
GOVERNMENTAL ADVISORY COMMITTEE (GAC): MINUTES OF MEETING

ICANN 59 Johannesburg

26-29 June 2017

1. MEETING ATTENDANCE & MEMBERSHIP

Sixty-eight GAC Members and seven Observers attended the meeting.

The GAC welcomed St Kitts and Nevis as a new Member; and the Regional Technical Commission of Telecommunications (COMTELCA) as a new Observer. This brings GAC membership to 173 Members, and 36 Observers.

A list of attendees is at **Attachment 1**.

The GAC Johannesburg Communiqué is at **Attachment 2**.

Presentations used by speakers during the meeting and supporting briefing prepared for the GAC can be accessed, where available, from the [GAC website](#) (as slides or word/PDF documents). Full transcripts for each session are available at the Johannesburg Schedule website.

2. PUBLIC POLICY AND SUBSTANTIVE ISSUES SESSIONS

2a: 2-letter country/territory codes at the second level

This remains an issue of concern to some, but not all, GAC members.

The GAC was briefed by ICANN staff on the current situation. The Board's [response](#) to the GAC's Copenhagen Communiqué, including that it "has directed the CEO to engage with concerned governments to listen to their views and concerns and further explain the Board's decision-making process," was noted. At the face-to-face meeting with the Board, the ICANN CEO said that he was happy to help facilitate a "task force" (however titled), to include interested GAC members and the GAC Chair, to develop better communications with governments on this issue.

ACTION POINT

GAC leadership group, ICANN CEO and interested GAC members to consult on creation of a "task force".

2b: Protection of IGO Names and Acronyms

The GAC informed the Board at their face-to-face meeting that the Board's [response](#) to the GAC's Copenhagen Communiqué with regard to GAC comments to the PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms fell short of what GAC was seeking. The Board responded that its role is to facilitate rather than intervene.

ACTION POINTS

The above discussions to be reflected in the GAC Communiqué (**Completed**).

2c: Red Cross / Red Crescent / Red Crystal

The GAC noted that the GNSO has re-convened the PDP Working Group on Protection of IGO-INGO Identifiers in All gTLDs in order to re-examine the recommendations on protections for Red Cross and Red Crescent identifiers following the GAC advice in its Copenhagen Communiqué. GAC members were interested to identify opportunities to contribute to the work.

ACTION POINTS

1. The above discussions to be reflected in the GAC Communiqué (**Completed**).
2. GAC Members and Observers, supported by the ACIG GAC Secretariat and staff, to monitor the re-convened Working Group and ensure appropriate GAC inputs.

2d: Registration Directory Services (RDS) and Data Protection Rules

GAC Members participated in the cross-community sessions on the Next Generation RDS review and the EU General Data Protection Regulation (GDPR); and the GAC was briefed by its Public Safety Working Group (PSWG). The GAC agreed on the need to define the purpose of collection and use of RDS Data Elements and the importance of expert input including from the GAC; explore solutions, including guidance and technical implementation, to address Data Protection requirements; and align deliveries of the Next Generation RDS PDP with the timing of changing regulations across the world.

The GAC noted its willingness to participate in the newly established ICANN GDPR Compliance Consultation Group.

ACTION POINTS

1. The above discussions to be reflected in the GAC Communiqué (**Completed**).
2. PSWG to monitor developments and keep GAC informed.

2e: Geographic Names at the Top Level

GAC members participated in the cross-community sessions on use of geographic names as top-level domains. While the opportunity was welcomed, the GAC considered that this issue requires greater engagement by all relevant stakeholder groups on a cross-community basis and that a GNSO PDP framework alone may not provide this.

The GAC noted that the current arrangements reflected in the Applicant Guidebook have a history and rationale that should be analysed and taken into account in any further policy review work. Relevant GAC advice in this regard includes:

- GAC Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains (2005), paragraphs 4.1.1, 4.1.2 and 8.3.
- GAC Principles Regarding New gTLDs (2007), sections 1.2, 2.1, 2.2, 2.3, 2.4, 2.7 and 2.8.
- GAC Nairobi Communiqué (2010): Application of 2007 Principles.
- GAC Durban Communiqué (2013): Future application of 2007 Principles.
- GAC Helsinki Communiqué (2016): 3-letter codes.

The GAC Working Group on Geographic Names also met – see below.

ACTION POINT

The above discussions to be reflected in the Communiqué. (Completed).

2f: New gTLD Policies

With regard to substantive issues, the GAC discussed geographic names (see above) and community based applications. GAC agreed to a request from one of the Subsequent Procedures PDP WG Co-Chairs to provide information on arguments in support of promoting community based applications (Lead: United Kingdom).

With regard to process, the GAC agreed to work with the Subsequent Procedures PDP WG on better mapping of public policy issues, work tracks and call times; and on possible feedback on GAC inputs to ensure a continuing dialogue. The GAC will also review and confirm GAC leads on specific issues and clarify their roles and responsibilities.

ACTION POINTS

1. Summary of arguments in favour of community based applications to be prepared for Subsequent Procedures PDP WG (**United Kingdom**).
2. Work with PDP WG on better mapping and feedback to GAC (**Leadership Group + ACIG + WG Co-Chairs**).
3. Review GAC leads on specific issues (**Leadership Group + ACIG**).

2g: Competition, Consumer Trust and Consumer Choice (CCT) Review

The Chair of the CCT Review Team and team members briefed the GAC on the Team's work since its published Draft Report (noting GAC input to the public comment process) and progress towards finalising its work.

CCT Review Team work is available at www.cct.wiki.

ACTION POINT

GAC members to continue to monitor developments in the work of the review. (**All GAC Members + ACIG GAC Secretariat**).

2h: Public Safety Issues

The GAC was briefed by its Public Safety Working Group on current work. Key issues raised with regard to DNS abuse were: Dialogue with ICANN CEO on DNS abuse mitigation; and ICANN initiatives including: Ad Hoc Community Group on Compliance and Safeguards; Domain Abuse Activity Reporting Project; Identifier Technology Health Index; and DNS Marketplace Health Index.

Other issues briefed on by the PSWG included: Privacy and Proxy Services Implementation Review Team; and impact of the GDPR and RDS issues (see 2.d above). It was agreed that consolidated experts input to the public comment process on WHOIS Conflicts with Privacy Law would be agreed by GAC by e-mail procedure by 7 July 2017.

The new ICANN Consumer Safeguards Director, Bryan Schilling, met briefly with the GAC and outlined his role.

ACTION POINTS

1. Expert input on WHOIS Conflicts with Privacy Law to be agreed by GAC by 7 July 2017 (**Completed**).
2. PSWG to keep GAC informed on all major activities (**PSWG Co-Chairs + Staff**).

2i: Meaningful Engagement with ICANN processes

The GAC raised (in its plenary sessions and at face-to-face meetings with the ICANN Board and ALAC) concerns that there were increasing challenges to effective and meaningful GAC participation in a range of ICANN activities. This was happening against a background of the general increase in workload across the community and expectations of GAC engagement at all stages. Problems include limited GAC resources, lack of transparency of/inability to influence the setting of community-wide priorities, and ICANN structures that was not complementary to GAC engagement with PDPs.

Possibilities for improving this situation could be: a) the setting of priorities among different work streams in the ICANN framework; and b) the provision of briefing documentation, including historical documentation, current situation and challenges, that would allow stakeholders with limited resources to more easily understand and assess the issues and relevance of work streams, and facilitate their active participation.

The GAC participated in the cross-community session on "Who Sets ICANN's Priorities?" but did not identify specific actions arising from this.

ACTION POINTS

1. The issues noted above to be reflected in the Communiqué (completed).
2. Further consideration of options to be undertaken by the GAC Leadership Group.

3. CROSS-COMMUNITY ENGAGEMENT SESSIONS

3a: Meeting with ICANN Board

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

- 2-character country and territory codes at the second level: See 2.a above.
- The Board's response to GAC advice on IGO protections: See 2.b above.
- Recent dialogue between the GAC, the GAC Public Safety Working Group and the ICANN CEO on mitigating domain name abuse: GAC and PSWG members thanked the CEO for the dialogue and looked forward to further regular exchanges if possible.
- Improvements to ICANN document handling: The CEO acknowledged that there were problems with lack of consistent document labelling/tracking including in the ICANN website. ICANN was working on a new document management system as part of a major project.
- Receiving Board responses to GAC advice earlier: The Board would try to avoid conveying their responses just before an ICANN meeting.
- Changes in Board and ICANN Organisation procedures for processing GAC advice: This is in place at the Board level. The CEO said that ICANN organisation was looking at ways to support fact-based discussions in the GAC, including addressing concerns of individual countries.
- Options for GAC adding value to the annual GDD Summit: The CEO said that ICANN organisation facilitates the summits but does not set the agenda, and that some cross-community dialogue, or at least exchange of information, should be possible.

- Opportunities for the GAC to contribute to ICANN work on the interaction between the European Union General Data Protection Regulation and Registration Directory Services: See 2.d above.

3b: Meeting with Generic Names Supporting Organisation (GNSO)

The GAC met with the Chair and members of the [GNSO Council](#). The key issues raised were:

- The reconvened PDP Working Group which was considering the recommendations on Red Cross Red Crescent protections. GAC members conveyed their interest in participating when further details are available.
- Protection of IGO identifiers: No immediate next steps were shared, other than the near-finalisation of the PDP on IGO-INGO Access to Curative Rights Protection Mechanisms.
- GAC involvement in PDPs: The key points from 2.f above were discussed with regard to the Subsequent Procedures PDP. GAC members noted a suggestion to alert agencies dealing with intellectual property issues to the work of the PDP on Rights Protection Mechanisms.
- Quick Look Mechanism (QLM): There was discussion on whether the QLM is “necessary but not sufficient” for identification of public policy issues and facilitation of GNSO-GAC dialogue.

ACTION POINTS

See 2.f above.

3c: Meeting with Country Code Name Supporting Organisation (ccNSO)

The GAC met with the Chair and other members of the ccNSO Council. An update was provided on the ccNSO PDP on a retirement and review mechanism for ccTLDs. A Working Group on the retirement issue has been established and GAC members were most welcome.

An update was also provided on the now-concluded Cross Community Working Group on Use of Country and Territory Names as Top Level Domains. It was noted that both GAC and ccNSO have an interest in ongoing involvement with further work on geographic names; and in support for the GAC Working Group on Underserved Regions with regard to ccTLD issues.

3d: Meeting with At-Large Advisory Committee (ALAC)

The GAC met with ALAC leadership and members. It was agreed to explore possible cooperation on issues of common interest, including exchanging information between relevant working groups and continued discussions between GAC and ALAC leads on specific issues at ICANN meetings. There was also discussion on underserved regions, community workload challenges and the cross-community sessions on geographic names scheduled as part of ICANN 59.

ACTION POINT

The GAC and ALAC will continue to engage in dialogue on the issues noted above. **(GAC Leadership Group + ICANN staff + ACIG GAC Secretariat).**

3e: Meeting with Brand Registry Group

The GAC met with the Brand Registry Group (BRG) and were briefed on the role of the BRG; dotBrand cases and trends; and relevant policy issues in the Subsequent Procedures PDP.

3f: Briefing on KSK Rollover

The GAC was briefed by David Conrad, ICANN Chief Technology Officer, on the Root Zone DNS Security Extensions (DNSSEC) Key Signing Key (KSK) Rollover. Recent correspondence to government regulators from the ICANN CEO on this issue was noted.

4. ENHANCING ICANN ACCOUNTABILITY

The GAC agreed to adopt on an interim basis the principles and procedures for participation in the Empowered Community, and to use these as a guide until the ICANN 60 meeting. A small steering group would be formed to develop longer-term arrangements for consideration and agreement at the ICANN 60 meeting.

With regard to proposed amendments to the Fundamental Bylaw on Reconsideration Requests, the GAC participated in the [Community Forum](#) through the GAC Chair (as the GAC representative in the [Empowered Community Administration](#)) and through individual members who sought clarification of several points.

The GAC agreed that it would consider the proposed amendment and attempt to reach a consensus position as a Decisional Participant within the timeframe specified in the Bylaws (that is, by 21 July 2017); and that the draft principles and procedures proposed in the briefing document prepared by the ACIG GAC Secretariat would be used as interim principles for this instance only, pending further consideration at the next GAC face to face meeting.

The GAC was briefed by one of the Co-Chairs of the CCWG-Accountability Work Stream 2 (Thomas Rickert) on the current work of the CCWG and its sub-groups and the relevant timelines. GAC members expressed a range of views on the scope of work of the sub-group on jurisdiction and how this has been addressed at the sub-group and plenary levels.

ACTION POINT

1. GAC leadership group to prepare a proposal on the proposed Bylaw amendment and submit this to the GAC for consideration (**Leadership Group + ACIG GAC Secretariat**).
2. GAC to be kept informed of all relevant CCWG-Accountability developments and consider responses to WS2 draft proposals and requests for information on their merits (**GAC Members of CCWG-WS2 + ACIG GAC Secretariat**).

5. INTERNAL GAC MATTERS

5a: Olof Nordling

The GAC expressed its sincere appreciation and thanks to Olof Nordling, who is shortly retiring from ICANN. It noted that he has provided devoted support and longstanding counsel to the GAC of the highest professional standard and will be missed as an adviser and a great friend.

5b: Elections

A call for nominations was made for the positions of GAC Chair (the current Chair having given notice of his intention to step down after the ICANN 60 meeting) and up to five Vice Chairs (in accordance with the annual elections provided for in the GAC Operating Principles). Nominations must be made by 13 September 2017. ICANN GAC support staff would conduct the election process, which would be overseen by the outgoing GAC Chair. It was agreed to trial an online voting system for these elections.

ACTION POINT

ICANN GAC support staff to conduct relevant election procedures and answer queries accordingly.

5b: High Level Governmental Meeting

Spain declared its willingness to host the next High Level Governmental Meeting (HLGM) to take place in Barcelona during ICANN63 in October 2018. The GAC expressed its sincere gratitude to Spain for this welcome declaration.

5c: Board-GAC Review Implementation Working Group (BGRI)

The BGRI-WG and the GAC met, adopted GAC-Board post-communiqué exchanges as a standard operating procedure, and agreed on a set of activities that the BGRI-WG should start working on next.

ACTION POINT

The BGRI will continue its work inter-sessionally, and requests feedback from GAC members on issues raised in the session (**BGRI, GAC Members**).

5d: Review of GAC Operating Principles

The GAC agreed to minor amendments to the GAC Operating Principles as follows:

- Principles 8-11 (Meetings): Updating references to communications technologies.
- Principles 12-13 (Agenda): Updating references to communications technologies.
- Principle 28 (Powers of the Chair): Updating terminology for Chair.
- Principles 31-32 & 34-36 (Election of Chair & Vice Chairs): Allowing electronic voting.
- Principle 44 (Secretariat): Updating terminology.
- Principle 49 (Records): Updating terminology.
- Principles 52-53 (Revision): Clarifying voting procedures.

The GAC confirmed that a comprehensive holistic review of the Operating Principles would be required, and that options should be identified for this while building on

previous work done by the ACIG GAC Secretariat and the former GAC Working Group that dealt with these issues.

ACTION POINT

Options for a holistic review of the Operating Principles to be identified for GAC consideration (**GAC leadership group**).

5e: Independent GAC Secretariat

The GAC noted that work was underway to renew the existing contract with ACIG to provide an independent secretariat service to the GAC. Further pledges were sought and encouraged as a matter of urgency. In addition, the GAC would work on mid-term solutions with a view to finding sustainable funding arrangements.

Switzerland noted that it was now possible to pay to the funding association in accordance with units of 1,000 Euro; urged members who have expressed interest to arrange payment or contact the association (via the Swiss GAC representative) with any queries; and provided the following summary of the funding situation as 28 June 2017:

Average secretariat costs 2014, 2015, 2016 (at 2.5 FTE)	502'000€ per year
Expected cost total for all 2017 after spending cut (in force since April/May – since May 1FTE)	332'142€
Received contributions for 2017	230'000€
Invoiced and not yet paid contributions for 2017	89'000€
Total invoiced funds 2017:	319'000€ (=received+invoiced)ⁱ
Possible committed funds (not invoiced yet by GAC SFA)	15'000€
Other possible contributions under national discussion:	35'000€

i These are the donors that have paid or have been already invoiced for their pledged contributions for 2017:

EU Commission	50,000	50
The Netherlands	50,000	50
Switzerland	45,000	45
Norway	50,000	50
Brazil	25,000	25
Chinese Taipei	10,000	10

Portugal	10,000	10
Austria	10,000	10
New Zealand	10,000	10
Belgium	10,000	10
UAE	10,000	10
auDA	20,000	20
Sweden	10,000	10
Czech Republic	9,000	09

ACTION POINT

GAC members to again review the requests from the Chair for possible contributions to enable continuation of the independent secretariat. **(GAC Chair + Switzerland)**.

5f: New GAC Website

The GAC was briefed by ICANN technical staff on the transition to the new GAC website including access procedures. GAC was invited to provide feedback on the beta website.

6. GAC WORKING GROUPS

GAC Working Groups reported to the GAC as follows.

The GAC Public Safety Working Group (PSWG) briefed the GAC on recent progress on the Domain Name System (DNS) abuse mitigation and Registration Directory Service (RDS) work streams.

Regarding DNS abuse mitigation, the GAC met the new ICANN Consumer Safeguards Director and offered its support for his role and work, including the envisioned Ad Hoc Community Group on Consumer Safeguards. Presentations on the Domain Abuse Activity Reporting Project (DAAR) and the intermediate report on abuse of the DNS prepared for the CCT Review Team provided useful data to assess measures to prevent abuse. Building on intersessional exchanges with the ICANN Board and ICANN CEO, the PSWG will participate in initiatives including the DAAR Project, the Identifier Technology Health Index and the DNS Marketplace Health Index, with the aim to define systematic public reporting by ICANN on DNS abuse and related mitigation efforts.

Regarding Registration Directory Service (RDS), the GAC was briefed on progress of the Privacy and Proxy Services Accreditation IRT and the RDS Review Team.

GAC Working Group to Examine the Protection of Geographic Names in any Future Expansion of gTLDs: The Working Group participated in the webinars organised by the GNSO on 25 April 2017 in relation to the use of geographic names at the top level. The Working Group met during ICANN 59 and considered the “strawperson” document prepared by the Co-Chairs of the Working Group on Subsequent Procedures for New gTLDs based on input received during the webinars. This document was used as the basis for interactions in the Cross-Community Discussion on Geographic Names at the Top-Level organized during ICANN59.

The GAC Working Group on Under-Served Regions: The Working Group continues to

collaborate with ICANN's Government Engagement (GE) and other departments to organise capacity development sessions. The most recent events include:

- The second regional workshop in Fiji on 28 and 29 April 2017, targeting Pacific island countries.
- The USRWG and PSWG Capacity Development Workshop for African GAC Members, Law Enforcement and Consumer Protection Agencies on 23 and 24 June 2017 in Johannesburg, South Africa.
- A round table dialogue on ICANN's GAC capacity development initiatives during the WSIS forum in June 2017, in Geneva.

The Working Group is working with the GE and Development and Public Responsibility (DPRD) Teams to establish an evaluation framework to continuously evaluate GAC capacity development activities.

The GAC is looking forward to continued support from the ICANN org for the activities of the working group to support participation from underserved regions in GAC and ICANN policy processes. The working group has developed a tentative calendar of future capacity development initiatives for the next 2 years.

The working group will continue to collaborate with the ccNSO and Public Technical Identifiers (PTI) to complete the Frequently Asked Questions (FAQ) document on delegation and redelegation of ccTLDs.

The GAC Human Rights and International Law Working Group received an update from the rapporteur of the Cross-Community Working Group - Accountability Workstream 2 sub-group on Human Rights regarding the current status and next steps for finalizing the Framework of Interpretation for ICANN's Bylaw core value to respect internationally recognized human rights as required by applicable law. The Co-Chairs of the HRILWG reported on their contact with the UN Working Group on Guiding Principles on Business and Human Rights with regard to their potential applicability to ICANN.

The GAC Working Group to Examine GAC's Participation in the NomCom reviewed the draft document "GAC Criteria for NomCom." The working group will contribute with the revision of the text during the next months in order to present a new version during ICANN60.

DOCUMENT ADMINISTRATION

Title	GAC Minutes Johannesburg 2017
GAC Brief No.	n/a
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ATTACHMENT 1: GAC Attendees, Johannesburg, 26-29 June 2017

GAC Members		
African Union Commission	India	Spain
Argentina	Indonesia	St Kitts and Nevis
Australia	Iran	Sudan
Austria	Italy	Sweden
Belgium	Jamaica	Switzerland
Brazil	Japan	Chinese Taipei
Burundi	Kenya	Thailand
Cambodia	Korea	Timor Leste
Canada	Malaysia	Turkey
Chad	Madagascar	Uganda
Chile	Mexico	Ukraine
China	Morocco	United Kingdom
Colombia	Nepal	United States
Cook Islands	Netherlands	Uruguay
Cote d'Ivoire	New Zealand	Vietnam
Democratic Republic of Congo	Nigeria	Zimbabwe
Denmark	Niue	
Dominican Republic	Norway	
Egypt	Peru	
European Commission	Portugal	
France	Republic of Congo	
Gambia	Russian Federation	
Germany	Rwanda	
Guyana	Samoa	
Haiti	Singapore	
Hungary	South Africa	
GAC Observers		
Caribbean Telecommunications Union (CTU)	International Telecommunications Union (ITU)	World Intellectual Property Association (WIPO)
Commonwealth Telecommunications Organisation (CTO)	European Broadcasting Union (EBU)	West Africa Telecommunications Regulators Assembly (WATRA)
Council of Europe		

ATTACHMENT 2: GAC Johannesburg Communiqué

The Johannesburg Communiqué can be found on the GAC website.
