of when we're going to do the second round is that, actually, in the AoC we have been requested to perform these tasks within a year from the launch of the new gTLD program. Although there were no specific explanations of what will trigger that -- at what point do we consider the program launched, we thought that a good metric would be when we have enough TLDs that are delegated from all the different categories so that we can say now we think that the program has launched. So we believe, by the end of this year, we would have been there. And then a year later would be a good time to measure the effects as required in the AoC. So that's what started the whole progress.

And we believe that we cannot just look at one thing at a time. We need to look at the entire program. So we thought we would lay out all the tracks that we need to do and all the reviews that we need to do before we can actually talk about the next round.

I agree with you that we're doing too much, that there are a lot of things on ICANN's plate today. But, at the same time, this is not a process that's going to take a couple of months or, you know, even a year. This is a process that's going to take a long time. And I think, no matter when we start it, it's always going to take a long time. And so, starting it now with the community guiding us to how fast we should go and what we should do before we coalesce around a next round is a path that's being taken right now. I hope that addresses the question.

CHAIR DRYDEN:

Thank you, Akram. I have the European Commission, the African Union Commission, the Netherlands, and Switzerland and U.K. and Germany.

EUROPEAN COMMISSION: Okay. There's a problem with this one. Okay.

Yes, now we can hear. Okay. Thank you very much.

I think it's reassuring that you say it will take a long time. First of all. That's just a first reassurance that you gave us. Because, starting discussing this issue -- it's, of course, okay to start discussing. But I think it's important that we take full account of what is happening and not least of all we will discuss previously in terms of what would I say if the problems that GAC at least has in terms of how we respond to implementation of the safeguards is one issue that we have to think about.

I think also, from the European Union -- and this is maybe my question to you. Are you thinking also considerations in terms of, for instance, this round has been extremely biased on our continent or this continent where we are now and how will you actually see to it that continents like Africa is better represented in the next round? I think this is issues that we are thinking of ourselves. These are issues that I hope you will take into consideration. Also, the fact that the whole discussion about communities and the right of communities to actually run their gTLDs and also to respect the fact that their communities -- I can just take one anecdote, which is quite funny. I don't know if it's right. But I read somewhere that the gay community is not gay enough to be considered as a gay community. I mean, that is quite interesting. Now, I think these are things that I think is important for us in the future that we actually take into consideration the fact that we have to respect communities.

A number of issues like that. And, of course, I'll be happy to continue to discuss this with you. But, again, it's reassuring that you'll take enough time to actually take stock of what this -- how this function this time. Thank you.

CHAIR DRYDEN: Go ahead.

AKRAM ATALLAH: Thank you for the question. I just want to make sure that we set the record straight, because the press says things that are not really accurate. ICANN does not determine whether the gay community is a community or not. The process set out in the application represents the community well enough to be awarded the TLD. And so let's say these are two distinct separate things, whether the application is well-represented the gay community or not.

So -- and we need to remember that the application is not out. It actually remains in contention with another three applications. So I think it's very important not to read headlines for what -- for the sensationalism that they try to provide.

I agree with you on all of the comments that that's why I think the review process is going to take a long time because we need to look at all of the things that we can improve on including how do we get more representation out of the -- you know, African continent or the other underrepresented areas in the new gTLD program. But these are the things we need to work on. And there are a lot of areas to work on. So -- thank you.

CHAIR DRYDEN:

Thank you, Akram. So we have the African Union Commission, the Netherlands, Switzerland, U.K, Germany, Iran, Brazil, and Argentina. I'm closing the list here. We will go a bit over our scheduled time into the break. But I think this is an issue where there's a lot of interest in discussing this and understanding better the process that's outlined.

One of the questions I had about the document is what it's intended to do. Is it something where you're looking for comments, for feedback? Is it simply how we're going to proceed? I mean, how are we going to, in fact, have further discussion around that work plan? All right.

So next I have African Union Commission, please.

AFRICAN UNION COMMISSION: Thank you, Madam Chair. Thank you very much for the presentations. And I agree with my colleagues, the European Commission and Denmark regarding -- and share the concerns they've shared.

And I think, going beyond just the new applications and taking into account that we had 1,930 and less than 30 of those came from Africa and Latin-American region, I'm wondering going forward how you're going to ensure that this doesn't happen again. I think the issue isn't so much about communication and outreach, which I think we can say confidently failed during that last round. Yet you actually had a communication strategy that didn't work well. But it also touches on other areas that have been a challenge, even with those that have been contracted from my region. When you look, for example, you know, with .JOBURG GABON and the others, the challenges they've had simply by implementing some of the stringent requirements and the challenges

that were raised in terms of just dealing with some of the requirements and how different we look at these processes, whether that is going to be looked at so that it can inform the next round.

That also goes into, for example, issues of trademark. The trademark clearinghouse that we have challenges with. How is that going to be dealt with going forward if we haven't actually dealt with this at the current -- you know, with this current round? We don't have that many African trademarks. The trademark clearinghouse we've been requesting both the African Union and members for ICANN to really seriously consider a way that we can solve this. Perhaps by allowing our own local ways of registering our own trademarks and then linking those trademark clearinghouse.

And there are several other challenges. I think we'd really like to see those -- you know, explored and dealt with. You know, and solutions given including, for example, the increase of registrants in the African continent, which is part of the African strategy. So we haven't even implemented the African strategy from that perspective. So we'd like that taken seriously before we begin to discuss. I mean, discussing is no problem. But before we begin to even think about implementing yet another round. Thank you.

CHAIR DRYDEN: Thank you for that, African Union Commission. So next I have the Netherlands.

NETHERLANDS: Thank you, Heather. Thank you, Akram, also for your update.

Just coming back to the -- I think two remarks. Coming back to Denmark, I fully echo the analysis she made. And I think there's also another -- sorry. The thing is not working properly, I think.

So I think one thing is very important. And I would even say giving a signal to the community that you, at the earliest possible you could be -- in 2016, I would even say it's better to give a signal to say we'll not do anything until 2016 or start.

Because of a couple of reasons. First, I think it was already mentioned. Do we not try to overstretch the organization. Probably it's -- I would say we heard some stories also about contract negotiations, safeguards, et cetera. And we -- as Netherlands we would very much like to be ICANN as a stable organization with corporate memory and dealing with things which they should do in a well way. And, beginning with another round, even giving signals which I think not -- would not be advantage for this.

Second point is about the kind of reviews you will do before starting a new round. I think you mentioned the root server or the root system operations. I think as GAC we have had advice I think in -- about two years ago about this. And the board accepted this advice, which I think is still valid. It's not about the root system itself. I think it's on the effect of the new TLDs in the roots, for the function of the Internet in general. So I would argue that it's a little broader than only the root server system. Thank you.

CHAIR DRYDEN:

Thank you, Netherlands. Switzerland, you are next, please.

SWITZERLAND:

Thank you, Madam Chair.

First of all, I want to thank Akram for this update. We basically see it positive that we think about creating new opportunities for those who missed the first round for whatever reasons. There's nothing that should prevent us from thinking ahead. It's also good that you start to think about an assessment structure mechanism to learn from the first experiences. And it's never too early to start thinking about an assessment.

However, the current paper for us is really -- the way we looked at it is really a preliminary draft of a work plan. Because, if we go back and recall the goals, the objectives that we shared, we're told about these new gTLDs, we were talking about enhancing consumer choice, creating economic opportunities. But we're also talking about things like creating opportunities for cultural diversity, for communities, and so on and so forth. And, looking at this table of contents, I missed quite a significant part of this in this first draft of things to be analyzed. And, as we've heard from others and as I have said already years ago, if we don't have a significant number of communities, whether these are cultural or other communities, it can also be professions that share a way of life and so on and so forth. And, if we don't get the geographical diversity in particular with regard to developing countries being able to seize these opportunities, then an important part of the new gTLD program has not succeeded. And I think the result -- I don't have to repeat what has been discussed with this regard in the last few meetings -- is not really satisfactory in at least in some significant parts of this. And we would really like to see this reflected adequately in an assessment. For us this is really fundamental. Because otherwise

ICANN is failing in one of its core missions to provide opportunities for the whole Internet community no matter on what continent you live.

And just to echo what has been said about the community priority evaluation, the whole community, the way communities are dealt with, this is not the first time we are discussing this in the GAC. We have already made some critical remarks in several communiques, and we still keep getting signals and angry voices from people who were applying as a community for community TLDs who were not -- who didn't feel fair treated or who thought -- at least thought the process was too strict to get these 14 out of the 16 points. And we really need to look at this and see also what is the effect of community applicants that will have to go into auctions, probably lose because they have less financial weight in auctions.

We really need to have a serious assessment of this before we can move on.

And also implications on human rights and other issues have not been dealt with systematically, and we would also ask for this to be reflected in a further developed work plan.

And to end with a concrete proposal. I've heard from some members of the ICANN community that some people are thinking about the remediation round. Not the second round but actually remediation round was a term that I heard, for the biggest flaws or shortcomings of the first round that is obvious. "A," developing country applications, and, "B," community applications. And maybe instead of going directly to a second round, we should start thinking of whether remediation

round for these two, and maybe some other problems, would make sense.

So this is just something that I would ask you to consider.

Thank you very much.

CHAIR DRYDEN:

Thank you, Switzerland.

So we have U.K., Germany, Iran, Brazil, and Argentina. And then we will have our break.

So U.K., please.

UNITED KINGDOM:

Yes, thank you, Chair. And thank you, Akram, for introducing this issue. And it's well acknowledged that there's no harm in -- it's, indeed, beneficial to start thinking about these things at the earliest opportunity, as colleagues have said earlier.

I would just signal concern to go steady with this process and to ensure that the full ICANN community is engaged and contributing.

From the governments' perspective, as you will well recall from the experience of the first fully open round, a huge number of issues emerged of public-policy concern. And a lot of work had to be put in by the GAC. There was an intersessional meeting with the Board, as you will recall. And it was a huge amount of work. And a lot of issues emerged. We had to think fast and work quickly to find solutions and experiment with the modeling, revise processes, engage with the

successive iterations of the draft Applicant Guidebook. A lot of lessons. A lot of things that people hadn't anticipated.

We need to capture all of that and ensure that we contribute along with the other SOs and ACs into the thinking behind the next steps.

We need to -- And that needs time, and we haven't got it at the moment. We're engaged on the most significant review of accountability since ICANN was launched. We have this IANA stewardship transition. It's impossible, really, to start contemplating the substantial input we should need to provide.

So go slowly. Allow us time, and we will engage at the right time when we have the time resource and ability to do so.

Thank you, Chair.

CHAIR DRYDEN:

Thank you, U.K.

Germany, please.

GERMANY:

Yes. Thank you. And also thank you, Akram, for this presentation.

From our perspective, I would have an additional question in respect of the review process that needs to be included in this overall process, and that's a review process according to the AoC on competition, consumer trust and consumer choice.

I think this is a very important part of this entire review process. And if you are talking about time, how long do you think you need only for this part of the -- of the process, this process -- this review process according to AoC.

And the second question is regarding the assumption that we have already delegated -- or ICANN has already delegated a number of -- a big number of new gTLDs and, therefore, this gives some -- some experience, how the first round worked. My concern is that a number of delegations have not been done that are controversial and that are difficult. And in so far, it is also important to see these rather difficult questions are resolved. And if you followed our discussions just one hour ago when we were asking the question how our safeguards are introduced, I think there are still some open questions that need to be considered before we really go to a next round.

Thank you.

CHAIR DRYDEN:

Thank you, Germany.

Iran, please.

IRAN:

Thank you, Madam Chairman. Much of what I wanted to say was told already by colleagues. I wish to join the others and sincerely thank ICANN to share with us their views and the programs. I think it is nothing wrong with that.

It's good that they consult us and allow us to think and also provide our views, like other people's views.

However, the first thing that we have to take into account, that perhaps in order to start to have planning on this, we need to have a diagram or something from lessons learned from the first round. Advantages, disadvantages, defendants, problems, and that we have.

Then possibly having a timeline, how we resolve those problems, so on and so forth. This is one.

Second point, unless ICANN is in a very top optimistic that everything will be finished, transition, everything by 2015, there is no assurance that the things will be finished. And it is difficult to start any new process before we have a clear view on the transition plus the accountability and plus, if possibly, maybe, some reorganizations of the ICANN. Possibly. Nobody could exclude that.

And also something very important. There are multiple process in the constituency, and while something is under review, you cannot start something which depends on something else. And that, the first one is under review. So you have to at least have a -- sort of the completion of some of the review, have sort of the stable time, and then start the new process and that. That is what I said today in the council of the GNSO this morning when I expressed the view of myself as a member of the GAC but not as the GAC.

You refer to the AoC. AoC is also under review. That was something that before 2014, 2014 it change everything. And then we may not be bound to see that you have to start one year from that. And then

talking about the distribution, equal distribution among the country. That is not something that I cannot. But most important things now is the manageability.

If you look into the GAC workload, from the start of this gTLD, the workload of the GAC maybe -- I don't know how many percentage of time was devoted for this issue. And if you have another one, we have more and more problems because there are more and more difficulty arises, and so on, so forth.

Then we have today, few minutes ago, half an hour ago we discussed how we can ask or request or reiterate our information that the safeguard that has been given by GAC be implemented with assurance. If you have the new round, you have many new safeguard, and I don't know some of those safeguard, and we see how much problem, difficulty that we have for the implementation.

With respect to the remediation process as referred to by Switzerland, on one hand is good; on the other hand, there is no rationale and logic behind that. What does it mean, remediation? To do what? (Indiscernible) has been behind now we have now. We have the possibility. The other would not have the possibility. And those (indiscernible) remediations.

So we should have a criteria. We should have a process about that to see what is the remediations.

And apart from that, whether the Applicant Guidebook need to be reviewed or not, because of the lessons that we have learned from the past, before you start new round.

So there are many things to be done. And it might be very, very optimistic to talk about end of 2016. Very optimistic. But it's good to talk about that and good to talk with the community and to consult them and to get the views and perhaps to see what you can. But we have to wait until the process of the transition and accountability and possible improvement in the ICANN organization is completed.

Thank you.

CHAIR DRYDEN:

Thank you, Iran.

Next I have Brazil, please.

BRAZIL:

Thank you, Chair. And also would like to thank Akram for providing us with this information.

I would like also to echo the comments made by my colleagues and say that for Brazil, for us, we are particularly concerned that ICANN has decided to -- are considering this next round of gTLDs while right in the middle of very important processes in ICANN regarding IANA transition and enhancing accountability. And not only that, also before, while the current round is still ongoing and while GAC advice still being processed.

So for us, before moving to a next round of new gTLDs, it's important to carry out the necessary policy performance evaluation of the current round and to ensure that the necessary engagement with all stakeholders, and particularly in developing countries.

And I also would like to ask ICANN the reasoning for deciding to discuss and bring this issue at this point in time.

Thank you.

CHAIR DRYDEN:

Thank you, Brazil.

Argentina, please.

ARGENTINA:

Thank you. Thank you very much, Madam Chair. And thank you, Akram, for your presentation and for your explanation.

Argentina fully agrees with other colleagues. I won't repeat. We agree with them. (Indiscernible) and European Union, African Union, Switzerland, Germany, and Brazil, with their concerns. And apart from what they said, Argentina is concerned about why this rush in starting thinking about a new round while we still have so many things under revision? And also, how this new round, if it happens, will address the real involvement of regions like Latin America and Africa. Not only about how many applications would come from there that in this round were very few, but also about the concrete outreach to the communities, to the government, to the different stakeholders in those countries so they're really aware of this new gTLD round, taking into consideration that they are still totally unaware of this round.

Thank you so much.

CHAIR DRYDEN:

Thank you, Argentina.

So we have heard about a wide variety of considerations and concerns about what needs to occur before a new round is embarked on, and what that new round should focus on. So clearly, this is just the beginning of a discussion that needs to continue.

Before I hand back to Akram for a final word, I just would like to ask our Australian vice chair, who is also leading a working group in the GAC on a related matter, to just talk a little bit about what the working group is and how it relates to this work.

Australia, please.

AUSTRALIA:

Thank you, Chair. And thank you, Akram, and thanks to all GAC colleagues for those really useful interventions. I think this has been a particularly useful session on the issue of safeguards, which many GAC colleagues clearly see as linked to future rounds. We have outstanding issues. I think that message should be pretty clear.

And also in terms of prioritizing work, I know that there's a session on Monday which is looking at prioritizing issues for a future round. The GAC also has a work plan discussion on Thursday. I'm sure we'll be revisiting this one.

But to the particular point raised by the Chair, the GAC does have a working group which is looking at issues which became clear to the GAC, and I assume to others in the community, from the first round that would need careful attention in future rounds. And those -- I think

they've already been all identified by colleagues today, but they relate to geographic names, community applications, both the application process and the appeal processes, and issues to do with applicant support in developing economies that have been identified numerous times by colleagues today.

And I think you could take it away very clearly that the GAC sees those three as of a high priority, as well as other issues. But those three in particular, we're working on. They're big priorities for us.

CHAIR DRYDEN: Thank you, Australia.

So, Akram, please.

AKRAM ATALLAH: Thank you, everybody. I just want to make sure that everybody knows that we are committed to a good review process and that we want to make sure that we address all of the issues before we actually embark on the next round.

I think that all of your comments are to the point and there are things that are being reviewed during this process, and they are factored into this process. And I firmly believe that the sooner we start this process, the sooner we can actually address a lot of these issues before the pressure to start the second -- the next round comes on us and pushes us into accelerating things and having move much faster than we would like to.

So the earlier we start, the better we give -- the more time we give ourselves to do a thorough review and come out with better outcome at the end.

But all of the issues that you've mentioned are on our radar screen. I think that there are a lot of different streams, and I would actually encourage you to attend the Monday session about the next round. That will go into more detail into each one of these tracks that we are -- that we're doing reviews on, including the RPMs and the rest.

So well noted. I appreciate your input to the process. And we will make sure to be available to work with you on any particular issue, in addition to what we are doing.

So I hope this is just a glimpse to what is going to happen, but there is a lot of work involved, and it's going to take a long time. I don't think that we're talking about something that's going to start very shortly.

So thank you very much.

CHAIR DRYDEN:

Thank you, Akram.

It's clear that it will be necessary to ensure there is that opportunity to fully discuss and flesh out these issues. So it's great to have that assurance from you that this is the plan.

Before we break, can I just introduce Mason Cole. He's arrived.

Okay, everyone, this is Mason. And welcome to your new role as the GNSO liaison to the GAC.

It's great that you're here for this discussion because, as you will know, from the first round of generic top-level domains, the GAC believes that it was not engaged early in that process, and when the decision was taken by the Board years ago to proceed with the program, that came as a surprise to many in the GAC. And after that, we spent a lot of time trying to provide inputs and help shape the program and determine the rules that ultimately were put in place for the program.

So if we're contemplating yet another, and we have outstanding issues, then I think this is going to be a major issue as far as the GAC working with the GNSO and any policy development they may take regarding a future round. So I'm glad you were here to hear some of the discussion, and we look forward to engaging you further in this new role.

So thank you.

All right, everyone. We are now running 30 minutes late, so let's take a 30-minute coffee break and reconvene for our exchange with the Global Stakeholder Engagement Team. 30 minutes, everyone.

Thank you.

[COFFEE BREAK]