
SINGAPORE – GAC Preparatory Session for Briefing from CEO and ICANN Board

Tuesday, March 25th 2014 – 15:00 to 16:00

ICANN – Singapore, Singapore

>> Ladies and gentlemen, could we please resume our seats. We need to start the next session as soon as possible. Please sit down. Thank you.

CHAIR DRYDEN: Okay. We need to get started. If you could take your seats, please.

Okay. Let's get started. So, as you know, as usual, we have our exchange with the board at the end of today. And this is our opportunity to raise issues with our board colleagues while at the meetings.

We don't have a proposed agenda other than at the beginning of our meetings in Singapore when we discussed some of the issues related to safeguards. And that is mainly clarifying some of the implementation issues. We discussed some questions that colleagues had around that that are really targeted towards the new gTLD program committee. But, as we will only be meeting with the board this week rather than the new gTLD program committee, this might be an opportunity to at least raise the questions even though we might not be able to receive answers during the session.

So I think that is one topic area where colleagues might confirm that they would like to add those to the agenda for this exchange. Other than that, again, our agenda is clear. So now is an opportunity for colleagues to raise any other issues that they think we should take up

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with the board and to also get a sense from others in the room about what they think about those agenda topics.

So I think I -- we can take it as given that we will have some questions related to safeguards and the public interest commitment specifications and the dispute resolution processes associated with those public interest commitment specifications. Okay.

So we had a few comment on this topic when we began our meetings. I know the United States, European Commission, and a few others had questions. So let's put that on the agenda. Do you need to take time now to propose a way to approach that, or shall we -- United States?

UNITED STATES OF AMERICA: Thank you, Madam Chair. I guess I would ask you and colleagues around the room as to what level of detail that you would find helpful in terms of our face-to-face? I am, on the other hand, very mindful that our time with the board is not extensive. On the other hand, it might be a useful opportunity to share the concerns. My only hesitation, as you pointed out, while I was presenting to colleagues here in the GAC room that it might be a bit too dense and too intense. So I'm more than happy to do a quick flyover. I just want to get approval from colleagues around the room that that would be acceptable.

CHAIR DRYDEN: Thank you, United States. So the proposal is to raise the topics without going through the list, the entire list in detail.

So Hungary, please.



HUNGARY: Thank you, Chairman. Yes, I fully agree with Suzanne and probably raise only the topics themselves shortly. We will have opportunity to put them in the communique in somewhat more detail. Thank you.

CHAIR DRYDEN: Thank you, Hungary. And we do have a list of questions, I think, or it's in process. So we may be able to simply attach that to the communique. That seems like a way forward.

Are there any other topics that colleagues would like to raise in our meeting with the board? None? Okay. United States.

UNITED STATES OF AMERICA: Thank you, again, Madam Chair. And this is a great opportunity for us to sort of compare notes and take our own temperature as to what we should raise. I think, as we had reviewed the Expert Working Group discussions and it came up, certainly became clear, I think, to a lot of us that there are a number of WHOIS/privacy-related initiatives, projects, policy development processes underway at the same time. And, while we probably don't wish to get into the detail, I wonder if it might be helpful for us to flag that, you know, we would like to make sure that the board is aware that there are all these disparate -- they're related, but they're on different tracks in terms of timing and scope and substance. And that we would -- I don't know whether we would take this next step. Do we go so far as to say we would urge you to hit a pause button and find a way to make it all more coherent? Or -- so I'm tossing around ideas myself. I don't know what the right thing to do is



beyond flagging that we are a little bit concerned that we have strong interest in all of these initiatives but finding it a little bit overwhelming to kind of match them up, if you will. So I throw that out there. And I'm in colleagues' hands as to whether we think this is something worth raising to the board.

CHAIR DRYDEN: Australia.

AUSTRALIA: Thank you to the United States. My sense is probably yes. I'm not sure about asking them to hit a pause button. Because it may be that there is a level of understanding of how all the pieces fit together, but we just don't have it. So I think it may be useful to ask the board. And, if the board doesn't know the answer, then to see if the board could ask staff on their behalf to see if we can get an update of how all these processes are fitting together.

Even fundamental questions like is the Expert Working Group recommendations going to have any impact that are going to flow through to the privacy/proxy accreditation issue and so on. I think it would be useful to ask a question in terms of can we please receive some sort of briefing on how all of these fit together, the big picture? That would be useful.

CHAIR DRYDEN: Thank you, Australia. Okay. So we can ask that question. Germany, please.



GERMANY: Yes, if I may add an additional issue.

You know, that there is a discussion on RAA and data retention requirements in this RAA. There are certain, let us say, jurisdictions where we have problems for a registrar to reach these data retention requirements because this would infringe on national law. I know there is a discussion, and we know that it's a discussion between -- in the community on these issues.

But I think we should signal it also to the board that, as long as there are no concrete decisions, those registrars who have already asked ICANN to get a waiver, should not be sanctioned for the time being as long as there is no clear decision on the way forward. Thank you.

CHAIR DRYDEN: Thank you, Germany.

Okay. Anything else? European Commission, please.

EUROPEAN COMMISSION: We would like to raise also a couple strings that were mentioned the other day -- dot Lotto and dot finance and financial.

And, in addition, we would like to propose that in every GAC meeting we receive an update in terms of compliance from the board. Because we've noticed that there are other compliance sessions happening in parallel with the GAC. So, since they overlap, normally GAC cannot have -- representatives miss those sessions. So perhaps it would be good



that every meeting the ICANN reports on where is the level of compliance with the safeguards that were finally implemented.

CHAIR DRYDEN: Thank you. So, if I understand correctly, it's -- it would be a briefing from staff. It would be a briefing from ICANN staff that we're asking for? And we're requesting it from the board or --

EUROPEAN COMMISSION: It would be during each GAC meeting have a session of 20 minutes for -- of the briefing to the GAC, an oral briefing to the GAC on compliance since the previous GAC meeting, something regular to -- so the GAC can monitor also the compliance with safeguards.

CHAIR DRYDEN: Thank you. Okay.

So I think that means requesting that the board arrange for a staff briefing. Do I understand correctly? Okay. Great. Thank you.

Did I see Thailand? Yes. Please, go ahead.

THAILAND: Thank you, Madam Chair. So I'd like to call the GAC colleague attention on the PDP process, that dealing with WHOIS address translation and transliterations. The working group, the Expert Working Group have been sending a question to the GAC member, especially the country that are non-ASCII and non-romanized about address translations or the right to reach objective of three things. One is whether the string needs



to be converted into a single common language; second is who bears the cost of translation; and the last one is whether it goes through the PDP process.

So the final initial report we'll submit in -- by the end of this year in the end of this year meeting. And the midterm they try to seek the face-to-face meeting with GAC. In fact, the working group tried to find a session to make our first brief. The question has been sent to GAC, but only three countries responds to it, which is very important that we need to make a reply to the working groups, especially I urge the country that led to the non-romanization issue. There is a Wikipedia on that also as well. And it's linked to the WHOIS. So I fully support Suzanne that there are a lot of issues that are done in the WHOIS record. Thank you.

CHAIR DRYDEN:

Thank you very much, Thailand. This is extremely helpful for us for our planning for the upcoming London meeting and beyond. So you've drawn our attention to the activities of the working group. And there may be others in the GAC that want to be more actively involved in that. So, if we can put that to our planning process, I think that's very useful to us. At this stage it doesn't sound like something we need to raise with the board but rather something for our planning to be attentive to. So thank you.

Okay. So next we have Iran and then Brazil.

IRAN:

Thank you, Madam Chairman. We would like to share with the board the following issues: For some time we heard about



internationalizations of the Internet. And now we heard that no, globalizations of Internet, but not internationalization of Internet. And they put it quite clearly yesterday that not internalizations, but the globalizations. We want to see the different interpretations of the board of this.

Second, we would like to know the accountability issues. Currently, the accountability issues is very, very vague and even not clear and even may not exist at all. The accountability is something that there is an ATRT. There are some sort of, I would say, internal. There is no accountability before a body. A is accountable to B on subject C. One of them is clear. A is ICANN. But B is not clear. Who is B that ICANN is accountable to. NTIA? Accountable to NTIA according to our Affirmation of Commitments. And what are the subjects? If it is accountable to NTIA, the subject is those 10 elements which is in the Affirmation of Commitments 2009. If the situation is changed and will be transferred whether the content of those will be changed and whether the entity will be changed and what will be that entity?

We have heard that they said that we'll be accountable -- ICANN will be accountable to the multistakeholder. What is multistakeholder? Constituency. Entity. There is a body that is abstract. So how in a real world ICANN would respond and answer its accountability to that entity would be an assembly of the multistakeholder? On one hand, sitting at the place that you're sitting, at the podium and ICANN here on the board and they reply to that one. How -- how it works. This is not quite clear. So these are the things that we would like to ask because they started to launch a process. They said that within two years they will prepare something. And they submit that to the NTIA. Whether the



NTIA agrees with that or does not agree with that, we would like to know, if the NTIA does not agree with that, what will happen? They have to revise that. What is the date of the September 2015? In any case, whatever procedure that is developed will be implemented or it may be no. I don't agree with that. So extension of 2015 will go to 2016, '17, '18, and so on and so forth. And also we would like to know the contributions of ICANN to the multistakeholder and why this parallel arrangement now? Because ICANN has started to do something in parallel irrespective of what would happen in the Brazil meeting. Would have been better that they not proceed with this -- launching this project waiting until at least another two months to happen. Why they rushing into the process of doing something. And this is what they want to do, as I mentioned yesterday, to put in that meeting before fait accompli. Thank you.

CHAIR DRYDEN:

Thank you, Iran.

Next I have Brazil and then the United States and Lebanon.

BRAZIL:

Thank you, Chair.

One more issue I would like to add in our list to be discussed with the board is the status of the domain name dot amazon. I think the GAC will benefit from some information from the board on the status of this particular issue. Taking into account, in particular, the work done by the independent third party expert commissioned by ICANN to provide



additional inputs to the board on the next steps regarding domain name dot amazon. Thank you.

CHAIR DRYDEN: Thank you, Brazil. United States.

UNITED STATES OF AMERICA: Thank you, Madam Chair. And I apologize for taking the microphone again. I did want to concur and to thank, as you have already done, our colleague from Thailand for reminding us there is this other WHOIS-related activity that is really, really important. So I just would, hopefully, help whoever, whether it's you or Peter is going to take this issue up with the board, probably is useful to have -- to share with them the entire list.

And my second intervention is, actually, I have a question for clarification from our EU colleague. If you could refresh my memory as to what it was you had raised vis-a-vis dot Lotto so that I would just understand what we as you would have us as a GAC say to the board? Just for clarity. Thank you.

CHAIR DRYDEN: Thank you, United States. Would you like to respond about Lotto?

Okay. Thank you.

EUROPEAN COMMISSION: The other day (indiscernible) my colleague who was taking the mic then, he mentioned that the fact that now there is no clear verification of



license and instead there is just a representation. It did affect very much the Lotto case because lotteries in most of the countries in Europe do have to comply with licenses that allow them to operate only in certain jurisdictions. So we would like the board to take this into account, not for recategorization, because they're already on the category of highly-regulated sectors, but to apply the safeguards as they were intended to be. Thank you.

CHAIR DRYDEN: Thank you. So that sounds like an implementation question for the safeguards. United States?

UNITED STATES OF AMERICA: Thank you. And I appreciate the clarification. It's a key element of our safeguards questions. It relates to verification. I certainly would have no objection if you wish to raise that explicitly. There are quite a few other ones out there. So, you know, there's always that risk, if you only mention one, the board doesn't think anything else is a problem. So I personally would like to make sure we emphasize that we all agree we feel strongly for any string representing a sector that's highly regulated or requires a credential. So GMBH requires one. LTD requires one. Lotto requires one. I do think we're going to make the point very firmly about verification. So I just wanted to -- thank you for the clarity. I thought that's what the issue was. Thank you.

CHAIR DRYDEN: Thank you. So it sounds like we have examples that we can give to illustrate the point, if needed. All right. So I have a request from



Lebanon and China to speak and Russia. So, Lebanon, you are next, please.

LEBANON:

Thanks, Madam Chair. What I'm going to talk about now may be clear to everybody. Maybe it's not a problem for everybody else. But I find it with the different things that are going on with the speed by which things are moving, there must be a way to try to pull together from the board side, from the ICANN side, some kind of a story or a book or a report prior to every GAC meeting that, basically, explains where we are, what are all the efforts that are going on, the organizations that are moving, the committees that are working and where they are and what's expected. Because I find it personally with the limited resources that we have, that there are lots of things. And it's hard to keep up with all of that.

And the issue is I'm sure it is more of a problem for the new countries that are joining. And there must be a way to organize all of that into one report that makes it easy for people to follow things and be more, you know, be able to participate more and be positive in the meetings. Thank you.

CHAIR DRYDEN:

Thank you. I think that's an important issue about how we prepare for GAC meetings and prepare our agendas and so forth. So always useful to point to it.

Okay. Next I have.



China and then Russia.

CHINA:

Thank you, Madam Chair.

My question concerning the government's role in the ICANN. You know, as ICANN always boasts of it as a model of the multistakeholder, but a lot of other people, especially from the governments, think that the ICANN is not a very model of multistake because of the lack of the participation of governments in its decision-making process. Especially the voice of the developing countries cannot be heard in ICANN. For example, in our GAC meetings.

So I think before, some countries has -- or some multistakeholder groups has proposed that there may be some equal footing for the government's role in the ICANN -- ICANN's organization, such as establishment of the government Supporting Organization, equal footing with the ccNSO and the GNSO.

And for this kind of proposal, what is the thinking or what is the future plan of the Board to have for its future evolve and the evolution of ICANN to the what is about the internationalization or globalization to make it more suitable for having its model in the future evolution of Internet governance.

So my question is concerning about the governments participation or governments' role in ICANN's organization.

Thank you, Chairman.



CHAIR DRYDEN:

Thank you, China.

Next I have Russia, then Portugal.

RUSSIA:

Thank you, Chair. Let me speak Russian.

Yes. I wanted to support the suggestion made by one of the previous speakers. As an issue, the first category, because we have this background with the request for reconsideration from the European Association of Lotteries. And I would like to confirm that this is an important issue for us as well.

The second thing that I think would need to be discussed is this. Several times we have discussed the possibility of auctions. And as we talked about that we discovered they run counter to the basic values of ICANN and probably to public interests. And I believe the auctions are to start in June. And conflict resolution will basically be done in favor of, well, the owners of those who have financial -- more financial means. And unfortunately, that will be the grounds for the dispute resolution regarding other -- disregarding other circumstances. So the issue of introducing auctions. And I think we need to discuss limitations that we will have to impose there.

I would also like to support China on the role of governments. This is true. We are becoming part of the process in these times of the transition period, which will not belong. And it is unfortunately that the role of governments is unclear at this point in time.



GAC is an advisory committee, as we all know. So this is its official role so that cannot initiate policies and all suggestions made by GAC, all observations by GAC are -- have an advisory status and are not necessarily factored in.

Thank you.

CHAIR DRYDEN:

Okay. So a proposal to add a new issue of auctions and to comment that there may be some concerns with it, recognizing that we are at the end of the program on that.

Okay.

So next I have Portugal. Please.

PORTUGAL:

Thank you very much.

Well, there is something that I am very anxious to ask to the Board, and I was almost forgetting, but the Chinese colleague helped me.

So it's about the globalization versus the internationalization.

I'd like to ask to the Board what the Board means with the globalization because they are not talking about internationalization.

Thank you.



CHAIR DRYDEN:

Thank you. Okay. So here is the list as I understand it, starting off with safeguards, GAC safeguards related to new gTLDs seeking clarification on the public interest commitment specifications and as well the dispute resolution process, using particular examples to illustrate the concerns around the certification and checking of credentials for those strings that fall under regulated or highly regulated industries.

Then a request to have an understanding of what are all the different efforts under way related to the topic of WHOIS. And perhaps expressing a concern with that that it is unclear and it is making it difficult for us in terms of the Expert Working Group and how that work is going to progress. And as well, a reminder from our colleague that there is a working group looking at translation and transliteration related to WHOIS. And also privacy and proxy accreditation, and probably some other streams of work that I'm not aware of.

And then a reference to the Registrar Accreditation Agreement, and the issue of data retention and waivers. In particular, I think this affects European colleagues, so raising this with the Board.

And then a request to have updates at all our GAC meetings on the issue of compliance so that we can understand how compliance is being carried out in relation to our safeguards.

Then we have two or three requests to talk about globalization versus internationalization and whether the Board sees a difference between those two terms and how they are being used.

And regarding IANA, the issue of accountability. Also included with that, request from Brazil to receive an update on dot amazon and the status



of that. And then Lebanon, a request to highlight the challenges we face with an enormous amount of work being carried out at ICANN, and how can we, in fact, get the support that we need or the understanding we need about what is most relevant for us and in order to prepare for our GAC meetings.

And request to talk about the role of governments at ICANN and the notion of having an equal footing and how the Board views that particular issue.

And then to point out that there are lingering concerns with the issue of auctions being used in the current program.

So I think that's a good set of issues to prepare ourselves. So let's have our break, and then when we will be meeting with the Board at 16:45, then I will turn to each of you to please raise these issues with the Board. And please keep in mind as well that the CEO is coming to brief us tomorrow morning. That was initially scheduled so that we could have a briefing on all the various activities that he and ICANN are engaged in outside the organization and, as well, of course, globalization or internationalization will be part of that. So I'm assuming that this is still going to be useful to colleagues to receive that update. You know, things have developed since we first made the request. But we can certainly still have him come at 9:00 tomorrow. So if any of you have particular questions that you would like to ask him then, just be thinking about what those might be.

Okay. So please be here at quarter to 5:00 for our exchange with the Board, and we will go from there.



Thank you.

[END OF TRANSCRIPTION]

