
SINGAPORE – GAC AM Sessions
Tuesday, February 10, 2015 – 09:00 to 12:00
ICANN – Singapore, Singapore

CHAIR SCHNEIDER: Please take your seats. We are beginning.

Good morning, everybody. Welcome back. I hope you had an interactive GAC-free day and have been talking to a lot of other people learning what the rest of the community is saying and thinking. Now we are back in this group, of course.

We have -- We try and go through on a very general level, not in the details, on where we are with what we have for the communique. This is rather new that we try to do this at this stage. Again, we see how this goes and we may adopt this in the coming meeting based on the experience that we're gathering with this, trying to start the work on the communique earlier.

I will stop here and hand over the floor to Tom.

Thank you, Tom.

TOM DALE: Thank you, Thomas.

Good morning, everybody. Welcome to Tuesday in the GAC.

I circulated a first draft of the GAC communique last night via email, and Julie is handing out a hard copy at the moment.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

As Thomas has said, this is not a drafting session. This is simply an early indication of the main -- suggested main headings of the communique, some possible text. There's an awful lot still to happen.

And the purpose of the session is simply to try to get some very quick feedback from you with regard to the headings and your suggestions as to where some further text might come from.

Obviously there are a number of quite important sessions to be held today and tomorrow morning, and they will have to be reflected as the GAC works through them. But this is simply an initial effort.

Just let me quickly explain to you the structure of the document as it currently stands.

The introduction is the normal GAC preamble concerning the meeting and new members. The items listed under interconstituency activities and community engagement, and that term is a new one in the communique.

Hmm?

CHAIR SCHNEIDER: Not everybody has the document yes.

TOM DALE: Sorry. Julie is still working on the hard copy, but if I could ask you to look at the document that I sent to you last night, please, on the screen, that might help. Thank you.



The intention is to provide some more details on the meeting with the Board after we do meet with the Board, but of course that will not be until first thing Wednesday morning.

In relation to the GAC-GNSO Consultation Group, there is some wording there concerning the decision the GAC reached on the quick-look committee. You will recall that. That was discussed on Sunday. There is some wording there that is prepared by the secretariat.

In relation to the meeting with the ccNSO, that has not yet happened. That will happen later this morning, but the text simply tries to anticipate the main issues covered, that will be covered in the meeting with the ccNSO. So there's nothing of substance there yet.

There is a short paragraph concerning the meeting with the ALAC leadership group that you will recall was open to all GAC members on Sunday. There is some reference to internal matters concerning new members and the operating principles at the moment is just a heading, because the GAC will be discussing that again tomorrow, so there is no text on that.

There is some wording that I don't think there's time to discuss in detail this morning, but that's up to you and the chair, of course, concerning IANA stewardship transition and ICANN accountability. That's a very first effort by the secretariat and some of the vice chairs to prepare some text, but that's a very early draft.

GAC advice to the Board. We're awaiting some text on safeguards advice, and I believe the U.S. and the European Commission are leading the charge on drafting something for that before tomorrow.

There is some wording to reflect what the GAC discussed on protection of IGOs names and acronyms and also the Red Cross and Red Crescent names and acronyms.

There is some text there, which was submitted by Norway as requested by the Chair on Sunday, concerning the Framework of Interpretation Working Group.

Other headings are essentially awaiting GAC meetings and further discussion. So accountability and transparency, we're waiting for something to be drafted. GAC participation in the NomCom will be discussed today. Protection of geographic names in future rounds will be looked at in the workshop tomorrow. WHOIS will be discussed today. Two-character names and country names will be discussed today is as will international law and human rights.

So those are the headings and a very brief explanation of where the text comes from. I'd be very open to, obviously, not just here but at any other time today, or, indeed, into the night, with suggestions GAC may have concerning the structure of the communique as well as any text that the chair has asked people to prepare.

Thank you, Thomas.

CHAIR SCHNEIDER:

Thank you, Tom. Any questions or comments so far?

Thank you. Indonesia and then Norway, and Egypt.



INDONESIA:

Thank you, Tom.

After what you so-called interaction between GAC and other people yesterday, I don't think it is a GAC-free day. It is a GAC busy working day.

There are several group says that ICANN and ITU have already discussed many things. Some are in agreement, and some are still to be worked out and so on.

Now since many of the GAC members here also sitting in the ITU Council or representing their country in the ITU, will be possible for the GAC to arrange some sort of -- I don't know, half an hour briefing about what has been discussed between ICANN and ITU?

We will have ITU Council meeting next May, and many of us will have to prepare some sort of ITU -- contributions to the ITU. Now, we are also - in the GAC we are also ITU Council, so I think if you can arrange that half an hour briefing or one hour, might be useful for all of us.

Thank you.

CHAIR SCHNEIDER:

Thank you very much, Indonesia.

Actually, this is an interesting idea because, you're right, there are a growing number, I would say, of people who follow, actually, both.

The challenge is just we already have too much on the plate and will be difficult to allocate a time. But let's have a look at it at the lunchtime meeting of the leadership team, and then we see what we can do.



Thank you very much.

Norway.

NORWAY:

Thank you, and good morning.

I just wanted to make a comment on the transition of the U.S. stewardship of IANA. It goes more to the process.

I had a conversation with Lise, and just to make clear -- make sure that the process is very clear, we have 21 days in the comment period. Then it goes back to the CWG after these public comments are received, and then it goes out again to the chartering organization for another 21 days. And that is just -- it doesn't really help the process in the GAC as such because all of this is before the physical face-to-face meeting we have in Buenos Aires. So we still don't have, you know, the meeting we need to get to consensus and so on.

So I don't think it really changes the text. I just wanted to point to that so it's clear for the whole of the GAC that it's two period of 21 days, and that we don't refer to only the 21 days of public comments. But we can work on the text. We will provide you an alternative. Just so all of the GAC knows it's two periods, 21 days.

Thank you.

CHAIR SCHNEIDER:

Thank you very much. We could see whether we could all go on holiday together for three weeks with our families and spend every morning on



the IANA transition. Maybe that is an option, to make a trip around the world.

No, but thank you very much for this. That clarifies the situation. And, yeah.

Yeah, Tom.

TOM DALE:

Thank you, Thomas. Just to respond to Elise's comment. The GAC did ask the secretariat early this week, last week, whenever we met. I'm sorry; the days I'm blurring. The GAC did ask the secretariat to prepare a GAC-specific timeline to help explain those different periods for both the stewardship transition and the accountability work, and we are preparing that, and to try to factor in some particular opportunities for the GAC within the big time frame -- that is, as set by the working groups, and Elise quite rightly reminds us there are those two comment periods, one for the proposal and one as a chartering organization, which is the GAC is.

So the timetable -- sorry, the timeline to assist the GAC with some suggestions about deadlines is being prepared as was requested.

Thank you.

CHAIR SCHNEIDER:

Thank you very much. We have Egypt next, please.



EGYPT: Thank you, Thomas. And thank you, Tom, for the text. Just I note this is not a drafting session, so I'll be providing fine-tuning for the text later regarding the GAC-GNSO consultation group. Just to highlight I'll try to add a sentence stating also that this would be highlighting whether there is an existing GAC advice on the topic that's being discussed. So if this is okay in principle, I'll be sending the text shortly.

Thank you.

CHAIR SCHNEIDER: Thank you very much. Yes, I think that should be no problem.

Then we have Russia. Thank you.

RUSSIA: I need to make a statement. Please be prepared, because I will speak in Russian.

We would like to make a statement and highlight a recent decision made by a U.S.-based registrar.

There was a notification for registrants located in a certain geographical area, in a certain geographical region about termination of the accounts, cancellation of the domains, and revocation of their domain names as of January 31, 2015.

This registrant offered the explanation of trade restrictions that prevent the U.S. companies from conducting business with companies and individuals located in the Crimea.



I would also like to point out that Russia has always opposed any sanction instruments used in the area of information and communication technologies; in particular, in what refers to the Internet. Similar sanctions, especially when they are imposed on Internet users should be considered a restriction of universal human rights to receive information and ideas regardless of any frontiers. And this is in violation of the article 19 of the Universal Declaration of Human Rights, and also a violation of the principles and the spirit of WSIS, the World Summit on the Information Society, in connection with the use of ICT. Also a violation of the Tunis Agenda for the Information Society.

We would like to note that this incident highlights the entire Internet governance situation with a particular government using unilateral measures to discriminate against Internet users in a particular geographic region. That same government has the opportunity to control domain names -- the domain name system worldwide.

These unilateral restrictions undermine the universal accepted multistakeholder-based principles and values; the trust, and the open, and the interconnected cyberspace, and is discrediting the evolution of effective Internet governance mechanisms, creating a serious threat of its fragmentation.

The Russian Federation proposes that all stakeholders and all countries refrain from any attempts to use blocking of the Internet, including the blocking of domain names, with political motivation and make every possible efforts to protect the Internet users' rights.



This problem, in my opinion, highlights a potential for further difficulties and complications. One thing we need to understand at this point is whether the multistakeholder model will demonstrate itself as a viable model capable of protecting the values that we are proclaiming.

Secondly, we note the vacuum that exists in the Internet governance area, because we believe that this topic is of particular importance. We would very much like to see it reflected in the GAC communique.

CHAIR SCHNEIDER:

Thank you very much, Russia. We have taken note of your statement.

Other comments?

Peru.

PERU:

I don't -- I'm not going to comment Russia's statement. I wanted to comment Indonesia's comment on ITU.

I am also interested on that briefing. So if we are not going to have the time for that, perhaps the secretariat could -- could handle some information through emails. But obviously we need that information to prepare the position of our countries for the ITU meeting.

Thank you.

CHAIR SCHNEIDER:

Thank you, Peru. We have taken note.

Indonesia.



INDONESIA:

Thank you, Mr. Chairman.

Yesterday I talk with some CCWG members, and so on, who did, actually, follow some of the ITU- ICANN discussions, and he mentioned that it has been reported through the -- to the Board, and perhaps also the GAC chairman got a copy of that. The problem is that in the monthly report, and so on, the discussion on ITU-ICANN discussion was described there, but not in one -- in one report, but in many monthly reports.

So I think it will be useful if either the secretariat of the GAC can prepare some sort of briefing, as I was mentioned, and another thing is that all those point that was discussed within ICANN and ITU can be put in some sort of a separate report.

And, secondly, about the Russian points. I think what our colleague from Russia mentioned shows the importance of the discussion that we have -- I forget, Saturday or Sunday, but it was about the jurisdictions of the ICANN, IANA, and the legal body that will look after ICANN and will replace NTIA in this case.

It is in this context that the legal system and jurisdiction problem will show its importance, if we have a problem -- in the case we have a problem like this.

Thank you very much.



CHAIR SCHNEIDER: Thank you very much, Indonesia. And we have noted your proposals about providing for papers that may help delegations coordinate on issues that are relevant between ITU and ICANN.

We have one more, in case there is one. Time for one more comment.

Yes --

COLOMBIA: Colombia.

CHAIR SCHNEIDER: Yes, Colombia.

COLOMBIA: Following the Indonesia subject related to Internet governance, yesterday in the meeting, the group said that its constituency includes to have members of another supporting organizations. And for them it's very important to have at least two GAC members following the Coordination Group for Internet governance. And as Indonesia and Peru said, it's a very important thing that is being discussed in different meetings around the world, and it's extremely important that the governments are very well informed and participate in a proper way. Then I suggest to the GAC board to consider to find some people to accompany that work in the CCWG IF.

Thank you.



CHAIR SCHNEIDER:

Thank you very much, Colombia. This is actually a good point because we have just recently received an invitation of that Cross-Community Working Group on Internet governance, and because that is a broader range than just ICANN issues. So we think maybe using this for helping people to provide broader pictures.

So thank you for this information.

So, in case there's no other requests for the floor, I would then go to the next agenda item, which is the country names at the second level.

We have a lead. That is Spain. So I would like to give you the floor, Gema, to make a short presentation. Thank you.

SPAIN:

Good morning, everyone. Thank you, Thomas.

I have some slides to introduce the subject. I don't know if the secretariat can upload them.

Okay. Well, just as a background information, I recall that in GAC principles for the new gTLDs there are some provisions for the protection of names with national or geographic significance at the second level. Also the applicant guidebook contains provisions so that registry operators adopt measures to reserve country and territory names at the second level and also contains what at the time was the draft proposal for this because specification 5 of the registry agreement.

And the registry agreement for the new gTLDs which were passed in 2013 contains a clause, which is clause 2.6, and then an annex, the specification 5 on reserved names.



As regards country and territory names, specification 5 establishes the types of country and territory names which should be reserved at the second level. They are at the second and all levels, as it says.

The names are the short form in English of all country and territory names contained on the ISO3166 list as updated from time to time including European Union, then a list of names of countries of the world according to the technical reference manual for the standardization of geographical names of the United Nations, and then the list of United Nations members states in six official United Nations languages. It means that only country names are protected by these provisions. Names of other territories, subregions within countries are not protected.

Then specification 5 goes on to say that these names can only be released to the extent that registry operators reach agreement with the applicable government. But it also provides that registry operator may propose the release of these reservations subject to review by ICANN's Governmental Advisory Committee and approval by ICANN.

So what do the registries want? They would like to use the second procedure that is envisaged in a specification 5. That is, they would like to have a procedure approved by ICANN by which they don't need to ask permission of each and every government to use the country name in question.

How many requests have been received so far? It's mostly names of companies, brand names and names that belong to registries that have specification 13 in their registry agreement.



When a registry agreement contains this annex, specification 13, that means that the registry is allowed to use exclusive use of that TLD as allowed and is obliged to use in exclusive way in the sense that they can only use the name for the purpose of the company.

So it cannot be opened to everyone for registering names and adding on those names. So the names so far is BMW, Mini, NeuStar, Daf (phonetic), Twi, Spiegel, Allfinanz, and FLS Schmitz, Berlin, Hamburg, Epson, ACSA (phonetic) and ALDA.

Majority of them brand TLDs. They have the specification 13 in their registry agreement with the exception of Berlin and Hamburg because they are geographic and community names.

And Allfinanz -- apparently, it is a brand name but has not specification 13 on its registry agreement yet.

All these reports are on hold because the GAC requested a stay in the procedure for releasing the use of country names until we had the opportunity to discuss this issue at this meeting in Singapore.

What has the GAC said before as regards this issue? The only reference I could find is the communique of the Singapore meeting here in March 2014 where the GAC had an exchange with the Brand Registry Group, a group that gathers registries that want to make use of their brand names. And the GAC at the time said that we didn't have major concerns about brand owners seeking approval for such names and, though this approval should be done directly with the countries concerned rather than through a GAC level of operation or process.



There was a suggestion included in the communique that consideration be given to establishing a registry -- register of countries that do not require individual requests to be made.

To summarize more or less the reasons why there is disagreement on this issue, I think is that some countries think that that reservation should stay to preserve the national geographic significance of the country name for various several reasons preventing abuse, cybersquatting and speculation with the name, avoiding confusion with country-related content and. because unlike dot com, dot net, org, and many other existing TLDs, many gTLDs are sector related and consumer may try to find reliable neutral information about that sector in the country designated if they go to a Web site and say the name of a country dot the TLD.

Other countries think that there shouldn't be a reservation because country names are not excluded from their registration as trademarks in international law, that there may be companies or trademarks associated with the name of the country and that the registration of current country names in existing TLDs is current practice.

So there may be several alternatives to issue advice on this point. I will set out some of them. One of them would be to release the use of country and territory names if the relevant government has not opposed after a long enough period of comment afforded by ICANN and the GAC has previously been advised of the requests and the comment period.



In the case that the government files an objection to the use of the country name at the second level, ICANN could not authorize the release of that name.

What can we do with the names of countries that are not part of the GAC when the comment period starts?

They could be banned from registration, their reservation should stay if, after the comment period has ended, no comment has been received from that country.

Second alternative: It is requiring that in all instances, whichever type the TLDs -- brand, TLDs, community, generic -- the relevant government has to agree with the use of the country name.

A way of facilitating this wish could be to establish a register of countries of distinct economies that do not require individual requests to be made, and that list could be maintained by the GAC secretariat.

And another solution could be combining the previous solution with the release of the use of country and territory names in brand gTLDs. Because they are supposed to be used exclusively by the company.

So first solution that I put forward is very similar to the one that is currently in place for the use of two letter names, although it has some nuances, the names of countries that are not part of the GAC remain reserved if there is no comment after the public comment period.

Another nuisance is that we request that the comment period is longer than 30 days. That is currently the -- its duration. And that, if the government makes an objection, that objection is respected.

The second solution is the opposite one. It's maintaining the reservation as it is now and as it is envisaged in a specification 5, as I have read it before.

And the third one it's a combination of the two of them for brand gTLDs.

So maybe there are other solutions. These is the ones that I thought of.

And now you can discuss the issue. Thank you.

CHAIR SCHNEIDER:

Thank you very much. We apologize for the problem with the screens, so it was not really visible very well. But Tom is sending you the presentation on your email so that you have it in your mailbox in a few seconds.

Thank you, Spain.

Your comments and questions, please.

Peru.

PERU:

I think you've done a wonderful job as usual. Spain has done a wonderful job. But I wanted to propose another method of reaching the countries that could be needed to be reached. No? They're not represented in the GAC.



Normally, when you have an embassy, resident embassy in your country, you go to the United Nations mission. You go to your United Nations mission.

So why can't we include that possibility? If there is a country Namibia or whatever country that is mentioned that is not a part of the GAC, the GAC could make sure -- or the ICANN could make sure that a communication -- a proper communication is sent to the mission of that country in United Nations.

Thank you.

CHAIR SCHNEIDER:

Thank you, Peru, for this proposal. I have Argentina.

ARGENTINA:

Thank you, Gema, for a great job.

Adding to the comment made by our colleague from Peru, I think that the first proposal is -- I think it is very good. But some kind of outreach also for countries that are in the GAC but not so active. Maybe ICANN and the GAC could implement -- could implement some kind of reinforcing of the communication of the comment period just to be sure that the involved governments are aware of this request by their registries.

Thank you.



CHAIR SCHNEIDER: Thank you, Argentina. Next I have Italy, China, U.S.A., and Spain. Italy. Please.

ITALY: Thank you, Chair. We support the idea to create a register of countries that do not require an individual request to be made. So our favorite option would be the first one.

Italy would like to be asked for a formal consentment every time a registry submits a request for the release of our country code at the second level.

Italy rejects any automatic process of delegation of our country code. In any case, silence will not mean consentment. Thank you

CHAIR SCHNEIDER: Thank you very much. We -- we need to be aware that there are two issues. One is the issue of the country name, which is what we're discussing now. And we will have -- we know that the country code is an issue that we will need to somehow deal with. We tried to use -- because we didn't have a slot for that. But the feedback to the letter that I sent on behalf of the GAC necessitates that we spend a little time to clarify in the GAC our views on the country codes. We'll try to do this at the end of the session using maybe the last 10 minutes and see where we are. So we take note of your statement.

But I do understand that this is not on the name. It's on the code, on the country code



ITALY: It's same for the country names. Okay.

CHAIR SCHNEIDER: Okay. Thank you for this clarification. Next is China.

CHINA: Thank you, Chair.

And a very appreciated the report of the vice chair. And, in relation to the registration of two-character codes at the second level domain name, we think that the use of the two correctors of country or territory names in that second level domain name is a very sensitive issue and should be dealt with very cautiously.

And, firstly, I think the major principle is that the open -- or the open all this kind of two-character codes should -- in the registration should be used only after the approval of the relevant government. So we also echo the comments made by the Italian representative. We also have some concern on the automatic process. I think that approval from government should be a condition for the use.

And second we like to echo the comments made by previous speakers about the importance of the communication mechanism that we think that we should ensure that all these requests should be conveyed to the -- or submitted to the relevant government or the relevant country or territories so that to enable them to approve or raise concerns in a timely manner. And we also think that the request should not be -- should not be only be infirmed to the GAC as a whole, but it should be --



go to the individual countries, the government or individual countries that is concerned in the registration. Thank you.

CHAIR SCHNEIDER: Thank you very much, China. I have the United States.

UNITED STATES: Thank you, Chair. And thank you, again, to Gema for a very helpful overview of the situation.

I believe, as the United States clarified during the Los Angeles meeting, we are one of the countries in the GAC who do not require prior approval of the use of either the two-letter code, US, or the country name.

And we don't have the wherewithal to undertake that kind of prior approval, and we do not require it. We know that United States, America, US, are in use quite extensively right now today.

So, as a question for clarification, I would certainly be in a position to concur with the idea of a repository identifying those countries such as the United States who do not require prior approval because I do think one of our goals with our advice and our guidance to the community is to provide some certainty and predictability and clarity to the new gTLD applicants. I think they do need to understand which country might have a concern, which country might require approval, and which ones do not. I do think we need to be completely clear in that regard. I think it's unfortunate that in our GAC GNSO exchange we couldn't have taken a little bit of time perhaps to have entertained questions from the

registries as to the GAC letter that was sent last month representing the views of some GAC members. So I do think it's important to be clear that there is no consensus in the GAC room, per se, on the restriction of the use of either two-letter codes or country names, which I think is fine. But then it suggests to me so, if we have a repository of those countries who do not require approval, would it be the intention -- I couldn't get the sense, Gema, from your overview of options -- would it be the intention of those who do to offer a very specific timeline, a very specific point of contact in the government to whom the registries could appeal to get a decision?

Because my impression at the moment, and it could be just an impression, is that the situation is rather cloudy. And if I were a registry operator, I would like as much clarity as I could possibly have. If you do require prior approval, please tell me to whom I need to submit this request. So I do believe we need to be careful with whatever language we put in the GAC communique because there is not a shared agreement as to what requirements we should be imposing.

I fully respect that those who would like to require prior approval, you should, of course, be able to do so. I just think the greatest clarity we could probably offer would be optimal.

Thank you.

CHAIR SCHNEIDER:

Thank you very much, U.S. And, in fact, clarity is what is needed here because we have no -- we have no time and others have no time and



resources for confusion. So we try and get as clear an idea among us and then communicate whatever comes out as clearly as possible.

Thank you for this.

Spain, would you like to react to the question of the U.S.?

SPAIN:

Thank you. Thank you very much.

We have not entertained the idea of timelines, point of contacts and all of that, but we can, of course, think about it. And it's very timely, indeed.

In the Singapore communique last year, we also said that individual GAC members can assist with proposals relevant to their particular country if requested. So we could build on this. We could tell the GNSO that they can contact individual GAC members as a way of finding the competent authority in each country to request that permission.

As to the timeline, we can also discuss what is an appropriate timeline for the country to issue the permission or refuse to give the permission.

And as to recourse mechanisms, I think you mentioned that. They should use the recourse mechanisms established under national law. I think government decisions can be challenged in all countries under their jurisdiction, so they could make use of those recourse mechanisms if they don't agree with the government's decision.

Thank you.



CHAIR SCHNEIDER: Thank you very much.

I have Spain next, and then Austria, The Netherlands, and Denmark, and France, and AUC.

SPAIN: Thank you, Chair. I shall be very brief. I just want to say we're happy some countries do not require prior approval, but we actually -- not surprised, we wish to (indiscernible) the rights (indiscernible) in the new gTLD agreement. So our first option would be to set up this kind of list of registry, whatever, of countries that are to be consulted to for prior approval to the delegation of the country name in the second-level domain.

So as a second option, the public comment period would also probably work for us, given that a sufficient period for comment is allowed. Maybe, I don't know, a couple of months, three months.

So main point being that in any case, ICANN should respect the final decision made by each country.

Of course I fully concur with my colleague from the U.S. that this should be done in any way that allows registries to have a clear view on procedures and on points of contact, whatever that allows them to comply with this -- with this position.

Thank you.

CHAIR SCHNEIDER: Thank you, Spain.

Austria.

AUSTRIA:

Thank you, Chair. I fully agree with that what Suzanne from the U.S. said. I think there is only one deciding factor whether or not a country name might be used at the second level. That's the domestic legislation that's the constitution of the country. It's not up to ICANN nor to the GAC nor to any other external force or power to decide about that. Well, of course, it can be challenged on the basis of national legislation and jurisdiction, but only domestic.

So, therefore, for Austria, it's very clear it is reserved, and it will not be open. But there might be countries that waive the right to agree to give their consent. Then nothing speaks against a list containing those countries who do not require consent. It would be good for the registries just to have -- to have clarity.

But basically, basically it only should be up to the respective authorities within the domestic -- within the applicable countries to give the consent.

When the consent is given, then it should be without any delay, it would be possible to delegate that second-level domain. I say that because we had the case in Austria, there is a famous soccer time in Austria which is called Austria.wien. And of course under the top-level domain, we wanted to delegate Austria.wien. And I gave, on behalf of the government, the consent, and even then it took a very long time until ICANN agreed, because there are no rules. They were not quite secure if the consent is sufficient or not.



So I think we should state it's only -- really only the matter of the domestic -- constitution of the domestic legislation, and there is the possibility that one country explicitly waives the right to give a consent, and that's it.

Thank you.

CHAIR SCHNEIDER:

Thank you very much, Austria, and for this interesting -- interesting case.

Our time is limited, so I would urge everybody to, if possible, not repeat positions that have already been made but align yourself to others, because we will have to, in addition to hearing your positions, trying to get a sense to what the advice will be.

So I go through the list. Netherlands, Denmark, France, African Union Commission, and Egypt.

Netherlands, please.

And U.K.

NETHERLANDS:

Yes. Thank you, Thomas. Thank you, Chair. And thank you, Gema. I think this is excellent work in preparing this. It's very comprehensive, giving a good, let's say, outline of the whole complexity of this.

I have only three things. First of all, I want to echo the U.S. that we don't see any reason to, let's say, extend what is current practice of using country names in probably over more than 200 current TLD ccTLD.



So I don't see any need for this, but of course I respect other countries who do have a kind of interest or significance for this. So I would also urge to have a kind of repository made in which countries who don't have a problem could also give their views there in a general -- let's say in one general approval.

One point extra which I would like to make is that whatever procedure we are advising now, I think we should be very much aware of governance rules in the way that if an applicant with an interest in using a name does not get an answer from the government, it would be, for us, unfair to restrict this name, to keep it reserved. I think this is common government practice in which an applicant for something, whether a name, frequency, numbers, et cetera, when it doesn't get an answer, it's unfair not to lend him, let's say, the thing which he asked for in a legitimate interest.

Thank you.

CHAIR SCHNEIDER: Thank you very much.

Next is Denmark.

DENMARK: Thank you, Mr. Chairman. We share the views of U.S. and The Netherlands. From our part, we do not have any legislation that give us the power to determine that can be used for our ccTLDs or others.

We understand that certain countries might have an issue here. We think it's very important that the rules and the procedures are clear for



the registry. So we will actually like to see that this is turned around, so those countries which have a problem, they are on a list. And also on that list is the necessary contract and procedures, what is going on. I know that not all countries are members here in the GAC, but there could be outreach to those countries, and they could then have the possibility also to say that will be given the optimum transparency for the registry so they know what to expect.

Thank you.

CHAIR SCHNEIDER:

Thank you, Denmark, for this option. We are noting the options, and we'll come back on this.

France, please.

FRANCE:

Thank you, Chairman. I will speak in French.

France speaking. I believe that GAC has reached almost a unanimous decision. Every member should make its own decision. So I would like to simply support the positions expressed here. And I suggest the GAC should summarize them into four: no approval at all for any delegation; a comment period with a RSEP procedure that has already been used with two options, approved if there is silence or no approval and then a point of contact.

So my suggestion is the countries should express their position regarding these options. That could be our joint suggestion, and GAC Web site could be used to give clarifications on these positions, not only



for the use of country names at the second level but also for the country codes, the two-letter country codes.

I hope that the GAC can take advantage of the tools that are available to us in order to provide a solution to this problem that takes a long time.

CHAIR SCHNEIDER: Thank you for this interesting proposal.

AFRICAN UNION COMMISSION: Thank you, Chair, and I'd like to thank Spain for that presentation.

I agree with all the positions previously made, but especially emphasizing the importance of communication mechanisms. That's extremely important for us, for the Africa region. And to this end, the African Union would be willing to offer -- to play that role of ensuring that we are coordinating that communication to countries, especially those that are not members of the GAC to ensure that whenever those requests are made, they're made aware of exactly what that means and the impact on whether or not they're willing to approve the use of their names.

Thank you.

CHAIR SCHNEIDER: Thank you very much, African Union Commission.

Next is Egypt.



EGYPT: Thank you, Thomas. And, actually, my points were more or less covered by other colleagues because I was just going to say that I don't think views expressed are mutually exclusive. I mean, like France suggested, we can have all categories, and like U.S. and you mentioned, that what's important is that we have clarity and we have explicit list of those who don't want to provide specific approval and context and list of those who would like to be communicated to before the delegation. And, again, be clear about those who don't -- who are not members here, and we cannot speak on their behalf.

So if they are not on one of the lists, then this should not be considered as approval or not.

So again, it's good to categorize like France mentioned and have this information conveyed.

Thank you.

CHAIR SCHNEIDER: Thank you very much.

U.K.

UNITED KINGDOM: Thank you, Chair, and good morning, everybody. Yes, I just want to align ourselves with previous comments; in particular, U.S., Netherlands, and Denmark, and Denmark beat me to the point about the value of turning -- turning it around, because the importance is clarity of communication for the benefit of registries, and those countries that do require to be contacted for approval should endeavor



to provide all the key information for the operation of that process and undertake to keep it up-to-date, and so on. So that was the main point I wanted to make.

Thank you.

CHAIR SCHNEIDER:

Thank you very much, U.K.

So it seems that we have a consent that in the end, this should remain up to the respective government and that we should provide for a mechanism that is clear and easy, maybe either for a negative list or a positive list.

Tom has been collecting options that he has heard in order to allow for such a system, so I would -- what could be possible elements of such a system, so I would like to give the floor to Tom that he can just present what he gathered out of your statements so far. And, yeah. Thank you.

TOM DALE:

Thank you, Thomas.

To be clear, firstly, the discussion so far has focused mainly on -- I'm sorry. Yes?

CHAIR SCHNEIDER:

Excuse me, Thailand. I haven't seen you. My sight is limited. Would you want to take the floor before we go through the options?



THAILAND: Yes, very short.

CHAIR SCHNEIDER: Of course, yes.

THAILAND: I would like to get clear. I think in Singapore communicate, just a short issue of concern on brand registry, under the chapter of brand registry on seeking the two-ASCII character -- two-character names. Then come to the L.A., then it start to be in the process. That's because registry services, evaluation process, ISEP, which state clearly in the application guidebooks, which is not only the brand registry. And the two-ASCII is not only the country as such. Even though in 3166, a Wiki have been used quite long, even though it's in the third level, but it not mean the country names. It mean the language. So it's confusing on the two characters.

The issue is we might effect how we tacking the categories of the level two domains that did not specify. Do they need to coming up with domain policy on how the conceptual or context? This two-character has become so complex. It's not only the process that we're talking about, but it's like we change totally the way they use the two characters. Because I look into the ISEP. It's not state what is the meaning of two characters. Even if it is in the 3166, it can mean the language. For example, the dot wien meaning the language in Europe that we didn't know. The LA is meaning Latin, is not Laos as we all know in ccTLD.



So the definition and the process is not clear enough. That's my point, my point that I would like to raise.

CHAIR SCHNEIDER:

Thank you, Wanawit, for highlighting to us that with the two characters, of course -- with country names it's clear this is a country name and probably nothing else, but with the two-character codes, they may have other meanings. So there's a difference in terms of complexity between the two, and we should keep that in mind. Thank you.

I would still like to go to Tom and go through the options, and then we'll spend a few minutes on discussing the country codes and see whether we could just do another mechanism in parallel or ask ICANN, because there is a mechanism to specify, and maybe do this along the lines whether we can use similar mechanisms for both issues. This will be the discussion after that.

So Tom, please, go ahead.

TOM DALE:

Thank you, Thomas.

So I'm going to just try to summarize the discussion with regard to use of country names at the second level. As Thomas has said, the history of the two-character codes is slightly different, and there are some recent developments over the last month that you'd be aware of.

So with regard to the discussion on country names at the second level which is the nominal subject of this agenda item, I think the position appears to be, coincidentally, quite similar to the one we had suggested



in the ACIG briefing on this matter we had circulated some weeks ago. The first is that the GAC is clearly saying that for quite a number of members, that the use of country names at the second level is a sensitive issue. No matter what procedural requirements are applied, a number of members clearly have sensitivities about the use of those names at the second level.

The sense seems to be, secondly, that while the GAC has no major concerns about registries actually seeking approval for such names, the approval is fundamentally one that the registry should seek direct with the country concerned, and how you determine the country concerned I'll come to in a moment. But it's a matter for, as members have stressed this morning, for individual administrations rather than the GAC being a conduit.

However, there have been a number of options suggested concerning the process that the GAC might try to assist with to make things easier for all parties. This is focused primarily, I think, on the concept of the list. Now, the list could be one of a couple of things. Firstly, it could be either a list of GAC members who have no issues with -- or who do not require prior consent for the use of country names in this way. Or, as others have suggested, it could be a list the other way around, which is a list of countries that do require prior consent. A number of people have suggested that that could be -- the list either way could be something the GAC could develop in consultation with ICANN and others. And we could use GAC resources such as the GAC Web site to set out a clear guide for interested stakeholders to provide some clarity in whichever way the list goes. I think, clearly, the GAC will have to put



some effort into doing that. And that would mean the GAC secretariat working with you.

And the final point on which there seems to be agreement is continued use in some way of the current public comment period, the RSEP comment period which is used by ICANN. Now, whether that's long enough is a matter perhaps for some further investigation. But there seems to be a comment coming through from members that the current public comment period could be used maybe with a bit of tweaking. But certainly provides a basis for individual countries to react. But, before it gets to that stage, I think GAC appears to be saying that some clear information has to be put up front about countries who do or don't require prior approval or prior consent. All of that is in relation to country names, as I said, Chair, about the two-letter country codes that we're about to discuss later. Thank you.

CHAIR SCHNEIDER:

Thank you very much. Your comments, please. Egypt.

EGYPT:

So just very quickly to seek clarification, are we talking about just one list, either those who do require or those who don't require? Because I feel we need both. Because there will still be a few who don't belong to either if they are have not members here. And we cannot just count them on one the lists without knowing their positions or --



CHAIR SCHNEIDER:

Thank you. I've been thinking about what -- how these positive or negative lists would work. If you have a list of those who require, that means whoever is not on that list doesn't require. Then you have the challenge that you need to reach out to all of them. And you run the risk that if they don't respond, they're not on the list.

If you have a negative -- the other way around. If you have a list of those who actively consent that this is no issue for them, they give it away, in case you do not reach somebody, he's by default protected until you reach out to him. So this is something that you might consider. If you make a list, I think -- you may not need two lists. Because either you're on the list or you're not on the list. So it doesn't make it more complex, because you see either this country is on list or not. But it has different -- with regard to those who it's difficult to contact, if you say these that are on the list have no problem but everybody who is not on the list, means that you need to contact them. Just take that into account. Yes, Egypt.

EGYPT:

Yes. And this is exactly my point. I mean, you're either on the list -- you either need to be contacted before the delegation or you don't need or you're not here. You're not a GAC member, and we don't know which list you belong to.

And those are the countries that I mean would taken by default to the list that's not posted online or whatever.



CHAIR SCHNEIDER: Thank you, Egypt. But I think if -- to accommodate your point, if those who are not members, if the default for them is that you cannot -- that they are not on the list of those who give away their consent, I don't see this as a problem. Because either you give consent -- you need to be -- you demand to be contacted before or you don't. And, if those who are not members of the GAC are automatically by default put on the list of those who need to be contacted until they agree to change that, so you have -- it's black or white. Either you need consent or not. And those where we don't know, if we decide to put them on the cautious part of the list, then there would be no problem from that. But this is up to you to decide. But I think it's quite black or white. Either on this side or you're on the other side. With those where we don't know, we need to decide on which side we put them. Or do I not understand your -- thank you. Egypt.

EGYPT: Sorry. I'm flexible. I just was saying, theoretically speaking, we have a third category. But, if we're going to put them on the cautious list, then I'm fine. But, again, we won't have context to provide. So we're not providing the clarity we were seeking to the registries.

CHAIR SCHNEIDER: Thank you. Australia. And France and Austria and -- please help me. It's Singapore. Yes, thank you. And please try and be short, if possible. Thank you.



AUSTRALIA:

Thank you, Chair. And thank you to all who have gone before. I think we're moving in a very productive direction. Just one thing which may add to the debate. If we go down the path of a list, I agree with the formulation of having a list where people identify that they don't need approval. I think that's the safest way to go. As you say, it makes the others very clear. And there's no risk of someone who may have objected accidentally having their name released.

One thing to consider, it might be worth having the list a little more sophisticated just in saying we don't require approval. It might be useful if we have a qualifier type column. I haven't worked through all the issues myself. But it may be that some countries, for example, have no issue with the use of their country name in brand registries where it's going to be a very clear and limited use.

But they may want to be able to consider other situations. So I think, if we can make the list a little sophisticated with some sort of qualifier column, it may help some countries narrow down the number of requests that they may be receiving, which are likely to be in the hundreds.

CHAIR SCHNEIDER:

Thank you. That is a good point. So you would actually be able to specify what you let go. And that may differ from country to country. Is that your point? Thank you very much.

Austria? Thank you.

AUSTRIA:

Thank you. Sorry for taking the floor again. Just want to support what you just said, Thomas. I think there has to be a default situation. The default situation can only be contained as addressed, because we don't know how the domestic constitutions are shaped. So, if we say -- if you don't ask to be on the positive list where consent is necessary and if you miss the date and you're not contained on the list, it just means your country name might be used freely. Then we open the floor for a lot of liability cases.

So it must be the other way around. The default situation can only be contact as necessary. And, if a country wants to waive that right, then it has to declare that actively to be contained on a negative list. Thank you.

CHAIR SCHNEIDER:

Thank you. Just to remind you, we would need 10 to 15 minutes, I guess, at least to quickly discuss the country codes and whether -- or what kind of clarity we provide with regard to our advice. So I ask you to be really short. We can sort out -- I guess we can sort out the details of this maybe through providing options for text in the communique. And I think we are quite close in substance. We should be able to manage this later. So, please, I have a list of still France, Austria, Singapore, and Spain. Please try and be short or -- and renounce your speaking because we need 10 or 15 minutes for the country codes. Thank you. So France.



FRANCE: France speaking. Thank you, Chair. I believe that this is quite clear, because we do have an impression or a list of the names that would be reserved or country names that would be reserved at the second level. So, instead of debating the pros and cons, we could draft a list derived from the registry agreement so that everything will be as clear as possible and applicants will clearly know whether a country is in the positive or negative list, so to speak.

I would like to suggest a third column for comments in the case of those countries that in some TLDs, such as dot brand TLDs, would approve the use. So we try to be flexible and adhere to the registry agreement.

CHAIR SCHNEIDER: Australia. Sorry. That was Austria. Singapore, please.

SINGAPORE: We agree with your comments that we should only have one list. Okay. And it appears to us that those doesn't require approval, those country doesn't require approval seems to be the minority. So our view is that we should only have a list of positive, which means that only those countries that explicitly don't require approval.

But I think we agree with the comments made by Suzanne. I think what is crucial here is the clarity. For those countries which require explicit approval, we have a contact address. Because it is a huge task to find relevant government, because sometimes you just can't contact them. So we'll support the principle clarity, which is one list and a longer list and list out the contact address of those governments which require approval. Thank you.

CHAIR SCHNEIDER: Thank you very much, Singapore. Spain.

SPAIN: Very briefly, just to support the idea of a list of countries that don't require approval. Because this is in line with the default right afforded to countries in specification 5. The specification 5 establishes a general rule of countries giving concerns. So the list could include countries that don't require approval, that is, the countries have waived that right. That is the default position in the specification 5. Thank you.

CHAIR SCHNEIDER: Thank you very much.

I think we should -- it's now 10:32. We should try and stop here with this. Let's spend a few minutes on the issue of the country codes.

We already have had some expressions and views on this one. We gave advice in Los Angeles. You have -- I guess you have the text. And then the ICANN has reacted, has implemented a mechanism by which we have received a feedback from many governments that this is not the way they meant a mechanism to be implemented. And, hence, the letter that I sent on behalf of -- or informing ICANN that several governments have concerns and made some suggestions on how these mechanisms could be amended in order to -- well, alleviate these concerns. We may, based on the discussions that we are having now, knowing that these are two separate things and definitely would need two separate lists because decisions may be different with the country



with regard to the country code or with regard to the full name. But we may be inspired with what we just heard and propose something that would be similar as a clear mechanism. This is just something to try and move forward with this. But we will somehow need to express ourselves and create more clarity. Because there seems to be confusion of what are -- how to interpret the advice of Los Angeles because there were some interpretations that at least in the GAC there's the feeling that's not what we meant to say and on a proposed way forward.

So I would like to give you the floor on the country code issue only. Let's try and take 10 minutes or so, 15 maximum, and then go for the coffee break. Thank you.

Actually, since we have the meeting with the ccNSO after that, that will need to start on time, let as try to be as short as we can but still gather some views. Okay?

Thank you very much.

Yes, Italy.

ITALY:

Thank you, Chair. Just for the record, we reiterate our previous position. Italy would like to be asked for a formal consentment for every request of our country code at the second level. Thank you.

CHAIR SCHNEIDER:

Thank you, Italy. Other views and comments? Indonesia.

INDONESIA:

Just to remind all of us that we got already the ccTLD for each country. And, regarding the second level domain or so on and so on, as I understand, every country will make some sort of in-country regulation for that. I mean in Indonesia we also make some sort of in-country regulation for the second-level domain and so and so on for the ccTLD.

It will be difficult, of course, if suddenly another country makes a complaint to our sublevel domain and so on. Because then we have to review again our regulations.

Another one is that names somehow is rather difficult. In Indonesia, for example, there are a lot of people who are using a name of a city. Some -- another guy was born in Washington. Suddenly his name is Mr. Washington, something. And his surname. It was just a name.

And so it will be difficult -- I just wonder what should I tell him if he applies for dot Washington dot ID? Should I say no, no, no, because you didn't similar with name Washington, you are not allowed to use the name Washington. He will ask should I change the name given by my parents? No. Things like that can happen. So that -- I believe that every country has the same degree like Indonesia and different, of course, in relation to their regulation and culture and so and so on. But this has to be considered. Thank you.

CHAIR SCHNEIDER:

Thank you for making this remark.

Other views on the country codes? Netherlands.



NETHERLANDS: I want to reiterate that we have the same feelings as Netherlands concerning country names and let's say the two-letter codes. What I'm a little -- I need some clarification, because we know that the country names are protected in the registry agreement. I don't think there is a similar kind of clause for two-letter codes. Or is there? Thank you.

CHAIR SCHNEIDER: There is. But it's not identical. So maybe, Spain, you can give us the detail about the provisions in the applicant guidebook. Thank you.

SPAIN: There is a clause on country codes. Not on country codes. But to two-character names. Sorry, yes, country codes on a specification 5, the same specification. This specification deals with names that are withheld from registration. It includes also the names and acronyms of international governmental organizations and includes also a set of names. There are words that can be confused with Internet terms. And then it has a provision on country names and another provision on country codes.

In the case of country codes, specification 5 says that they can be released with the consent of the government and the ccTLD manager.

But, the registry operator can propose that ICANN has established its procedure for the release of those ccTLDs if the registry operator adopts measures to prevent confusion with the ccTLD.

This is more or list what the specification 5 says. Thank you.



CHAIR SCHNEIDER: Thank you, Spain, for clarifying. Other views or comments or questions on the country codes on the second level. France?

FRANCE: France speaking. Thank you, Chair. One second, the ccTLD list or the two-letter or two-character code names is completed, is finished. So it's a definite list. I believe that governments, as was the case in country names, can state their positions regarding the ccTLDs that are affecting them for the rest of the two-character names that wouldn't be used well. In that regard, I'm not sure we're going to reach a consensus decision within the GAC. So I guess we would only retain what is specified in the registry agreement.

And these would then resolve the issue of the two-character code that might have different references in different languages. I do not think we're going to reach consensus on a full list right now. Thank you.

CHAIR SCHNEIDER: Thank you for showing for this comment. India, you have the floor now.

INDIA: Thank you, France. We're a little late in joining. We have been in another meeting, so maybe this has been discussed. We will just point it out and we will not go through it.

In India we had raised a small issue regarding the country code two-letter being used at the second level. And that was that there are some two letters that are similar to the country code. Dot IN in our case.



Things like dot LN and dot 1N, they look very similar. And that is likely to create confusion in the minds of the users

We had taken this matter up, and GAC had also taken this matter up at ICANN.

We would just like to know if there has been any response and, if so, and whether such similar problems are also faced by our colleagues in other countries. And, if so, what are the views on that? Thank you.

CHAIR SCHNEIDER:

Thank you very much, India. Actually, we have received and I guess you have seen them on the list that there are other countries, especially the ones that have their country code beginning with an I like Italy and with an L like Lebanon and so on and so forth. That may be confusing with the IL and 1.

The problem is or that we have a letter from the previous chair from September that explicitly said that our concerns are only related to two-character codes and not combinations of numbers and characters and so on and so forth.

But that cannot -- should not prevent us from issuing concerns that -- if there are concerns. The problem is then when we request ICANN to do something about these concerns, we need to be very careful that we remain consistent with previous advice.

I would like to give just one more quick possibility to comment. And then I think we need a little bit of coffee break. And so, if there's something that we absolutely need to know, now is your minute to say

it. Otherwise, you will be able to say it at a later stage. India, please, thank you.

INDIA:

A small supplementary, chair. So does that mean that dot starting with L which looks similar to I will get covered in the scope of our letter and those which start with 1 will not get covered? Is that the -- you know, the meaning I take from the letter which was written?

CHAIR SCHNEIDER:

Thank you. This is something that the GAC as a whole needs to decide, of course. I'm in your hands. I just wanted to alert you to previous advice that we gave and that we try and be consistent with previous advice. And also to remind you maybe that there's several ways of expressing concerns. Of course, any individual GAC member can express concerns through public comments or through writing a letter to whoever. So there are different ways of expressing these concerns.

With regard to what the GAC wants to do, this is something that we would need to discuss and then see whether we get a consensus. So this is what I would think I'm able to give you as an answer for the time being.

Can we stop here for the moment and use the 16 minutes remaining for coffee and talks? I don't see any more requests for the floor, so thank you very much. And let's meet at 11:00 sharp because the ccNSO colleagues will be here at 11:00. Thank you.



[Break]



CHAIR SCHNEIDER: Hello. Welcome back after the coffee break, and welcome to our colleagues from the ccNSO.

You have seen that we have a few items on the agenda for which one is, of course, of fundamental importance. I'd just like to give the floor to Byron to say hello to you as well.

BYRON HOLLAND: Thank you very much, and good morning, all, to our GAC friends and colleagues. Needless to say, this is a very important week of ICANN for us in terms of IANA stewardship discussions or oversight transition discussions, and also critical importance, of course, is the work of the FOI. And one of the key reasons I say that is from the CC community, there's a very, very direct linkage between those two subjects in that the work of the FOI really helps give us a sense of consistency and predictability around the issues of the FOI that enable us to react to the IANA oversight transition and go forward with some confidence.

So those are critical and very, very tightly linked issues for us.

The other two items on the agenda were around the strategic and operational planning review that we do in depth, and we thought we'd share with you our findings from this year, as well as geographic names, country and territory names, and ideally how to prevent the overlap of efforts. And we have some thoughts and words on that.

So those are the four big agenda items as Thomas and I had some discussions and we thought we should lead with the FOI and IANA oversight transition discussions. And depending on the length of time



those take, then we'll pick up with the SOP and country and territory names, if that is amenable to the GAC.

CHAIR SCHNEIDER:

Thank you. So in case there is something you would like to add or take off the agenda, or if you disagree with what we propose to you and how to conduct this session and what to spend the time on, this would be your moment.

Of course we hope that that is not the case. It does not seem to be the case.

So let's start talking about the Framework of Interpretation Working Group report and how the GAC may or should or will react to this.

Therefore, I would like to give the floor to Keith and/or Becky to make a quick introduction on this. Thank you very much.

KEITH DAVIDSON:

My name is Keith Davidson, and I am chair of the Framework of Interpretation Working Group, and to my left is Becky Burr who has been the vice chair of that working group.

Just a very brief introduction. It's probably important to remember that the original purpose of the Framework of Interpretation was purely to develop color and depth to the policies included in RFC 1591 and the GAC principles. It wasn't to create new policy, and so on.



And a very important original principle was that this would be a collaborative effort between the GAC and the ccNSO and other constituencies in ICANN to come up with a collective position.

Now, our original intention was to present a joint endorsement between the GAC and the ccNSO to the ICANN Board, and we were seeking to utilize the strength of the GAC opinion that would become binding on the ICANN Board if we could have that agreement.

So that seems to have become a little bit lost over the period of time, but we remain hopeful that there is strong agreement and alignment with the recommendations of the FOI report.

Thank you for that. And does the GAC have a prepared statement or....

CHAIR SCHNEIDER:

Yes, we have a 25 pages statement that you can download from the GAC Web site.

[Laughter]

No. Sorry for this. Sometimes I tend to react like this.

No, but we have a lead, fortunately, in the GAC that has been leading the discussion in the GAC and also with you has had a number of talks, and that is our colleagues from Norway. And I would like to hand over to him and, yeah, see what he will present to us about where the GAC is standing at the moment.

Thank you very much. So, Norway, please.



NORWAY:

Thank you, Chair, and good morning, everyone.

I think I want -- The GAC had a quick discussion on this on Saturday, and I think we want to thank you from the ccNSO and the working group for the work that you've done.

I think that, just to have a quick summary of what we discussed, of course we discussed the activities with the interim report, partial interim reports on the consent and significant interested parties and revocation, et cetera, and we summed up the previous responses from the GAC on those interim reports. And also we touched upon the telephone conference that was on the 22nd of January between the GAC and the ccNSO discussing the matter.

To sum up the reactions or comments from the different GAC members, I think there are still areas in the report that the GAC have sort of problematic to endorse in that respect. But I think some of the reasons for that is that they are national Regulations, et cetera, that might sort of overrule some of the interpretations, et cetera.

So I think what was important that came out of the telephone conference is the statement underlying that. Also refer to the initial statements in the summary of the final report that nothing in the FOI Working Group report is intended to constrain or limit any applicable or with regard to the administration of ccTLD.

So I think that is something that the GAC has a need to underline; that the principle of that the governments have the authority on public policy regarding their national ccTLDs.



So I think a possible way forward -- I think if -- we could, of course, open up for discussions on the different parts, that we can disagree on, but I think that for a possible way forward on having a coexistence of both the FOI interpretations and the GAC principles, I think we can recognize your work and take note of the report. And the GAC, I think, in its communique from this meeting have a need for underlining, also, that report, and the interpretations not in any way are going to limit or constrain the applicable national regulations.

So I think -- I have a feeling from the GAC members that that is important for them. And I think also, the GAC also have a need for -- to recite and restate, underline the GAC principles for ccTLDs. And that is one important policy document for us as well.

So I think that's a little bit of summing up, and maybe we can ask for comments on -- reactions on that for possible ways forward.

So I stop there, and I think it's for maybe questions from you or comments from the GAC. But I'll leave it over to you, Thomas.

Thank you.

CHAIR SCHNEIDER:

Thank you very much, Norway, for giving us this update and where we are, trying to get some looks about how -- possibilities on how we can formulate this as a way forward.

Other comments from GAC members or from ccNSO members?



In case you are sitting somewhere where you don't have a microphone, then we'll see where you are and we'll find a way to sort it out so that you can speak.

Yes, United Kingdom.

UNITED KINGDOM:

Yes, thank you, Chair. And thank you very much, ccNSO colleagues, for coming here. And thank you, Keith, for opening up the first agenda item, the FOI report.

And I just want to say that we've appreciated the briefings we've had from the working group on progress with the FOI report and over successive meetings. And we've had and enjoyed GAC direct engagement with the working group, and that's been helpful. And I had the opportunity to take part in a couple of calls, and so -- which I found very helpful, indeed.

And the U.K. position is we really appreciate the intentions and the aims of this report, and we do not see any problem in terms of alignment with the GAC principles on delegation and redelegation.

So I didn't want any sense of undermining our working together in sync on this. I think it has been generally effective in terms of the GAC and the working group and the ccNSO leadership communicating and exchanging views and keeping in step. I think it's gone very well.

And I didn't want this meeting to, from the U.K. perspective, to indicate some kind of deterioration in that understanding. I don't have that feeling at all.



These are important issues. No doubt about it. And we do underline the primacy of the GAC principles from 2005. They are very important -- It's a very important document. And the report, as you've described in your opening remarks, Keith, makes clear that there was no endeavor here to create anything new or reorientate or subordinate the GAC principles in any way. And I think that's a very important statement that this meeting can jointly underline.

On a slightly separate point, and I make this point on that call, the virtual meeting, the teleconference that we had, which I found very useful two or three weeks ago, whenever it was, the point that I made was that there was, I think, value and an opportunity for recounting what the report says on revocation. A couple of us had questions on that on the call, as you may remember, and perhaps this is an opportunity on -- if we have time in this session to recount what the report says on revocation and the impact on it, and the very limited sort of scenario where the IANA functions operator in the future will actually step in and act, you know. And obviously that's very -- would be in very extreme cases of misbehavior. But a built of an account for the whole of the GAC meeting on this occasion of the import of that and what the report seeks to do in clarifying that scenario I would find very helpful.

Thank you.

CHAIR SCHNEIDER:

Thank you very much. We will -- The question is do you want to react to this now or should we take one or two more?



Okay. If you may give a quick explanation with regard to the question of U.K. Thank you.

KEITH DAVIDSON:

Okay. Thank you. I think there are a number of points raised from both Norway and U.K. that we should perhaps reemphasize again.

Firstly, the -- I think we've often reported in the past, and we continue to verify this, that national law, local jurisdiction applies supremely. We would do nothing -- we'd seek to do nothing that usurp the principles of local law, and we state that very clearly in the introduction.

I think one of the issues in reading a document like this is when you get to the detail, you can think how -- why has this been worded in this way. But if you always reflect that the first principle is local law applies, and this is only to provide guidance where there is no clarity around local law. So very important principle in that regard.

I think, too, this -- in our steps through this process and the research and analysis stage, it highlighted that there are also a number of missing policies. And I think in previous discussions within the GAC, you've also realized that there are missing policies. And since this body couldn't create policy, perhaps the answers to what appear to be a result of all problems aren't forthcoming. So perhaps to that end, as a future piece of work that we might consider to jointly do, we could have an informal group of GAC and ccNSO representatives who could highlight where there are perceived gaps in point of impact and in the fullness of time go through a proper policy development process.



And I think on the revocation issues, that highlights the issue that RFC 1591 and the GAC principles only have a very narrow look at what a revocation might entail, and particularly what misbehavior -- or which type of misbehavior would occur where IANA would or could step in. And perhaps, you know, greater clarity around a broader policy on other types of misbehavior that weren't covered in 1591 might be more appropriate as well.

So I think there's a lot of work ahead. But just to sum up on that. As the IANA transition progresses, too, and as the Service Level Agreement for the names gets to be discussed, the issues of redelegations and delegations will come up for that group. And it's likely, therefore, that the GAC, through its participation in finalizing the names proposal and the IANA transition plan, will still have to face these same issues along the way.

So the FOI report in itself is not the end of the issues. And I think there's a lot of productive work that we can do collectively on this going forwards.

I don't know if, Becky, you had anything more to add?

BECKY BURR:

No. Just to emphasize on Keith's statement. We say very clearly local law -- we believe that local -- that disputes about management of domain names -- of ccTLDs should be handled locally under local law; that only in very extreme cases where there's a stability and security issue would the revocation discussion come into play. And there's nothing we could do to change the supremacy of local law even if we



wanted to, but we don't. The CCs feel very strongly aligned to the local law and the ties with that.

And then just finally, also, we do -- I totally agree that the GAC operating systems and the FOI are completely reconcilable. We have a statement to that effect in the opening provisions, but by their terms, you know, where the GAC principles apply, there's an agreement between governments and operators and the like. Those, of course, would also be -- supersede this.

CHAIR SCHNEIDER:

Thank you for this input. That may help to clarify a few things, especially with regard to moving forward or possible options.

I have the U.S. on the list, Niue, and then Eberhard Lisse, ccNSO member.

U.S., please.

UNITED STATES:

Thank you, Chair, and thank you also to Keith and Becky for your overview of the FOI Working Group report.

We regret that the GAC's workload on new gTLDs had kind of diverted some of our attention during 2014 away from that. Nonetheless, we do believe that we certainly sought to make contributions on the chapters on consent and significantly interested parties. I think the chapter that we have not formally commented on is, in fact, revocation.



But I would concur with my colleague from Norway. At this point in time, we are certainly mindful of the fact that the ccNSO Council has actually already basically adopted the report, and we certainly don't want to be in the way of that report going forward.

So I'm very gratified as well that you all are concurring with our assessment that we can have -- how shall I put this? -- peaceful coexistence between the GAC and the ccNSO. Our text still stands. And to be quite candid, we have not reviewed the 2005 principles to determine whether we wish to update them, which is probably on our to-do list. And I want to commend you all for trying to interpret what is, in fact, a rather mature RFC rather than seek to rewrite it. I think that was a very clever approach, and we found it really useful to track your interpretation of RFC 1591.

So I think I will leave it at that. It's good to know that we are in agreement as to the peaceful coexistence of our two respective perspectives. Because I think that's useful.

Keith, I take your point at this moment in time. It can be useful guidance; but it isn't the end all be all, that we can continue to collaborate on these important issues. So thank you, again, for all of your work.

KEITH DAVIDSON:

Thank you, U.S. I have Niue. And then I add India to the speaker's list.
Thank you.

NIUE: Thank you, Chair. What I find on this is it's not very clear. There's not very much about unconsented revocation. There's very much about consented revocation and the principles, but for that. And that is also in line with the -- what is the definition of misbehavior. But there's very little about unconsented revocation.

BECKY BURR: So, when we talk about -- there are three different phases that are discussed. Delegation, which requires, you know, the input and agreement of significantly interested parties, which certainly includes governments and, certainly, importantly, includes governments. That's the delegation portion. There's a transfer portion which would be in our reading of RFC1591 is that, in the absence of national law that establishes other principles, transfers should be based on the consent of the transferring and the transfer to party. But that's only a transfer.

The revocation issue only comes up in -- it only addresses the places where IANA can step in. Nothing precludes governments acting under applicable law for, you know, creating the circumstances under which a trans -- an unconsented transfer or revocation or whatever you want calls that. That's just not ICANN's business or IANA's business. IANA acts in a revocation context only where -- in very limited circumstances where the largely technical requirements of RFC1591 are not being met. Security and stability is being compromised or there is substantial misbehavior in very limited numbers of areas that can't be -- can't be remediated despite IANA's best efforts.

So when this -- I can't emphasize enough how limited the circumstances under which this applies. Partly that is because that's just what



RFC1591 addresses, but also because we must and we agree that local law is determinative. Applicable law is determinative. There are all kinds of different relations in terms of contracts or law between governments and managers or laws that apply to managers and all of those things, none of which are addressed here, none of which are displaced because of the interpretation.

So you're right. There's not much discussion about unconsented transfers other than to say we don't think that they can occur at IANA's initiative. And the revocation is very narrow. But none of that constrains what a local government with -- you know, can do in accordance with its rule of law and subject to all of its processes and procedures.

CHAIR SCHNEIDER:

Thank you. I have quite a long list of speakers. And, given the fact that we cannot overtake because we have to -- take this as a remainder for those of those concerned -- we have the CTO commonwealth GAC members meeting in this room from 12:00 to 1:00. I suggest that we take a few statements now, the ones I'm going to read. And then we try to answer them or comment on them collectively, if that's okay for you.

So I have Mr. Lisse from the ccNSO. I have India, Spain, the gentleman to the right that I would ask to come over and sit to a microphone. And I have Australia. This is what I have so far. So let's begin with --



EBERHARD LISSE:

Eberhard Lisse. I'm the ccTLD manager of dot NA. And I'm not speaking for the ccNSO but as a member of the FOI working group and as a current member of the CCWG accountability.

I've got five points which I'm going to make, so bear with me. I'm a medical doctor, and I have problems reading my own handwriting.

The FOI didn't make new policy. Wasn't our intention, wasn't our result. But we interpreted it in a joint working group existing ICANN policy and how it is applied in practice by ICANN as the IANA function manager.

Secondly, as much as I was opposed to every GAC principle applied to man, the more often I read them, the more they grow on me. I support Keith Davidson quite in that local law is supreme. But it is binding on the ccTLD manager, no matter how harsh a law or regime may be in which you find yourself, you're subject to the jurisdiction.

But, as far as I understand it, the IANA function manager is not subject to 253 different jurisdictions. Unless we solve that dilemma that ICANN is subject to Namibian law to Iranian law to North Korean law to Ukrainian law to American or Swiss law, we must either find a way of dealing with this or we must not deal with this. As far as subsidiary goes, I do not agree that it is ICANN policy that a government has automatically management input in the -- in its ccTLD -- in the ccTLD manager functioning for the code corresponding to the country.

Never mind that each manager residing in such a country is subject to the country's jurisdiction. That is not debatable. That is not debated.

With regards to the report, I wonder if it's not maybe helpful to deliberate a little bit further with members of the GAC in a less formal



setting -- with a formal agenda but in a less formal setting and in a smaller setting where we also take more time to do this. So that, if there is misunderstandings or things that are not understood, that we can sort of maybe resolve that.

I have a big problem why this comes out after the end of a multi-year joint working group where five senior GAC members, including the then chair were participants, where at every ICANN meeting that I can remember the GAC was briefed and a report was written and a year later it comes out, it only comes to the fore.

This concerns me greatly because I'm a member of the CCWG accounting -- accountability working group. We have GAC members there. And I really want to know what the position of GAC members and cross-constituency working groups is if we cannot rely on the participation or on the input or on the output. I'm not saying that a GAC member, necessarily, if it's in a working group must say this is the GAC position. But at least we must be able to predict a little bit of or rely on I don't know. I'm going to bring this back to the GAC. I'll come back with a report on it. And that is very difficult. We have not experienced much results when we have attempted this in the FOI.

CHAIR SCHNEIDER: Thank you very much. Next is India.

INDIA: Thank you, once again, chair.

Thank you. And I must compliment our colleagues from the ccNSO for doing excellent work and their contributions to the cause. I just wanted to make a small comment.

You know, with the new gTLDs now coming up and a lot of differentiation happening, I think the importance of ccTLDs and ccNSO is going to change dramatically. And I think every single recommendation that we make at this point in time should be seen in that backdrop. I think we have a very, very important job at hand. And I think some wonderful work is going on in that regard. I would just request the ccNSO to consider, now that there is this whole issue of ambiguity of national law, would the ccNSO also consider taking the lead to draft a template of a national law? Which countries -- because a large number of countries who have really not applied their mind in this regard and like in the IT act initiative was taken and that led to several countries coming up with a national law. Something which could be template and those countries who are interested could look at adopting that kind of a law for their own usage. Thank you very much.

CHAIR SCHNEIDER: Thank you, India, for this proposal. Spain.

SPAIN: Thank you, Chair.

Regarding the coexistence between GAC principles and GAC interim principles on IDN ccTLDs and RFC1591 and the Framework of Interpretation, I think we can try to endorse that kind of coexistence, although I doubt that coexistence is going to be peaceful. So I think, as



my colleague from the U.S. has underlined, we have work ahead of us to do because that existence is not going to be peaceful.

We have underlined that sovereignty has to be respected and national local decisions have to be respected. We have conveyed the message in IANA -- to the stewardship transition working group, as regards ccTLDs. And what we see in the Framework of Interpretation coming from the RFC -- it's not new. It's in the RFC -- is that governments are one of the significantly interested parties.

One comment that the GAC conveyed to the Framework of Interpretation working group concerned the concept of significantly interested parties and the fact that governments could not be on equal footing with the rest of significantly interested parties as it is set out in this Framework of Interpretation. And I don't recall that this concern has been addressed in a satisfactory way for the GAC members.

So this is one of the points in which it's going to be a friction between GAC members' line of thought and RFC and Framework of Interpretation. So maybe we could envisage to work together on future developments on this issue. Thank you.

CHAIR SCHNEIDER: Thank you, Spain. Nigel Roberts.

NIGEL ROBERTS: Thank you, Chair. Nigel Roberts from Guernsey, one of the British islands. I welcome the comments of the GAC colleagues, particularly the United Kingdom and the United States. Once again, now that we're



actually here, I see more commonalities than differences. I think ccTLD managers need to appreciate a little bit more the diversity of opinion that exists within GAC. We tend to see it as a little bit of a monolithic block that we come and visit for a short period and then leave. And, obviously, you have your discussions the way we have ours.

The biggest problem I see at the moment, in fact, is not with the GAC. It's with a reluctance -- or let me put it this way -- with a perceived reluctance of the ICANN board to take account and to be bound by something that I see as no more than the simple rule of law, in other words, to observe pre-existing policy now that we have examined in depth and interpreted it with the insistence of the GAC colleagues that were involved in the working group.

I think the comment I'd like to raise or to ask is that I hope or maybe I even expect GAC colleagues to assist us in persuading the ICANN board to take account of the some five years of work that we've done together. Thank you.

CHAIR SCHNEIDER:

Okay. I have one more intervention from Australia, and then we can collect comments. Australia, thank you.

AUSTRALIA:

Thank you, Chair. And thank you to all colleagues who have spoken before and for the FOI working group for coming to talk to us and bring us clarifying questions. It's been a very useful discussion.



Before I make the point I was planning to make, I just want to address what I have been hearing in some parts of the community, which I think is a misconception that the GAC has not commented on this in the past and is simply waiting to the Nth -- to the last point to make a comment.

I've heard several people in the community saying it's been going on for five years and now we find out the GAC isn't happy.

In fact, the GAC has provided written comments on earlier chapters. And the GAC been engaging formally and informally with the ccNSO for some time. I'm reasonably sure that the fact we're having this discussion should not be a surprise. So I just wanted to address that, because I've heard it a number of times. And I want to set the record at least a little bit more balanced.

In terms of comments which have come before, I agree. I think what we're looking at here is some wording to potentially get to a point where, at least, if it's not peaceful coexistence, at least there's not armed conflict. And I think what we're -- what -- my reading anyway -- and I could be wrong because there are different perspectives in the GAC, as my colleague who spoke before us pointed out. One of the things is how we draw the boundaries between the various documents and the missing policy/gray areas. So I think my colleague from -- I think it was dot NA usefully pointed to one example. So, in terms of the preamble to the current report, we have the useful commentary that the ultimate policy authority for a country is government and nothing constrains applicable law. As Becky pointed out, that almost goes without saying.

The question then is that the operator, the IANA operator is not subject to everyone's national law. So, if in Australia there's a national law and the decision is taken that we could change the operator of a ccTLD, transfer it to someone else, obviously, we can do things within jurisdiction to make that happen.

But we need predictability on what the IANA operator would do. The Australian national law isn't going to be able to direct the IANA operator. I think that's one of the issues. It may be that the RFC is silent on this. As you've usefully pointed out, it will constrain the IANA operator's ability to act on its own initiative. And we probably all agree that some framework around that is going to be very useful. But, knowing how the IANA operator would react to a circumstance where a government had national legislation, made a decision, and it's a gray area. So I think, you know, if we can frame those in a way that we can all come to some sort of agreement on, I think it will address a number of the concerns from both sides. We don't want to go too far one way or too far the other way. From the government's point of view, from my government's point of view, I think we'd like some predictability there. It may be as simple in the framing as saying it doesn't constrain or limit applicable law or the IANA operator's ability to act in accordance with that. Something which gives a sense that it's not being constrained or closed off.

Because one of the risks I see -- and I've talked to Keith and Becky and others about this numerous times -- is some of the language in this report which talks about limiting the IANA operator to acting within very particular circumstances, unless we -- it's very clear that's not the whole



situation, it could be seen to be precluding the IANA operator from acting because of a national law.

I'm limited to acting because of substantial misbehavior; therefore, what do I do when a government comes to me and they say they've passed a law and here's the result?

So I think having a bit more clarity, to be frank, around those kinds of circumstances would be really helpful. But thank you very much. It's been extremely useful.

CHAIR SCHNEIDER: Thank you. Please.

UNKNOWN SPEAKER: Gosh, we have to finish at 12:00. I'll do a very quick summary of some of the points raised. I think going back to dot NA, there was a point that arose in my mind from that that's quite relevant, too. That is, there were a number of RFC -- of delegations of ccTLDs made prior to the authoring of RFC 1591 and 1994, and the details of those, if they exist, are in Jon Postel's office under lock and key at the University of Southern California.

So the actual detail of what that delegation meant is quite obscure. And as we've said in the framework, there's not necessarily an applicability of the framework to those ccTLDs as well.

So again, local law will be the determining factor, I guess.



I took on board the comments from India, and the concept of a compilation of local laws might be a useful thing and it might be something that we could collectively work on to provide a matrix of pick and choose for anyone who wants. So there was a very good suggestion, and something that we should discuss in the ccNSO.

Spain raised the issue around redelegations where governments would stand equal with other local Internet community groups. I think it would be fair to say that -- well, at least in my mind, it's inconceivable that a redelegation could occur in today's world without governments' consent.

The reason why we're a little bit vague about that in our framework is because not all places have a -- not all ccTLDs have a government, and some ccTLDs have very disputed governments. And an example of that is Antarctica where, which governments would you determine of the 16 or 18 who dispute it's their territory to be the master of the ccTLD.

Dot GG raised a question which I think Becky was going to address.

And then to Australia, comment about the GAC not participating, you would have never heard that from me. The GAC has participated. My sentiments were that it's a shame that we couldn't get to the original objective where maybe the GAC could have appended the framework to its GAC principles and then provided that to the ICANN Board as advice. But I do appreciate the efforts of the GAC and the individuals within the GAC who gave up lots of time, particularly in the analysis and research stages and suffered many, many hours of discussion over individual words, and so on.



And, yeah, I think through the process we've grown to have significantly more trust in each other's constituencies and motives, and so on. So I don't think any of this is a waste, and I think we have probably as good an outcome as we can in the circumstances.

And I take your point about IANA and its difficulty that it will have in deciding what is or isn't local law. And that may be a subject of a PDP, but again, we couldn't refer to it in the framework because it's not -- there is no existing policy on that. But what we want as much as you is that there be a predictable process with predictable outcomes, and we think the framework, at least to the extent that it can, provides the mechanism for decision-making that should allow consistency and predictability in the decision-making.

And, Becky.

BECKY BURR:

I don't -- I don't know what I was going to say about GG, but I just wanted to make sure that when we're talking about the significantly interested party issue that we are very precise. The term "significantly interested parties should agree" comes up in the context of delegations, and that includes what we used to call redelegations but we are now thinking of as delegations following a revocation.

In the context of a delegation, including a secondary delegation, "significantly interested parties should agree" is the language that is used in RFC 1591. Personally, like Keith, I cannot imagine a circumstance under which a delegation could go forward in the face of a



government's opposition, so long as we know what government that we're talking about. So Antarctica may be a troublesome point.

But, also, we should recognize that national law has something to say about significantly interested parties. National law may empower the government to speak on behalf of the Internet community. There's no one-size-fits-all rule. And again, because we are not intending or enabled to do anything that trumps that national law, that's an important piece to remember.

We're not saying that, you know, in all cases, IANA has to hear from the engineering community and civil society and whatever, because in some cases, that may be determined by local law.

So I just wanted to be clear. I actually have very high hopes for peaceful coexistence and would very much like to avoid any fisticuffs.

CHAIR SCHNEIDER:

Thank you very much. We have another request for the floor from the back.

DOMINICA:

Okay. This is Bennette Thomas. I'm the director of telecomms for the government of Dominica.

This is a very interesting discussion, and I'm glad that the ccNSO has done some great work.

I have read RFC 1591, and as I speak to you on my way back to Dominica, we have an identical situation I have to deal with as director



of telecomms. The issue is whether the decisions of the ccNSO and ICANN in general are -- are they recommendations and guidelines or are they authoritative and take over the laws of the state? Because I seem to hear that if it is a transfer or a redelegation, then the National laws takes precedence. But in the extreme circumstance where you may have a revocation due to technical stability and et cetera, then it seems to suggest that the ICANN regulation or guideline, it takes effect.

So I have an issue now to decide whether it is -- if it is a transfer or a redelegation, then the state/national law seems to come into effect. But if it comes to the extreme end where you might have technical stability or some security issues, then it seems that ICANN's decision takes over.

The question is a chicken-and-egg one. Is the ICANN decision, is it binding on a sovereign state or are they just guidelines and recommendations?

So I have an issue to deal with that, and I'm glad it is here for discussion because back home, I have an identical situation, and I have written on a number of occasions, and what I'm getting is, well, ICANN laws say so, ICANN rules say so. So I ask the question which takes the precedence, the national law or ICANN decision? So I need to find out something.

So thank you so much.

CHAIR SCHNEIDER:

Thank you for asking a concrete question.



I see Australia would like to react, and maybe you would like to react, too. This is okay with Peter if you have a quick reaction. Thank you.

AUSTRALIA:

Yeah, thank you, Chair. I actually had another direct question, I guess, on where we go from here.

So my question to ccNSO colleagues is is it useful to continue working to try to refine this in a way that we can find the middle ground where we're coexisting as peace fully as possible? And should we be doing that intersessionally? Is there any scope to modify the report or its preamble further? That would be helpful to know. Or is the next step going to be a statement from the GAC welcoming, noting, endorsing, referring to coexistence, et cetera?

So should we be focusing on the report at this stage or the GAC's response to the report if it's already fixed? That would be useful for us to know as we come to drafting our communique, I think.

CHAIR SCHNEIDER:

Thank you. If you could answer both questions, the one by our colleague from Dominica and the Australian colleague. Thank you.

BECKY BURR:

On the -- the redelegation, revocation, transfer issue, I think, first of all, it's inconceivable that a revocation could take place without government consultation. That is just that we have appeals rights in that process and all kinds of things. So the likelihood that a government would wake up one day and suddenly find that the revocation -- that its



ccTLD had been revoked strikes me as highly unlikely for one reason. In the FOI and in RFC 1591, there is a very strong presumption that we will work together to ensure that all registrants continue to have connectivity and have their names resolved. And simply pulling a CC that is operating and providing name resolution would violate that very principle.

So although RFC 1591 doesn't go into detail about it, I think that there are significant protections for the sort of instant revocation.

In the end and in the very limited and very extreme circumstances where the operation of a ccTLD is actually posing a risk to the stability and security of the Internet, I personally think that IANA needs the ability to respond to that; that, you know, prime directive of ICANN is security and stability, and we need to respect that.

But again, I just don't see how that could possibly happen in a void without input from the relevant government.

DOMINICA:

Another quick intervention, Chair.

In Dominica's case, we are not talking about a revocation at all. We're talking simply of redelegation. Not a revocation.

So that's what I'm saying. You seem to have suggest earlier that if there is a redelegation or even call it a transfer, then the national law take effect. We're not -- we're not at all talking about revocation.

So I want to find out here whether a transfer or redelegation is within the national jurisdiction.



KEITH DAVIDSON: The short answer is, yes, it is within the national jurisdiction. And you can simultaneously interchange the words "redelegation" or "revocation" in the circumstances. So yes.

If I could go to Australia's comment very briefly. I think there's -- there's -- The recommendation that's likely to come from the FOI Working Group to the ccNSO Council at this meeting in Singapore will be to adopt the framework finally and to provide its recommendation to the Cross-Community Working Group on accountability and the CWG on IANA to inform them of information that they may wish to take into account within those working groups when they are covering the Service Level Agreement for the IANA transition.

In terms of its future and whether there should be an FOI version two, I think we would quite welcome that. I think we would quite welcome an explanation intersessionally with the GAC to spot the gaps in terms of any other policies that may need some work on, and so on.

So it's -- of course, it's a dynamic process, and I think the peaceful coexistence that we have achieved will continue to make us all want to strive to work to have more predictable, more consistent results. So we would certainly welcome and not neglect to participate in any discussion intersessionally or at future ICANN meetings.

Thank you.

CHAIR SCHNEIDER: Thank you very much.

We have already taken over five minutes. We have one more request for the floor. I give you 30 seconds, and then we need to wrap up the meeting.

Thank you.

Niue.

NIUE: Thank you, Chair.

Well, unlikier things do happen. The government of Niue, for example, woke up one morning without being informed about the migration of 250,000 domains to new registry. They were not informed.

So things do happen without informing the government.

CHAIR SCHNEIDER: Thank you.

Another 30 seconds response, and then we finish. Okay?

KEITH DAVIDSON: I'm not aware what have the situation is, but that doesn't occur to me to be anything to do with the delegation or the redelegation or the revocation of dot NU.

CHAIR SCHNEIDER: Okay. Thank you very much. That was very informative, I think we all agree, and hopefully helps us to move ahead.

We need to stop here.

Maybe, Byron, you want to say something before we break?

BYRON HOLLAND:

Thank you very much. I think that conversation was extremely helpful for the FOI and for the ccNSO and council in general. And I think we share far more common ground than there is darkness between us. So I'm hopeful and confident that we can find a path forward that allows us to move this issue forward in a constructive way.

It would seem to me that our agenda, perhaps, was a tad overoptimistic as we achieved only one out of four of the agenda items. That said, our strategic and operational planning committee has done considerable work in reviewing the ICANN's strategic plan, operating plan and budget. It has proven very useful over the years to many community members, including your own. Our most recent report is published, and I would encourage you, if you're interested in that, to review the report since we didn't get an opportunity to discuss it here.

Thank you very much.

CHAIR SCHNEIDER:

Thank you.

[Applause]

The whole GAC meets again at 2:00. Now it's time for the Commonwealth.

Thank you.



[Lunch break]

