
SINGAPORE – GAC Plenary 1
Saturday, March 22, 2014 – 14:30 to 15:30
ICANN – Singapore, Singapore

THIS TRANSCRIPT BEGINS @ 00:17:21 OF THE AUDIO

CHAIR DRYDEN:

So welcome again, everyone. And I think at this point it might be good to just skip ahead to talk about who we have as new members in the GAC, since we've just introduced ourselves.

So we have more good news on this front we have added Croatia, Grenada and the Solomon Islands to our membership. So let's welcome all three of those to the GAC.

So before we go through the agenda in some detail, at least to cover the main points for the meeting, I wanted to start by acknowledging recent developments.

So we had quite a significant announcement made by the NTIA of the United States and subsequent news releases posted by ICANN and the ISTAR organizations. And so this is an issue of a great deal of interest to us in the GAC, and certainly in this community more broadly.

And so there does need to be opportunity for us to discuss in the GAC, and as well, outside of the community, the issues that these releases raise. And so I want to just outline some of the things that we have done to provide that opportunity in our schedule and what other opportunities there will be in the agenda for the public meetings for the ICANN community, just so that you have a sense of what we might be

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discussing and able to do at these meetings. And the idea here is that if we have some clarity on this and there can be some assurances offered to you about how we will do this, then we may also focus on those items that we do need to conclude on at these meetings. So we need to be working really in parallel.

I know there's a lot of interest and excitement and so on around -- about these releases. But at the same time as well, we do have some regular GAC business to take care of. So if we can outline this up front and have expectations set at the right level, then I think it's going to help us as we move through the week.

So Iran, please.

IRAN: Yes, Madam. Good afternoon again. Do we have any opportunity to just refer to the meeting in Brazil? The multistakeholder meeting for the future of Internet that we are part of the Internet. Thank you.

CHAIR DRYDEN: Thank you, Iran. So I would turn to our Brazilian colleagues to ask them whether they would wish to brief the GAC about the NETmundial meeting.

BRAZIL: Thank you. Thank you for your question. I just would like to inform you all that we will have a special occasion for that, and my colleague also is coming from Brazil, Ambassador Fonseca, and he is getting here



tomorrow. And our intention is as soon as he gets here, we will brief you all on the preparations for the Sao Paulo meeting.

Thank you.

CHAIR DRYDEN:

Thank you. So I will make sure that there is time in the schedule for that. And thank you for doing that.

Okay.

So in terms of our agenda and discussing the NTIA announcement and the invitation to the ICANN community and the ISTAR organizations to look at the IANA process and the role of the NTIA and how that may be configured in the future, to ensure accountability around that role of the NTIA, we were planning a session tomorrow at 10:30 a.m. to discuss the strategy panels. And what I propose to do is that we do not discuss the strategy panels and, instead, we spend that hour to have a first opportunity to hear what GAC members are thinking and any initial views that you may wish to share with your colleagues.

If you agree, Larry Strickling is willing to come and speak with us at 10:30 about that. I see a little bit of nodding. So, as I say, if you agree, he can come to present to us to help get us started on that.

On Monday, there will be two sessions in some way related. So the first one on Monday, which is the community day, there will be a session after the opening ceremony, and there will be presentations and opportunity for discussion around -- around the IANA issue. And as well, then, later in the day, at 5:00 p.m. on Monday, there will also be a



discussion to talk about the globalization of ICANN more generally. So think of it as two tracks. There's the piece related to IANA and the role of the NTIA, and then there's going to be a public session, 5:00, that is to talk about ICANN's globalization.

In terms of the rest of our week, we do have our usual exchange with the Board at the end of the day on Tuesday, and, as well, the CEO of ICANN, Fadi Chehade, has agreed to come at 9:00 the next morning, on Wednesday, to have an exchange with us. So I expect that we might want to take advantage of those exchanges to ask further questions and to engage with the Board and the CEO on these issues. In terms of some of the details around IANA and how it is of relevance to governments, there are two briefings that we will receive this week that are in some way related.

So there is the Framework of Interpretation Working Group effort. This is to look at delegation and redelegation of country codes. As a reminder, we are now approaching a point of concluding that work. So the Country Code Name Supporting Organization has been working away to come up with a report on the topic, and the GAC has had some involvement. And by London, they would like to have a joint GAC/ccNSO agreement on the final report. So this meeting is your opportunity to really come to appreciate where that work is at, what are the key issues, and as well, for us to have a clear picture of what we would need to do between now and London on the issue of country codes.

But this is an opportunity to talk about some of how things work in relation to handling country code matters.



The other briefing is a briefing from the root server stability advisory committee. And this is for them to tell us about their restructuring effort and, as well, to take your questions about the root server side of things.

One last point in terms of briefings. We are also looking at having a session on the Thursday morning in order to have a briefing about the IANA process and issues related to that. Many of us are not very familiar with these processes, and as the community moves ahead to work on the proposal that the NTIA has asked ICANN to do or to convene a process for, then it's going to be, I think, really important to get some understanding about how things work, and then we can engage this committee or governments in that as we move forward.

Okay.

So I hope that gives you some clarity about what will be our opportunities in the coming week to discuss things. And I can see I have a question perhaps from Iran.

IRAN:

Yes, Madam, I still wish to come back to the Sao Paulo meeting. It is the unique meeting that fortunately is being shaped, and it is now scheduled to be in 23rd, 24th of April and apart from the briefing of our distinguished colleagues from Brazil, I would request you whether you foresee some time to have some exchange of views in GAC with respect to the very important topic that we will at least refer to in Sao Paulo. This is very important, at least we have some exchange of views among the GAC people how we'll think about the evolutions of the matter in



Sao Paulo. Not to be limited just to the presentations of the event and the schedule of the meeting but a little bit of discussions to be familiar because some of us will participate at that meeting and it would be good that we know the views of our colleagues.

Thank you.

CHAIR DRYDEN:

Thank you, Iran. So we have a question about NETmundial, but we will have a briefing on that and we can reflect on this question. Okay. Spain, please.

SPAIN:

Thank you, Madam Chair. Going to the agenda, I noticed that there is no indication of whether sessions are going to be open or closed. May I understand that the rules we've been applying to will apply to this meeting too? Thank you.

CHAIR DRYDEN:

Thank you, Spain. So the meetings are all open. If you have a view that you wish to express about sessions in the agenda, then this is the opportunity to make those requests or raise concerns. Spain.

SPAIN:

Normally sessions dedicated to communique drafting are closed. I will ask whether this is going to be this way this time or not. If not, how this has been decided at my home. Thank you.



CHAIR DRYDEN:

Thank you. So the default for the GAC, as I believe colleagues would agree, is towards openness. So if there is a request to close the communique drafting or to close a session, then a request can be made here. I would note that in terms of closing the meeting in practical terms there is no way to in fact completely close a meeting. We have many observers or in some cases GAC members represented by several people. They're not always government people and so on and so forth. So do be aware that in terms of managing that it is impossible to entirely close a GAC meeting for that reason. So any more comments? On the openness versus closed? Okay. All right.

So let's continue with the agenda. So for the chair/vice chair update we have a few things to discuss and we haven't done things in the precise order here. But perhaps next we can look at the agenda, since we're already discussing this. European Commission.

EUROPEAN COMMISSION:

Sorry, I take the word after you but I would like that but you didn't see me on the previous issue about open and closed. I think that we are in a way of drafting something together on open and closed meetings and I think Spain very rightfully brought forward the issue about the communique drafting which we -- I think all of us consider it should be something between the people around the table. So I would suggest that we actually keep that session closed. I would also expect that the U.S. as the chair would actually see to it that it is closed. That's one of -- of your -- of your work, I think, to see to it that we actually are only us in the -- in the group. And then I would also like to say that you say that people sitting around the table does not represent their countries. I



mean, I think it's up to each and every country to decide who represents themselves. So, I mean, I think that is something that I would just like to mention, that if some of the people around the table is not really fully representing the country they should not be sitting there basically. So this is what my outset on this discussion. But I think -- going back to the original issue, I think it is reasonable that we deliberate on the communicate text in a closed session. That is something that I would request and which I think we should follow. So thank you.

CHAIR DRYDEN:

Thank you. So you have misunderstood my comment about representation. It is absolutely up to each GAC member to determine who is representing them. My point is that in terms of managing and identifying who is associated with a GAC member and not is not as straightforward as it might appear and the registration system, as you probably know, at ICANN, is one where you can self identify yourself as being GAC and so on. So it's not a perfect system. But that's the -- the reality. Okay.

So we have a request to close the communique drafting portion of the agenda. I see a request from Iran and New Zealand.

IRAN:

Thank you, Madam Chairman. While we fully agree that these days we are going more and more to the openness, but for the time being, when drafting a communique, because of the delicacy and sensitivity of some if not all issues, at least for the time being, we should declare that closed. Although it is difficult practically to control the closed and open,



but we give it a moral obligations to the people that if a meeting announced to be closed, those people morally who not to be attend the meeting, they should not attend. But there is no way to control them. But it is a moral obligation to the people. There's no other procedure for that. That for the time being I think it is a good decision that drafting the communique we should go for the closing the meeting but once it is drafted and comes for final discussions I have no difficulty. But let us take it at this stage to that aspect. Thank you.

CHAIR DRYDEN:

Thank you, Iran. So New Zealand and then Spain.

NEW ZEALAND:

Thank you, Heather. I just respect the feelings of colleagues, that certain parts of the meeting, notably the communique drafting in particular, would need to be closed. Put on record that New Zealander considers all sessions should be open, including communique drafting, but it's -- I think we've made huge progress over the last few years, in the last few meetings in terms of keeping things open, so I'm happy to go along with the sensitivities of colleagues. I'd point out, though, that in terms of the difficulty of closing meetings, there's also the question of people who put information on social Web sites and so on which in the past has breached the closure of meetings. So it's not just a matter of ensuring that only delegates from countries and observer organizations are in the room but that also there's a question of the communication with the outside world by other means. Thank you.



CHAIR DRYDEN: Thank you, New Zealand. And certainly the use of social media during a session is at the discretion of a GAC member and outside the control of the chair of this committee.

So next I have Spain, Portugal, Italy, and the United States.

SPAIN: I second the proposal or the request by the European Commission to have the drafting session or sessions as closed. And I recall that this issue is not yet decided by the GAC as a whole. There is a proposal on the publicity of meetings distributed to the GAC made a list about this very issue. Also, the final might not yet definite recommendations by the ATRT2 talking this issue. They, of course, advocate for having meetings open, but they make room for exceptions, only that they have to be clearly specified. This is what the proposal made by the working group on working methods tried to do. So let's not take for granted that we have already made a decision that has to be debated within the GAC. Thank you.

CHAIR DRYDEN: Thank you for that reminder, Spain. Okay. I had Portugal next, please.

PORTUGAL: Thank you very much. And I think that I'm going to introduce some multilingualism in this meeting. So I'm going to speak in Portuguese.

Okay, this is Portugal speaking. Regarding the drafting of the communique, we need to be in a closed environment. This is Portugal's position. And why is that? Because all sessions will be open. And



therefore, it's important that people present at sessions be patient and at the end of the drafting of the communique only GAC members should be present. This is related mainly to the fact that we are governmental representatives and as such we have to be careful about what we express. I am not here in my capacity as Ms. Neves but as the representative of Portugal. Therefore, I believe that our sessions should be closed. If there are people that are shy or introvert in this environment, well, these people should have a voice, should make themselves heard in the communique session. So this session should be closed and then the remaining sessions should be open.

Finally, if I may, there's a very important point that I need to mention. And that is that drafting the communique and the explanation of a rationale that we tackled in Buenos Aires that has to do with the following: Our chair should introduce or present the communique to the newcomers, that is, for people that do not understand this concept, the drafting of the communique. So an explanation is in order so that the entire community and we ourselves can be better and clearer when drafting our document. Thank you.

CHAIR DRYDEN:

Thank you, Portugal, for those comments. Next I have Italy, please.

ITALY:

Okay. Thank you, Chair. So while I agree on the fact that the communique preparation should be closed meetings, I have a suggestion. That if we take out this final part of our work from the public agenda with the GAC because this is an internal matter and this is



something that we have to do in a group that is composed by the governmental representatives. And it might well be an idea of splitting internal matters. If you look at the board, the board make one final open meeting where anyone can attend, but they are having internal meetings before. So my suggestion is just to -- to separate internal matters from the official GAC meetings. Thank you.

CHAIR DRYDEN: Thank you, Italy. I have the United States and then Indonesia.

UNITED STATES OF AMERICA: Thank you, Madam Chair. I did want to sort of share with colleagues who may not have been tracking the GAC working methods working group email list as closely but the United States has weighed in on this manner in the working group at that level. Happy to restate our position. We concur with New Zealand. Our -- we feel very strongly that GAC meetings should be open. And as to the communique drafting, we think that there is -- there are two sides to this coin. One is what colleagues have shared with us this afternoon, that sometimes these are sensitive issues, countries might feel more comfortable in a closed session. We certainly are sensitive to those concerns. However, the flip side is I think something that Spain has addressed in the GAC working methods working group documentation. And I believe it's a comment that Portugal has just raised, that -- so on the one hand you might have a closed communique drafting session. On the other hand, then there is a requirement to explain the communique. From our perspective the best way to explain the communique to the community is to have an open session because everybody in the room can then fully



understand exactly what the nature of the exchange has been between governments and as we all are typically quite capable of explaining the rationale for our positions, to us it's a much simpler, cleaner, neater approach. The entire community can hear all of the rationales from beginning to end, and from our perspective that suggests that an open communique drafting session kills two birds with one stone. Thank you.

CHAIR DRYDEN: Thank you, United States. Indonesia, please.

INDONESIA: Thank you, Madam Chairman. While I agree that in the drafting of the communique of the GAC every person should be representing the country, I believe that for this current meetings it is mainly the moral obligations of the person to inform that he or she is representing the country. Should we agree that the person should be able to produce the evidence that he or she is representing the country, then we should not do that in a short time. It should take more time to carry it out and we should agree it more in advance just like if I represent Indonesia in ITU meetings, making the -- signing the international telecom regulation, they have to produce that I am Indonesian representative with the full power of ministry of foreign affairs and so on and so on. It's okay, but it takes a bit of time. Now, that's why I suggest in this meeting we can take the usual system of the ICANN where we just introduce ourself and I am representing this country and if the GAC would like to do in the next meeting in London, meeting in London then the representative should be picked up by the evidence, then we should



do it and agree from this current meeting. So in the next few months we can prepare it. Thank you.

CHAIR DRYDEN:

Thank you for that suggestion, Indonesia. Okay. So can I sum up? I see more requests? Okay. So I see Iran and in the back row as well a request. Iran, please.

IRAN:

Thank you, Chairman. I don't think that we are looking for some sort of credentials for the participation. It is too tough. It is not a treaty-making arrangement. The issue was that closed meeting for those who representing government, that they are not representing government, like they did today. I don't need to have a credential from the minister of foreign affairs that I am representing. A letter has been sent and that is that. For it is at this meeting there has been sent a letter saying that Mr. Arasteh represented the government of Iran. That's all sufficient. We don't need to have a credential. We don't need to have a committee to check the credential and so on. Let's take all these formalities and look a little more friendly, you know. The only thing with the closed meeting, we announce the meeting is closed. Those people morally who are not representing government, they are kindly requested to possibly not attend that meeting particularly. Thank you.

CHAIR DRYDEN:

Thank you, Iran. I think Tanzania is requesting the floor.

TANZANIA: Yeah, thank you, Chair. Mine was in line with what Iran has said. But my recollection is that in the past I think there was a circular from ICANN GAC to call for countries to nominate their representatives and it was done and then perhaps that the -- the (indiscernible) of GAC the Secretariat has all the names who are representing all the countries. Perhaps they don't need to go for credentials because that was enough because they're coming from their governments, unless, Chair, you confirm that the list is lost and we should start afresh. So I don't subscribe to having credentials as we do in other meetings which are -- which aim to come up with something to be signed like conventions, like commitments which are legally binding. Thank you.

CHAIR DRYDEN: Thank you, Tanzania. Hungary is next, please.

HUNGARY: Thank you, Heather. Well, as you know, I'm always for openness and openness for everything. However, it has been said that we haven't made the decision about it previously. So what I suggest is to have the drafting this time in a closed meeting and probably we may take a decision whether we are going to open it up in subsequent meetings. Thank you.

CHAIR DRYDEN: Thank you for the suggestion, Hungary. And as our colleague from Spain has pointed out, this is a topic from the working methods working group so we will have an opportunity to have a more general discussion about the issue of open sessions versus closed sessions. And what



interests us here is for the purposes of moving through our agenda this week. You know, how we treat our sessions this week. So I think I have a request from Jamaica, perhaps, and Turkey and then I think we can probably sum up this discussion and move on to the next. Jamaica, please.

JAMAICA: Thank you, Chair. I just want to endorse what my colleague from Iran said earlier about, you know, not necessarily providing credentials to speak to the fact that you represent your country. We're already here based on our appointment to the committee by the country for whom we represent. And we ought not to get carried away, you know, with just taking this thing a little too far. Again, one needs to bear in mind that administrative, you know, issues that come along with trying to deal with things like credentials. So I think we should perhaps consider these things moving forward. Thank you.

CHAIR DRYDEN: Thank you, Jamaica. Turkey, please.

TURKEY: I will just be very short. I believe in the transparency of the work we are carrying out here, so open sessions are the best way to do it. Thank you.

CHAIR DRYDEN: Thank you very much, Turkey. Okay. All right. So for the purposes of moving further through our agenda this afternoon, the communique



drafting session will be closed this week and we will have a discussion in greater depth about this issue which we receive an update from the working methods working group. I believe there will be an opportunity at that time to talk about this further. Okay. So that is how we will proceed. So we're running a bit behind. We're getting close to 3:00. So what I will do is just have an opportunity now for colleagues to comment or ask questions on the agenda generally and then we can do an update regarding Secretariat support for the committee and then we can move into our first main agenda item to discuss new gTLDs.

So in terms of the agenda, for the coming days, are there any questions or clarifications to be made there? Okay. Iran, please.

IRAN:

Thank you, Madam Chairman. Not for this agenda, just a small question. How long before the start of the meeting the agenda is available? How many days before that? Formally available. I know that the agenda is coordinated before, but how long before the commencement of the meeting the agenda is formally available in order that the people that are attending the meeting prepare themselves? Usually it should be few days before, but I don't know exactly. Is there anything officially mentioned somewhere that agenda should be formally available X days before the start of the meeting? Thank you.

CHAIR DRYDEN:

Thank you, Iran. So I -- I don't believe there is a -- an outlined rule or procedure somewhere. I think it's something under discussion in the working methods working group, but also in terms of what we do in



practice, the idea is to have agenda topics circulated about four weeks beforehand and to then, once we have better clarity about the topics we need to discuss, then we put together the schedule and then that is to be circulated as early as possible before the meetings, referencing all the relevant materials. So an annotated agenda and schedule in fact, and the challenge we face is with gathering the materials and getting confirmations from other parts of the community. It's a very complex process and one that we do need to improve internally, but where we also depend on other parts of the organization to also be providing us with things. I'm glad you raised this because on Thursday what I would like to do is have an agenda planning session for London. So for colleagues that are interested, we would come and identify what we think are the main topics for the London meeting.

I'm glad you raised this because on Thursday what I would like to do is have an agenda planning session for London. For colleagues that are interested, we would come and identify what we think are main topics for the London meeting. And that way we would have an agenda circulated, a first version of the agenda circulated perhaps two weeks after this meeting, and we know it will be a very early draft, but this way we can have a more robust process that we're developing that agenda, then, over the period in the run-up to London. And so we would actually create a cycle of agenda planning.

One idea that has been suggested to me that I like is to have some sort of Executive Committee, and you could take the leads of the topics or working groups that we have along with the chair and vice chairs and make, then, that whole process more robust by drawing on your leads to hopefully get us further along earlier.



And so these are things that we can do on our side.

I do think that we will talk about this, at least to some extent, when we talk about the work between the GNSO and the GAC on engagement. One of the things that I raised with Manal from Egypt, who is the co-chair of the that working group, and Jonathan Robinson, who chairs the GNSO Council, was the reality of the communications that I receive from various staff, stakeholder group chairs, working group chairs, sometimes about the same thing. And it's in such volume and does not contain the information that would allow me or allow support to the GAC to determine what the GAC needs to do with it. Is it a priority? What are the key issues for us? And that this is actually a significant issue in terms of the communication between the GAC and the GNSO. And the GNSO is probably the most complex part of the ICANN community. It has many, you know, groups that fall under it.

And so Manal and Jonathan were good enough to write back and say let's raise this as a discussion item this week, and let's find a way to handle that piece, that is the GAC/GNSO communication, and at the same time, if the GAC is able to have a more robust agenda planning process, then we can improve generally.

One of the frustrations that I have had is in trying to explain to other parts of the community about the challenge, the enormous amount of work that is under way in the community, and the fact that the GAC simply cannot keep up. We can't manage all of this. And that we need to be able to identify very quickly and very easily what our priorities are and be able to focus. And that includes for our face-to-face sessions



and exactly what it is we need to be doing at a face-to-face session. We don't need to talk about every topic every time.

And we haven't been very successful in recruiting others to help us solve this problem. We can't solve it on our own. We're part of it, but we can't solve it on our own.

So my frustration is in getting other parts of the community to work with us to solve this problem and not view it as a GAC problem. And that involves, of course, explaining how we work and why we work this way.

And so I think it's promising that -- you know, that we take this kind of organized approach to things.

I can see Austria asking to speak.

Please.

AUSTRIA:

Thank you, Madam Chair. I fully support what the representative of Iran just said. And may I add one further consideration.

One year ago we had a problem at the Beijing meeting that it started two days earlier on very, very short notice, and it was only after a lot of participants had already made their travel arrangements. And now at this meeting, I see we have meetings on Thursday, which is quite new and it was not announced very early. And I'm sure some representatives cannot change their travel arrangements.



So I asked that in the Beijing meeting already, and I will ask it today again. It's clear for me, we cannot fix the agenda with all the topics two or three months in advance, but I think we could fix the timetable. It's very, very difficult to change flight arrangements, to change flight bookings, to change hotel bookings very, very close to the meeting. It's going to be very expensive, and we all are very busy.

So if I could ask once more to fix the timetable, really in advance, to allow us to plan the participation and to be present during the whole meeting.

Thank you.

CHAIR DRYDEN:

Thank you, Austria.

So my recollection of the Beijing meetings and the planning process is different from yours. That additional two days was something that was reported on several months before the meeting, and it was an exceptional circumstance under which we needed to do that. And it's clear, now that we have had the Beijing meetings, that we did need those two additional days.

As far as the scheduling process, we have with a high degree of predictability begun on Saturday at 2:00 p.m. and concluded at midday on Thursday. And the Thursday morning meetings we have used if we needed, perhaps, additional time. But the idea is to conclude our communique on Wednesday. But that means, then, we do have an opportunity to use it either for working group meetings or the agenda-



type meetings that I've described, or things that don't really impact on what we would put in the communicate.

In terms of what colleagues would like to see, I'm happy to hear whether colleagues' things we need more time, less time, whether we need to schedule it differently.

I believe this has been under discussion in the multistakeholder -- is it meeting working group? Have I got the title right? That's been talking about how to structure the ICANN meetings and with input, including from colleagues in this committee. I think we've got maybe three colleagues here contributing to that and explaining the GAC process. Because the fact is, we can't just do things in isolation. We're, you know, needing to receive and communicate and get the timing right around that.

So that's an important area of work for us to do this week, and it is always a struggle to find adequate time to cover everything.

So speaking of time, we do need to keep moving, I think, or we'll never talk about gTLDs.

So the next item, then, before we move into gTLDs is an update on the contracting progresses with ACIG, and then on staff support.

So for those of you who have been on the committee for a while, you will know that Jeannie Ellers, from ICANN, has been providing us with a great deal of support, and I'm very sad to report that she has accepted another position at ICANN. So she's going to be leaving us, but not too far away. You will see her in the hallway at the meetings.



And so a young woman called Julia Charvolen is going to be replacing Jeannie in her support role, working for ICANN. So we will need to say our good-byes to Jeannie at the end of this week, and we'll try to find a way to recognize that. But I would ask as well that you welcome Julia. And of course we're really pleased that Julia has agreed to come and take on the job.

So can you just give a wave? You're way at the back. There you go.

So this is Julia. And, Jeannie, give a wave, too. There we go.

So there's Jeannie.

[Applause]

Okay. All right.

So something to think about there, to say our good-byes.

Iran, please.

IRAN:

Yes, Madam. I'm sure you find a good way of recollection of Jeannie. But in any case, in addition to that I suggest that you will prepare and write a letter of appreciation formally on behalf of GAC for all the services that she has been rendering to this committee for years, and so on, so forth. And that will be getting our support and our appreciation. So we bother you and leave it to you to prepare a letter in the proper or appropriate manner expressing the appreciation of the entire GAC.

Thank you.



CHAIR DRYDEN:

Thank you. I would be happy to do that.

Okay. All right. So for an update on the contract which we are all keenly awaiting to finalize. So my aim is to finalize the contract at this meeting.

In order to follow through with a firm commitment to finalize it, there are some dependencies. There are some things that I don't control, but for my part, that is what I aim to accomplish. And then we can welcome both Tom and Michelle fully on board to provide us with support, and we can extend our thanks to the donors as well for their generosity in making this happen.

What I suggest on this agenda item is that we work through the week and report back to you on the Wednesday morning about where we are. And I hope to report that we have concluded Wednesday morning. So I hope that you, like me, will be simply appreciative and bring on Michelle and Tom to provide us with the support that we really, really do need in order to carry out our work.

So with that, do I see a hand? Oh, it's Norway, yes. Please. Sorry.

NORWAY:

Thank you, Madam Chair. Just a short comment, that we're also sorry to hear about Jeannie leaving us, and also welcome to Julia. And that we are really pleased to see that ACIG is here with us, and that we now have, as you said, to move forward in fast speed to have a permanent



contract and that we are all on board and that we will work with you on this.

Thank you.

CHAIR DRYDEN:

Thank you. I appreciate that.

Okay. All right.

So we have maybe -- Oh, we have 15 minutes before we break. So we can either break now or we can work for 15 minutes and then break?

Shall we continue in yes, okay. Good. All right. Let's not lose our momentum.

Okay.

So for this next session, there are some materials that you should have in front of you.

And I think the primary references are communications that came back to us from the NGPC or board in response to our Buenos Aires communique and some of the advice or requests that were contained there. So we have an updated scorecard from the new gTLD program committee and some written briefings on some of the topics that the GAC raised at our last meetings in Buenos Aires.

In terms of the specific agenda items, we have a first in the list the issue of safeguard advice. So you will recall that at the Beijing meeting, which I think was April last year, the GAC came up with safeguards to apply to various strings or applications. And these were divided into three



categories called category zero, which was to apply to all top-level domains; and category one, which related to regulated or highly regulated sectors; and category two, which related to closed or restricted access registries.

So we know that the program is really coming to a close in some important respects. And that that includes the GAC and the advice that we gave under a module called 3.1 in the Applicant Guidebook. And in that -- under that module is where we gave this set of safeguard advice.

The board has written back to us and told us how they are implementing that advice, how they are moving forward and has, basically, said they accept our advice. So this is an opportunity I think at this meeting for us to seek financial clarifications, deal with any last remaining issues, either for our discussion or to identify them for our exchange with the board on Tuesday. Or, as well, if we want to include any kind of advice or commentary in the communique.

So, with that introduction, let's open up the floor to look at safeguard advice. And that, as I say, could include category zero, category one, or category two. And as well there may be questions in relation to the dispute resolution process associated with safeguards.

So who can start us off on this topic? I see Iran and the United States, please.

IRAN:

Thank you, Madam Chairman. We appreciate all efforts which have been made in this regard.



We have looked to the text of the two categories, category one and two. And we found that, from the legal point of view, there are a few small modifications that we have to make. They are of a general nature. One modification is in all of these, almost 99.99%, it says that the registry will do that. I think we need to replace the "will" by "shall." Will is the deterministic verb. We cannot say we will do or cannot do. But we can say they shall do. That is a must, and that is obligations. From the legal point of view, this word should be modified.

There is another area there is a word "should." In our view, from legal point of view, "should" is an option. And, if there is an obligation, that also should be changed to other verb or other word such as "shall " or "need to be done."

Apart from that, we have no other difficulty with that. So we would like to know whether there is an opportunity to make these changes. Otherwise, the existence of the verb "will," from a legal point of view, is not appropriate. You could not say that they will do that. Because they may do that, or they may not do that. But, if you say they shall do that, that is an obligation we put on them and they must do that. And, if you say that they should do that, it means that they have an option to do or not to do that. If you want them to do that, we should change that to "shall" or slightly softer words "needs to be done" or something else like that. These are the two things, from a legal point of view, Madam Chairman, I have a little bit of legal background. That is why I'm putting my finger on these issues. Thank you.

CHAIR DRYDEN:

Thank you for that, Iran. Next, I have the United States, please.



UNITED STATES OF AMERICA: Thank you, Madam Chair. The United States, actually, is pleased to have this opportunity. As you have suggested to us as colleagues in this grouping, this may well be the final meeting at which the GAC has the chance to deliberate face-to-face and to reach agreement on any final advice or improvements, if you will, if I can say or further detail on the advice that the GAC has actually already delivered.

The United States circulated to colleagues -- I believe it was a week ago yesterday -- a set of proposed questions that we have developed and wanted to share with colleagues prior to our discussions here in Singapore. And we addressed both the overarching safeguards category one, category two, and the public interest commitments dispute resolution procedure -- process. I'm sorry. I keep getting my Ps mixed up there.

I'm happy to start with overarching safeguards. And I'm in your hands, Madam Chair, if you'd like me to go through the entire thing, which might be a little bit overwhelming. Or we can piecemeal. If you will permit, I'll start with the overarching safeguards. Thank you.

As colleagues will, hopefully, have had a chance to read, we have taken a look at the board's responses, the progressive responses, and believe that the board actually -- the NGPC has been very, very responsive to the GAC. So we're sort of looking at these remaining questions we have as intended to help the board understand where the GAC might be coming from an implementation perspective. So, as colleagues will recall, there were six overarching safeguards that we reached agreement on and conveyed in the Beijing Communiqué.



Our questions focus on three of the six. And so, if I may, with regard to safeguard one, which is related to WHOIS verification and checks, the NGPC has shifted responsibility from individual registry operators who are the entities who do have the direct relationship with registrars. They've shifted the responsibility to ICANN to perform what they call "periodic sampling" of WHOIS data across registries in an effort to identify potentially inaccurate records. So the questions we have is can the NGPC -- and we're putting these out with colleagues in the hopes that colleagues will would agree that we should definitely raise these questions when we meet with the NGPC. And we're very hopeful that, if colleagues would agree, that we can characterize these questions in the communicate so that there would be formal advice. Our goal here is, obviously, to seek answers to the questions. So the first question would be whether the NGPC could please clarify the advantages and/or the disadvantages of having ICANN perform the WHOIS checks/audits themselves versus the registry operators.

Does the NGPC believe ICANN has sufficient resources in place to conduct these audits? Or will additional resources be necessary to conduct WHOIS checks across all registry operators? Can the NGPC actually clarify the meaning of "periodic sampling"? In that regard, our question would be how large is the sampling going to be, using what criteria, how often. With a periodic sampling approach, will there be a way to focus on the registrars with the highest percentages of deliberately false, inaccurate, or incomplete WHOIS records in previous checks? And, finally, what steps does the NGPC think are needed to ensure inaccurate or incomplete WHOIS records are addressed? So the question behind that is actually will registry operators be required to



take steps to notify registrars of inaccurate or incomplete WHOIS records? And, if so, does that kind of notification then trigger an obligation from the registrar to solicit inaccurate or incomplete information from the registrant?

So that was a series of questions with regard to overarching safeguard one. I sense you would like to interrupt me, Madam Chair, please.

CHAIR DRYDEN:

Thank you. That was a lot of questions to take in related to that one topic. So let's take a pause here. One thing that might be useful, if we identify questions, like the U.S. has and maybe others have and we can summarize those and provide those to the NGPC before we meet with the board, then that will be a way, I think, to move our exchange along and sort of help them know what it is that we're asking. So what I would suggest is that we take your questions and any others that are identified and summarize them up for that purpose. So I do have a request to speak from the European Commission. Did you want to comment on overarching safeguards? A bit, yes. Please, go ahead then. Yeah.

EUROPEAN COMMISSION:

Thank you, Madam Chair. In the interest of time, I'll be brief. It's simply to endorse the document that has been shared by the United States, which I think is very complete and well thought through. And we'd like to endorse it and provide also comments so that we can hand them off to the NGPC at a later stage.



CHAIR DRYDEN: Great. And it's great to see agreement between the European Commission and the United States. Let's take note of that while we can. New Zealand, please.

NEW ZEALAND: Thank you, Heather. I'll also be extremely brief. I think they are extremely useful questions. But I'll point out that there is a common element right across these. And that is the accuracy of the WHOIS database and how to ascertain the accuracy. It seems to me that the real issue here is how can ICANN write into its contracts with the registrars sufficient assurance that the registrars are paying due diligence to the accuracy of the information they're giving? And I'm second guessing what the answers to those questions might be, which is that ICANN is going to have to ascertain that in some way itself. But I would share the concerns underlying these questions from the U.S. that sampling may in itself not be adequate. So sampling is, however, adequate for oversight function, which ICANN is going to have to do in any case to enforce its contracts with the registrars. So that, perhaps, is the underlying problem.

CHAIR DRYDEN: Thank you. So we might identify that as a separate question, noting that there are questions related to sampling but also one related to the underlying approach that we may turn your comments in to a question which I understand to be how can ICANN write into its contracts so that due diligence is carried out by the contracted party. Yeah. So let's try to do that. All right.

So I have Netherlands, next, please.



NETHERLANDS: Yes. Thank you, Chair. In concurring with New Zealand, I think we should also add to the question the fact that in the new registry/registrar accreditation agreement, there's also some more beef, could you say, on the accuracy. For example, they have to ask, I think, each half year for the -- to the registrant whether their WHOIS data is still accurate. So I think we should take into account with asking the NGPC to also consider if there is already an outcome or some prediction about how the RAA -- the new RAA functions or not on this point.

Thank you.

CHAIR DRYDEN: Thank you, Netherlands. Okay. So Lebanon, please.

LEBANON: Thanks, Madam Chairwoman. While projecting what the answers could be, Lebanon would like to endorse what was -- or the questions proposed by the U.S. Thank you.

CHAIR DRYDEN: Thank you, Lebanon. Okay. So do we have any other comments or questions to add to our list on overarching safeguards?

United States. You want more questions added?



UNITED STATES OF AMERICA: No, no, Madam Chair. Thank you ever so much. But I've taken your pointed hint to heart and will not review the additional questions just to flag the areas. And I want to thank my colleagues for endorsing what we did. Certainly, my colleagues from the EU Commission and, hopefully, other colleagues from around the table for endorsing the documentation that we sent around.

I just -- for those who might not have had a chance to read it, I just wanted to indicate that the next set of questions, which are in the document that we circulated, related to safeguard three, security checks, and safeguard five, complaint mechanisms. And, in that regard, we did just want to flag that, while we're very grateful that the board made a special note that registry operators needed to have a mechanism to respond to complaints from government authorities, particularly law enforcement, it also struck us that there are a lot of other users who can also help inform registry operators of any abuse and misuse and that we wanted to just kind of stress that that's an important element of having a point of contact for complaint elements. I will pause there since I know we still have to cover -- and I think we can return to it after the break -- the rest of the new gTLD issues, category -- okay. Thank you.

CHAIR DRYDEN: Thank you. Iran.

IRAN: Thank you, Madam Chairman. I understand that you're requesting or encouraging distinguished colleagues to provide the views to be sent



outside the GAC. But, from the procedural point of view, I believe that all these points and questions should be consolidated, compiled together in a document. And we, as a GAC, look at that one before going outside the GAC. That is a need that we have look at all of those things, some of the areas colleagues proposed a course of action. We need to put it in the words and verbs and so on and so forth expression to see how it fits. So we need to have compilation of all of those proposals in one single document before going outside GAC. Thank you.

CHAIR DRYDEN:

Thank you. So we will use the U.S. letter that was communicated to the GAC list that contains the list of the questions with the addition of the suggestion from New Zealand. We will capture that. And then that will be circulated to the GAC. So, when we finish our discussion of safeguards after the break, then it will be to roll that up, summarize it. And that will be circulated to the GAC. And then we can, after that, pass that on to the board so that they can prepare for our joint session. Iran.

IRAN:

I hope you have not forgot these two suggestions that I made to those texts. Thank you. Replacement of the "will" with "shall" and replacement of "should" with something else. Thank you.

CHAIR DRYDEN:

Thank you, Iran. So let's take a break for 30 minutes and come back and continue our discussion of safeguards. Thank you.



[BREAK]

