

ICANN 54 Dublin

17 – 22 OCTOBER 2015

MEETING ATTENDANCE & MEMBERSHIP

Sixty eight GAC members and ten observers attended the meeting.

The GAC welcomed Antigua and Barbuda, Sierra Leone, and Tokelau as new members.

The GAC welcomed the Economic Community for Central African States (ECCAS) and the Organisation of Eastern Caribbean States (OECS) as new Observers.

A list of attendees is at [Attachment 1](#).

The GAC Dublin Communiqué is at [Attachment 2](#).

All available presentations made (as slides or word/PDF documents) are available on the [GAC website](#).

CROSS-COMMUNITY ENGAGEMENT SESSIONS

Meeting with ICANN Board

The GAC met with the ICANN Board and raised the following issues:

For Discussion

- The rationale and intention of Stress Test 18 as part of the Accountability discussions and why the Board supports the proposed change to the ByLaws.
- The status of Recommendation 6.5 of ATRT2 requiring a two-thirds majority for the Board to reject GAC advice.

For Information

- ICANN outreach to developing countries.
- Changes to the root zone administration as part of the transition of the IANA stewardship function.
- HLG M Marrakech preparations are well underway. Morocco has set up a national committee that includes members of the government as well as members of the private sector and the civil society to prepare the HLG M and ICANN55.
- The GAC remains concerned with the lack of validation and verification of highly regulated strings in the release of new gTLDs.
- The findings of the GAC Advice Effectiveness Review.

- Visas remain an ongoing issue for GAC members attending ICANN meetings. The Chair proposed that the GAC work with ICANN to ensure the agreement with the host country is clearer about what needs to be done at what stage in order that the visa problem is significantly reduced in the future.
- The GAC is preparing a response to the Board's letter regarding GAC rationale for its Beijing advice on the dot Africa application process.

Meeting with Generic Names Supporting Organisation (GNSO)

The GAC met in open session with Jonathan Robinson, chair of the GNSO Council, David Cake Vice-Chair and Mason Cole, GAC-GNSO Liaison.

The GAC-GNSO Consultation Group is currently working on reviewing the Quick Look Mechanism and the GNSO Liaison to the GAC; and developing procedures for GAC engagement in PDPs after the issue scoping phase. It was noted that GAC input to a range of PDPs had increased and this was welcomed as a positive development.

Current PDPs were noted as follows:

- Issue Scoping Phase
 - Review of Rights Protection Mechanisms
 - Subsequent Rounds gTLD Policy
- Initiation Phase
 - Next Generation Registration Directory Services
- Working Group Phase
 - Privacy and proxy services accreditation
 - Curative Rights Protection for IGOs and INGOs
- Implementation Phase
 - Translation and transliteration of contact information
 - Thick WHOIS
 - Inter-Registrar Transfer Process
 - Protection of IGO names in all gTLDs

The GNSO Report on the GAC Communiqué (the first of which was issued for the Buenos Aires Communiqué in June 2015) was noted.

It was noted that GAC-GNSO engagement would benefit from a shift from process to substantive issues. Options for maintaining momentum within the GAC after the Quick Look stage could include allocation to a relevant GAC Working Group or lead; revision of GAC working arrangements at the Working Group level if necessary; and briefing of GAC by GNSO Working Group leads to explain more complex issues and PDP dynamics.

Meeting with Country Code Name Supporting Organisation (ccNSO)

The GAC met with Byron Holland, Chair of the [ccNSO Council](#) and other members of the ccNSO.

A range of topics were discussed including:

- Implementation of the Framework of Interpretation for delegation and transfer of ccTLDs.
- Cross Community Working Group on Use of Country and Territory Names as TLDs – CCWG Co-Chair Annabeth Lange noted that demarcation issues between the CCWG and the GAC Working Group on Geographic Names have been resolved; and that greater participation of GAC members in the CCWG would be welcome to ensure a balanced discussion involving the full range of stakeholders.

- With regard to the request from the CWG for input on possible use of 3-character country codes at the top level, it was noted that the intention of the CCWG is to see whether and under what conditions country/territory names may be used in the next round of gTLDs, given that they were an exception from the current round.
- Several GAC members stressed the sensitivity of any use of geographic names in any form.
- The GAC Chair invited all members to participate more in the CCWG to represent their own interests to greater effect, and to report back to GAC if possible.
- ICANN Accountability issues. Niue noted that they would welcome transparency and dialogue in any ccTLD redelegation issues.

Meeting with At-Large Advisory Committee (ALAC)

The GAC met with Alan Greenberg, Chair of [ALAC](#) and other members of the ALAC.

A range of topics were discussed including:

- Safeguards for sensitive strings in the current new gTLD round. ALAC noted that it is considering proposing some form of review to continue support for safeguards such as validation and verification. Some GAC members expressed support for such an approach although there was no formal GAC position taken. Advice in the GAC Buenos Aires Communiqué was noted.
- ALAC approach to the 2016 onward ICANN meeting structure.
- ALAC views on the ICANN Accountability work. ALAC stated that it had not formally discussed the Stress Test 18 issue.

HIGH LEVEL GOVERNMENTAL MEETING PLANNING

The GAC Representative for Morocco presented the draft program for the High Level Governmental Meeting in Marrakech, to be held in conjunction with ICANN55. The GAC provided feedback on the document.

ACTION POINT:

The GAC to be given a further two week period to comment on the agenda and provide feedback to Morocco. After that, a revised agenda is to be prepared for a further round of comment from the GAC, before being included in the second invitation letter.

IANA STEWARDSHIP TRANSITION & ENHANCING ICANN ACCOUNTABILITY

ICG (IANA Stewardship Transition Coordination Group)

The GAC noted the status of the work of the ICG, including the dependencies with the CCWG-Accountability.

CCWG-Accountability

17th October:

The Co-Chairs of the CCWG-Accountability addressed the GAC and outlined the challenge facing the CCWG and the nature of the feedback received by the community to date on their proposals. The CCWG is seeking clarification on the status of the GAC in the future model and whether or not it should maintain its current advisory role and/or have voting powers.

The GAC Vice-Chair from Argentina shared the GAC's main issues of focus in relation to the Accountability work. They were:

- The mission of ICANN and whether the nature of GAC public policy advice (for example

related to end-user safeguards) would always be strictly within the remit of anything that ICANN has the authority to implement.

- The current statement in the core values about ICANN being led by the private-sector rather than referencing the multistakeholder community model.
- The use of Stress Test 18, and the associated recommended change to ICANN Bylaws, in relation to the Board acting on GAC Advice.

The CEO of ICANN addressed the GAC. His message focused on the importance of a genuine multistakeholder model and the need to meet the September 2016 revised timeline. The expectation of the US Government is that the ICANN community will endorse a CCWG proposal by the end of November so that the entire package is delivered to them by the end of the calendar year, permitting time for debate and passage into law in 2016 to enable the transition. He asked the GAC to focus on the avoidance of capture, to closely interrogate final versus initial points of enforcement in the accountability model and to review all the changes against the intended purpose of transition – to create an independent, multistakeholder model for ICANN.

The GAC discussed the use of Stress Test 18. No consensus position was reached.

18th October:

The GAC discussed the community empowerment mechanism and processes under development by the CCWG and expressed broad satisfaction with the direction that this aspect of the work is heading.

The GAC discussed the proposed narrow definition of ICANN's mandate as being limited to the technical functions the DNS and the IP address system. The question was raised whether this definition prevents ICANN from implementing contractual obligations including issues like consumer protection, which is where a lot of GAC advice has been targeted. It was noted that this remains a work in progress with the CCWG and that this issue of mandate is also one which the ALAC is concerned about, particularly in relation to contractual enforcement and public interest commitments.

The GAC discussed the issue of a private sector led model versus a multistakeholder led model. There was a divergence of views on changing the wording, but it was identified as not necessarily an issue that would prevent the GAC from moving forward with the proposal.

The GAC discussed Stress Test 18 and tried unsuccessfully to reach a consensus position on whether the proposed change to ICANN Bylaws are necessary, desirable or harmful.

20th October:

The GAC agreed in principle to support the Sole Designator model and the community powers currently proposed by the CCWG. There was discussion on how the GAC might participate in its use of community powers.

21st October:

The GAC reviewed and discussed a number of text proposals related to Stress Test 18 that had been tabled overnight by different members. There was no final agreement on wording, but progress was made and elements of some of the proposed texts identified as being helpful and that could form the basis of further discussions within the CCWG. Text for the Communiqué was agreed to reflect this.

22nd October:

The revised timeline for the CCWG was announced by the Co-Chairs. There will be a third proposal released in November, sent to the Chartering Organisations on 15th November and then a 35 day public comment period. The CCWG will meet informally face to face during the IGF meeting in Brazil in November. It was proposed that the GAC may need to conduct an inter-sessional meeting

or webinar during December or January to discuss the proposal.

PUBLIC POLICY AND SUBSTANTIVE ISSUES SESSIONS

Use of 3-character Country Codes as gTLDs

ICANN GAC Staff briefed the GAC on the questions that have currently been asked by the CCW-UCTN¹ to the community in relation to the use of 3 character country and territory codes as TLDs in future TLD rounds. It was noted that the current Applicant Guidebook prohibits the use of all country names and codes at the top level, but that this guidebook is only relevant for the current round. It does not cover future rounds and the CCWG-UCTN are now looking at the possibility of using country codes in any future rounds. It was further noted that there is no proposal at this stage, just a set of questions to gather community input and that the GAC have been invited to respond to this. The questions relate to the ~300 ASCII 3 letter country and territory codes as well as the ~17,000 3 letter non-country code combinations and numerous 3-character IDNs.

The GAC discussed the matter of 3 letter country codes and there was support from many GAC members for maintaining the protections in the current Applicant guidebook, in view of the risk of confusion with existing 2-character ccTLDs. Some GAC members noted, however, that it should be the right of each government to determine whether and how (e.g. as a gTLD or a ccTLD) to use the associated 3 letter country code in the DNS context, not a general policy rule for all countries.

ACTION POINTS:

GAC members to formally reply to the seven questions posed by the CCWG-UCTN as soon as possible.

WHOIS & NGRDS

The GAC was briefed by Thailand on GAC involvement in work on the current WHOIS arrangements and the move (via GNSO Policy Development Process) to Next Generation gTLD Registration Directory Services (NGRDS). Both of these streams of work are currently coordinated through the GAC Working Group on Public Safety. Public policy considerations for both streams continue to be: data accuracy; compliance with national data protection requirements; and a framework for access to data. The intention at this stage is to carry the existing GAC advice relevant to WHOIS over to the NGRDS.

Community Applications

ICANN Ombudsman Chris LaHatte briefed the GAC about the findings of his own-motion review of the handling of new gTLD Community Priority Applications by ICANN. His basic findings were that the process as such was working as it was designed to work but that the philosophy behind why and whether a community should have priority to a gTLD was poorly articulated and that this was causing confusion and frustration among applicants and then subsequently in the appeals process.

The GAC discussed the findings and agreed that this is a public policy issue for future gTLD rounds, partly to ensure applicants legitimate concerns with the current round do not re-occur, but also to properly assess the policy intentions and public interest aspects of a community applications arrangement.

ACTION POINTS:

¹ CCWG on Use Country and Territory Names as TLDs – Chartered by the ccNSO and the GNSO

Secretariat to include some text on the GACs discussion in the Dublin Communiqué.

IGO Protections

The GAC Chair shared the progress of the 'small group'² of GAC members and IGOs with a Board liaison/facilitator which has been working on the issue of IGO Protections since the Buenos Aires meeting. The group met in Paris in July 2015 and achieved a common understanding of what could be a mechanism to achieve the permanent protection of IGO names and acronyms at the top and second level from abuse. He advised that at this stage the group is cautiously positive about possible text that the GAC could support, and further developments will be reported as soon as possible.

Dot Africa

The GAC discussed the request from ICANN staff for release of certain e-mails dealing with the dot Africa issue, following the decision of the Independent Review Panel; and a letter from the ICANN Board asking GAC if it wished to add to its previous advice on this matter.

GAC members reiterated the view, expressed inter-sessionally, that internal GAC e-mails should not be released, but agreed that additional explanatory material, including relevant extracts from transcripts of the Beijing meeting, could be provided as part of a response to the ICANN staff request.

The African Union Commission agreed that they would prepare a draft reply to the letter from the Board for consideration by the GAC.

ACTION POINT:

AUC to provide the GAC with a first draft reply text to the ICANN Board's letter on this matter.

The GAC Chair, with staff and secretariat support, to prepare a draft response to the ICANN staff request for release of e-mails.

2 Letter Country Codes and Country Names at the 2nd Level

ICANN GAC Staff briefed the GAC on the revised process for the release of two-character codes at the second level. GAC members recently advised ICANN on their agreement (or not) to the release of the corresponding country codes for their countries at the 2nd level and of how they wished to be engaged or consulted by potential registrants in the event of any disagreement with a registry mitigation plan. A further concern from the GAC is the ICANN view that there is no validity under this process to any government reason for objection to this use beyond confusion with the corresponding ccTLD. The GAC expressed dissatisfaction with the way ICANN has unilaterally implemented this matter, in particular on what basis a country could object. This is seen by many GAC members as inconsistent with the original intent of GAC's advice. In addition it is not clear what will happen in the event of a disagreement with a registry mitigation plan.

ACTION POINT

This discussion to be reflected in the Communiqué.

Universal Acceptance

The GAC was briefed by members of the [Universal Acceptance Steering Group](#), a community initiative supported by ICANN. Universal acceptance is the concept that all domain names, including IDNs and new gTLDs, should be treated equally. In particular that domain names and e-

² GAC Chair, GAC USA delegate, some IGO representatives, Chris Disspain (ICANN Board), Olof Nordling and Nigel Hickson (ICANN Staff), Mary Wong (GNSO Curative Rights Group)

mail addresses should be accepted, stored, processed and displayed in a consistent and effective manner as well as being available to internet users in their native language.

GAC members were invited to raise awareness within governments in relation to updating government systems to ensure they are inclusive of all modern TLDs; and with local software companies to ensure that they develop for the modern TLD system and to ensure compliance with the principle of Universal Acceptance.

ACTION POINT:

ICANN Staff to circulate the presentation to the GAC list.

Current Round Safeguards

The GAC noted that no response had been received from the Board to recommendations in the Buenos Aires Communique concerning safeguards for the current round of new gTLDs (a relevant resolution from the NGPC was circulated to the GAC by e-mail later in the meeting). It was agreed that the Communique should reiterate the points from Buenos Aires concerning validation and verification in highly regulated sectors, best practice in PICs and the need for a clear and comprehensive scorecard on Board handling of all GAC advice in this area.

Future gTLD Rounds

ICANN staff briefed the GAC on the range of reviews of the current round of new gTLDs, including the preparatory work for and next steps in the Competition, Consumer Trust and Consumer Choice Review; and the program review conducted by staff dealing with the effectiveness of the application and evaluation processes for gTLDs in this round.. The latter report is currently posted for public comment.

GAC members stressed the importance of appropriate current public policy settings being retained for future rounds unless there are compelling reasons to the contrary.

ACTION POINTS:

1. ICANN Staff to make the Nielsen Consumer Survey and the Registry and Registrar Pricing Study reports available to the GAC.
2. Secretariat to prepare a Roadmap document covering the opportunities and timelines for GAC engagement in both the ICANN review processes and in the GNSO PDP processes.
3. Secretariat to compile all the advice the GAC has provided on new gTLDs since 2012 into a document for the GAC to review whether or not they feel the advice is still valid. Where it is still considered valid advice, it should be used as the basis for input to relevant reviews of the current round and the PDP for subsequent rounds.

INTERNAL GAC MATTERS

GAC Vice Chair Elections

In accordance with GAC Operating Principle 31, the GAC Vice-Chairs for 2016 were announced as elected by acclamation. The successful Vice-Chairs for 2016 were Argentina, Namibia, Spain and Thailand. They will commence their 2016 duties at the GAC meeting at ICANN55.

Review of GAC Advice Effectiveness

The report into GAC Advice Effectiveness prepared by the independent Secretariat was discussed. The GAC agreed that the current situation was not satisfactory and that it is a transparency and accountability issue for both ICANN and the GAC. The recommendations were endorsed, with further consideration to be given to how far into implementation the GAC wish to become involved.

ACTION POINT:

GAC to invite the BGRI to consider options for taking forward the recommendations in the report.

Independent GAC Secretariat

An initial assessment of the performance of the independent GAC Secretariat was circulated by the Chair. The assessment of the Chair and Vice-Chairs as well as of GAC members was very positive and there was broad support by GAC members for the continuance of the Secretariat.

The issue of ongoing funding for the Secretariat was raised by the GAC chair, particularly in the context of rising demand for services to support GAC Working Groups and efforts such as the HLG. Donor nations (Norway, Brazil, Netherlands) have indicated that they will continue to support the Secretariat, but only on the basis that other GAC members join them in this effort in order to spread the cost burden. Peru and the European Commission and other GAC members indicated that they were investigating possible options to contribute some funding, possibly in cooperation with national Internet communities.

ACTION POINT:

The GAC Chair asked all GAC members to investigate with their government the possibility of contributing to the combined funding resources to finance the services of the independent Secretariat.

GAC Proposal for new ICANN Meeting Structure

The most recent proposal from the GAC for the management of GAC meetings from 2016 onward was presented and comments from the floor received. A range of suggestions and comments were provided. The next steps will be to revise the approach based on this feedback and to re-circulate it to the GAC, before meeting with other SOs and ACs to ensure that the GAC approach is complementary to other parts of the community.

GAC Website Update

Trinidad and Tobago presented to the GAC on the update process for the GAC website. It was advised that the GAC have been selected by ICANN to be the test community for the new ICANN web hosting platform that is due to be delivered before Marrakech.

The GAC is also reviewing the ICANN Board Advice Tracking Tool that is currently under development to ensure that it is appropriate to the purpose of managing GAC Advice and addresses some of the issues identified by the recent GAC Advice Effectiveness Review.

The GAC Technology Task Force is also testing a new tool for meeting and GAC collaboration.

GAC WORKING GROUPS

GeoNames Working Group

The Working Group Chair described the main aim and purpose of the Working Group as the protection from misuse in the DNS of names which are relevant to local and geographic communities; names that are not in any official ISO list or UN list as per the applicant guidebook.

The Working Group has been developing its Work Plan. The Work Plan includes the development of a set of best practices from the last new gTLD round and an attempt to define the term 'public interest'. The limitations of existing international law governing this space were described and the challenge of making meaningful progress in this context noted. It was generally agreed that the

best way to manage the public interest protections in this respect is on a case by case basis and not through the creation of any further lists or processes from the Working Group.

GAC Operating Principles Working Group

The Chair of the Working Group sought endorsement to the Terms of Reference and advice from the GAC on which of three procedural options for conducting the review, they preferred.

There was discussion about whether or not to identify specifically which principles require review and to articulate these into the Terms of Reference, or not. By the close of the meeting it was agreed not to do so.³ As a way forward it was agreed that the Working Group should conduct an intersessional consultation with the GAC to identify which issues are of concern to them and use these concerns to guide the work of the Working Group. This approach is to be documented into a revised Terms of Reference which is also to be circulated intersessionally for endorsement.

Other GAC Working Groups

The Secretariat noted the development of the GAC Working Group Procedures and templates documents which are designed to provide consistency to the GAC on both the processes for working in and creating output from GAC Working Groups. These were endorsed by the GAC.

The Chair requested that each GAC Working Group provide a written briefing or status paper including their next steps and timelines to the GAC prior to every formal GAC meeting and that these be provided in a form that permits them to be distributed by the Secretariat in the total briefing pack.

ACTION POINT:

Secretariat to update the Working Group procedures document to ensure this requirement from the Chair is clearly reflected.

Public Safety Working Group

The GAC Public Safety Working Group presented an update. To date the PSWG has provided input into the WHOIS accuracy program specification review, provided comments on the privacy and proxy accreditation services initial report and on next generation registration directory services. The group's current plan of work includes the submission of a letter to the number resource organization on IP address WHOIS accuracy, the development of case studies, encouraging regulator collaboration, a focus on outreach activities and encouraging more law enforcement agencies from developing countries. The PSWG is also looking at the new gTLD security framework "specification 11" and will be providing comment to the ICANN Security Framework Drafting Group.

The group is looking at ways to engage early in the process with the GNSO so that they are involved prior to any public comment period on relevant PDP processes and will be supporting one member of the PSWG to be a formal member of the Consumer Trust and Consumer Choice Review Team.

Human Rights and International Law

The Working Group presented an update and reiterated its focus as being to ensure that the domain name system and ICANN's management of it takes full account of human rights and relevant international law. The group intend to finalise their Terms of Reference by the end of the calendar year and have yet to develop their Work Plan.

Under-Served Regions

³ For clarity, this decision was reached not during the meeting session itself, but in an email thread during after the session, but during the course of the Dublin meeting.

The Working Group presented an update. They are currently working on a survey of ccTLDs and looking at how the findings might be used to strengthen the DNS industry and better define the role of ccTLDs and government's role in this context. They are also looking at the issue of capacity building and training in the DNS system in under-served regions and to this end will be providing some additional resources to the GAC website.

The next focus of the Group is to ensure that under-served regions increase their participation and representation in the discussions and GAC working groups concerning the substantive ICANN issues and achieve more of an equal footing with the more experienced GAC members. The groups Work Plan is yet to be developed.

GAC Participation in the Nom-Com

The Chair provided the background to the Working Group and an update. The Terms of Reference will be circulated for endorsement with a clear deadline. After that a Work Plan will be developed.

GAC ADVICE TO THE BOARD

In the Communique

The GAC provided advice to the ICANN Board on the following matters in the GAC Communique from the Dublin meeting. The Communique is attached at [Attachment 2](#).

- Safeguards in the current round of new gTLDs
- Public policy outcomes and Safeguards for the next round of new gTLDs
- Protections for IGOs
- Community Priority Evaluation Processes
- Use of 2 letter Country Codes and Country Names at the Second Level
- Better management of travel visas for future ICANN meetings

DOCUMENT ADMINISTRATION

Title	Minutes GAC Meeting ICANN54, Dublin
GAC Brief No.	15-82
Distribution	GAC Members
Distribution Date	11 th December, 2015
Related Meeting & Agenda Item	Dublin GAC Meeting, ICANN54

ATTACHMENT 1

LIST OF GAC ATTENDEES: DUBLIN, 17-22 OCTOBER 2015

Members	
African Union Commission	Luxembourg
Argentina	Former Yugoslav Republic of Macedonia
Australia	Malaysia
Austria	Mauritius
Belgium	Morocco
Brazil	Namibia
Canada	Netherlands
Cayman Islands	New Zealand
Chile	Nigeria
China	Niue
Colombia	Norway
Cook islands	Paraguay
Democratic republic of Congo	Peru
Czech republic	Poland
Denmark	Portugal
Dominican Republic	Romania
Egypt	Russian Federation
European Commission	Senegal
Finland	Singapore
France	Spain
Georgia	Sudan
Germany	Sweden
Greece	Switzerland
Guinea, Republic of	Taipei, Chinese
Hungary	Thailand
India	Timor-Leste
Indonesia	Trinidad and Tobago
Ireland	Turkmenistan
Israel	Uganda
Italy	Ukraine
Ivory Coast	United Kingdom
Jamaica	United States
Japan	Vatican City Holy See
Jordan	Venezuela
Kenya	Viet Nam
Kiribati	
Korea, Republic of	

Observers	
World Intellectual Property Organisation (WIPO)	Organisation for Economic Cooperation and Development (OECD)
Organisation Internationale de la Francophonie (OIF)	European Broadcasting Union (EBU)
Caribbean Telecommunications Union (CTU)	Council of Europe
International Red Cross Red Crescent Movement (ICRC)	Economic Community of West African States (ECOWAS)
Economic Community of Central African States (ECCAS)	REGULATEL
Organisation for Islamic Cooperation (OIC)	INTERPOL

ATTACHMENT 2

GAC DUBLIN COMMUNIQUÉ

Dublin, Ireland 21 October 2015

GAC Communiqué – Dublin, Ireland¹

I. Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Dublin, Ireland during the week of the 17th of October 2015. Sixty five (65) GAC Members attended the meeting and nine (9) Observers.

II. Inter-Constituency Activities & Community Engagement

1. Meeting with the ICANN Board

The GAC met with the ICANN Board and discussed a range of issues including:

Items for discussion:

- Board rationale for Stress Test 18 in CCWG Accountability
- Status of ATRT2 Recommendation 6.5

Information Items:

- ICANN Outreach to developing countries
- Root Zone Administrator and IANA Transition
- High Level Governmental Meeting, Marrakech
- gTLD Safeguards
- Visa issues for GAC Members attending meetings
- Dot Africa

2. Meeting with the Generic Names Supporting Organization (GNSO)

The GAC met with the GNSO and reviewed the work of the GAC---GNSO Consultation Group; current GNSO Policy Development Processes PDPs relevant to the GAC; GAC activities relevant to the GNSO; and the new ICANN meeting structure.

¹To access previous GAC advice, whether on the same or other topics, past GAC communiqués are available at: <https://gacweb.icann.org/display/gacweb/GAC+Recent+Meetings> and older GAC communiqués are available at: <https://gacweb.icann.org/display/gacweb/GAC+Meetings+Archive>.

It was agreed that procedural mechanisms are operating usefully, including the Consultation Group; the “Quick Look” mechanism for the issue scoping phase of PDPs; the GNSO liaison to the GAC; and the GNSO Council Review of the GAC Communiqué. It was noted that the GAC had provided inputs to a range of PDPs since the Buenos Aires meeting.

The GAC will continue to engage in particular with current PDPs on subsequent New gTLD rounds; and next generation registration directory services. The GAC will monitor and if necessary modify its working arrangements to ensure such engagement, for example to ensure that the expertise of GAC Working Groups can be best used. The GAC and the GNSO agreed to collaborate on possible capacity building initiatives to assist individual GAC members participating in PDPs; and to facilitate agreed GAC input, in particular at the public comment stage.

3. Meeting with the Country Code Names Supporting Organization (ccNSO)

The GAC met with the ccNSO and agreed to continuing engagement with the Cross Community Working Group on Use of Country Territory Names as TLDs (CCWG--UCTN), in particular with regard to the possible use of 3-character country codes.

Views were exchanged on the CCWG--Accountability and its future implementation; and an update was provided on implementation of the Framework of Interpretation. The need for future transparency regarding the matters of ccTLD redelegation was mentioned.

4. Meeting with the At-Large Advisory Committee (ALAC)

The GAC met with the ALAC and discussed the need for further examination of the experience to date with possible consumer safeguard issues in sensitive new gTLD strings. GAC Members expressed support for any work that will provide data to inform future gTLD rounds.

Views were exchanged with regard to the CCWG--Accountability and actions taken by ALAC in that regard; and the new ICANN meeting structure.

5. Universal Acceptance

The GAC was briefed by members of the Universal Acceptance Steering Group on their work. GAC Members noted that ensuring all domain names are seamlessly inter--operable and treated equally in all situations is a public policy issue and members will engage with the work of the Steering Group as appropriate. GAC Members also noted the challenges in achieving full functionality for Email Address Internationalisation, an important aspect for the uptake of IDN top-level domains.

The GAC warmly thanks all SOs/ACs that met with the GAC, as well as those among the ICANN community who have contributed to dialogue with the GAC in Dublin.

III. Internal Matters

1. New Members

The GAC welcomes Antigua and Barbuda, Sierra Leone and Tokelau as new Members; and the Economic Community of Central African States and the Organisation of Eastern Caribbean States as new Observers. This now brings the number of GAC members to 155, and the number of observers to 34.

The GAC will continue to encourage governments who are not yet GAC Members to consider joining the GAC.

2. Election of Vice Chairs

The following members were elected for 2016--17 by acclamation in accordance with the GAC Operating Principles:

Dr. Olga Cavalli (Argentina)
Mr. Henri Kassen (Namibia)
Ms. Gema Campillos (Spain)
Mr. Wanawit Ahkuputra (Thailand)

The Vice Chairs will assume their positions for the new term from the end of the Marrakech meeting.

3. GAC Working Groups

The GAC continues to pursue specific areas of work through its Working Groups, which cover the following areas:

Protection of Geographic Names in future rounds of new gTLDs

The GAC WG to Examine the Protection of Geographic Names in any Future Expansion of gTLDs met in an open session in Dublin, reported on progress in its work and discussed suggestions on how best to balance national and regional interests versus the range of different concerns expressed and questions raised by community members and GAC Members.

Public Safety

The GAC Public Safety Working Group (PSWG) had an open session that attracted over 80 participants. The open session discussed a range of issues with the ICANN community including the 2013 RAA WHOIS Accuracy Specification Review, Privacy Proxy Accreditation Issues, Next Generation WHOIS, WHOIS and European Data Protection Laws, Law Enforcement Agents Use Case Examples of WHOIS, Roadmap for PSWG In--Capital Coordination, New gTLD Security Framework specification 11, Child Exploitation and new gTLDs Sensitive Strings.

The PSWG agreed on its program of work that includes improving access to accurate IP Address WHOIS data, developing case studies, encouraging regulator collaboration to interact with registrars and registries, the new gTLD Security Framework, and importantly, significant

outreach efforts. The WG members and ICANN staff present at the meeting committed to working together intersessionally to significantly progress these items.

Underserved Regions

The GAC WG on Underserved Regions met in an open session and discussed a series of issues including the ongoing survey of governments' relations with ccTLDs, DNS industry studies, capacity building needs and recommendations for increased outreach and meaningful participation at the High Level Governmental Meeting (HLGM) at ICANN55 in Morocco. The WG noted that enhanced and targeted Capacity Building and Travel Support is required for Marrakech to ensure that High Level Officials from Underserved regions are fully briefed in advance of the meeting. The WG members and ICANN Staff present at the session committed to collaborating to significantly progress all work items intersessionally.

GAC Participation in the ICANN Nominating Committee (NomCom)

Draft terms of reference for the Working Group will be circulated to the GAC for comment and final approval during November.

Human Rights and International Law

The GAC Working Group on Human Rights and International Law (WG--HRIL) agreed to invite comments on its revised draft terms of reference by 18 November with the aim of finalising them in early December. For the purposes of information exchange, the Cross Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights (CCWP--HR) introduced its paper "ICANN's Corporate Responsibility to Respect Human Rights" with recommendations for developing a human rights review process and reporting. The WG--HRIL also received updates on the work of the CCWP--HR and the CCWG Accountability's proposal to include reference to human rights in the ICANN bylaws.

4. Review of GAC Advice Effectiveness

The GAC reviewed a report from the independent ACIG GAC Secretariat providing a high level assessment of the effectiveness of recent GAC advice. The GAC will consider further action on the report's recommendations, including the option of referral to the Board--GAC Recommendation Implementation Working Group (BGRI WG).

5. GAC Secretariat

The GAC recognised the valuable assistance and support provided by the independent ACIG GAC Secretariat and the need to continue to ensure that its services were made available to the GAC. Given the increasing demands on GAC Members, including work related to GAC Working Groups, the GAC noted the importance of ensuring that adequate funding was made available to ensure continuous support from the independent ACIG GAC secretariat.

IV. High Level Governmental Meeting (HLGM)

The GAC representative for Morocco made a presentation on the preparatory process for the HLGM to be held during ICANN 55 on 7 March 2016. The GAC was briefed on the organisational

objectives of the meeting, in particular the invitation letters sent to Ministers of GAC member countries and non-GAC members as well as GAC Observers.

Regarding the draft agenda prepared by Morocco, the GAC has had the opportunity to give preliminary remarks on the document. GAC Members expressed their thanks and support for Morocco's efforts and the content of the document. The GAC will provide further views on the draft agenda as soon as possible to enable the host country to send new letters containing the agenda and other components relating to the meeting.

Pending receipt of further comments within two weeks, the final version of the agenda will be published.

V. Transition of US Stewardship of IANA and Enhancing ICANN Accountability

1. IANA Stewardship Transition Coordination Group (ICG)

The GAC took note of the activities being carried out by the ICG, and thanked the GAC Representatives in the ICG for their efforts.

2. Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability)

The GAC recognizes that much progress has been made by the CCWG-Accountability in its ongoing work, and welcomes the CCWG's achievements to date and supports the efforts to finalise its proposal for enhancing ICANN accountability as required for the IANA stewardship transition.

In assessing the specific accountability recommendations put forth so far by the CCWG-Accountability, the GAC considers that whatever the final outcome of this process may be, the new accountability framework to be agreed upon must preserve the current role of governments in ICANN.

The discussions on Stress Test 18 have helped the GAC to have a better understanding of the different views on the issue. In assessing the different rationales presented so far related to Stress Test 18, the GAC considered:

- The need that each and every Advisory Committee ensures that the advice provided is clear and reflects the consensus view of the Committee;
- The need that each and every Advisory Committee should preserve its own autonomy in its definition of consensus;
- The value the Board attributes to receiving consensus advice;
- The recommendation of the BGRI WG, as reiterated by the ATRT2, to set the threshold for the ICANN Board to reject GAC advice to a 2/3 majority voting, consistent with the threshold established for rejection of ccNSO and GNSO PDP recommendations.

In view of the above, having considered concerns expressed by various parties, the GAC agreed to further work on the issue of Stress Test 18, and to submit any further input to the CCWG taking into account the timelines of the CCWG. GAC Members will continue to work within the CCWG to finalise the proposal for enhancing ICANN accountability.

VI. Other GAC Discussions

1. Dot Africa

The GAC has reviewed the letter of 28 September 2015 from the Board Chair to the GAC Chair concerning the DotConnect Africa Trust (DCA) v. ICANN Independent Review Process; and will be responding in writing in the near future.

2. Three-Character Country Codes as TLDs in Future Rounds

The GAC has received a request from the Cross Community Working Group on the Use of Country and Territory Names as Top Level Domains for GAC input on the issue of possible use of 3-character country codes as TLDs in future rounds. The GAC is considering its response to this request and will liaise with the Working Group inter-sessionally. Several GAC members have indicated possible areas of concern and these will be discussed further within GAC and with the Working Group.

VII. GAC Advice to the ICANN Board²

1. gTLD Safeguards : Current Round

Consistent with its Buenos Aires Communiqué, the GAC is seeking a clear record of the ICANN Board's acceptance or rejection of GAC Safeguard Advice. This would optimally be provided in the form of a scorecard that includes a) what elements of GAC advice have been implemented; b) what remains a work in progress; and c) what has not been accepted for implementation, with a clear rationale for not being accepted.

The GAC reiterates its advice that the New gTLD Program Committee create a list of commended Public Interest Commitment (PIC) examples related to verification and validation of credentials for domains in highly regulated sectors to serve as a model of best practices for gTLD registry operators. Such a compendium would also permit an assessment of the success of the PIC specifications for strings representing highly regulated sectors, and will also facilitate the incorporation of such safeguards into contracts in future new gTLD rounds.

² To track the history and progress of GAC Advice to the Board, please visit the GAC Advice Online Register available at: <https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice>

In light of the current and upcoming reviews of the New gTLD program,

a. The GAC advises and urges the Board to:

- i. develop and adopt a harmonized methodology for reporting to the ICANN community the levels and persistence of abusive conduct (e.g., malware, botnets, phishing, pharming, piracy, trademark and/or copyright infringement, counterfeiting, fraudulent or deceptive practices and other illegal conduct) that have occurred in the rollout of the new gTLD program.

The GAC was informed that independent studies presented during the ICANN 54 meeting on the review of the New gTLD round show a relatively low level of trust in these gTLDs by consumers compared to existing TLDs.

2. Future gTLD Rounds

a. The GAC advises the Board that:

- i. before defining the modalities for future rounds, a rigorous assessment of all public policy related aspects of the current round should be undertaken, taking into account the advice given by the GAC on this subject since the beginning of the New gTLD process, including advice relating to community-wide engagement on the issues of communication to and access by developing countries and regions; and advice regarding past policy decisions taken by the Board to reserve the Red Cross and Red Crescent designations and names.

In this regard, the GAC expects that those elements of the current framework for new gTLDs that are considered appropriate by the GAC will remain and that the elements that are not considered satisfactory will be improved for subsequent rounds.

3. Protection for IGOs

a. The GAC advises the Board to:

- i. facilitate the timely conclusion of discussions of the “small group” and the NGPC in an effort to resolve the issue of IGO protections.

4. Community Priority Evaluation

a. The GAC advises the Board that:

- i. the GAC reiterates previously expressed concerns that the Community Priority Evaluation (CPE) process has not met the expectations of applicants and notes that all the successful applications are currently the subject of dispute resolution procedures;
- ii. the GAC expects the current specific problems faced by

individual applicants to be resolved without any unreasonable delay, and in a manner in which justified community interests are best served;

- iii. the GAC notes possibly unforeseen consequences for community applicants of recourse by competing applicants to other accountability mechanisms; and the specific challenges faced by some community applicants in auctions when in competition with commercial applicants;
- iv. the GAC will take into account the final report of the ICANN Ombudsman on this issue when preparing the GAC's input into the GNSO's review of issues for improving procedures relating to community-based applications in the next gTLD round; and the Competition, Trust and Consumer Choice Review (CCT) under the Affirmation of Commitments.

5. Use of 2-letter Country Codes and Country Names at the Second Level

The GAC notes that the process for considering comments for two-character letter/letter labels launched on the 6th October 2015 is not consistent with GAC advice which recommended that governments' comments be fully considered. That advice was accepted by Board resolution 2015.02.12.16.

GAC Members have now been asked to clarify which specific TLDs their comments pertain to, and to explain how the release of the two-letter label will cause confusion with their corresponding country code. The GAC reiterates its advice on this issue and

a. advises the Board that:

- i. comments submitted by the relevant Governments be fully considered regardless of the grounds for objection.

b. The GAC further advises the Board to:

- i. be mindful of governments' capacity limitations and asks the Board to facilitate simplification of the process for providing comments to address their concerns.

c. With respect to new requests for release, the GAC advises the Board to:

- i. task ICANN to work with the GAC Secretariat to address the technical issues with comment forms and in the interim
- ii. offer alternative means for comments.

6. Visas

The GAC notes that a number of GAC Representatives had difficulties in obtaining visas for this meeting and some were unable to attend in person for this reason, thereby excluding some Representatives from the full range of GAC work. This has also been an issue at previous meetings. There are particular issues for government representatives in obtaining visas where a letter of invitation is from ICANN rather than an agency of the government of the country hosting the meeting.

a. The GAC advises the Board that:

- i. it should investigate options for optimising visa approval procedures, including appropriate liaison in advance with the national government of the country hosting the meeting; and that the GAC is available to assist in this regard.

VII. Next Meeting

The GAC will meet during the period of the 55th ICANN meeting in Marrakech, Kingdom of Morocco.