
GOVERNMENTAL ADVISORY COMMITTEE (GAC)

MINUTES OF MEETING

LOS ANGELES

12-16 October 2014

Meeting Attendance/Membership

Sixty five GAC members and ten observers attended the meeting.

The GAC welcomed Albania, Dominican Republic, The Gambia, Niger and St Lucia as new members.

A list of attendees is at Attachment 1.

The GAC Los Angeles Communiqué is at Attachment 2.

Chair and Vice Chairs Reports

The Chair reported on exchanges between heads of Supporting Organisations and Advisory Committees (SOs/ACs) and ICANN on the process for strengthening ICANN accountability and governance, leading to a further revised process announced by ICANN on 10 October; and on the regular discussion between ICANN senior management and SOs/ACs, focussing on the issue of workload across ICANN.

The Chair reiterated that she would be stepping down at the end of the Los Angeles meeting and handing over to the newly elected Chair. All GAC members expressed their sincere appreciation for her dedicated work over the past four years and wished her well for the future.

GAC Secretariat

The Chair advised that a long-term contract between ICANN and the Australian Continuous Improvement Group (ACIG) is awaiting signature by ICANN. In its meeting with GAC, the Board advised that it will move quickly to finalise the matter.

ICANN has appointed Ms Karine Perset as an additional member of GAC support staff.

Election of Chair and Vice Chairs

Elections were held for the next GAC Chair and Vice Chairs. The elections were conducted by ACIG GAC Secretariat team member Michelle Scott Tucker, under the supervision of the outgoing Chair and the two Vice Chairs who were not standing for office. The results of the election were:

Chair

Mr Thomas Schneider (Switzerland) – 61 votes

Dr Imad Youssef Hoballah (Lebanon) - 37 votes

Vice Chair

Ms Olga Cavalli (Argentina) – 77 votes

Mr Henri Kassen (Namibia) – 67 votes

Ms Gema Campillos Gonzalez (Spain) – 48 votes

Mr Wanawit Ahkuputra (Thailand) - 38 votes

Mr Ihsan Durdu (Turkey) – 34 votes

Dr Vujica Lazovic (Montenegro) – 11 votes

Mr Thomas Schneider was declared elected as Chair. Ms Olga Cavalli, Mr Henri Kassen and Ms Gema Campillos Gonzalez were declared elected as Vice Chairs.

The GAC discussed the need for additional Vice Chairs, noting that GAC Operating Principle 21 requires that, to the extent possible, the Vice Chairs should appropriately reflect the geographic and development diversity of the membership. Accordingly, under Operating Principle 23, the GAC designated Mr Wanawit Ahkuputra of Thailand and Mr Ihsan Durdu of Turkey to perform the roles of Vice Chair for the same period as the newly elected Vice Chairs.

Review of Certain GAC Operating Principles¹

The GAC agreed to review the following GAC Operating Principles in the light of the experience of the most recent round of elections:

Principles 14-18 (Membership and Observers) – including the voting rights of regional organisations

Principles 21-23 (Chair, Vice Chairs, Other Officers) – including the number of Vice Chairs

Principles 31-36 (Election of Chair and Vice Chairs) – including election procedures.

ACTION POINT: GAC Leadership Group, in conjunction with ACIG Secretariat, to review the above Operating Principles and report back to the next GAC meeting.

MEETING WITH ICANN BOARD

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

- Outcome of elections for GAC Chair.
- IANA Stewardship Transition.
- Enhancing ICANN Accountability and Governance.
- Reviews of the current gTLD round and associated issues.
- Implementation of safeguards for new gTLDs.
- Workload issues across the ICANN community.
- Dot SPA.
- Protection of names and acronyms for IGOs and Red Cross/Red Crescent.

¹ The GAC Operating Principles can be found at <https://gacweb.icann.org/display/gacweb/GAC+Operating+Principles>

² The work of the Group can be accessed at <https://community.icann.org/display/gnsogcgogeeipdp/GAC->

- Proposed ICANN ByLaw changes concerning GAC advice.
- Two-character domain names at the second level.
- Finalisation of ACIG/ICANN contract.

Specifics of these matters and the Board response are detailed under relevant subject headings elsewhere in these Minutes.

INTER-CONSTITUENCY ACTIVITIES

GAC-Generic Names Supporting Organisation (GNSO) Consultation Group

The GAC met with the GNSO, with most discussion (as in London) around the GAC-GNSO Consultation Group² that started work in the first quarter of 2014.

GAC welcomed the appointment of Mr Mason Cole as GNSO liaison to the GAC as part of a one-year pilot project. The objectives are to facilitate the flow of information between GNSO and GAC; and assist with engagement of GAC in GNSO processes.

The survey of GAC members on communication mechanisms had 29 responses. Issues identified included the high volume and frequency of GNSO activities, tight timelines and the specialised nature of much work, making it difficult for government officials to participate. Suggestions for improvement included highlighting specific public policy aspects, more updates on PDP progress and appropriate links on the GAC website.

A possible GAC group to implement Consultation Group outcomes, including "triage" (prioritising critical issues) of GAC-relevant items at the GNSO Issues Report stage, was discussed briefly.

The GAC agreed to further work as follows:

- Consultation Group to review input received in Los Angeles (including an open face-to-face meeting on 12 October³);
- Continued implementation of the GNSO liaison pilot project.
- Further development of recommendations for GAC and GNSO consideration within the existing two Work Tracks covering mechanisms to enhance day-to-day cooperation and GAC early engagement in PDPs.

More detailed information is in the [slides](#) used for the session.

Progress on protection for IGO names and acronyms was noted (for more information see GAC ADVICE ON NEW gTLDs, [page 6](#)).

ACTION POINT: Further work to proceed through the GAC-GNSO Consultation Group.

Meeting with Country Code Name Supporting Organisation (ccNSO)

The GAC met with the ccNSO and discussed two issues.

² The work of the Group can be accessed at <https://community.icann.org/display/gnsogcgoeeipdp/GAC-GNSO+Consultation+Group+on+GAC+Early+Engagement+in+Policy+Development+Processes+Home>

³ Transcript at <http://la51.icann.org/en/schedule/sun-gac-gnso-consultation/transcript-gac-gnso-consultation-12oct14-en>

The ccNSO explained the basis for its submission to the public comment process on ICANN Accountability and Governance, noting that all major concerns had been addressed in the most recent revised proposal announced by ICANN. [Slides](#) used for this presentation are available at <http://tinyurl.com/mxo84ez>.

The final draft report of the Framework of Interpretation Working Group (FOIWG)⁴ was also discussed. It recommends definitions/clarifications of key terms to guide IANA in the delegation, transfer and revocation of ccTLD management responsibilities. The report has the unanimous support of ccNSO members. It was noted that these issues will need to be considered as part of the IANA Stewardship Transition. [Slides](#) used for this presentation are available at <http://tinyurl.com/mxo84ez>.

The ccNSO is seeking a GAC response before the recommendations are submitted to the ICANN Board. Norway will lead the preparation of GAC comments inter-sessionally, with assistance from the United States.

ACTION POINT: The GAC (lead: Norway/US) will prepare comments on the FOIWG final draft report as soon as possible and submit to the ccNSO when agreed.

Meeting with At-Large Advisory Committee (ALAC)

The GAC met with the ALAC and discussed three issues.

Firstly, with regard to Public Interest Commitments (PICs), ALAC is seeking a freeze of all Category 1 strings for which safeguards 1-8 apply (including dot university, dot pharmacy etc); and formation of a group to evaluate PICs and recommend improvements. GAC support for these measures would be welcomed by ALAC.

Several GAC members considered that there is common ground with ALAC on these matters, noting that the Board's responses to GAC advice continue to fall short of what GAC is seeking. There is now an additional concern that contracts for registry operation and other functions may have been signed without any apparent way of objectively checking that agreed safeguards are being applied in practice.

Secondly, there was an exchange of views on IANA stewardship transition, including at both the ICG and operational community levels.

Thirdly, ALAC briefed GAC on outcomes from the ATLAS II summit⁵ held at the London meeting and implementation arrangements put in place by ALAC. [Slides](#) used for this presentation are available at <http://tinyurl.com/mxo84ez>. GAC members expressed interest in staying in touch on implementation, and in continuing to identify common concerns such as workload management.

ACTION POINT: GAC and ALAC respective secretariats/support staff to liaise on issues of common interest, including ATLAS II implementation, and report to members as appropriate.

GAC WORKLOAD & PRIORITISATION

These issues were discussed at the GAC's meeting with the Board and in several other sessions, including on WHOIS and gTLD Safeguards.

⁴ <http://ccnso.icann.org/workinggroups/foi-final-07oct14-en.pdf>

⁵ <http://www.atlarge.icann.org/announcements/announcement-07aug14-en.htm>

Members are concerned at workload issues across ICANN and want to work with relevant parties on ways to identify when and where the GAC can best contribute advice and expertise. At the moment it looks like “everything is a priority.” GAC recognises it needs to work with the community on this as GAC tends to respond rather than initiate. Clearer priorities will help to get the best and most timely GAC response.

The Board recognised specific issues associated with GAC working methods, although it noted that GAC is not alone in trying to prioritise an increasing amount of work. It was agreed that further consideration be given to this in offline GAC-Board discussions.

ACTION POINT: GAC secretariat/support staff to clarify with Board support staff what scope there is for further GAC/Board discussions.

IANA STEWARDSHIP TRANSITION & ENHANCING ICANN ACCOUNTABILITY

With regard to IANA Stewardship Transition:

- The GAC nominees to the Community Working Group to develop a proposal on naming related functions (Thailand and Norway) reported on developments.
- Members stressed the critical link with better ICANN accountability.
- The GAC met with members of the IANA Stewardship Transition Coordination Group (ICG) and had a useful exchange of information and views.

With regard to ICANN Accountability and Governance:

- GAC noted ICANN's announcement on 10 October of a revised process including a simplified Community Working Group structure.
- Members agreed with the proposed approach of two work streams: one for issues linked to the IANA transition proposal, and the other for broader issues.
- Several members participated in the community sessions held during the ICANN meeting⁶ that formed the basis for initiating the new Community Working Group on ICANN Accountability.

The GAC agreed that at this stage it would be useful to develop high level principles as part of GAC input to both processes. It was agreed to include several such principles in the Communiqué; and to develop further principles inter-sessionally, noting the tight timeframes involved.

These matters were raised in the GAC's meeting with the Board, with most discussion on ICANN accountability and governance. The Board noted that NTIA would not accept an IANA transition proposal without community consensus on accountability related to the transition. Accordingly, the Board will only reject accountability outputs from the community if there is a two-thirds majority, and would pursue discussions with the relevant community until consensus is achieved.

The Board advised that next steps on the NetMundial roadmap initiative are still under discussion.

ACTION POINTS: GAC principles for both processes to be included in Communiqué.
DONE. GAC members and secretariat/support staff to work with nominees to CCWG on

⁶ On 13 and 16 October.

naming related functions. GAC to consider nomination of members to Accountability CCWG Drafting Team and the CCWG in due course.

GAC ADVICE ON NEW gTLDs

gTLD Safeguards

Several GAC members raised concerns about the Board's most recent response to GAC advice on implementation of new gTLD safeguards. These include lack of clarity on how things will work in practice (for example, no timeline for full implementation); WHOIS, security audits, and validation and verification of credentials; no systematic means of knowing whether safeguards are being embedded in contracts; and possible social problems caused by names acquiring more sensitive meanings over time.

An ad hoc group, led by the US and EC, was formed to identify key issues to be included in the communiqué as a response to the latest communication from the ICANN Board.

At its meeting with the Board, GAC noted that detailed comments on these matters would be included in the communiqué. Consideration of a more detailed Annex as possible supplementary advice will continue inter-sessionally.

ACTION POINT: Key concerns to be included in Communiqué. **DONE.** Possible supplementary advice to be considered inter-sessionally.

Specific strings

The Belgian GAC representative raised with the Board the issue of competing applications for dot.SPA. Belgium wishes to know what information the geographic names panel used to reach its conclusions; what are the next steps; and how will the community aspects of the applications be taken into account. The Board invited Belgium to put these questions in writing.

ACTION POINTS: GAC to monitor relevant developments.

Protection of Inter-Governmental Organisation (IGO) Names and Acronyms

The GAC reiterated previous concerns about the continuing lengthy delays in finalising appropriate protections for IGO names and acronyms.

GAC will continue to participate in the small informal group involving the NGPC and IGOs that is working on possible resolution of differences between GAC and GNSO advice on preventative protection measures. A draft version of one possible approach being discussed within that group was circulated for information.

ACTION POINT: GAC to nominate members to the informal group and participate in further discussions towards a resolution.

Protection of Red Cross/Red Crescent Names

The NGPC advised that it had adopted the following Resolution at its meeting of 12 October 2014:

Resolved (2014.10.12.NG05), the President and CEO, or his designee(s), is directed to provide temporary protections for the names of the International Committee of the Red

Cross and International Federation of the Red Cross and Red Crescent Societies, and the 189 National Red Cross and Red Crescent Societies, as identified in the GAC Register of Advice as 2014-03-27-RCRC while the GAC, GNSO, Board, and ICANN community continue to actively work on resolving the differences in the advice from the GAC and the GNSO policy recommendations on the scope of protections for the RCRC names.

The NGPC has written separately to the Board concerning GAC's advice that some subjects are not appropriate for a GNSO PDP, suggesting that the Board take advice on this and write to the GAC.

GAC members agreed that this is a significant step towards meeting previous GAC advice. The lengthy process, however, does raise issues of international public law and ICANN accountability.

ACTION POINT: GAC to await further Board response to its advice on this issue not being appropriate for a GNSO PDP.

REVIEWS OF CURRENT ROUND OF NEW gTLDs & PREPARATION FOR SUBSEQUENT ROUNDS

GAC was briefed by ICANN staff (Akram Atallah) on plans for reviews of the current gTLD round as preparatory work for possible future rounds, as set out in the recent ICANN document *New gTLD Program Reviews and Assessments Draft Work Plan*⁷.

GAC members noted that they still have concerns about implementation issues in the current round, for example, safeguards and community evaluation. Significant new work may create timing and workload problems across the community, particularly if several reviews coincide with a GNSO PDP.

Members feel that the current round has shown a major regional imbalance, and that action is needed to ensure that Africa and Latin America have sufficient information and resources to participate in future; and that specific problems for some regions such as over-reliance on the Trade Mark Clearing House are addressed.

GAC is also concerned that the Community Evaluation Panel process is making it unnecessarily difficult for communities to gain recognition; and that there appears to be no plan to encourage cultural diversity.

GAC has a particular interest in the AoC-mandated review of the impact of new gTLDs on competition, consumer trust and consumer choice.

These issues were raised at GAC's meeting with the Board, who responded that:

- All timeframes in the ICANN Work Plan document are indicative only. Serious consideration of the next round has not yet started.
- The competition/consumer review has not really started, but the timing mandated by the AOC means that baseline data studies on economic impacts and consumer awareness have to be commenced now.
- Timing of any GNSO policy review is up to the GNSO. There is a GNSO Working Group that is "collecting issues" at this point.

⁷ <https://www.icann.org/news/announcement-3-2014-09-22-en>

ACTION POINT: GAC concerns to be included in Communiqué. **DONE.** GAC secretariat/support staff to monitor developments and report to GAC.

COMMUNITY PRIORITY EVALUATION PROCESS

Members noted that there continued to be apparently inconsistent outcomes from Community Evaluation Panels assessing applications for community gTLDs, as reflected in several recent rejections of applications.

In the short term, there was support for investigating the feasibility of some type of appeal mechanism from Panel decisions.

In the longer term, members believed that the promotion and evaluation of community gTLDs should be fully evaluated in the review process for the current round.

ACTION POINT: GAC to request the Board, through the Communiqué, to look into this matter and consider possible appeal mechanisms for the current round. **DONE.**

WHOIS

GAC members attended the ICANN community briefing session on "All Things WHOIS". While welcoming the comprehensive nature of the session, members remained concerned at the piecemeal approach (for example, formation during the meeting of an implementation group on conflicts between national laws and WHOIS requirements). GAC will seek more guidance on areas where GAC input would be most useful and the associated timing and resource implications.

GAC noted that the 2007 GAC Principles on WHOIS remain relevant and are an important guide for continuing work.

The GAC's concerns were raised at the meeting with the Board in the context of broader workload and prioritization issues (see under GAC WORKLOAD AND PRIORITISATION).

ACTION POINT: GAC to request, via the Communiqué, a road map identifying linkages and timelines across all WHOIS issues. **DONE.**

2-CHARACTER NAMES & COUNTRY NAMES AT THE SECOND LEVEL

GAC discussed a range of requests to ICANN by new gTLD registry operators to use two-character labels at the second level of their TLD. These have been made under the Registry Service Evaluation process (RSEP).

Members noted that existing use of two-character second level names has not caused any security, stability, technical or competition concerns. It was agreed that whole-of-GAC advice on specific applications is neither necessary nor feasible. However, GAC noted that some governments may be more interested than others in specific applications, and asked that ICANN alert relevant governments about requests as they arise.

GAC considered that use of full country and territory names at the second level is a more sensitive issue, and will consider this issue further before replying to the Board's request for advice on this matter.

ACTION POINT: The above points to be reflected in the Communiqué. **DONE.**

HUMAN RIGHTS & APPLICATION OF INTERNATIONAL LAW

GAC agreed that the linked issues of human rights and the application of international law to ICANN activities require further consideration, particularly in the context of follow-up to NetMundial; and with regard to future new gTLD rounds, including encouraging diversity and protecting vulnerable groups.

Peru explained their circulated proposal for amendment of the ICANN ByLaws, submitting that ICANN cannot be detached from international standards, conventions, and case law.

GAC agreed to consider all of these issues further inter-sessionally, including obtaining legal opinion if appropriate, and considering ways of working with the community as these matters are of concern beyond just the GAC.⁸

ACTION POINT: Above points to be reflected in the Communiqué. **DONE.** ACIG GAC Secretariat to prepare briefing (for GAC Leadership Group in first instance) identifying associated work in other parts of the community and drafting a request for legal opinion.

ACCOUNTABILITY AND TRANSPARENCY (BGRI)

The GAC was briefed by the Board-GAC Recommendations Implementation Working Group (BGRI-WG) and dealt with outstanding recommendations from the ATRT2 Final report as follows:

Recommendation 6.4 (Development of a formal process for the Board to notify and request GAC advice – GAC agreed that BGRI continue to seek comments on current processes and options for improvement.

Recommendation 6.5 (ByLaw changes) – GAC noted that public comments on this had been almost unanimously negative, although many of these seemed to be based on a misunderstanding of the purpose and timing of the proposal. At its meeting with GAC, the Board advised that the issue would be out on hold and revisited in the future in the broader context of other changes across the ICANN community.

Recommendation 6.7 (GAC to convene a High Level Meeting on regular basis) - GAC agreed that BGRI continue to seek comments on draft guidelines for GAC High Level Governmental Meetings.

ACTION POINT: The above outcomes to be reflected in the Communiqué. **DONE.**

BOARD WORKING GROUP ON NOMCOM

The GAC was briefed by the Chair of the Board Working Group on the Nominating Committee (NomCom) on their recent report that proposed up to three GAC voting members of the NomCom. The report is open for public comment until 30 November and several members indicated they will be submitting comments. Members noted that the NomCom's strict confidentiality rules had previously prevented any GAC liaison from consulting with the GAC membership.

⁸ Erika Mann, a Board member, has undertaken to prepare a paper on protection of rights with ICANN staff assistance (see transcript of Public Forum, 16 October); and there was an extensive exchange between the Board and Non-Commercial Stakeholders (see transcript 14 October).

ACTION POINT: An ad hoc working group was formed (Lead: Argentina) to consider this matter inter-sessionally.

GAC WORKING GROUPS

Future Rounds of New gTLDs (Lead: Australia)

The geographic names sub-group of this working group has been active in preparing an issues paper on protection of geographic names in future gTLD rounds, seeking community input and convening a community information session at this meeting. The deadline for community input via the GAC website was extended until 31 October 2014.

It was noted that the other streams of work in the group (developing countries and communities) had not yet progressed significantly.

ACTION POINT: See PROTECTION OF GEOGRAPHIC NAMES IN gTLDs (page 11)

GAC Working Methods (Lead: Spain)

The Working Group noted the circulated report from the ACIG GAC Secretariat on implementation of measures agreed at the London meeting. The following issues remain for consideration by the group:

- Open and closed GAC sessions.
- Leadership role of Chair and Vice Chairs.
- Number of Vice Chairs.
- Decision-making procedure in GAC.

ACTION POINT: Working Group to progress outstanding issues with support from the ACIG GAC secretariat as necessary.

Engagement with Governments and IGOs (Lead: Lebanon)

A joint session was held with the ICANN Global Stakeholder Engagement (GSE) Team to progress implementation of ATRT2 Recommendations 6.8 and 6.9. The following proposals will be considered further by both GAC and the GSE team and implemented subject to the procedures of both organisations:

- An expanded monthly report from GSE to GAC.
- Regular conference calls between the GAC leadership group and GSE.
- Regular conference calls between Regional Vice President teams and Regional GAC members.
- Advance notice to GAC representatives of meetings involving ICANN representatives in their country.
- Reports from GSE to GAC on outcomes of meetings in GAC member countries.
- Development of guidelines for regional engagement.
- Circulate reports from GSE team on plans/engagements/next steps.
- Have GSE representatives attending GAC meetings as a matter of course.

ACTION POINT: GSE Team and GAC secretariat/support staff to work on implementation of agreed measures and report back to their respective organisations.

PROTECTION OF GEOGRAPHIC NAMES IN gTLDs

The GAC again conducted (as at the London meeting) an information session for the community on protection of geographic names in future new gTLD application rounds. This was led by the sub-group on geographic names of the working group on future gTLD issues. The deadline for community submissions to the process was extended to 31 October 2014. [Slides](http://tinyurl.com/mxo84ez) from this session are available at <http://tinyurl.com/mxo84ez>.

Argentina attended the CCWG on Country Names and reported on linkages with the GAC geographic names work. GAC agreed that there should be greater interaction between the two groups.

ACTION POINT: The sub-group to continue its work and seek further input from relevant stakeholders.

GAC OPEN FORUM

The GAC again conducted (as at the London meeting) an open forum for the community to explain how the GAC operates and seek feedback. It was noted that some community members used the forum to ask questions on substantive GAC positions. GAC decided not to hold another session at the next meeting, but instead take stock and consider the best means of achieving face-to-face community interaction.

ACTION POINT: Discussion of this issue to be on the agenda for the next GAC meeting (Lead: Sweden).

PLANNING SESSION

The GAC concluded with a planning and general wrap-up session.

Substantive issues discussed are covered under relevant subject headings above.

Procedural issues will be considered further inter-sessionally, through the regular conference calls of the GAC leadership group and discussion through the GAC mail list.

ATTACHMENT 1

LIST OF GAC ATTENDEES: LOS ANGELES 12-16 OCTOBER 2014

| Members | |
|------------------------------|-----------------------|
| African Union Commission | |
| Argentina | Mali |
| Australia | Mongolia |
| Austria | |
| | Namibia |
| Belgium | Nauru |
| Brazil | Netherlands |
| Burkina Faso | New Zealand |
| | Nigeria |
| Cameroon | Niue |
| Canada | Norway |
| Chile | |
| China | Paraguay |
| Chinese Taipei | Peru |
| Colombia | Portugal |
| Commonwealth of Dominica | |
| | Romania |
| Denmark | Russian Federation |
| | Rwanda |
| Egypt | |
| Estonia | Sao Tome and Principe |
| European Commission | Senegal |
| | Serbia |
| France | Singapore |
| | Spain |
| The Gambia | Sweden |
| Germany | Switzerland |
| Greece | |
| Grenada | Thailand |
| | Trinidad and Tobago |
| Holy See –Vatican City State | Turkey |
| | |
| Indonesia | Ukraine |
| Iran | United Arab Emirates |
| Israel | United Kingdom |
| Italy | United States |
| | Uruguay |
| Jamaica | |
| Japan | Viet Nam |
| | |
| Kenya | |
| Korea, Republic of | |
| | |
| Latvia | |
| Lebanon | |

| Observers | |
|--|--|
| World Intellectual Property Organisation (WIPO) | Commonwealth Telecommunications Organisation (CTO) |
| Organisation Internationale de la Francophonie (OIF) | International Red Cross Red Crescent |
| The Organization for Islamic Cooperation (OIC) | World Bank |
| Organisation for Economic Cooperation and Development (OECD) | Interpol |
| Caribbean Telecommunications Union (CTU) | New Partnership for Africa's Development |

ATTACHMENT 2

GAC LOS ANGELES COMMUNIQUÉ

Text to be added