
SINGAPORE – GAC Sessions
Saturday, February 7, 2015 – 14:00 to 18:00
ICANN – Singapore, Singapore

TOM DALE:

The GAC will have meetings with the GNSO and ccNSO. They are both quite important meetings, and they will go beyond just exchange of information. There are important issues to consider. And, hopefully, if the GAC wishes to make decisions on with the GNSO that relates to early warning mechanisms and how the GAC can identify issues in advance through the GNSO policy process with the ccNSO, the issue is the Framework of Interpretation Working Group for the administration of ccTLDs.

We will be discussing gTLD safeguards later today, and we'll be focusing on next steps and how to draw a conclusion on those set of issues, which, as you know, is a long running GAC issue.

There will be discussion shortly on the review of the GAC operating systems, which picks up on work that the GAC asked to be started in Los Angeles. And finally, the -- the communicate process will be a little different again this time. We will try to have a progressive drafting process for the communicate. We'll prepare a first draft outline tomorrow; a second, more detailed draft on Tuesday. And we will start our drafting session before lunch on the Wednesday.

There are some other changes which Thomas may explain a little later, but we're trying to not leave all of the communicate drafting work and

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the issues that are around that until the Wednesday afternoon. That's the hope, anyway.

Thank you, Thomas.

CHAIR SCHNEIDER:

Thank you, Tom.

Any questions on the information that Tom has been giving you?

Maybe one also explanatory item on the changes that we propose we introduce with regard to communique drafting.

We've heard from different members that we should try and come up as early as possible with text for the communique in order not to be too condensed on Wednesday's afternoon, and sometimes including later hours.

So what we will try out is that we will invite, after every agenda item, we'll try and get clarity on somebody who is delivering a draft text on a particular agenda item that will be transparent in who that is. We collect these.

We will also invite other people, so everybody is free to basically provide us with text on an agenda item. We hope that we can have a draft text collected by Monday morning that can be shared with you on Monday evening. That may include text on issues that we will not have discussed yet because they're scheduled for Tuesday. So this is something new that we'll test, and we'll see how this works, whether this is something you consider useful and will help us be more efficient. It is not something completely new. In the U.N. and other fora, there is



also text circulated before a debate. So we will try that and see how it goes, and on Thursday we will have a feedback round on whether you thought that was helpful and we should continue with this. But we thought, like, we should try and be more efficient with regard to communicate drafting. So this is what we propose to implement for this time.

These bits that will come in from all of you that will be just text proposals, that should allow us to work on this, nothing more. So there's always the opportunity to come in with text later, and in the end it will still be the Wednesday where we will be working on the communicate. But we try to get as much -- as many pieces as early as possible; hence, this idea.

And by the way, thank you for your support that you expressed right now and also before. I can just tell you that I will do my best. I hope that's enough. And of course this is not about me. I'm not alone here. We are, in the end, a team, and we will have to deliver as the whole GAC with everybody that is present here or participating remotely or not present here but will join us later.

So thank you very much.

We have a quick, very quick, update from the working groups. As you may know, the GAC has a number of working groups that is working on specific items. Some of them will have their own agenda item, and we will not go into detail on the issues. It's just to flag that who is basically in charge or leading which working groups so that you know that the group exists and which head is -- which person is the person to talk to when you want to get engaged or have questions about the work of the



working group. In particular, the ones that are not -- do not have a slot on the agenda for themselves. The first one is the working group on working methods which is led by Gema.

GEMA CAMPILLOS:

Yes, that's true. For the ones that are new to this meeting room, the GAC Working Group on Working Methods was created after the Durban meeting that was back in July 2013, I think and it was tasked to review working methods of the GAC and try to improve them and streamline processes in order to facilitate more active participation by all GAC members. And also to be more efficient in delivering our advice, increasing transparency in the way we work, and improve, upgrade our relationship with the rest of the community, ICANN community.

We produced several papers that were discussed in subsequent meetings up until London last year, June 2014, where many of the proposals were agreed by the GAC and are now pending decision on how to formalize them. Although I might say that from the meeting in London last year, several, a number of those proposals have been actually implemented in our current practice.

The GAC Working Group on Working Methods has not had max activity since then. It's kind of dormant now, but it can revive, can take on new tasks. If we agree on a way forward to review the GAC operating principles, that is something that we will look into afterwards.

Thank you.



CHAIR SCHNEIDER:

Thank you, Gema. We have another working group on geographic names, which is led by Olga Cavalli from Argentina who is not here yet, but should come soon. I will not go into more detail. That will be a -- we have a discussion that is led by the working group. It's taking place on Wednesday, not Tuesday. Wednesday. It's again, agenda item 21.

Then we have another working group which is the group on government engagement and IGO engagement which is led by a colleague, Imad Hoballah from Lebanon, who unfortunately couldn't make it to this meeting.

There will be a session -- That will be part of the session on ATRT2 and the implementation of the ATRT2 recommendation where this is part of that session. I think it's tomorrow afternoon, if I'm not wrong. Yep.

And there's a working group on NomCom, where also Olga Cavalli is the lead. We'll have a session on this one, too, also later in the program. And there's a working group on developing countries which is led by Tracy. If you want to say some very short words on what this is about.

TRACY HACKSHAW:

Okay. There's a working group on applicant support for developing economies as well as other issues that are related to the new gTLD program. As you may have heard, ICANN is looking to do a new gTLD program round very soon, and there are discussions going on on whether or not the Applicant Support Program from the previous program was adequate and what will be done in this round.

In addition, as you're seeing on the slide, there has been some discussion on requirements or registrars in underserved regions.



There's a public comment period out for that now, and the GAC is being asked to assist with comments.

Registrars in underserved regions are very difficult to come up with the deposit. There's a half a million dollar U.S. deposit required, and there have been some discussions about changing that. So for those interested in participating, you can contact either myself or Argentina, Olga, to perhaps coordinate some comments on that issue.

Thank you.

CHAIR SCHNEIDER:

Thank you, Tracy.

If you'd look on the Web site of the GAC, there are a number of other working groups, like the GAC-GNSO Consultation Group on Early Engagement. That work will be dealt with in the session with the GNSO that we have later in the program.

There's an FOI Working Group. We will discuss our role with regard to that report of the ccNSO working group later today. And that's about it for the time being for the working groups.

So with this, I would like to end the introductory plenary, unless you have questions that you would like to raise. If that is not the case, then I would immediately go to our first substantive discussion, which is the review of the operating principles.

Do you have a question to -- Okay. The Netherlands.



NETHERLANDS: I have a question about the agenda. Is this now being accepted? Because I have a question about time slots.

Thank you.

CHAIR SCHNEIDER: Sorry. I forgot to ask you whether you accept the agenda. I think that's something that you need to do when you start a meeting. So, yeah, please.

NETHERLANDS: I have a question about the process which was between the last GAC meeting and this meeting about the two-letter codes on the second level.

I think it's not formally on the agenda, but due to, let's say, the last developments, also after the letter you sent out, I think we should discuss this. And there's maybe a time slot when we discuss the country codes and second-level domain which is a different thing. So I would urge to also have this discussed in that slot. Thank you.

CHAIR SCHNEIDER: Thank you very much. Actually, we have discussed this in our preparatory session among the leadership team, and we also think that, given the reactions and the questions that have arisen after that letter, that we will need to address this. And one possibility is actually to use that session, a part of that session and/or a little bit of the coffee break that follows thereafter, maybe. This is also where we try to locate some time or allocate some time for this. Thank you very much.



Any other questions on the agenda or remarks?

Yes, please, Indonesia.

INDONESIA:

Yes, Tom. If you look at the GAC Web sites, you have a list of GAC activities, GAC streamings, so many of them. And some of them is very new, and many our GAC representative are following all the meetings all the time because it's very intensive. However, some of them are fairly rare and even some of the agenda is -- has not yet -- has no meeting, say, until a few months.

So I think in addition to that GAC operating principles and so on, I propose that we also review all the GAC activities, and we have somehow to prioritize which part of GAC activities we have to follow and which part of GAC activities might be safe for just remove it from the list of the GAC Web sites so that we can then concentrate on some activities which is really of our common interest or really important for the GAC group.

Thank you.

CHAIR SCHNEIDER:

Thank you very much.

If you allow me to quickly respond to that. With regard to what is on the Web site, we have a re-work which is under way on improving and developing the Web site further. So that will be dealt with in terms of when the new Web site will be set up, we'll talk about this on Thursday morning.



With regard to the substantive question on what is the actual work that we are doing, should be doing, and how to set priorities, that is a very, very, very, very good question, because I guess not only me but also most of you have had quite a hard time in the past few months to try and follow everything that is going on, and needed to realize to some extent this is impossible, or at least fairly challenging. In particular, if you have the claim that you would want to consult with your other ministries and other stakeholders in your country, and so on and so forth. So we will be forced, probably, more and more in the future to set priorities, discuss priorities, and focus on lesser items. Try to concentrate our resources on lesser items at a time, and then deal with other issues at the later stage.

So that will be something that we will have to get used to and somehow sort this out, because we can't -- or at least my feeling is that it's difficult to continue working on everything at the same time. We don't get feedback enough. Many, many consultations that were reissued, there was little or almost no feedback at all, which we didn't interpret as a lack of interest but, rather, a mere lack of resources and the ability of many members to catch up with the workload.

So thank you for bringing this up. I think this is an issue that we will have to deal with.

Tom has proposed to you some priority items that we think we will need to deal with during this meeting. Others we may have to delay, also depending on tomorrow morning's discussion on IANA transition and accountability goals.



We have tried to put everything in the agenda that is how relevant and would need to be -- should need to be dealt with, but we may not be able to do it all. We'll see. This is a -- We'll see how it goes and then we'll have to adapt the agenda according to our priorities as they emerge.

Thank you very much.

Other comments on the agenda? No. Okay. Thank you.

That would mean that we would like to go to the review of GAC operating principles. I would like to give the floor to Spain but just say this is one slot that we allocated to this. There will be another slot on Thursday, but it was in agreement that some items need to be agreed this meeting in order to follow the procedures and to implement them, in particular with regard to the number of vice chairs and election procedures, and to get a temperature, a feeling of your views and how likely or unlikely -- I hope it's not just likely, but it will happen that we get an agreement on the most urgent changes. This is why we're having the start of this debate now. We will not be able to deal with all the issues, but we will continue by Thursday because then we will need to have some decisions on some key issues.

And with that, I will give the floor to Gema.

Thank you.

GEMA CAMPILLOS:

Thank you, Thomas. (Indiscernible) slides to introduce the topic. I don't know -- They're uploading them.



You may have seen the briefing paper prepared by ACIG. It was distributed in the GAC mailing list, and it set out different groups or priority groups to start reviewing the GAC operating principles.

As Thomas has underlined, the (indiscernible) priority for the GAC could be to enhance regional diversity in the leadership team by increasing the number of vice chairs. As a matter of fact, we already increased the number at the Los Angeles meeting by appointing the candidates that were elected in the fourth and in the fifth place. I welcome them as our fourth and fifth vice presidents -- vice chairs.

There is a general sentiment opinion in favor of increasing the number of vice chairs to better reflect regional diversity within the GAC, and that sentiment was not only expressed at last GAC meeting in Los Angeles but it has been so for several meetings.

Along with this, we observed in the election held at the Los Angeles meeting that the election procedure could be substantially improved by making use of online tools. The idea would be to have an online voting procedure as default so elections could be held electronically, notwithstanding the right of countries or members who cannot vote online to do physically at the corresponding meeting.

So these are the two elements of this priority group one. The urgency of the matter lies in the fact that the mandate of vice chairs is for a year. That means that by the Dublin meeting in October-November this year, we should elect new vice chairs. And in order to elect vice chairs, the procedure set up in the operating principles must be followed.



Nomination period for electing the vice chairs starts at the preceding meeting. That means Buenos Aires meeting this year. But if we want to elect five vice chairs instead of three, which is the number that is set out in the GAC operating principles, we should vote here in Singapore to go forward with an amendment increasing the number from three to five and if you agree to update, upgrade our election procedures to become electronic.

There shouldn't be a need to agree on the detail of the amendment right in Singapore, but on the high-level principle of moving towards increasing the number of vice chairs and going forward with electronic voting.

If we adopt such a decision here, a period of 60 days starts according to principle 53 of the GAC operating principles wherein GAC members can discuss all the details of the proposal. And then the proposal could be voted on at the Buenos Aires meeting.

These decisions can be taken by a majority vote, according to GAC operating principle number 53.

Then we creating another priority group, number two. This group deals with administrative amendments which are not controversial and mostly come from the proposals made by the GAC Working Group on Working Methods that were agreed at the Buenos Aires -- at the London meeting last year. It includes questions such as routines for setting up the agenda, minutes circulation. Also, definition of the role of the chair and the vice chairs, the leadership team, and also some refinement on what the GAC operating principles state now about the secretariat.

It could also include introducing the idea of our GAC work plan and GLD calendar, and it could reverse the rule of holding closed meetings right now in the GAC operating principles to reflect the current practice of having open meetings, and also enhancing or highlighting the role the working group's having in drafting consensus.

There are a number of other minor modifications that could fall into this priority group, too, such as, for instance, underlining the role that the GAC communique has in conveying GAC advice. Currently, GAC operating principles assigns their role to the GAC chair, and the current practice is that advice is mainly contained in the GAC communique.

And the third group could contain the changes that could be significant in the operation of the GAC, and that right now are controversial. That means they are not agreed among GAC members.

This priority group would include issues related to membership and voting rights, distant economies in the GAC.

Right now, distant economies have the right to become full members and have voting rights. But some members are not satisfied with this longstanding principle and have asked to have this reviewed.

Secondly, we have ways of improving or amending decision-making processes within the GAC. This is something that was discussed within the GAC Working Group on Working Methods, and that is reflecting on the GAC operating principles the possibility of resorting to a vote or what is called rough consensus in other organizations such as the IETF, when it is not possible to achieve consensus on on a certain matter and that prevents the GAC from issuing its advice.



The idea behind this is to make it possible for GAC to fulfill its role; that is, to convey advice, instead of just delivering the full range of views, that is what the GAC operating principles mandate right now.

But the other issue is highly controversial, has not been agreed at all within the GAC. But some members, a number, several members would like to table this issue for discussion.

The proposal that the leadership team puts forward is that priority group two and three are deferred for further discussion to the Working Group on Working Methods, and we agree to set a timeline or a schedule to try to discuss all these issues.

That's all for now. I know if with Michelle -- I may have leave out something important? You want to supplement anything? Okay. Thank you.

CHAIR SCHNEIDER:

Thank you, Gema, for this presentation of how we propose to structure this work.

I would like to use the time now to get feedback from your side on the priority group one issues; i.e., the election, the amendments on the number of vice chairs and clarification of election procedures. Because as we mentioned, they would need to be agreed at this meeting so that they can be put up for 60 days' comment period and then endorsed at the next meeting in order to be implemented for the elections thereafter.

So please share your views with regard to amending the text as it is proposed in the document from having three vice chairs to having five vice chairs and the election procedures.

Thank you.

Brazil.

BRAZIL:

Thank you, Gema, for your presentation. Also would like to thank the secretariat for putting together this agenda paper.

As a preliminary comment, I would like to say that we favor changes to the number of GAC vice chairs; however, we still believe that a clear process to achieve geographic and gender balance is needed.

The suggesting wording does not address this concern as it merely indicates that referred objectives should be achieved based on best effort only.

So we believe that on this particular topic, further work is still needed.

And this is just a preliminary comment. I'll be happy to continue engaging on the issues on this topic.

Thank you.

CHAIR SCHNEIDER:

Thank you very much, Brazil.

We have France and the United States.



First France. Thank you.

FRANCE:

Thank you, Mr. Chairman.

I'm very much in line with Brazil here. Our comments on the review or suggested review of the GAC operating principles are threefold, and my first part is also a very general remark. I just can't remember that we agreed on re-opening the GAC operating principles back in L.A., but if it's the GAC's decision to do so then I assume what we all want to do is to tackle the shortcomings identified during the Los Angeles elections. Otherwise, I don't think there's any use in reviewing the OPs. And this is where we have a problem because there are, in our view, at least two major shortcomings that are not tackled in the proposal. The first one, and that's my second point, has to do with the implementation of operating principle number 21. How do we make sure that the GAC Board actually reflects the diversity of the membership.

So as you know, France has been a long-time advocate of a larger number of members for the GAC board, but I want to make clear that we never considered that re-opening the operating principles was necessary to have a more diverse GAC board. The current operating principles already make it possible to have been a larger and more diverse GAC board by allowing the GAC to designate other offices as necessary. That's operating principle number 23. And this is exactly what we did in L.A. We finally managed to accommodate the diversity criteria of the whole membership by designating other offices.



Now, coming to the proposed revisions of operating principle 21, I'd like to ask the GAC whether the issue of implementation has been considered at all. Are the revisions going to be of any help in ensuring that the GAC board actually reflects the diversity of the membership and we have gaps here.

If we increase the number of vice chairs and we specify that new gender or linguistic diversity criteria should also be taken into account -- that is, in addition to the former geographic and development criteria, again I'd like to ask how many offices will we will to designate just to make sure all GAC members criteria are fulfilled in the future. Seven? Eight? Ten?

In fact, the problem we have with the new operating principle 21 is it totally ignores that we had to revert to operating principle 23 to solve the issue of implementation. And as it turns out it, might prove even less implementable than the current one.

But there's also a second shortcoming that we need to tackle, and that will be my third and final point, which is that the strict consensus rule made it possible for one single GAC member to challenge both the process and the results of the elections in Los Angeles. And in our view, this is by far more problematic and serious issue because it makes us wonder if there's any use in fine-tuning the OPs for the elections of the GAC at all.

We must now all be aware that however fine-tuned the OPs for the elections might be that we remain exposed to the strict consensus (indiscernible) as long as the OPs for decision-making within the GAC remain unchallenged.



Practically speaking, whatever the OPs for the elections say about diversity, the number of vice chairs or the process of the elections, one single GAC member will always be able to promote its own diversity criteria another to compel the others to change the results of the elections.

So to sum up and conclude, we should not satisfy ourselves with the partial revisions of the OPs which would be little more than a statement of good intentions if proved hardly implementable in the aftermath of the Los Angeles elections. And, to solve the issue of the implementation, we don't believe that the Los Angeles experience calls for a priority review of operating principle 21 for the elections of the GAC but for review of operating principle for the decision making with the GAC.

So, as far as we are concerned, we're in favor of the implementation of the rough consensus. It is well known. But we remain open to -- obviously, to any solution that will help tackle the two shortcomings that we have identified. Thank you.

CHAIR SCHNEIDER: Thank you, France. United States.

UNITED STATES: Thank you, Mr. Chairman. And thanks to colleagues from Brazil and France for their previous interventions. I think they're extremely helpful. Rather complementary, I think, to some of the points that we would like to raise today. On the one hand, we are completely open and very favorably inclined to increase the number of formal vice chairs



from three to five to actually capture what is in effect the current reality today. In adding Thailand and Turkey as officers, we are de facto expanding the number of vice chairs from three to five. So we believe that's not a bad thing to do at all.

But, as we consider how to go about this, I appreciate the fact that our vice chair from Spain has put in the time and effort to break things down into groups as to what we might tackle first, second, and third, if you will. I think I'd have to echo a little bit of the -- some of the points raised by France and to recall that a number of moments in the history of the GAC we have all reached agreement that the entirety of the operating principles should actually be revisited because the language is not at all clear. There's a lot of ambiguity. And, frankly, I think there are probably enough lawyers in the GAC who could probably clean this up in -- you know, make it a short day's work.

It's a very difficult document to understand. So I do think perhaps we need to step back a little bit. And, rather than fine tune and tackle provisions piecemeal, we may need to actually take a more holistic approach and try to tackle the revisions to the operating principles in toto. We had, in fact, agreed on doing such a thing. I believe it was June 2012. And a working group was set up to do that.

And I was going to use the word "regrettably," but I shouldn't. But out of real work pressures our focus shifted as GAC into the new gTLD program. We went to Toronto and had to clarify sort of details for GAC early warning. So of necessity the overall revision went to a back burner. But I don't think that means that we need to agree at this meeting to a very piecemeal approach. And, in fact, from our



perspective, if you are going to talk about changing the number of vice chairs for purposes of an election at the end of this year, well, from our perspective, the -- it's almost unavoidable that you would have to deal with the membership provisions that pertain to who has a right to vote in these elections.

So, from our perspective, the convening of elections is directly related to questions about membership. So I think I would have to disagree with what Spain has proposed as a group 3 agenda item and instead suggest that that be a group 1 or alternatively suggest that perhaps we need a little more time to look at what Spain is proposing as edits and amendments to the operating principles.

So I seem to recall at one point the working group on working methods did review a document from Spain. I think quite a few of us submitted comments. And apologies if I'm not entirely clear as to where we are.

But I had not understood that there was a consensus document that came out of that working group for the GAC. If this is meant to be that, what is referred to as the ACIG briefer, in the ACIG briefer it's referring to edits proposed by Spain.

So it would be helpful for me to understand are these drawn from the working group document? Have they achieved working group consensus? And have they achieved GAC consensus?

If they have not, I suggest we may want to rethink how we want to approach this. Because from the United States' perspective -- I can revisit this if the issue comes up again later on in our meetings -- we do believe that the issue of membership and the status of a member versus



an observer, whether you are regional organization an intergovernmental organization and whether you have the -- that status conveys a right to participate in elections and the right to vote, we think the two are inextricably linked. So from our perspective, they would have to be tackled together. Thank you.

CHAIR SCHNEIDER:

Thank you, U.S. further comments? Or comments on the comments?

I do understand that there are some divergent views on -- everybody agrees that something needs to be done. But there's not yet a consensus on what exactly to do and how to get there.

Spain, would you want to answer the questions by the U.S. about where these proposed edits come from and how they relate or do not relate to the working group that was mentioned? Thank you.

SPAIN:

Yes, thank you.

The edits come from myself. They have not been through the working group. If they were, the briefing papers shouldn't say that there are edits proposed by me. Should say there are edits proposed by the working group.

But edits reflect -- are language that tries to reflect the outcome of -- in the working -- the GAC working group on working methods that was agreed in London last year.



So, as such, it's only a way to put that in words in the GAC operating principles. Of course, there are just a proposal that is tabled. And the final outcome can diverge from what is proposed. Or even we can decide that there is no need to review principles on the role of the chair or the vice chairs. We don't need to reflect what is the timeline for setting up agenda or distributing minutes or whatever. It's just open for comments. And the reason -- on the other issue of prioritizing amendments. Membership doesn't come under priority group 1 because it's not agreed within the GAC. We felt it's not only my impression but the impression of the GAC leadership team that there is a general view in favor of having more vice chairs, tentatively five vice chairs. So that goes to the priority group 1.

The issues that are not agreed at all because they are very open goes to the third group. That's the criteria we have used to prioritize. Thank you.

CHAIR SCHNEIDER: Thank you very much, Spain.

European Commission and then Denmark. And the U.K.

EU COMMISSION: Thank you very much, chair. While we appreciate, of course, very much the work that's been done by the working group and Gema and the comments that have been made and we understand the reticence to make major changes, we're wondering if, at a minimum, since you have, in principle, elections coming soon, at a minimum, you could modernize the wording, for example, removing facsimiles. Otherwise we will send



you bullets by fax. And update perhaps at least the procedural elements, which would be really diminuous changes that could be done perhaps by the working group or intersessionally at a minimum. We, of course, would have preferred to see some other clarifications. But at a minimum we think at least those should be amended. And we leave the other aspects to the rest of the GAC membership to determine in its wisdom what it refers to do today.

CHAIR SCHNEIDER:

Thank you, European Commission. Actually, if my memory is not completely wrong, I thought -- or the leadership team thought we had a consensus in Los Angeles that we would want to amend the number of vice chairs from three to five and that we would want to clarify the election procedures so that some challenges and difficulties that we experienced in and before L.A. would not happen again. My recollection says that that was a consensus decision and that we would look at more issues that would, might need to be revised in the operating principle as well but that we would try and get these two elements agreed so that they are in place and workable before the next election. That was my recollection.

But, of course, this year -- now is now. And everybody has the right to develop his opinion and her opinion. But, in the end, I think we will need to -- what we will need to do is we will need to take a decision at this meeting whether or not we will be amending these two elements. And we may take other decisions in addition. But we will need to make the decision this meeting.

Thank you.



And next in line is Denmark and then the U.K.

DENMARK:

Thank you, Mr. Chairman.

As you said, it is also our impression that there was consensus on increasing the number of vice chairmen. And from our side we will very much like to see that consensus also established today so we can move forward and next time we have election that it could be possible with five vice chairs.

It is also important that we have criteria of diversity.

But no matter what happens, the election and the result should be respected and should not be reopened if the result did not in all details meet the overall requirements. It's, after all, certain things that we're aiming at. But we, as a democratic organization, must respect the result.

From the daily side, we don't think we have any idea to try to reopen at this moment memberships or consensus. I cannot see any way forward to -- if -- those things are bringing up. So we would like, as indicated, to stick to the things which we need to do and to follow the consensus as we felt was established in Los Angeles. Thank you.

CHAIR SCHNEIDER:

Thank you very much, Denmark. The U.K.?



UNITED KINGDOM:

Yes. Thank you, Chair. And thank you to all the colleagues who have spoken before me.

We seem to have got ourselves into a bit of a difficult situation. We -- there was consensus in Los Angeles about appointing vice chairs that would be geographically represented. So more than three. That's certainly true.

I do recall, as our U.S. colleague recounted, a concerted effort a few years ago that led to the start of reviewing the operating principles as a whole. And, generally, as a guiding principle, when reviewing a set of operating principles, that is very much the best course to take.

Otherwise, you run the risk of amending on a piecemeal basis something then that has consequences perhaps not immediately apparent elsewhere in the operating principles.

So it's a much more efficient way to operate to address a set of principles in one go, if you like.

Now, with regard to the vice chairs, of course, we have the consensus opinion that there should be geographical diversity. But how can we achieve that properly if we do not amend the principles with regard to that particular provision within the principles?

Of course, we could resort to the principle that allows us to appoint officers. And, indeed, we resorted to that in Los Angeles in extending the number from three to five. If we don't look at revision of the principles on elections and resort to that, there's no guarantee that we can actually be in a position to appoint five geographically representative vice chairs because we won't have a process in train, as I



understand it, whereby you would ensure there were nominations for regional representation, which is what a revised principle would guarantee, you know, that there would be candidates.

So we're in a bit of a bind.

I just wonder if we might look at the issue of officers -- of vice chairs separately from the operating principles. Maybe that's a solution that we could devise and ensure that the aim of having geographical and gender diversity is captured in the principles. But the actual process for securing nominations and appointing the vice chairs is done separately in the months ahead in preparation for Buenos Aires.

Is there some solution there that can help us out? Thank you.

CHAIR SCHNEIDER:

Thank you, U.K., for trying to find some way forward.

Just two remarks, if you like. One is that we also had an intense debate of what geographical representation means and what geographical diversity means. Because, given the regions in ICANN and the very different sizes and numbers of members of the regions and so on, it may be difficult to, in a short time, agree on a black and white definition of geographical representation. Whereas, geographical diversity is a much more feeling and trust-based soft notion that we thought we'd achieved or the GAC thought had achieved with increasing the number of officers from three to five. So, just to make that distinction.

With regard to the -- the question that you raised about whether it -- to what extent or how it would be possible to work on the number of vice

chairs and election procedures separated from the operating principles, maybe -- I'm not really sure, because they are part of the operating principles. But maybe Michelle from ACIG has an idea on how to separate that formally. ACIG. She does not seem to have an idea.

MICHELLE SCOTT-TUCKER: Of course, I'm very happy to give it a try. But I'm not sure that we'll reach a solution in time for the coming election. Yes, I could produce a process document that discusses the issues and do that separately from the operating principles. As a process, I could do that. What result we'll get, I don't know.

CHAIR SCHNEIDER: Thank you. But then, actually, that document would be in contradiction in some ways -- or would be likely to be in contradiction to the operating principles, which I think is not making it more sensible either. So I would doubt that we can do it outside of the operating principles.

So, to try to make this simple, either we agree -- I think if I get the feedback right, we agree that we should engage in reworking the operating principles in general as a whole. And then there's a potential "but." We know that we might not have consensus immediately on all of the proposed aspects of possible changes. But we thought that we had a consensus on urgently changing the number of vice chairs and the election procedures.

So I don't know whether we want to have the coffee break now or whether you want to continue the debate. But we will have to take a decision. Sorry. We have three more speakers that showed up. First



Netherlands, then the African Union Commission, and then Iran. Floor is yours.

NETHERLANDS:

Yes. Thank you, Chair.

What I want to say has almost all been said by U.K., by Mark. I think if we don't change the principles, we will get in the same kind of situation in which we are voting for three chairs, vice chairs let's say by arbitrary ways of certain members who want something else or contest the process that we should offer more members or more vice chairs. We should avoid this.

It reflects very bad on the GAC if we have an ad hoc process, if we want more than three vice chairs.

So I would recommend very much to have the process either through the principles or either through an ad hoc process as Mark proposed to solve this. Otherwise we will get in the same problems. Thank you.

CHAIR SCHNEIDER:

Thank you, Netherlands. African Union Commission.

AFRICAN UNION COMMISSION: Thank you, Chairman. I'd like to thank Spain and the working group for all the work that has been put into this process.

As you recall, the African Union Commission had been part of the GAC members that had proposed the need to perhaps seriously consider reviewing the GAC operating principles as a whole. And I agree with the



previous colleagues. And, you know, I agree with your proposal that I think it will be important not to look at the operating principles piecemeal but to actually seriously consider reviewing all of them so that they can begin to take into consideration the current realities and the diversity of the GAC.

Having said that, we fully support that the -- you know, the notion of having -- ensuring that we have gender diversity or the GAC leadership. And it's important to ensure that we -- because we had consensus in Los Angeles. And I think our colleague from France said it that we are really already implementing provision of operating principle 21 that gives us the leeway to have -- to increase the number of vice chairs. So that already -- I think we can continue with that but then begin the process of reviewing the operating principles in general. Thank you.

CHAIR SCHNEIDER:

Thank you, African Union Commission. Iran.

IRAN:

Thank you, Chairman. Good afternoon to everybody.

The issue of the number of vice chairmen was raised several sessions of GAC before this one and before Los Angeles.

And it was felt appropriate that -- to the extent practicable, we respect the geographical diversity. And we add to that and we must add to that gender balance, which is now everywhere in all organizations. And, if you do not talk about that, you will be punished immediately. So we should respect gender balance. Yeah.



Now, I would like to touch upon, gentlemen, what are priorities. What are our priorities? This year, chairman, we're dealing with the IANA transition. ICG, CWG, CCWG -- they're all working. They are discussing. They're arguing. They're disputing with each other, so on and so forth. Then we have to see what are the priorities?

At least for one area, and that is CWG, dealing with the naming, the outcome of the meeting, whenever is available, maybe June, should come to the charter organization, to us. And we have to reply.

So we have to see what are the priorities to do the work.

To go and amend operating principles may be a long term; whether it has the priority with respect to what we have before us or not, and then whether we just take one element of that, that is the vice chairmanship. The vice chairmanship should have some principles. Currently, this principle is not respected. We have six position. Three position is vest in Europe, and three position the rest of the world.

Usually, whenever a region, whatever region is, has a chairman, that region does not have any vice chairman. Vice chairman is from other regions. Unless you mention that this exemption is not valid.

Chair from a region, vice chair from that region. But then you come to the point that you raise. There is no similarity between the regions. Some regions, they have up to 75 countries or members. Some region have five or six. Whether you have to treat them equally or not equally.

So these are the issues that we have to treat. Perhaps we should think that not to take the ambitious work going to the modification or amendment of the operating principles. Just tackle the issue of the vice



chairmanship to see whether we are able to implement the geographical diversity and gender balance in the vice chairmanship and discuss the number of the vice chairman that we need vice chairman. By the way, vice chairman is the gender neutral. It means vice chairman. Ladies are vice chairs as well.

So, Chairman, you have to talk about the priority. What are priorities? And then you have to see whether the current vice chairman that we had the consensus in Los Angeles cause any difficulty for us at this stage; that we cannot leave that with another year and to come up once we have tackled the most important element that we have to tackle. Or that is a very, let us say, difficult issue and we have to resolve it at this meeting.

So you have to seek for that clarification from the meeting. We need talk about regions. We need to talk about the size of the regions. We need to talk about the membership. How to do that, that is something, but we have to establish the priorities.

Thank you.

CHAIR SCHNEIDER:

Thank you very much, Iran.

Any further views, comments?

That does not seem to be the case.

Thank you, European Commission.



Just something that we can also think of -- actually, two different things. The formal amendment of number of vice chairs is something different from the election procedures. We may not agree on a formal amendment on the number of vice chairs, but if we want to avoid running into situations where somebody is not able to vote because his plane didn't leave his airport because of a hurricane or because you fall sick that day, and so on and so forth, if we want to get rid of these shortcomings of the election procedures that we realize because it's the first time that they have actually been used, this is also something you may want to consider; whether this is something that you could not isolate from a more holistic approach but actually take as first priority in a series of work streams with regard to amending the operation principle. This is just for your information.

The two items of the number of vice chairs and the election procedures are not necessarily tied together, but we can also discuss the necessity and your views on them separately. This is just one point I would like to make.

European Commission. Thank you.

EUROPEAN COMMISSION: Yeah, thank you very much.

I'm sorry to come back on this again, but I just wanted to clarify something that the representative from Iran said.

My reading of the operating principles is that it's the vice chairs that are to represent, to the extent possible, geographic representation of the GAC membership. It's not the vice chairs plus the chair. And that is also



distinguished quite clearly in the reputational requirements and abilities of the vice chairs compared to the chair.

And I just wanted to -- I'm sorry to come back on that, but I think that's useful and important to recall.

CHAIR SCHNEIDER:

Thank you, European Commission.

And, actually, if I look at this right, we have a chair from Europe and one vice chair from Europe, and the other ones are from other regions, if I get the ICANN regions right.

If there -- Germany, yes. Thank you. Go ahead, please.

GERMANY:

Thank you, Mr. Chairman. Just allow me some observation. I think there's general principles where we seek for a geographic balance among the vice chairs and also gender balance for the vice chairs is not - - probably not in line with the principle of voting. If we start the voting process, we leave it to the membership to decide. And even if, from our perspective, we have a balanced votes where we see we have a gender balance and we may have a regional balance in our votes for the vice chairs, in the end, if it comes to the counting, it may not be balanced.

And this is something we have to realize that there's probably a contradiction in.

Thank you.



CHAIR SCHNEIDER: Thank you, Germany. I see there's two more wishes to take the floor.
So, please, Kuwait and China.

KUWAIT: Thank you, Mr. Chair. Qusai Al-Shatti, representative of Kuwait.

First, when we talk about regional balance, really in terms of general balance, not necessarily by numbers. And sometimes it's acceptable that vice chairmanships or the chairmanships of the GAC can rotate between regions. So maybe the current setup may not reflect all the regions, but eventually, within time, or whether it's the future or the past, there was a rotation between the regions, either between the chairmanship or the vice chairs. And that is an acceptable practice.

So when we look up about regional balance and this is what we want to focus here, it is within the track or the duration or the continuation of the selection of the vice chairs and the chairmanships.

CHAIR SCHNEIDER: Thank you.
China.

CHINA: Thank you, Mr. Chair. I think that here in the interventions from all the members, I think there's a unanimous support for more geographically balanced of the vice chairmans of GAC, of GAC board. I think the problem now is that the election procedures set in the principles is -- cannot assure that this balance. So I think maybe we can focus our



discussion about on the procedure, how we can change the procedure that can ensure this geographical balance or these positions.

And just further thought that take into account some practices of other organizations. In order to achieve this geographical balance, they might have to distribute these vice chairmanships into different regions. And for each of these region, they elect their own vice chairs so that we can ensure the composition of the vice chairmanship from each region.

Thank you. Just a further thought.

Thank you.

CHAIR SCHNEIDER:

Thank you very much, China, for this input.

We're actually already 30 minutes in the coffee break. I think we need to wrap up here.

We have the opportunity to continue this interesting discussion on Thursday.

Do you think it is necessary, agree on a way forward of what might happen until Thursday or do you think it's like we take note of what the discussion is and we just continue on Thursday?

Michelle, do you have an idea?

MICHELLE SCOTT-TUCKER:

Wednesday? Not Thursday?



CHAIR SCHNEIDER: Sorry; was I -- Wednesday morning? Yeah, we have another. Okay. I think that gives us -- So that means we actually have another slot before Thursday. So thank you for correcting me.

So we have -- we look forward to continue the discussion in the plenary on Wednesday morning. And of course everybody's free to informally talk and think and discuss this until then. And Spain has -- wants to take the floor and say something.

SPAIN: Thank you.

So just food for thought. This is session on Wednesday, we should all reflect on whether we compromise on our positions to support starting a holistic review of the GAC operating principle, that we all think that is needed, but we have to start by something. And this issue of regional balance seems leak a suitable one and an urgent one, if we agree.

So think over these days whether you should be able to -- whether you are able to compromise on supporting starting the review with the issue of vice chairs, and think about the consequences of not supporting this amendment.

That means that in Dublin, we should elect three people. No more. If the three people come from different regions, as our Iran colleague says, there would be no need to add two more, because there will be enough regional balance in the leadership team.

But I think that the leadership team benefits from having two more people, because there's a lot of work to do, and it's better to share that



burden. So for the benefit of the GAC, it's good to have a larger team, I think.

So we can agree on the high-level principle of making a larger leadership team. And it's true that in those 60 days, we have to work out how to reconcile voting systems. Our German colleague has said, with achieving geographical balance. That's a challenge. That's a real challenge, and we need more time to work out those details.

Thank you.

CHAIR SCHNEIDER:

Thank you very much. And thank you for summing this up and actually, yeah, trying to help us think through the next two days before we rediscuss this again.

With this, I would like to start a coffee break and suggest that we reconvene at ten past 4:00, sharp.

Thank you.

[Coffee break]



CHAIR SCHNEIDER:

It is already 16:12. So please take your seats, take your coffee with you, whatever you wish to take with you, but please do take your seats. We need to resume. Thank you.

Okay. Thank you. Please take your seats, those of you who are still standing.

We will continue with the next agenda item, which is another very interesting and challenging one, I guess, that has kept us busy for quite some time so far. It's the safeguard for gTLDs.

We have two leads here. We have the U.S. and the European Commission.

We also have a number of other interested parties of the community present in the room that will be eagerly listening to our discussion here.

And we actually discussed this in the leadership team and would like to propose to you that those who have expressed clear views in written statements -- i.e., the ALAC, the Registry Stakeholder Group and the business constituency -- would get one minute each to quickly make a point with regards to their positions because that might be of interest for all the GAC members to get a quick information about how this is -- what views are on this issue by others. So I would suggest to give them, unless there's a protest coming from the GAC membership, I would devote three minutes to these other stakeholders during this session, or, rather, at the beginning of this session.

As you know, we have our advice from Los Angeles where we had a text expressing our views that the GAC was not yet fully satisfied with the way that our advice has or has not been implemented at that time, and we had a draft text that would go into more detail that we were not able to finalize in Los Angeles, but we did finalize that text later, after the meeting. I think it was somewhere in November or December. It contained five points that were of special consideration or concern for the GAC.

We have invited the NGPC to a conference, teleconference, a discussion on this that took place on 13th of January this year. And we have received a letter by the Board following up on that call.

So this is where we are in terms of a little bit of history of that discussion on this issue. If you allow me, I would -- before I give the floor to the lead, the U.S. and the EU, I would like to give the floor quickly to Alan Greenberg from ALAC, and then to the Registry



Stakeholder Group, to Mason Cole, and then to Ron Andruff from the business constituency to quickly make their points. Thank you.

ALAN GREENBERG:

Thank you very much for inviting us to speak today and appreciate the opportunity.

As you are aware, at ICANN 52 the ALAC requested a freeze on further progress on the category 1, safeguard 1 to 8 TLDs. The new gTLD process committee has not formally responded to that, and while I understand on Thursday they had a rather extensive meeting.

At this point, two-thirds of the contracts are now signed. That's a lot more than there were before, and there are really limited options that are available.

We believe that the only way we see forward, and perhaps someone else has a better suggestion, is to convene a community community, including the ALAC, the GAC, business and anyone else who has an interest, and the TLDs that are concerned, to look at the TLDs one by one and try to make sure that the concerns of the community are addressed by each of the registries.

It's a tedious project, but that's the only way we see going forward, given that contracts are already signed. And there's very few, very little legal ways otherwise of addressing them.

Thank you.



CHAIR SCHNEIDER: Thank you for this suggestion.

Mason Cole, where are you sitting? Ah, yes. So, please, Mason Cole from the Registry Stakeholder Group.

MASON COLE: Thank you very much, Mr. Chairman. Mason Cole speaking. I want to make it clear I am speaking not in my capacity as the GNSO liaison to the GAC but as a last-minute representative of the registries stakeholder group.

We outlined our thoughts and concerns in a letter to the ICANN Board on November 7th of last year. So I'll just read a couple passages from that note. While the registries recognize and appreciate the GAC's and the ALAC's continuing interest in safeguards, it's critical to recognize that policy-making for new gTLDs concluded long ago and many affected gTLDs already have executed their agreements with ICANN. Freezing a subset of applications during contracting and delegation when policies have been finalized and other applications have been able to proceed would result in disparate treatment of registry operators, which is both unfair on its face and a violation of ICANN bylaws, and would, therefore, introduce inconsistencies across ICANN registry agreements.

So, therefore, if the ALAC or others wish to apply certain criteria to any gTLDs, including a subset of gTLDs, it can do so if the policies fall within the category of issues covered by specification one of the Registry Agreement. This is the so-called consensus policy within what's known as the picket fence, and through GNSO policy development process



work. And registries would be willing to cooperate on a PDP if that were to become necessary.

Thank you, Mr. Chairman.

CHAIR SCHNEIDER:

Thank you, Mason. And thank you for informing us that this is not a long planned thing. That was actually a spontaneous reaction to seeing that people are here. And so thank you for making that clear.

Ron Andruff from the business -- yes. You are just next to Mason. Please take the floor for one minute.

RON ANDRUFF:

Thank you, Mr. Chairman.

My name is Ron Andruff, and I am from the business constituency, but today I'm speaking here as an individual user of the Internet.

I think it's very important to recognize that of the almost 1,400 top-level domains that were in the -- moving through the application program, we now have about 1,000 of them that have been moved in some form. So from a development and executional point of view, the new gTLD program is functioning as hoped. But we still must complete the real implementation work on public interest commitments.

As an individual user, I have an expectation that I will receive certain baseline protections and not be harmed if I use dot HEALTH, dot INSURANCE, dot CREDIT CARD, and so forth. These sectors are regulated in virtually every country in the world, and the strings evoke



trust. So it's critical that we, as a community, ensure that users will not find themselves harmed.

We have an opportunity to take a mature approach to complete the gTLD rollout with proper safeguards right now, and not doing what is right places the institution of ICANN and the multistakeholder model that we've worked hard to build at risk.

In Beijing as was noted by my colleague from ALAC, the communique was quite clear. The communique specifically instructed ICANN, quote, "Applications for these strings were not eligible to proceed in the new gTLD program until the advice was addressed by the NGPC," end quote.

Unfortunately, as we know, approximately 28 of the 45 strings in question have signed contracts. This is intolerable, and it should stop.

What we need here is GAC's resolve, and we need it to enable this negligent oversight to be rectified in an appropriate way and in a timely manner. And so I would believe that the business constituency, the At Large, and many members from across the community of ICANN will not rest numb we observe action taken to effect the establishment and the implementation of the real and beneficial public interest commitments that were afforded to Beijing 46 communique.

CHAIR SCHNEIDER:

Sorry, I think we give you one more sentence and then I think we have to wrap up because it's not about repeating all the substance but making -- trying to make a very short statement, if you can. Thank you.



RON ANDRUFF: Thank you, Mr. Chairman. In fact I just have one sentence left to say, and that was we would like to see a moratorium on all activity with respect to the strings in question so that we can establish the safeguards through the use of a working party that could be convened here in Singapore.

Thank you.

CHAIR SCHNEIDER: Thank you very much. With this introduction of sharing a few views from other members of the ICANN community outside the GAC, I would like to give the floor to our two leads on this, which is the United States and the European Commission, to maybe say a few words on the substance of where we are and how -- what the most relevant items to be clarified by us and by others are.

So who would want to start?

[Laughter]

Okay. Suzanne, the U.S.

UNITED STATES: Thank you, Mr. Chairman. And thank you to my EU Commission colleagues in being so gracious in allowing me to start. I certainly appreciate that.

I have to say, you know, we've been monitoring this, obviously, since the GAC Beijing communique, and I think there's certainly no surprise that the U.S. position has been fairly steadfast and very consistent with

the views of colleagues in the room, actually. The GAC, I think, has actually tried quite hard to convey the scope of its concerns about the need to mitigate potential for consumer harm and consumer abuse. So I think there's been a very common thread and a fairly consistent thread in the GAC's overtures to the NGPC.

And I do think we've had some very useful exchanges between the GAC and the NGPC to compare notes as to sort of their understanding of the GAC's advice and their understanding of how it could best be implemented. And I do recall that when we were meeting in Durban, I believe the NGPC came back to the GAC with about a two and a half page set of questions that I believe we were not in a position at that time to answer. So I'm going back just sort of speaking off the top of my head with my own chronology.

As we got to Buenos Aires, then we were presented with the NGPC sort of implementation plan, and it was throughout all of last year, the three meetings in 2014, that we did, I think, narrow -- begin to narrow the gap, if you will, between what the GAC advice had called for from our perspective and how the NGPC had determined it would proceed to implement it.

So I do think we're at a very useful point in time where, quite candidly, there are not that many differences, we think, in sort of the approach that has been taken. I don't think it would surprise anybody that we in the United States, and I think our colleagues in the European Commission and others around the room, probably share our -- maybe frustration would sound like too harsh a word but it's probably accurate, on the GAC's advice on validation and verification of



credentials. And we continue to feel strongly that while we appreciate the Board's efforts to explain their perspective, that they find that very difficult for applicants to implement on a global basis. Our perspective is that we believe there are a number of very responsible applicants who have, in fact, volunteered to do just that. I can think of one off the top of my head. We normally avoid talking about individual strings, but I'm certainly mindful that the FTLD applicant for .BANK has fully committed to validate and verify credentials, and they recently made an announcement that they hired a company that I think a lot of us are familiar with, Symantec, to help them do just that.

So we find ourselves at a point where in our minds and our hearts we know it can be done. We know there are a good number of applicants who have actually voluntarily committed to undertaking the validation and verification of credentials. We wish they had all done so. However, we find ourselves very sensitive to the fact that were we to agree to try to halt the process now, there would be the creation of an uneven playing field. And we are very, very concerned about being party to a situation where, mid course, there would be an uneven playing field, where some applicants who have already entered into negotiations have completed their contractual negotiations and many of whom are already in the root, that they would be subject to one set of public interest commitments and obligations whereas another set of applicants whose -- you know, the timing of which as they come through the new gTLD processing pipeline would find themselves on the other side of that divide.



So we are very, very sensitive to that and believe that would be an unfortunate outcome.

We do think that there are some other improvements. There are a few other issue areas that we had flagged in the GAC exchanges with the NGPC that we still believe are outstanding, one of which is the public interest commitments dispute resolution process, PICDRP. I can't stand saying "pick-drip" because it sounds really silly, so the PICDRP. And we believe that ICANN actually has opportunity since that process has not been finalized. We think there are still some outstanding opportunities where ICANN, in fact, more fully meet the terms of the GAC's advice and they can take those concerns better into account than what we have seen to date. In fact, we are going to propose at some point, if not at this particular agenda point but later on, that they should even consider a fast track kind of aspect to the PICDRP. Generally, right now, our interpretation of PICDRP as it is currently presented is that it's very complicated, it's very complex, doesn't necessarily assuage our concerns that there is a near term, very quick tool that can be used to mitigate problems; that they would be terminated, any problems that are identified. So we think that still remains a subject of further work.

We also think that the NGPC and the GAC probably need to continue to sort their different understandings of the GAC's advice on category 2 new gTLDs such that in addition to transparency, there is some obligation for nondiscrimination. Because without that affirmative obligation, than a registrant who feels harmed by a discriminatory policy would have no standing to seek a remedy. And that, we think, is an oversight that should be easily corrected.



I do have a little more detail, should anybody be interested in it, but I think in the interest of time, I might pause here and revert to colleagues from the EU Commission.

Thank you.

CHAIR SCHNEIDER: Thank you very much, United States, for this very helpful outline. I would like to give the floor to the European Commission. Thank you.

EUROPEAN COMMISSION: Thank you very much, Mr. Chair.

Well, we echo many of the comments already made by the U.S. delegation. We're particularly concerned about the treatment and use of the GAC advice which has been provided on numerous occasions. This has already been said by the United States on the important application of the safeguards. And it doesn't seem to have been taken into consideration adequately or correctly or thoroughly or fully, and this is particularly a concern not just for the European Commission but this was clearly identified in the communique in Los Angeles by the entire GAC it. The safeguards element was clearly underlined in the GAC communique. And this is a particularly important element of public interest and an area where public policy really comes into play.

We're talking primarily here about regulated industries. The ICANN and governments and the world, indeed, as a whole has a particular interest in making sure that consumers are safe and can rely on information that



they receive on the Internet. We know how important the Internet is for economic growth.

In Europe, we have real need to improve and underline and develop economic growth, and ICT and the use of the Internet is one source. We want to make sure that that development works properly and well and generates trust and enthusiasm for the Internet. Not that it yields disastrous results or a doctor who is not a doctor or a pharmacist who is not a pharmacist or whatever other disaster may arrive.

So for all those reasons, and most of them have already been identified by the previous speakers and particularly the United States, we're particularly concerned about the discussions and review of the safeguards that have already been identified before. And particularly regarding the lack of verification and validation of the credentials of registrants of those regulated gTLD strings, which is particularly where we put the emphasis.

Now, one of the arguments that has been made is that some of the contracts have already been signed. There wouldn't be a level playing field. If we applied new public interest -- not really new, but if we applied clearer and more black-and-white obligations on public interest to new applicants. But just because something hasn't been done perfectly or correctly in the past doesn't mean that we should continue to do it incorrectly in the future. There are many ways of addressing problems in the past. Amendments to the contracts, review. And the holders of those strings would, I expect, have a particular interest in making sure that they also have the trust of not just consumers in



limited areas but, indeed, in the entire world where their strings are being used.

So, for all those reasons, we think it's absolutely essential that there is a complete review and assessment of this problem. ICANN has particular interest in making sure that the public interest is served. It's in its articles of incorporation. Clearly, is an organization that is non-profit and to serve public interest. It's in its specific objectives as serving public interest. And we want to make sure that the public interest is indeed served, not just by a handful of gTLDs but by all of them and that this is something that is to the benefit not just to those of us in the room but to the entire community that is beyond our doors.

So I don't want to go on any further. I think it's been very clearly presented in your letter to the board, the chairman of the board of ICANN. It's been reflected many times in the communiques, and I think that the GAC has been quite clear in its position. Thank you.

CHAIR SCHNEIDER:

Thank you very much, European Commission. I would like to ask for other views and feedback on this issue. United Kingdom.

UNITED KINGDOM:

Thank you, Chair. And thank you to everybody who has provided their views and recounted quite a long history here, which adds to our dismay, really, that ICANN hasn't got this right yet, hasn't got the approach right.



I want to endorse the sense here that there's corrections that need to be done to those contracts that have already been awarded. I think the GAC would do well in advancing the consumer interest in particular by sending that message to the NGPC. And I'm also mindful of the fact that we're now contemplating future rounds where one might presume that there are going to be other commercial players in these sectors looking at the experience of the current applicants and contemplating their own entry into the top-level domain sector.

So I think it's important for this to be resolved. I'm quite attracted to the idea of going through these 40-odd TLD applications one by one including the contracts that already have been awarded and subjecting them to some scrutiny. And, if necessary, individual GAC representatives would probably want to consult their national regulators for a device to ensure that validation procedures and other aspects of public interest commitments are as robust and as enforceable as possible and that the right kind of linkages that the GAC always contemplated for these strings in highly regulated sectors, linkages to regulated authorities and independent regulators and so on are effectively put in place.

I hope that's helpful. Thank you.

CHAIR SCHNEIDER: Thank you very much, U.K. Next we have the Netherlands and then Indonesia.

NETHERLANDS: Yes. Thank you, Chair.



I would like to introduce one point, which maybe is more part of the, let's say the process when the gTLDs are delegated. And that's the point of what you could also see as a kind of scrutiny, which is the -- installing a kind of Web site in which these special TLDs are being followed with some -- in a kind of, let's say, dashboard-like presentation in which you can see whether their WHOIS is accurate, whether there has been malware. Are there blacklist, let's say, Web sites under this TLD?

What I mean is, basically, that if such a, let's say, reporting or such -- let's say Web site is being set up, regulators, governments, numbers, consumer organizations, they can really see whether a certain top-level domain is safe and consumer protected as they should be.

So I would like to echo and let's say to introduce this as maybe a kind of healing or self-healing mechanism afterwards.

Thank you.

CHAIR SCHNEIDER:

Thank you, Netherlands, for this proposal. Indonesia.

INDONESIA:

Thank you, Tom. First of all, just wanted to remind all of us that March last year in this same room in Singapore we discussed dot spa until very, very late at night. And our chairwoman at that time had to buy us dinner for all of us because we discussed until 11:00 p.m. or something like that. And I got starvation because of that.



Now, at that time, I also mentioned that how important it is about the gTLD. Then especially I would like to show the importance to draw attention to importance of this point to smaller countries. If new names is introduced, then we need somehow to be allowed to get alert of this new name. Because sometimes, if you have to follow all the proposal and so on, that we may not -- we may not have enough resources to follow all this.

And, secondly, we also want to draw the attention about the use of the second level domain after the top-level domain that use words with either geographically connected to some country or even sensitive to some other countries.

Now, it is because of this point that we would like to see procedures as how the GAC advice can be followed by the board of ICANN before a particular gTLD is introduced, not mentioning the second level domain of the gTLD that might be connected to geographical names or sensitive to some other countries.

The other problem is that the sensitivity might change from time to time. Say, just an example, if in 2014 we would like to make top-level domain dot ISIS, nobody cares. But today that might be important because of the changing of the situations, global situation or regional situation. Thank you.

CHAIR SCHNEIDER:

Thank you very much, Indonesia. Next we have Germany.

GERMANY: Thank you, Chair. And I would also like to echo what chairs of the working group, European Commission and U.S. have said. And I would like to add an additional aspect that from our point of view is quite important. I think we really need to make sure that the credentials for the second level domain applications versus highly-regulated gTLDs need to be checked in advance of such a registration and not only left this decision and checking after the second level domains has been registered and implemented. Because this ex post challenging of a specific second level domain may be a little bit difficult and cost quite a lot of resources from organizations and companies that are directly conflicted by this registration. Thank you.

CHAIR SCHNEIDER: Thank you, Germany. Next we have Spain.

SPAIN: Thank you, Thomas. From what I heard so far, I think that the GAC is not giving up on these safeguards that we recommended the board to take up.

So what are the next steps for us now? Do we want to insist on ICANN to adopt those safeguards in a way that we think is consistent with our advice and to extend them to contracts that have already been signed, as the U.K. colleague has said? Or do we think that we have had enough of this change already and it's clear then the board is not going to change its mind and will not accept our advice in the way that we put it forward?



We have to take a decision on this in order to convey a message in our communique.

There are certain areas in which I think the dialogue is still ongoing with the board. For instance, they have requested us to clarify our advice on the category two new gTLDs. And the non-discriminatory requirements, they have requested us to be more specific and say what kind of discrimination we will not tolerate. And there is also dialogue ongoing as far as security requirements are concerned. There is a framework for improving or making more efficient the fight against malware and all of that. Five questions have been put forward. There are some countries who have submitted their comments. And maybe we can discuss whether the rest of the countries can endorse those comments and maybe some other countries can add some more comments and try to fit that back in to the process. I think this is one of the areas in which we are working well with the board.

And on the PIC DRP, I have seen the reply from the board. And I would like to have more clarification on this side. Because I remember that on the call that we had -- and UPC, they told us that maybe not all complaints can be dealt with by the ICANN's compliance team. And, if they receive a complaint that they don't think it's their role to address, they could invite the complainant to go to our PIC DRP. If I don't remember it wrong, they mentioned one example, for instance, that the complainant says that the content in the Web site is not appropriate for the TLD in question. However, in the reply they've given to us, they don't really distinguish between the scope of the ICANN compliance team and the PIC DRP. And this is important to know how the safeguards are going to be enforced. So that's, just to keep it short, is



what do we want as GAC to do, to insist or to say please be clear. You have -- have you accepted or have you not accepted our advice? And, if so, in which areas do we think that advice has not been followed and in which areas we think we still have work to do. Thank you.

CHAIR SCHNEIDER:

Thank you very much, Spain. Indeed it seems that there is a shared feeling of dissatisfaction with this issue. And the question is how -- what is the next step, how to move this forward? And one of the elements to be clarified because it does not seem to be clear is to what extent has the board accepted or rejected the advice? And this might be something as Spain has proposed that we might ask ICANN to clarify.

Australia is the next on the list. Thank you.

And then Portugal.

AUSTRALIA:

Thank you, Chair. And thanks to all those colleagues from the GAC and other constituencies who have spoken before.

You stole my introduction, Thomas. I think this -- what I was going say and what I agree with is I think there's a very broad sense, not just within the GAC but other parts of the community that there are still public policy issues that are not resolved here.

I agree with my U.S. colleague and others who have spoken that what -- in addressing those issues from where we're starting now, it's more complicated than it could be by the fact that some agreements are signed. But I also -- I'm not sure one way or another whether that's a



show stopper. I take the point from European Commission colleagues that there may be some options to get out of here. And, if I understand my GNSO colleague correctly, he was suggesting at least one of those options that one way to get new things into agreements or get registry operators who have already signed contracts to have new obligations is a PDP process. Of course, we all know that they take some time and the outcome's not necessarily certain.

There are potentially some other avenues. The ICANN bylaws allow the GAC to specifically recommend a new policy development process or the revision of existing policies. And it occurs to me that there may be others. I know ICANN, for example, I believe in developing the registry agreements allowed -- included some provisions to allow it to amend those contracts going forward, including unilaterally, which I gather was very contentious, but there are some provisions in there

And there may be other things that I'm simply unaware of. It's kind of complicated.

So I think one thing we may ask for from ICANN is a list of all those options. If the GAC and others in the community did want to pursue some of the potentially outstanding public policy issues, how could we do it? And what are the pros and cons? Many of us are uncomfortable about imposing an uneven playing field. Many of us are concerned about doing things retrospectively in ways that aren't clear or transparent and so on. So, from my perspective, I think it would be potentially useful to at least know what the options are from here, what the time frames might be for those, and what some of the implications could be so that we can make some more informed choices.



CHAIR SCHNEIDER: Thank you very much, Peter, for this proposal. Next is Portugal.

PORTUGAL: Sorry, the mic is far away. Thank you.

Okay. Thank you very much.

I think that Portugal is for both options that were put forward by Spain.

Because, on one hand, we think that we need more clarification on this issue. And, on the other hand, we consider that we should continue to insist on -- have better safeguards as long as GAC feels that situation is not well perceived. I think it's our role as governments to defend public policies. And, when my government is asking me what is going on and what are the main safeguards and what was the board reply to our communique, et cetera, I say that maybe it's my fault. But it's very difficult to make them understand where we are.

So I think that we should continue to work with the Board, but on both options.

So for more clarification and to keep on from our safeguards.

Thank you.

CHAIR SCHNEIDER: Thank you very much.

Switzerland.



SWITZERLAND:

Thank you, Mr. Chairman.

I think that we have to think about, also, other community. We are also involved in this problematic.

So if I remember, in the last week we have seen a letter from the World Banking Association. They are quite angry with ICANN concerning the bank sector. And they are writing in their letter that they would like to have a sort of safeguarding in this matter because it's a regulated sector.

So I think we have to think about the alliance with other community to perhaps reinforce our position concerning safeguard. We see now there is also the business sector is not very happy with what has happened. So we have to think about that, too.

Thank you.

CHAIR SCHNEIDER:

Thank you very much.

EU?

EUROPEAN COMMISSION:

Sorry. Yes. Sorry to raise again. I think -- taking the word again here for the European Commission. But I think the question is here, of course -- and I take Australia's ideas as a very reasonable way forward to actually ask the -- you know, how can we amend this? How can we actually see to it that we get things right?



Now, my question in relation to that, though, is so what do we do in the meantime? Are we going to accept that delegation goes on or what do we do? I mean, this is the question. And I -- I heard the word moratorium. I'm just conscious that we don't go on, you know, or that ICANN goes on delegating these as long as this discussion is going on.

So I would -- I would suggest that actually possibly in the communicate that we talk also about moratorium or something like that. I am open to suggestions to how we put it. But I am also concerned about the level playing field. I think our answer to that is that ICANN has the possibility to amend contracts that has been signed and where there is a struck and quite important risk actually with the non-PIC or the PICs that are there for the time being. So an overhaul of the situation would be very, very helpful. And during that time, I would suggest we ask the Board not to continue with these.

I also picked up that -- I mean, this doesn't mean that it is a catastrophe in the current gTLD program. It is limited to a few but very particular strings which we actually very much pinpointed when we did our category 1 in Beijing. So it's limited to those.

Thank you.

CHAIR SCHNEIDER:

Thank you, European Commission.

So we have some proposals on a way forward, and I also would want to remind the proposal has been made by the representative from ALAC as a proposal for a way forward.



We have 15 minutes left, maximum, to decide, try and decide where we should go. What is your feeling? We have had different proposals. One is to ask ICANN for to what extent they accept our advice or not. Another one is to ask ICANN for possible options to amend the shortcomings as the GAC is perceiving them, and others.

There's the proposal of a moratorium as one element. We somehow need to get a consensus on a position to be put in the communique on this.

So, please, your reactions to the different proposals are welcome.

Thank you.

Australia.

AUSTRALIA:

Thank you, Chair. I don't have a full solution, but just lay some groundwork. I think you've got some of the options really well laid out. Let's not see them as mutually exclusive, though. I think we can potentially pick several.

So in terms of listening to other colleagues, if we are to take this seriously and to try to understand where we are, getting some advice on options, having some sort of review of those that are already signed to see whether the safeguards are implemented in those or some of those would be potentially be useful to inform any future decision as well. And the moratorium is -- I'm less clear on that one. But -- yeah, it's another one. It could be an and/or. They're not all mutually exclusive, at least.



CHAIR SCHNEIDER: Thank you, Australia.

Other views? Switzerland and then Iran.

SWITZERLAND: Thank you.

CHAIR SCHNEIDER: And U.K.

SWITZERLAND: I would just like to echo what Australia just said. And I think probably the starting point is to remind that we stick to the advice we've been giving during the last meetings, and then to offer the three options as elements for solution. First, that the Board really states whether they follow our advice or not, and in that case, on what elements they don't want to follow that. Second, also asking whether -- what the options are from the Board's point of view to really accomplish what is on our advice. And, thirdly, and perhaps as an option which could be put forward by the GAC to the Board, to consider by them the option of the moratorium.

Thank you.

CHAIR SCHNEIDER: Thank you.

Next is Iran.



IRAN:

Thank you, Chairman. What I wanted to say was said by the previous speakers. I think there is a general agreement on the process. The issue that we have to do, we have to put down language for each of these options, and then come back to that and take that one. So I think there is no disagreement. There is no problem. So the only thing that we have to put something on the paper, and the language used for these options.

And one point was raised, I think by European Commission, would be also to add that what we do in the meantime until that decisions or any of those options be presented. So whether there is another approach to add to do something in the meantime, whether you're talking of moratorium or something else.

So these are things we should put in the form of the proper language to take up at our next meeting.

Thank you. At our next sessions.

Thank you.

CHAIR SCHNEIDER:

Thank you very much. Before I give the floor to the U.K., I note there seems to be some convergence to start formulating language along these three options, which we would then look at in the course.

I see the U.S. is looking at me. So let me give the floor to U.K. and then maybe others have a reaction to the proposal which has just been made. Thank you.



UNITED KINGDOM:

Yes, Thank you, Chair, and I'm just picking up your summary there. I'm not sure I'm there with the moratorium, if that is -- That is quite a -- or could have quite a Draconian impact on business rollout and so on. So we have to be quite careful about it or think it through a little bit more, I think.

But the other -- the other points as options, I would support. And certainly, I think if there is some detailed review of these, certainly the existing contracts and those prospective contracts for applications that are not at that stage, I think that would inform us a lot in terms of, you know, how some applicants have successfully followed the spirit and aims of the GAC advice. And, indeed, initiatives from other actors in this -- in these sectors in terms of the kind of commitments that they undertook to deliver as registries in rolling out their business plans and so on. The review would reveal, I think, a lot of good practice. Maybe some comparative analysis would show where there's deficiency or complete lack of equivalent undertaking to serve the public interest in these sectors.

So a review. And the second point about seeking definition from the NGPC on where they feel the GAC advice is too difficult for them to follow through to the letter would be very helpful. We don't have a meeting with the NGPC during this meeting, do we, I don't think. But if this message isn't picked up from this session, we could certainly reinforce it when we meet with the Board, the full Board that is.

Thank you.



CHAIR SCHNEIDER: Thank you. Actually, we do not have a meeting with the NGPC. We have a meeting with the Board, as you say.

Further comments? U.S., please.

UNITED STATES: Thank you, Mr. Chair, and not to take the floor again unnecessarily, but I did want to chime in to concur with my U.K. colleague. I think it is useful and constructive, some of the proposals that have been made on options, and we should certainly flesh them out for a review prior to the GAC-Board exchange.

I also want to concur with the way the EU Commission sort of characterized a review and analysis in the Australian proposal.

I would have to share the U.K.'s very strong hesitation with regard to a moratorium, and I do think we need to be very sensitive to sort of the timing of our input and needing to reflect that we have, in fact, had responses from the NGPC. They have explained their rationale.

It is certainly within our -- the realm of possibility for us to say we don't concur with your rationale. But nonetheless, they have explained their position. They have told us why they do not think they can require the implementation of certainly validation and verification.

Again -- I mean, we are not completely persuaded by that because we see evidence that there are very responsible applicants who have, in fact, committed to the verification and validation of credentials. However, at this moment in time, to have the GAC, I think, advance a



concept of a moratorium, we would find triggers, all sorts of other uncertainties and perhaps unintended consequences.

So I would like to go on the record with a very strong hesitation because I think that would be contrary. Our efforts, I had thought, had also been oriented toward trying to be predictable and to provide credible guidance in a timely fashion.

So I think we need to be mindful of that. I just wanted to go on the record, since you seemed to provide me with that opportunity to permit me to express that hesitation.

Thank you.

CHAIR SCHNEIDER:

Thank you very much, United States.

We have Iran.

IRAN:

Thank you, Chairman.

In view of what the United Kingdom mentioned and U.S.A. mentioned, perhaps we may decide that not to follow the path of moratorium anymore, if there is no strong argument to retain that. Thank you.

CHAIR SCHNEIDER:

Thank you very much for that proposal.

European Commission.



EUROPEAN COMMISSION: Yes, I'm sorry to come back again, chair, but I think that there was a clear view from the room that something has to be done.

The GAC advice cannot just be ignored. The NGPC has its own assessment of what is appropriate and necessary, et cetera. But these are highly regulated industries. We're not talking about a moratorium on all gTLDs. We're talking about stopping the entry into contracts for gTLDs in highly regulated areas for which it's absolutely essential that the public interest is guaranteed and public confidence is guaranteed and that consumer trust is ensured. And this is an obligation of ICANN under its articles, under its strategic objective. It's in our interest as well.

So perhaps the word "moratorium" has been misunderstood or misconstrued.

What we want to see is that the GAC advice is implemented by ICANN in ensuring that adequate PICs are included in all those appropriate areas of highly regulated industries that go forward as of yesterday.

So that is what is important. Is something has to be done to correct the -- let's call them wrongs of the past. That's what we're talking about.

Now, whether you all can it a limited moratorium or an application of correct PICs, how you call it and what you do is really not secondary, obviously, but this is really in the wording.

So I think we should be careful not to misunderstand what is being proposed or what is being suggested. And so I leave it in your good



hands to discuss and find a solution to this as to whether a working group is appropriate. But in the meantime, it's absolutely clear from our point of view, and I think from the point of view of many of those who have spoken that, we can't continue as was in the past blindly signing contracts that don't introduce those de minimum requirements of public interest.

Thank you.

CHAIR SCHNEIDER:

Thank you, European Union.

The way it looks to me is that we have a consensus on the fact that we should stick to the substance of our advice that we are still -- the GAC is still not satisfied with what is going on.

We have a consensus on asking on a clarification from the Board to what extent the advice is accepted and/or rejected; to ask the Board for options of remedies, for what we think, the GAC thinks, is not implemented in a satisfactory way.

We do not have a consensus on whether this is enough or a stronger signal should be sent going into the direction of asking for a pause of some sort. This may need some further discussions that we do not have the time for now, I guess.

I would propose two things. One is that those who have the time and willingness to continue this discussion until and before Wednesday get together informally under the lead, under the continued lead, would be my proposal, of the U.S. and the European Commission, if that is okay



for the two of them. And everybody else, of course, is warmly invited to join this informal continuation of finding an agreed text in the end that we can put in the communique.

And with this, I would also invite the U.S. and the EU to lead a drafting exercise on this in the hope that you come up with a draft or a draft containing maybe two options or versions that we can put in the first or several. It doesn't have to be an agreed text yet but it should be something that will help us get to an agreed text by Wednesday. I don't know, by tomorrow morning or so, if that's feasible. Let's give it a try so that can be put into a first version of a -- first version of a first version of a draft communique.

Did somebody else want to take the floor that I did not see?

UNKNOWN SPEAKER: Thanks, Chair. Just to volunteer to participate with the group.

CHAIR SCHNEIDER: Thank you very much.

Everybody is free, as I said, and encouraged.

Can we stop to discuss this issue for now? And move to the next one, which is the Framework of Interpretation Working Group report.

And thanks for all those who have shown interest in this discussion. The way it, seems like it's not the end yet.



The next item on our agenda is the GAC response to the Framework of Interpretation Working Group, also known as the FOIWG, to use a nice acronym.

We had a lead here, which is Norway. If you would be ready to give us a quick -- what was that? Give us a quick outline on where we are and a proposal on a way forward.

Thank you.

NORWAY:

Yes. Thank you, Chair.

I just also wanted to thank the secretariat for the briefing paper and pointing us to the right direction.

I just wanted to make a quick recap on what has happened in the Framework of Interpretation Working Group up to now.

The working group presented an interim report on consent, and the GAC responded on that in January of 2012. Also, they provided an interim report on significantly interested parties, and the GAC responded on the 22nd of June, 2012.

On the interim report on revocation from October 2013, the GAC has not made a final response on that. And also, then, the final report for the working group as such came in October 2014.

We also had a GAC-ccNSO telephone conference on the 22nd of January this year to discuss the matter. And that was just a quick recap.



My questions, and I think it's questions for discussions within the GAC, the GAC made comments on the two first interim reports, and they have been addressed, but I think maybe some of the comments from the GAC still apply. And I think maybe the U.S. that I think was a GAC liaison in that work might be able to respond to that request or at least have comments on that.

Also, I think the GAC has not made comments on the interim report on revocation as such. And I just wanted to point to some aspects in that report regarding to use or not to use the terminology of redelegation.

Also, the interpretation of substantial misbehavior, and the decision-making latitude for IANA to revoke. That might be problematic.

My questions and I think the questions for discussion within the GAC, the GAC made comments on the two first interim reports. They have been addressed, but I think maybe some of the comments from the GAC still apply. And I think maybe the U.S., that was, I think a GAC liaison in that work, might be able to -- that may be problematic. Also, there is comments on requirements for administrative contact to reside in the country or territory, which I think also might be in contradiction to the GAC's ccTLD principles.

So, basically, I think the GAC would have problems endorsing the final report as-is. And the ccNSO or the framework temptation working group is asking GAC for endorsement of the report, but I don't think we can endorse it as it is now. I think the comments made on the GAC list and also during the telephone conference I think several GAC members feel that at least the report must be amended to state that national legislation and agreements are authoritative with regard to



administration delegation and redelegation on the ccTLDs. They have comments in the final report on this. But I think many countries do not feel that it is clear enough in the report.

And I think also one amendment that possibly could be done is also to state that in the absence of national legislation and agreements to cover these -- well, to cover administration delegation and redelegation, the GAC ccTLD principles and the framework of interpretation could or should guide the IANA decisions.

So that is a possible way forward to ask the working group for making amendments. If this completely addresses all the GAC concerns, I'm not sure. But I think we should ask the GAC for views on that. One option, of course, could be to then welcome the work that the ccNSO has taken and the initiatives. We welcome -- we note and welcome the report as such but restate our opinion that national legislation, et cetera, has sort of a first priority as such. So that is something we can go forward with. And I think I would be interested to hear other GAC members' opinions on this.

And also what to do with the possible problems with the last interim report. Well, there is a final report on revocation, but there are some problematic areas in that report.

So that is something, some of the issues to be discussed. And I think I'll leave it -- the floor to you, Chair, for further discussions.

Thank you.



CHAIR SCHNEIDER:

Thank you, Norway, for this introduction to this issue. And I would follow your invitation to give the floor to other members of the GAC to express their views on the report and also on the ideas of a way -- on a way forward expressed by Norway as a lead.

So the floor is open.

I see U.K., Spain, Indonesia, the U.S., Switzerland, and La Francophonie. Okay. Australia, Denmark. All right. And African Union Commission. Let's stop here and see whether everything has been said or not after these few.

Okay. We start with the U.K. Thank you.

UNITED KINGDOM:

Thank you, Chair. A lot of requests. I think it's incumbent on us to be very brief.

I basically agree with the approach that Norway has proposed. I took part in the call, and I got a strong sense from the ccNSO side on the call with us that they were willing to accommodate our points and rearticulate the issue about the primacy of the GAC principles.

So hopefully they are following through. And when we meet with the ccNSO on Tuesday morning, maybe by that time we'll have sight of some revision. And perhaps on revocation, which is the scenario where IANA can actually -- the IANA operator can actually take action, perhaps they could review that for us, because the GAC hasn't really focused on that in the previous interactions with the working group.



So we need to have a clearer understanding of when would IANA feel it was incumbent for the security and stability of the system to intervene in such a way.

Thank you.

CHAIR SCHNEIDER: Thank you very much, U.K.

Next is Spain.

SPAIN: For the moment, it's just a question. Do we know if the report has been adopted by the ccNSO Council?

Or it remains as the report of the working group?

CHAIR SCHNEIDER: Okay. The U.S. seems to have the answer. Is that right?

UNITED STATES: Thank you, Mr. Chair. I think this was my take-away from the conference call that we recently had, that it was during the L.A. meeting that the ccNSO Council did adopt it on an interim basis. And I think their objective was to come to closure during this particular meeting here.

So I believe they are eager to put that project to bed.

CHAIR SCHNEIDER: Thank you for this clarification.



We have -- If I was able to read what I wrote here. Indonesia, I think.

INDONESIA:

Yes, thank you.

Mr. Chairman, I think in Indonesia we reached the preference of the domain names, and so on, internally in countries. And we are set up in country together with the government and multistakeholders in Indonesia. And I think that every country has a way to (indiscernible) their internal domain names and so on. Some might be more business and rather might be for business purposes; the other more for services for the publics and so on.

And at the moment we are not fully -- we are not ready to fully endorse the working group report. And we still at the moment follow what we have been doing until now where the government and the multistakeholders arranged internally in country as to how to arrange the top-level domain, the second-level domain, and so on. Thank you.

CHAIR SCHNEIDER:

Thank you very much, Indonesia. The next is the U.S.

UNITED STATES:

Thank you, Chair. Happy to just chime in in view of the lengthy -- the long list of interested colleagues who wish to comment. I will keep -- try to be as brief as possible.

Norway opened the door for a little bit of an historical overview. And, of course, the ACIG brief was extremely helpful. We have as GAC



submitted comments on the chapters on consent. And significantly interested parties and certainly vis-a-vis significantly interested parties, I think our comments reinforced the shared GAC approach that governments need to be considered certainly as significantly interested parties. And that many, many governments do have national laws and regulations and policies that apply and must be taken into account.

I think we, too, in the United States share the hesitation that has been expressed by colleagues already with regard to the chapter on revocation. It certainly did seem to suggest to us that there was a bit of subjective decision making that the ccNSOs were somehow willing to afford the IANA functions operator. I think the phone call that we recently had did help clarify, I think, for us at least that for the ccNSO the actual application of that chapter, they would expect to be in only very limited, very infrequent, very narrow circumstances. So I think that was extremely helpful to have the phone call. And we've had some follow-up guidance, I think, from one of their members that was equally helpful.

What I think I'd like to endorse is what I thought I heard Norway say as a rather elegant solution that we would think is useful for us to consider is to have the GAC reach agreement on a statement of mutual recognition, if you will, so that we can have a way for the GAC and the ccNSO to jointly but sort of in their separate capacities to move forward on this so that we can take into account the fact that the ccNSO council and its membership wish to actually approve this document in final form and accept it.



Whereas, on the GAC side, we do not have to put ourselves in a position of endorsing, per se, perhaps or approving but to actually recognize that the ccNSO framework of interpretation working group has undertaken a considerable effort over several years now to re-examine RFC1591 and to interpret it in such way that they're making it current. So let's not forget when 1591 was actually issued. It was quite some time ago. So, rather than propose to revise 1591, I think we could acknowledge that the ccNSO, in fact, chose to interpret it to bring it up to date. And I think what the GAC could do then as a compliment is to say, you know, we take note of your efforts. And we appreciate that you have focused on RFC1591. For our part we are going to reinforce our support for the GAC principles. And, although we all know that one size does not fit all, not every country in the room has a law on the books. Not every country in the room has direct management oversight of their ccTLD. So there are a lot of different models that we would want our approach to sort of acknowledge but that we're basically having a regime of mutual recognition. What Norway offered, if I understood it properly, is a very elegant solution that we could consider for this meeting. Thank you.

CHAIR SCHNEIDER: Thank you very much, U.S. Switzerland.

SWITZERLAND: Sorry. Thank you, Mr. Chair. I will talk in French.



UNKNOWN SPEAKER:

I think that we should not abide by this report because several issues have been raised. Our impression is that it's not just a framework of interpretation, but the framework of interpretation is taken so as to put one against the stake of principles. Because the interpretation we have to remember that this interpretation goes back to the Tunis statement about the sovereignty of the states regarding ccTLDs and also the principles of the IANA contract at stake. So we are questioning once again the principles that already exist regarding the framework of interpretation. From this point of view, this is not acceptable.

Secondly, I would like to say that, with respect to the Norwegian proposal, that proposal, I think, is to be welcomed and provides an elegant solution to the problem. But I think that we should not stick to the vague solution. We have to think about the absence of legislation. And I highlight this issue because most countries do not have any legal framework for ccTLDs in general.

And, with respect to these countries, we should facilitate the issue. We should first point out in their report and consider the national framework that one -- there's no national framework which specifies the principles. And these principles should not violate the country to national legislation.

CHAIR SCHNEIDER:

Thank you very much, Francophonie. Now Australia has the floor.

AUSTRALIA:

And thanks to all those who have spoken before. You would probably be surprised that I agree with much of what has been said. Australia,



too, has concerns about endorsing this report, which may not have been said explicitly here. But I agree with U.S. the FOI working group has done a lot of good work. Unfortunately, what they're starting with is an RFC that is quite old that was written in a way that did not recognize any special or alternate role for governments. So it's unsurprising that their interpretation of it hasn't magically achieved that.

The other thing that is -- was news to me until quite recently was that the GAC principles also don't have universal applicability.

The GAC principle 1.3 says that the principles only apply if the relevant ccTLD agrees that they apply.

So the net effect of these two things, if we accept that these are, effectively, the policy -- the existing policy framework, is that, unless the ccTLD agrees that the GAC principles apply to them or consents to a revocation, unless they substantially misbehave in IANA's eyes, nothing can happen, arguably.

The potential gray area in this is whether these two existing policies entirely cover the field or are seen to entirely cover the field or whether there is gray area existing in that just because there isn't a policy that says that if a government has a national legislation or a policy that X happens, that that will be actively precluded from happening.

If the Australian government, which actually does have legislation in this space, writes to the IANA operator about a revocation, what will the IANA operator do? They'll say that's not covered by the RFC. And the ccTLD in question hasn't said the principles apply. Therefore, we'll do



nothing? Or do they say, well, there's national legislation and it's reasonably clear that should apply, therefore, I will act?

The question I think is this gray area and how we can deal with it. So I'm quite attracted to the proposals from Norway and as supported by the U.S. that we try to find some elegant formulation that acknowledges or whatever word we can come up with the RFC, which in some respects does some useful things. It does provide some framework around what the IANA operator can do off its own initiative. None of us, I think, would be comfortable if the IANA operator ran around revoking our ccTLDs if we weren't comfortable with that. And I think the RFC potentially does narrow the scope for an IANA operator to do that. So we shouldn't necessarily entirely throw it away.

But, if we can find a formulation that acknowledges it, mentions the GAC principles, and then still carves out space for governments in an appropriate form to be able to be active in this space, I think that may be a way forward. Potentially -- there may still be some angles that we need to look at, but it would need to be well-crafted. I don't think even if we agree that this is the way forward is it going to be very simple.

CHAIR SCHNEIDER:

Thank you very much, Australia. So we have a few more speakers. There seems to be a consensus about what is problematic in the report so far. And we would now have to try and get to an agreement on how to formulate something that reflects concerns but also aspects of the report that are actually seen as positive by the GAC.

So next in line I have Denmark and then African Union Commission.



DENMARK:

Thank you, Mr. Chairman.

I think that it was put rightly from the Australian side that we have here the old rules. And those rules were developed in the previous millennium. And they're not fitted for this millennium. Whether it will be possible to interpret it in the way that at least certain countries today are -- would like to see, that is a matter to be discussed with the GNSO. As I understood, the working group did not have a mandate to propose or to amend the underlying rules. What we see is that there's a need for changing the underlying rules because they will, after all, still be applicable for the IANA function, no matter how we try to interpretate it. I think the interpretation is kind of helpful. We are not ready to endorse them. We're not ready to acknowledge them. They are there, and we cannot be part of it. If they are changed and they clearly recognize that where there is national legislation only national legislation applies with delegation. We must admit that on revocation there might be certain circumstances where there's a need for a revocation if there's harm to the network or problems with security or other things, but only after a national consultation. If it's possible to have changes for the GNSO, we will, of course, look positive on that. If not, then perhaps the way only to note it and then clearly state -- at least from our side we will wish to state that there's a need to revise the underlying rules and we think, if not before, then, of course, the IANA transition make it even more important that we look at that aspect. Thank you.



CHAIR SCHNEIDER:

Thank you very much, Denmark. Just to raise the attention that we will have a session with the ccNSO on Tuesday, if I'm not mistaken, from 11:00 to 12:00 where we have the chance to -- before we draft the communique to exchange with them on possible ways of amendments and other issues that you raise.

Next in line is African Commission, then Netherlands, and then Iran.

AFRICAN UNION COMMISSION: Thank you, Chair. The African Union Commission welcomes the framework of interpretation report and we thank specifically the ccNSO for all the work that has gone to this.

We also acknowledge the fact that they're in a rush to close on this work. However, we are very hesitant to -- and I agree with colleagues. We're very hesitant to endorse the report as it is at the moment and agree with our colleagues from Francophonie, especially regarding the important -- that the report must acknowledge the important roles that governments play and that they are significantly interested parties whether or not there's legislation that exists at the national level. And we are significant interested parties in the revocation -- the challenging area of revocation as well, so I think that needs to be taken into consideration.

We agree with Norway's proposals regarding the way forward, and we look forward to further discussions with the ccNSO on Tuesday. Thank you.



CHAIR SCHNEIDER: Thank you, African Union Commission. Then Netherlands.

NETHERLANDS: Yes. Thank you, Chair.

I think much has been said. I have two remarks. I think first I think endorsing a document from another community which is interpreting amongst others GAC principles is something which I think in principle is impossible to endorse. Because then we let somebody else make an interpretation of our own principles. So it's not that we don't want to endorse. I think it's something which we cannot do.

The second point is that, while we cannot endorse it, I think what Norway said is still something which we should strive to is to change the wording possibly, which is much more -- which we are much more comfortable with.

Because I think, just as Australia said, the IANA function in this moment -- and they have always told us in many occasions we will always respect national law, court order, et cetera. But, then again, it's not put down somewhere.

If this practice is somehow also reflected in the end report, that would also make it much more acceptable for us. And then we can try to use very positive wording, as U.S. said, recognize, welcome, et cetera. Thank you.

CHAIR SCHNEIDER: Thank you very much, Netherlands. Iran is next.



IRAN:

Thank you, Mr. Chairman. I think that even if -- even if we did not have any comment, we could not endorse interpretation of anything. Because interpretation is the view of an entity or understanding. So we never endorse interpretations. Number one. Number two: The endorsement is a very strong word. It's much more stronger than approval. Therefore, we should avoid that. What we could do as introductory part of our comment would be noting the report and mentioning our points. Where are our points? Four areas. Sovereign right of governments, national legislations, RFC1591, GAC principles, and going to gray area.

So we should say at least we should -- sorry. We should avoid not to make reference to RFC1591. We should say that not with -- provision referred to in RFC1591 relating to delegation, redelegation of ccTLD. Then we should say GAC should wish to state or confirm or recognize the sovereign rights of the governments with respect to the management of the ccTLD, reference to the national legislation if it exists. And then in the area that where we have to refer to the GAC principle if you have difficulty. So we have to work it out. There has been extensive exchange of e-mails with colleagues on this issue and all other things has been mentioned. And we have also added that to some extent this issue was also referred to the resolution 102 of the plenipotentiary conference of ITU in Busan 2014. Thank you.

CHAIR SCHNEIDER:

Thank you very much, Iran. United Kingdom.



UNITED KINGDOM: Yeah. Sorry, chair. Sorry to come back in. Just two very brief points. Interpretation, I think it was a very inadequate title here of this report. I think we must be mindful that this is an important objective being captured here by this working group to update and provide greater clarity. And it intersects with the interests of governments as significantly interested parties. So we must, I think, take full regard of the import of this document.

My second point is it covers revocation, which is not actually covered in the GAC principles. So we're going into another area here. And so it adds to sort of the complexity, if you like. But revocation is not covered in the principles. So we should be very cognizant of that. Thank you.

CHAIR SCHNEIDER: Thank you very much, U.K.

We have the leads of Norway, and we have heard several expressions of support for going -- for the proposal of Norway to go ahead. May I ask, therefore, Norway to start formulating a text on the advice for the communique? And that will be part of the first version of a draft which will be shared with the GAC before the meeting with the ccNSO. Yes, Norway.

NORWAY: Yes, Chair. Thanks to all for the comments. We'll go ahead and do that. I think we might be in the position of not requesting to have the reports amended but it might be enough to welcome the report or not the

report and then state our support for the GAC principles, et cetera. So we will try to provide a text and maybe discuss with other delegations that have made comments here for sort of try to get a good text for this and see if it flies or not. So we'll try to do that. Thanks.

CHAIR SCHNEIDER:

Thank you very much. Any further comments? Questions? Remarks? On this issue? I don't see any.

That will bring us to the end of today's agenda, apart from another point which has no number which is meeting with the ALAC from 6:15 to 7:00, actually with part of the ALAC, some representatives of the ALAC including its chair, smaller group with interested representatives of the GAC.

So this is an optional meeting for those who are interested to stay. Those who have other obligations will be informed at the later stage about the discussion, of course. And that will take place in this room in the GAC room at 6:15. And so that means that we would have -- those who stay we would have another break and the other ones would be free for tonight, but not free from continuing to think about how to get consensus over the first three items while we know that we are not fully there yet, of course. Thank you very much.

HENRI KASSEN:

I'm Henri Kassen. I misread the schedule, so I came a little late. I'm from Namibia. For the African delegates mainly, we have a briefing, sort of a consultation meeting with the EU delegates also now from 6:00 in the Morrison room for the African delegates. Thank you very much.



[END OF TRANSCRIPTION]

