
GOVERNMENTAL ADVISORY COMMITTEE (GAC)

MINUTES OF MEETING

LONDON

21-26 June 2014

Meeting Attendance/Membership

Eighty five GAC members and twelve observers attended the meeting.

The GAC welcomed Barbados, Israel, Liberia, Timor-Leste and Venezuela as new members.

A list of attendees is at Attachment 1.

The GAC London Communiqué is at Attachment 3.

Chair and Vice Chairs Reports

Chair: Heads of Supporting Organisations and Advisory Committees have expressed concern to ICANN about issues overload. The At Large Summit (ATLAS II) is being conducted during the ICANN meeting.

Tracy Hackshaw (Trinidad and Tobago, Vice Chair): Is continuing his involvement in briefing ICANN fellows; and in the ICANN Cross-Community Working Group on Internet Governance.

Peter Nettlefold (Australia, Vice Chair): Will brief on the new gTLDs Working Group to a cross-community session being organised by the Registry Stakeholder Group and the New TLD Applicant Group.

GAC Secretariat

The Chair advised that a long-term contract between ICANN and the Australian Continuous Improvement Group (ACIG) is substantially finalised. A series of fact sheets is being prepared for members, starting with information on the roles of respective secretariat and support staff.

Election of Chair and Vice Chairs

Michelle Scott Tucker of ACIG briefed the GAC on procedures to be followed for election of the next GAC Chair and Vice Chairs. Nominations close on 27 August 2014. By the conclusion of the meeting the following nominations had been received:

Chair

Mr Thomas Schneider – Switzerland

Dr Imad Youssef Hoballah - Lebanon

Vice Chair

Ms Olga Cavalli - Argentina

Mr Vujica Lazovic - Montenegro

Mr Wanawit Ahkupta – Thailand

Mr Ihsan Durdu – Turkey

Mr Henri Kassen - Namibia

ACTION POINT: GAC members to submit any further nominations by close of business 27 August 2014.

GAC Travel Support

The Chair advised that demand for GAC travel support is beginning to exceed supply, noting that current guidelines can be reviewed if the GAC wishes.

MEETING WITH ICANN BOARD

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

- Protection of names and acronyms for IGOs and Red Cross/Red Crescent
- Implementation of safeguards for new gTLDs
- AOC Review of Competition, Consumer Trust and Consumer Choice
- .spa
- .africa
- .wine and .vin
- WHOIS
- Protection of children
- Transition of IANA function
- ICANN Accountability.

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 around the GAC-GNSO Consultation Group. There are two Work Tracks.

For Work Track 1 (mechanisms to enhance day-to-day cooperation), GAC agreed to:

- The appointment of a GNSO liaison to the GAC; and
- Use of the existing GNSO Council Policy Development Process (PDP) liaisons to support and coordinate with the GAC liaison, and interact direct with GAC where specialist expertise is needed.

For Work Track 2 (GAC early engagement in PDP):

- An online survey of GAC members to be conducted by 12 July on early awareness and notifications of potentially GAC-relevant issues.
- The group is looking at several issues including
 - reviewing the outcomes of the survey noted above
 - a GAC "quick look" mechanism
 - additional support to allow GAC to provide timely input
 - including any GAC views at the Preliminary Issue Report stage
 - creation of a GAC "triage committee" to screen for most urgent issues

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 a range of issues.

It was noted that final recommendations from the Framework Of Interpretation Working Group (FOIWG) should be concluded shortly and would be submitted to GAC with a view to a joint ccNSO/GAC approach to the Board for implementation. There are links to the IANA function and associated transition issues.

There was discussion on participation in the IANA transition process. The ccNSO Chair outlined the proposed cross-community working group involving, to date, ccNSO, GNSO, ALAC and SSAC. GAC is welcome to participate. There is a sense of volunteer fatigue due to challenging timelines. ccNSO nominees to the Coordination Group will probably be "representative" of general ccNSO views rather than "representing" all ccTLDs, and will be supported by an internal coordinating group.

Roelof Meijer from ccNSO outlined their analysis of the most recent ICANN strategic and operational plans, including metrics for global domain name sales and the possibility of costs increasing faster than revenues.

ACTION POINT: The GAC will continue to engage with ccNSO on the FOIWG, and on other issues as appropriate.

Briefing on Meeting Strategy Working Group (MSWG)

The GAC noted that, following a public comment period, the recommendations of the MSWG would now go to the ICANN Board for consideration. The key proposals are for a new meeting cycle involving a shorter second meeting focused on SOs and ACs, with a public forum at the first and third meetings. GAC asked the Secretariat to consider and report on the implications for GAC meetings and work.

ACTION POINT: ACIG GAC Secretariat to report on the implications for GAC meetings and work.

GAC ADVICE ON NEW gTLDs

ICANN Staff Briefing: New gTLDs

GAC received a briefing from Christine Willett, Vice President, gTLD Operations, on the current situation with new gTLDs including domains delegated, registry agreements, applications in the pipeline, contention sets, community priority evaluations and auctions.

Issues raised and ICANN responses included:

- .africa – AUC concerns were taken on board, although ICANN noted that the IRP is not a staff process and ICANN must follow its ByLaws.
- Disputes – ICANN advised that disputes involving contention sets are usually resolved among the parties through business negotiations or private auctions, and ICANN is generally not privy to these.
- Continuing confusion over inconsistent approaches to singular and plural eg .hotel/.hotels – ICANN advised that the appearance of differing approaches is because .hotel is a community application and hence eligible for priority.
- Compliance, WHOIS accuracy, validation and verification, potential abuse of PICDRP, non-discrimination – ICANN will take on board and respond.
- GmbH – This is a highly regulated term (abbreviation for *Gesellschaft mit beschränkter Haftung*) for certain categories of companies in German-speaking countries and may need to be subject to safeguards.

ACTION POINT: ICANN staff to respond to concerns raised where appropriate.

gTLD Safeguards

Several members expressed strong concerns about the most recent response from the Board (6 June 2014) to GAC advice in the Beijing and Singapore Communiqués concerning safeguards to be applied to all new gTLDs and to Category 1 (consumer protection, sensitive strings and regulated markets) and Category 2 (restricted registration policies) strings.

With regard to process, members found it unsatisfactory that reasonable requests from the GAC had still not been addressed by the Board in a direct and comprehensive way despite several very specific exchanges of views. It was also unhelpful that the Board's response was received too late for many members to consult with all areas of government and take a considered position.

With regard to the substantive issues, major remaining concerns are: WHOIS accuracy and verification; identification of security threats; verification and validation of registrants credential in regulated and highly regulated sectors; operation of the Public Interest Commitment Dispute Resolution Procedure (PICDRP); and discrimination in restricted TLDs.

These issues were raised in the GAC's meeting with the Board, who agreed to review their response.

GAC also queried the status of the Affirmation of Commitments (AOC) Review of Competition, Consumer Trust and Consumer Choice. The Board advised that work is currently focussing on metrics and benchmarking, with surveys planned now and in 12 months time and an economic study.

The Government of Israel expressed concerns about the potential for discrimination in the operation of .kosher, which they will study further.

ACTION POINT: GAC to advise the Board, via the communiqué, of specific ongoing concerns with the adequacy of gTLD safeguards, and the time allowed the GAC to consider the Board's responses.

Specific strings

GAC discussed specific strings as follows:

- (a) **.spa** (application number 1-1309-12524 and 1-1619-92115) – GAC noted the NGPC response to previous GAC advice that the applications for .spa “will proceed through the normal process” (ANNEX 1 to Resolution 2014.05.14.NG02). In its subsequent meeting with GAC, the Board stated that, as there is more than one applicant, a contention needs to be resolved, and if no other form of agreement is reached the contention will go to auction. The GAC will seek clarification from the Board that “the normal process” will take into account previous GAC advice that “the relevant parties in these discussions are the city of Spa and the applicants.”
- (b) **.africa** (application number 1-1243-89583) – The African Union Commission expressed its frustration with delays in delegating .africa due to the current Independent Review Panel process arising from an objection filed by another party. African interests feel marginalised in this process when they believed there was a final agreement with ICANN. There is a lack of transparency in the IRP and African interests feel they have not been kept informed of developments.

ACTION POINTS: GAC to advise the Board via the Communiqué in accordance with the discussions and conclusions noted above. **DONE.**

.wine and .vin

As in previous meetings, there was a robust exchange of views on whether delegation of .wine and .vin should proceed and what safeguards might be appropriate.

Several members expressed a lack of confidence in ICANN's handling of the issue, noting that it raised profound concerns about ICANN's capacity to deal with an issue with serious public policy implications including the economic wellbeing of some countries. The reconsideration procedure initiated by several GAC members was also criticised as involving essentially the same players as the original decision.

Some members also expressed concern about GAC's handling of the issue, including that the full range of concerns had not been conveyed to ICANN. The Chair stated her confidence in the procedures followed, noting that GAC members had always been able to put concerns direct to ICANN.

Members expressing these concerns stated that, if no solutions to the problems they had identified are currently available, then delegation should not proceed until solutions are available.

ACTION POINT: GAC to advise the Board that further discussions on this issue took place but that no agreement was reached due to the sensitive nature of the matter. **DONE.**

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

GAC members expressed significant concerns about the time being taken to finalise IGO protections; the continuing disjunction between the preventive approach advised by GAC and the curative approach favoured by the GNSO; and the need for a clear way forward to resolve the issues. The NGPC's request to the GNSO for further consideration of certain aspects of the PDP was noted, and further work may be a useful test of the new GAC-GNSO consultation arrangements being developed. IGOs are sceptical about involvement in another PDP in light of previous experience.

In its subsequent meeting with GAC, the Board stated that all GNSO processes should be exhausted before further discussions are opened with IGOs, noting that temporary protections remain in place.

ACTION POINT: GAC to reaffirm its previous advice that protection at the top and second levels is needed given that IGOs are objectively different; notes that the NGPC has sought further consideration by the GNSO and is willing to work with the GNSO on addressing GAC concerns; and welcomes continuation of the interim protections now in place. **DONE**

Protection of Red Cross/Red Crescent Names

GAC members expressed a similar range of concerns to the IGO issue with regard to protection of names associated with the Red Cross/Red Crescent organisations. In addition, the specific protections in international law need to be given due weight; and there are specific issues of consumer protection against fraudulent use of Red Cross/Red Crescent names that need to be considered.

In its subsequent meeting with GAC, the Board stated that this is part of the same process as that for IGOs. The Board will, however, consider and respond to the issue of specific protections in international law.

ACTION POINT: GAC to advise the Board, via the communiqué, that: these names should not be equated with trademarks; they should not be subjected to a policy development process; and permanent protection should be confirmed and implemented as soon as possible. **DONE.**

WHOIS

GAC received a briefing from Margie Milam (Senior Director, Strategic Initiatives, ICANN) on the current range of WHOIS initiatives. These are:

- Requirements in the 2013 Registrar Accreditation Agreement.
- Recommendations of the WHOIS Review Team – including a beta website; online accuracy reporting system; and internationalized registration data.
- Recommendations of the Future Services Expert Working Group final report.

GAC expressed considerable concern about the breadth and depth of WHOIS activities with potential public policy implications (including law enforcement, consumer protection and privacy) and the difficulties this is creating for GAC members in staying across what is relevant. Members asked that consideration be given to modifying current deadlines for comment; and to a cross-community session for the Los Angeles meeting, in which GAC would participate.

Several members raised the specific issue of the Translation and Transliteration of Contact Information PDP and sought guidance on how to ensure that momentum on that work continues.

These matters were raised at the GAC meeting with the Board. The Board agreed that greater efforts to explain developments and future directions are needed; and that possible work overload for community members, including GAC, should be considered.

ACTION POINT: ACIG GAC Secretariat to prepare an inter-sessional briefing paper for GAC. Consideration to be given to a cross-community session on WHOIS, convened by GAC, at the Los Angeles meeting.

PROTECTION OF CHILDREN

The GAC discussed and agreed on the need for appropriate safeguards for domains with a focus on children, for example .toys, .kids. This is a matter that the NGPC should consider. In the GAC meeting with the Board, members asked that ICANN review outstanding correspondence from the European NGO Alliance for Child Safety Online (eNACSO) concerning safeguards for registries.

ACTION POINT: GAC to reiterate its advice in the Buenos Aires Communiqué that new operators should be made aware of the importance of protecting children and their rights consistent with the UN Convention on the Rights of the Child. **DONE.**

TRANSFER OF IANA FUNCTIONS & ENHANCING ICANN ACCOUNTABILITY

The GAC was briefed on IANA functions by Patrik Fältström, Chair of the Security and Stability Advisory Committee; and on the processes for IANA transition and enhancing ICANN accountability by Theresa Swinehart, Senior Adviser to the President on Global Strategy.

Subsequent discussion focused mainly on matters of process. There was strong support for GAC engagement in both processes. Most members considered that meaningful engagement would require geographic, linguistic and gender diversity from the GAC side, and this could best be achieved through nominating five members (including the Chair) to each process. These nominees would act as a Contact Group and also involve an active role for the Vice Chairs. There was a range of views on whether development of a consensus GAC position on matters of substance would be possible. Several members considered that the main role would be communicating issues and views to and from the broader GAC membership.

With regard to matters of substance, several members stressed, for the IANA transition work, the need to maintain security and stability of the DNS and to take account of the needs of smaller and developing countries. It was noted that it is up to the community to develop its own proposals through the frameworks being established.

For the ICANN accountability work, it was stressed that ICANN is seeking expertise in relevant areas rather than general representation. GAC members suggested important factors will be legitimacy, transparency and inclusiveness. The main goal should be protection of the global interest rather than special interests, and the outcomes from NetMundial and the Ilves report are important guides.

These matters were raised in the GAC's meeting with the Board, which noted GAC views.

ACTION POINT: GAC will engage with both processes through nomination of the Chair and 4 members to each of the groups. Nominees will act as a Contact Group to communicate issues and views to the broader GAC membership and seek feedback.

LONDON HIGH LEVEL GOVERNMENTAL MEETING

The GAC reviewed outcomes from the High Level Governmental Meeting held on 23 June 2014. Members thanked the UK organisers and considered that the meeting had achieved:

- Exposure of Ministers and senior officials to the dynamics of an ICANN meeting and to the GAC.
- Discussion of key strategic issues, including transition of the US stewardship of the IANA function and strengthening ICANN accountability.
- ICANN and GAC outreach to developing countries and non-GAC members.
- A hearing given to a wide range of views.
- A focus on global Internet governance.
- Key messages delivered to ICANN from governments and IGOs.

The public record of the meeting outcomes will be via a Chair's Report and minutes.

ACTION POINT: Outcomes of the meeting to be included as key inputs to GAC and ICANN work where appropriate.

ACCOUNTABILITY AND TRANSPARENCY

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 (process for Board to seek GAC advice) – Agreed to implement by reviewing existing processes, evaluating current shortcomings, examining scope for improvement, documenting current processes and posting the agreed enhanced process online. Initial action will be to circulate a flowchart of current processes.

Recommendation 6.5 (ByLaw changes) - Agreed that the GAC sees no reason to further postpone the proposed ByLaw changes concerning situations where the Board decides not to follow GAC advice.

Recommendation 6.7 (regularisation of senior officials meetings) – Agreed that high level meetings should generally be held every two years; that the implications of possible ICANN meeting changes should be considered; and that a small drafting team be established to evaluate recent high level meetings and consider possible guiding principles for the future.

Recommendation 10.2 (GAC input to policy development processes) – Notes that the substance of this recommendation is being progressed through the work of the GAC-GNSO Consultation Group.

ACTION POINT: GAC to advise the Board of these decisions via the communiqué.
DONE. GAC to continue working with the BGRI on implementation.

GAC WORKING GROUPS

Future Rounds of New gTLDs (Lead: Australia)

Major progress has been made through the geographic names sub-group, which has circulated a background paper for the public session with the community this week and which could form the basis for new text in a future edition of the Applicant Guidebook for new gTLDs.

GAC Working Methods (Lead: Spain)

The GAC agreed to the measures proposed in the document circulated by Spain and attached to these Minutes as ATTACHMENT 2. It also agreed to additional points as follows:

- Include some basic risk analysis in the GAC Work Plan and ensure items have an end point.
- Manage the volume of items for the agenda through more use of working groups if necessary.
- Use ICANN resources (including the GSE team) to attract new members and make them feel informed and welcome.

- Make working group materials available on the public part of the GAC website.
- Chair and Vice Chairs to promote awareness of GAC on a regional basis.

Engagement with Governments and IGOs (Lead: Lebanon)

The working group is engaging with the ICANN GSE team and has submitted a series of questions to clarify current roles.

HUMAN RIGHTS

GAC received an information briefing from the Council of Europe on their recent staff-commissioned paper on human rights and their application to ICANN policies and procedures. Members noted that there is a developing interest in the community for further discussion of such issues, although several had not had sufficient time to consider the paper; and some noted that there is more than one perspective on these issues. There was a suggestion that discussion at the Los Angeles meeting could be broadened to include the wider ICANN community.

ACTION POINT: GAC to consider possible inclusion of this issue in the agenda for the Los Angeles meeting.

PROTECTION OF GEOGRAPHIC NAMES IN gTLDs

The GAC provided a briefing 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. Issues raised by GAC members and the community included possible development of best practice guidelines; the role of the GAC and scope for cross-community involvement; the problematic nature of lists of names; protections at the second level; use of resources developed by the UN Group of Experts on Geographical Names (UNGEGN); and consultation with civil society as well as governments.

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

GAC OPEN FORUM

The GAC conducted an open forum for the community to explain how the GAC operates and seek feedback. Presentations were made on GAC functions and operating procedures (Sweden); participation from a members perspective, including national coordination of ICANN-related issues from the public policy perspective (Paraguay, Sweden and Egypt); preparation of the communiqué (Chair and Italy); and secretariat support (Olof Nordling). Issues raised in discussion included the need for greater outreach to non-GAC members; and how broader public interest issues are differentiated from individual government positions.

Attendees were encouraged to provide feedback on this first GAC Open Forum to guide future organisation of such forums.

ACTION POINT: A further GAC Open Forum should be held at the Los Angeles meeting, with greater interaction with non-GAC/non-Government interests.

DOMAIN NAME ASSOCIATION

The GAC received a briefing from the Domain Name Association on their technical, marketing and policy activities, including trademark protection and perspectives on the IANA oversight transition. Members expressed their appreciation for this particularly helpful information.

PLANNING SESSION

The GAC concluded with a planning session.

Issues for possible consideration at the Los Angeles meeting include:

- WHOIS – a cross-community session should be explored, and should include the GNSO work on translation and transliteration of contact information.
- gTLD safeguards
- AOC panel on consumer protection
- GAC Open Forum – perhaps scheduled earlier rather than at the end of the week.

With regard to process issues:

- Prioritisation of agenda items, including hard decisions to exclude items, must be made using tools such as spreadsheets to make the best use of limited time.
- Efforts should be made to assist and inform new members, possibly including an orientation session on Saturday morning and some form of social event such as a city tour or morning tea.

ATTACHMENT 1

LIST OF GAC ATTENDEES: LONDON 21-26 JUNE 2014

Members	
Afghanistan	Lithuania
African Union Commission	Luxembourg
Argentina	Macedonia, Former Yugoslav Republic of
Australia	Malaysia
Austria	Marshall Islands
Azerbaijan	Mexico
Bangladesh	Montenegro
Barbados	Morocco
Belgium	Namibia
Brazil	Nauru
Burkina Faso	Netherlands
Canada	New Zealand
Chile	Niue
China	Nigeria
Chinese Taipei	Norway
Colombia	Paraguay
Commonwealth of Dominica	Peru
Cook Islands	Poland
Croatia	Portugal
Czech Republic	Romania
Denmark	Russian Federation
Egypt	Rwanda
European Commission	Sao Tome and Principe
Finland	Senegal
France	Singapore
Georgia	Slovenia
Germany	South Africa
Greece	Spain
Grenada	Sri Lanka
Holy See –Vatican City State	Swaziland
Hungary	Sweden
India	Switzerland
Indonesia	Thailand
Iran	Timor Leste
Israel	Trinidad and Tobago
Italy	Tunisia
Jamaica	Turkey
Japan	Uganda
Kenya	Ukraine
Korea, Republic of	United Kingdom
Lebanon	United States
Liberia	Vanuatu
	Venezuela
	Viet Nam

Observers	
World Intellectual Property Organisation (WIPO)	Commonwealth Telecommunications Organisation (CTO)
Organisation Internationale de la Francophonie (OIF)	Council of Europe
The Organization for Islamic Cooperation (OIC)	European Space Agency
Organisation for Economic Cooperation and Development (OECD)	Interpol
Caribbean Telecommunications Union (CTU)	Universal Postal Union
	World Broadcasting Union
	New Partnership for Africa's Development

ATTACHMENT 2: AGREED ACTIONS FROM WORKING GROUP ON GAC WORKING METHODS

ISSUE ¹	STATUS	SUGGESTED ACTION
<p>Secretariat</p> <ul style="list-style-type: none"> • Briefing papers for GAC • Timely circulation of relevant documents • Liaison with other constituencies • Facilitation of internal discussion • Assist Chair with inter-sessional reporting • Improving GAC website (internal & external) • Communiqué drafting coordination <p>ATRT2 Recommendation 6.1 c)</p>	<p>ICANN staff and ACIG are progressively providing these services.</p> <p>Resourcing after 30 April 2014 depends on finalisation of long-term contract with ACIG. A draft, including service level requirements, is under discussion.</p>	<p>Working Group to prepare, with ACIG GAC Secretariat assistance, a fact sheet for GAC on respective roles and contact details of ACIG Secretariat and ICANN support staff. This would need to reflect details of the ACIG-ICANN long-term contract. Shortly after London.</p> <p>Working Group to consider, with ACIG GAC Secretariat assistance, whether the Secretariat role should be reinforced in article XI of the GAC OP. After London.</p> <p>ACIG GAC Secretariat to provide a briefing paper outlining recommendations and best practices to make use of the GAC website as a collaborative and functional tool for: a) GAC Members b) ICANN community c) other key stakeholders and d) general public. After London.</p>

ISSUE ¹	STATUS	SUGGESTED ACTION
<p>Work Plan/Calendar</p>	<p>Draft Work Plan for the period Singapore-London is under consideration by Chair and Vice Chairs.</p>	<p>ACIG GAC Secretariat to circulate Draft Work Plan (Singapore to London) to GAC members for comment. Working Group to monitor this; report in London; and get GAC agreement to future process.</p> <p>ACIG GAC Secretariat to draft a template for annual Work plans and calendars. Before Los Angeles.</p>
<p>Meeting Agenda</p> <ul style="list-style-type: none"> • Early circulation/feedback/availability of draft Agenda. • Balance between all elements of the meeting, including sufficient time for GAC plenary discussion. • Changes made after meeting commencement to be agreed by GAC. <p>ATRT2 Recommendation 6.1 f)</p>	<p>Agenda setting is progressively advancing towards these objectives, but full implementation is not yet achieved. The London meeting agenda will be a test bed for compliance with these criteria.</p>	<p>ACIG GAC Secretariat to circulate draft London agenda topics to GAC members for comment. Working Group to monitor this; report in London; and get GAC agreement to future process.</p>

ISSUE ¹	STATUS	SUGGESTED ACTION
<p>GAC-Community Interaction</p> <ul style="list-style-type: none"> • More information through GAC website • Explanation of GAC contribution to ICANN <p>ATRT2 Recommendations 6.1 and 6.3</p>	<p>Major website review is flagged for ACIG GAC Secretariat under long-term contract.</p>	<p>Working group to monitor this; report in London; and get GAC agreement to future process.</p> <p>ACIG GAC Secretariat to identify major areas for improvement in the GAC website and an estimate timeline for renewing it. Shortly after London.</p> <p>ACIG GAC Secretariat to outline ways to enhance explanation of GAC Advice including those suggested by the WGWM. After London.</p>
<p>GAC advice to Board</p> <ul style="list-style-type: none"> • Better description of GAC recommendations and ICANN’s response. • Need to track ICANN implementation • Discuss/review at GAC meetings <p>ATRT1 Recommendation 10</p> <p>ATRT2 Recommendations 6.3</p>	<p>GAC Register of Advice established and posted on GAC website.</p>	<p>ACIG GAC Secretariat to undertake to summarize GAC advice and the corresponding ICANN’s response for each item and include it in the GAC Register of Advice. They should provide a timeline to complete this task before Los Angeles.</p> <p>Review of items on Register to be included in GAC London agenda.</p>

ISSUE ¹	STATUS	SUGGESTED ACTION
<p>Interaction with other constituencies</p> <ul style="list-style-type: none"> • Better targeted and interactive meetings with ICANN staff • Schedule based on relevance and mutual interest. • Avoid updates that can be handled in writing. • Consider thematic sessions with all relevant constituencies/stakeholders. • Reverse GAC liaisons. • Briefing on GAC dimensions of early engagement documents. <p>ATRT1 Recommendation 12</p> <p>ATRT2 Recommendations 6.1 e)</p>	<p>The Singapore Communiqué requests regular ICANN briefing on key issues including contractual compliance.</p> <p>There is ample room for improvement in this area. The idea of holding thematic sessions has never been tested.</p> <p>Early engagement and reverse liaisons are being addressed by GAC-GNSO Consultation Group.</p> <p>The GAC receives one-pager Early Engagement documents regularly but no orientation about their public policy repercussions.</p>	<p>GAC members to submit proposals for multi-partner thematic sessions at London and Los Angeles meetings as part of agenda-setting process.</p> <p>ACIG GAC Secretariat to provide an executive report of new or on-going PDPs highlighting GAC dimensions of them. A model summary of one of the current PDPs should be submitted for GAC agreement before Los Angeles.</p>

ISSUE ¹	STATUS	SUGGESTED ACTION
<p>Increasing active participation in GAC</p> <ul style="list-style-type: none"> • Work with ICANN outreach initiatives • Survey members on level of involvement • Regionally targeted pre-meeting assistance • Better explanation of materials sent to GAC list. • Wider availability of documents (including draft communiqué) in multiple languages <p>ATRT1 Recommendation 14</p> <p>ATRT2 Recommendations 6.6 (except for the last sentence), 6.8, 6.9</p>	<p>GAC Working Group on Government/IGO Engagement established in Singapore.</p>	<p>ACIG GAC Secretariat to survey members on levels of and barriers to more active participation. Before Los Angeles.</p> <p>ICANN support staff to provide advice on document translation capabilities and options. Before Los Angeles.</p>

ISSUE ¹	STATUS	SUGGESTED ACTION
<p>Meeting Handling</p> <ul style="list-style-type: none"> • Improved format for minutes and early circulation of them. • Confirm previous action items. • Adhere to agenda item time schedule. • Early identification of areas of agreement and disagreement. • Progressive drafting of communiqué. • On the spot working groups. <p>Internal GAC issues – not ATRT-specific</p>	<p>Changes in preparation of minutes and drafting of communiqué have been progressively implemented for Buenos Aires and Singapore meetings.</p> <p>Use has been made of on the spot working groups for issues, mainly of drafting, including wine/vin, spa and gTLD safeguards.</p> <p>Operating Principle 27 allows the Chair to call for the creation of "Committees and Working Groups."</p>	<p>Action items to be tracked by ACIG GAC Secretariat through Minutes and Work Plan, and also raised under relevant Agenda item.</p> <p>Chair and GAC members to continue to make best efforts on keeping to agreed schedule; and on identifying areas of agreement and disagreement as early as possible, including through feedback on daily drafts of the communiqué.</p> <p>Working Group to consider whether a review of Operating Principle 27 (Committees and Working Groups) is needed. After London.</p> <p>Working Group to consider whether a review of Operating Principles 40-43 is needed. These deal with Conduct of Business, including the need for brief, non-repetitive interventions.</p>

ISSUE ¹	STATUS	SUGGESTED ACTION
<p>Reporting to GAC</p> <ul style="list-style-type: none"> Chair to report regularly to GAC on relevant meetings, including Board meetings <p><i>Internal GAC Issues – not ATRT-specific</i></p>	<p>Chair and other members involved in inter-sessional activity don't report regularly to GAC on relevant developments as appropriate.</p>	<p>ACIG GAC Secretariat to inform GAC members about GAC-related meetings and activities of the Chair and the Vice Chairs sufficiently in advance and report on relevant outcomes shortly afterwards. On a continuous basis.</p>

ATTACHMENT 3

GAC LONDON COMMUNIQUÉ



London, 25 June 2014

GAC Communiqué – London, United Kingdom²

I. Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in London, United Kingdom during the week of 21st of June 2014. Eighty six (86) GAC Members attended the meetings and twelve (12) Observers. The GAC expresses warm thanks to the local host <local host> for their support.

High Level Governmental Meeting

The GAC expressed its sincere appreciation to the United Kingdom for hosting the High Level Governmental Meeting on 23 June 2014. The meeting provided a valuable forum for Ministers and senior officials to emphasise to ICANN a range of important public policy concerns with regard to ICANN and the global internet governance ecosystem. It also enabled all parties to gain a clearer understanding of the role of governments in ICANN processes, including the GAC.

II. Inter-Constituencies Activities

1. GAC-Generic Names Supporting Organisation (GNSO) Consultation Group

The GAC agreed to proposals from the joint GAC-GNSO Consultation Group to enable greater cooperation and coordination between GAC and the GNSO, and in particular:

- Appointment of a GNSO liaison to the GAC for a one year pilot period, starting next meeting in Los Angeles;
- Liaison support through existing GNSO Council policy development process (PDP) liaisons;

² To 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>.

- A survey of GAC members on possible mechanisms for early awareness of policy issues with public policy implications;
- Further analysis of how GAC involvement in PDPs could be managed on a sustainable and workable basis.

2. Meeting with the Country Code Name Supporting Organisation (ccNSO)

The GAC met with the ccNSO and discussed a range of issues, including finalisation of the report of the Framework of Interpretation Working Group; and the current activities on transition of IANA stewardship and strengthening ICANN accountability.

III. Internal Matters

- 1. New Members** – The GAC welcomes Barbados, Israel, Liberia, Timor-Leste and Venezuela as new Members.
- 2. GAC Working Methods** - The GAC discussed the proposals on improving the GAC working methods and the implementation plan put forward by the GAC working methods working group. The GAC agreed on the proposals and to the implementation plan of 21 June 2014. The GAC will continue to discuss the other outstanding issues.
- 3. Issues for Future Rounds of gTLDs; and**
- 4. Government and Intergovernmental Organisation Engagement Strategy** – The working group will continue its discussions with the ICANN Global Stakeholder Engagement (GSE) team on areas of cooperation.

The working groups will continue their activities inter-sessionally.

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

IV. GAC Advice to the Board³

1. Transition of US Stewardship of IANA and Strengthening ICANN Accountability

³ 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>

The GAC is committed to engaging with the current processes dealing with transition of US Government stewardship of IANA; and strengthening ICANN accountability.

The GAC will participate in both processes by nominating the Chair and four additional GAC members for formal membership of the coordination group and working group respectively, to provide a balanced representation of governmental interests. The GAC will ensure that geographic, linguistic and gender diversity are reflected. GAC participants in the groups will consult with, and facilitate information flows across, the broader GAC membership.

The GAC recognizes the need for it to comment on the final draft proposals from the IANA stewardship transition coordination group and the ICANN accountability working group before the public comment periods.

2. Safeguard Advice Applicable to all new gTLDs and Category 1 (consumer protection, sensitive strings and regulated markets) and Category 2 (restricted registration policies) strings

a. The GAC advises:

- I. the Board to call on the NGPC to provide the GAC with a comprehensive and satisfactory response to the legitimate concerns raised in the Beijing and Singapore Communiques. The GAC considers that the current responses offered to the GAC fail to address a number of important concerns, including: 1) the process for verification of WHOIS information; 2) the proactive verification of credentials for registrants of domain names in regulated and highly regulated industries (the relevant Category 1 strings); 3) the proactive security checks by registries; 4) the Public Interest Commitments Dispute Resolution Process PICDRP, which is not defined as to length of procedure or outcome; and 5) discrimination in restricted TLDs. In addition,

b. The GAC advises that:

- I. the Board to provide its responses to GAC advice at least four weeks prior to ICANN meetings in order to give sufficient time to the GAC to assess and provide feedback on these complicated matters.

These concerns are further clarified in an Annex to this Communique. The GAC looks forward to the activation of the review panel on promoting competition, consumer trust and consumer choice envisaged in the Affirmation of Commitments.

The GAC notes that the Government of Israel expressed concerns about the potential for discrimination in the operation of .kosher, which Israel will study further.

3. Specific Strings

a. .africa

Consistent with the new gTLD applicant guidebook, the GAC provided consensus advice articulated in the April 11 2013 communiqué that the Dot Connect Africa (DCA) application number 1-1165-42560 for dot Africa should not proceed. The GAC welcomes the June 2013 decision by the New gTLD Program Committee to accept GAC advice on this application.

The GAC notes the recent action taken to put on hold the ZACR African Union Commission endorsed application due to the Independent Review Panel (IRP) mandated by ICANN Bylaws.

The GAC advises:

1. The ICANN Board to provide timely communication to the affected parties, in particular to provide clarity on the process and possible timelines
2. The ICANN Board that, following the release of the IRP recommendation, the Board should act expeditiously in prioritising their deliberations and delegate .africa pursuant of the registry agreement signed between ICANN and ZACR.

b .spa

The GAC welcomes the NGPC's acceptance of the GAC advice on .spa. The GAC reiterates its advice (<https://gacweb.icann.org/display/GACADV/2014-03-27-spa>) on the issue that "the relevant parties in these discussions are the city of Spa and the applicants." The GAC therefore seeks NGPC's clarification on whether its explanation that "the applications will proceed through the normal process" means it will follow the Applicant Guidebook taking into consideration the GAC advice.

c .wine / .vin

There was further discussion on the issue of .wine/.vin, but no agreement was reached because of the sensitive nature of the matter.

The matter of .wine and .vin was raised at the High Level Governmental Meeting, where some members expressed concerns in terms of ICANN's accountability and public policy. These concerns are not shared by all members.

4. Protection of Children

The GAC reiterates its advice in the Buenos Aires Communiqué that new gTLD registry operators should be made aware of the importance of protecting children and their rights consistent with the UN Convention on the Rights of the Child.

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

The GAC reaffirms its advice from the Toronto, Beijing, Durban, Buenos Aires and Singapore Communiqués regarding protection for IGO names and acronyms at the top and second levels, as implementation of such protection is in the public interest given that IGOs, as created by governments under international law are objectively different rights holders; notes the NGPC's letter of 16 June 2014 to the GNSO concerning further steps under the GNSO Policy Development Process while expressing concerns that the process of implementing GAC advice has been so protracted; welcomes the NGPC's assurance that interim protections remain in place pending any such process; and confirms its willingness to work with the GNSO on outcomes that meet the GAC's concerns.

6. Protection of Red Cross / Red Crescent Names

The GAC refers to its previous advice to the Board to protect permanently the terms and names associated with the Red Cross and Red Crescent, including those relating to the 189 national Red Cross and Red Crescent societies, and recalls that the protections afforded to the Red Cross and Red Cross designations and names stem from universally agreed norms of international law and from the national legislation in force in multiple jurisdictions.

Accordingly,

a. The GAC now advises, that:

- I. the Red Cross and Red Crescent terms and names should not be equated with trademarks or trade names and that their protection could not therefore be adequately treated or addressed under ICANN's curative mechanisms for trademark protection;
- II. the protections due to the Red Cross and Red Crescent terms and names should not be subjected to, or conditioned upon, a policy development process;
- III. the permanent protection of these terms and names should be confirmed and implemented as a matter of priority, including in particular the names of the international and national Red Cross and Red Crescent organisations.

7. WHOIS

The GAC notes that there continue to be range of initiatives being progressed relevant to WHOIS, including outcomes from the WHOIS Review Team and the recently finalised report of the Expert Working Group on gTLD Directory Services. Many of the issues under discussion and analysis have public policy dimensions, including privacy, law enforcement, consumer protection and public safety.

a. The GAC requests that:

- I. ICANN make further efforts to explain and clarify the linkages between the full range of WHOIS activity for the benefit of GAC and the community between now and the Los Angeles meeting, to ensure that WHOIS activity adequately reflects GAC's earlier comments and concerns. ICANN should also consider the implications of short, restrictive comment deadlines for community workload. The GAC suggests that ICANN conduct a session for the community on these issues in Los Angeles.

8. Accountability and Transparency

The GAC was briefed by the Board-GAC Recommendation Implementation Working Group (BGRI) and agreed to specific ATRT2 recommendations being progressed by the BGRI as follows:

- Development of a formal process for the Board to notify and request GAC advice (Recommendation 6.4) – Document current process and seek comment on options for improvements.
- Bylaw changes to formally implement the documented process for Board-GAC Bylaws consultation developed by the BGRI (Recommendation 6.5) – GAC advises the Board that there are no further requests for Bylaws amendments, in light of the new gTLDs, and hence sees no need for Board action on this to be further delayed.
- Regularisation of senior officials' meetings (Recommendation 6.7) – GAC agrees that regular high level meetings are beneficial, and will examine ways to maximize their benefits and continually improve the way they are arranged and scheduled.
- GAC to use opportunities to provide input to ICANN policy development processes (Recommendation 10.2) – GAC noted that the GAC-GNSO Consultation Group is addressing this.

9. Human Rights

GAC noted the written analysis on ICANN's procedures and policies in the light of human rights, fundamental freedoms and democratic values, prepared by experts of the Council of Europe. The GAC noted that there is a developing interest in the ICANN community to include human rights issues in future discussions.

10. Protection of Geographic Names in gTLDs

The GAC provided a briefing, led by the sub-group on geographic names of the working group on future gTLD issues, to the community on protection of geographic names in future new gTLD application rounds. Further work will be done on this matter and new updates will be provided at the next ICANN meeting.

11. GAC Open Forum

The GAC convened an open session for the community to inform about and exchange views on the GAC and its working methods, in accordance with recommendation 6.1.a of the ATRT2 report.

V. Next Meeting

The GAC will meet during the period of the 51st ICANN meeting in Los Angeles, California.

ANNEX TO GAC LONDON COMMUNIQUE

NGPC Response to GAC Advice on Six GAC Safeguards Applicable to All New gTLDs and Advice on Category 1 and Category 2 Safeguards

Issue: The June 6, 2014 NGPC response to the GAC's advice and questions set forth in the Singapore Communiqué lacks key details, appears to sidestep certain GAC questions, and arrived too close to the London meeting to provide sufficient opportunity to consider, confer, and react to the NGPC positions.

Background: The GAC's Beijing Communiqué included specific safeguards applicable to gTLD strings that raised heightened consumer protection concerns (the Category 1 Safeguards) including sensitive strings (*e.g.*, health, financial, children) and regulated markets (*e.g.*, charities, gambling, professional services). These safeguards covered five general areas, with three additional safeguards regarding strings associated with regulated entry requirements in multiple jurisdictions. The NGPC has distinguished these safeguards as applicable to "regulated" and "highly regulated" strings and has adopted a Category 1 Public Interest Commitment Specification (PIC Spec) applicable to strings falling into these categories. The Category 1 PIC Spec weakens the GAC's advice in several areas. The GAC also addressed the issue of applicants seeking restricted registration policies for strings representing generic terms, through Category 2 safeguards intended to ensure that applicants must demonstrate that such exclusive access serves a public interest goal, and should not provide undue preference or discrimination against domain name registrants. The NGPC's proposed implementation of Category 2 safeguards is reflected in PIC Spec 11, Sections C and D. The NGPC has determined that the transparency requirement in Section C fully meets the GAC's request that Registry Operators be prevented from granting preferential or discriminatory treatment to domain name registrants. As a result of the concerns arising from the NGPC's flawed implementation of certain safeguards, the GAC issued consensus advice and questions in its Singapore Communiqué.

Assessment of the NGPC Response: With regard to the GAC's request for periodic updates regarding ICANN's enforcement of safeguards, the NGPC has committed to periodic updates at times and using methods determined by the GAC. The NGPC's responses to the series of GAC questions related to WHOIS data accuracy (*e.g.* checks/audits, consequences for failing to correct inaccurate WHOIS data, etc.) revolve around the implementation of a WHOIS Online Accuracy Reporting System, for which an RFP was issued on May 16, 2014. The NGPC response also indicates that ICANN intends to complement what is essentially a "work in progress" with consultations with the "broader ICANN community" to define the process by which inaccurate records are forwarded to registrars, resolved, and re-checked by the Accuracy Reporting System (which has not yet been created). The NGPC's response to the GAC's questions regarding steps taken by Registries to periodically analyze whether registrations in their TLDs raise security threats indicates that ICANN would solicit the community to develop a framework for Registry Operators to respond to identified security risks. However, there is no detail provided as to when and how the community, particularly the GAC, would be consulted on this matter. With regard to the GAC's Category 1 advice, the NGPC maintains its previous position that requiring Registries to verify and validate the credentials of registrants for domain names in regulated and highly regulated industries would

potentially discriminate against users in developing countries whose governments do not have regulatory bodies. This position is inconsistent with proposals from several applicants for strings representing regulated strings to ensure that registrants possess the appropriate credentials. Most importantly, the NGPC's position undermines the GAC's efforts to minimize consumer harm and fraud through the actions of uncredentialed registrants.

The NGPC's response to the GAC's questions related to the PICDRP is disappointingly superficial. More information will apparently only be forthcoming as a result of the use and experience with the PICDRP. The proposed PICDRP process is complex, apparently lengthy, and as yet untested. Further, the PICDRP process does not appear to result in a final resolution of compliance issues.

Finally, the NGPC's response to the GAC's questions related to Category 2 safeguards appears unchanged from previous responses. The GAC's explanation in Singapore that transparency alone is insufficient to deter discriminatory and preferential registration policies do not appear to have persuaded the NGPC to revisit its original position.

Timeliness of NGPC Response

- The late receipt of the NGPC's response to the GAC's Singapore advice and questions prohibited a thorough review prior to the London ICANN/GAC meetings. Our comments in London represent only a preliminary reaction, and we anticipate the need to provide more detailed responses at a later time.

Compliance:

- The NGPC's commitment to provide periodic updates regarding ICANN's Compliance Department's enforcement of new gTLD safeguards is constructive. Such updates should occur, at a minimum, at each ICANN meeting and the GAC should be afforded opportunities to submit questions in advance of such updates on a consistent and regular basis. .

WHOIS Accuracy:

- The series of GAC questions related to WHOIS accuracy apparently hinge on the creation of a new Accuracy Reporting System, for which a Request for Proposal was posted on May 16, 2014. In view of the high level of interest in this matter among governments, ICANN should consider providing an opportunity for the GAC to review the RFP to ensure that the needs of government users of the WHOIS system will be effectively met. ICANN should also provide a complete briefing and update regarding the RFP and the initiation of the system during the Los Angeles ICANN meeting. At that point, the proposed Pilot Report would have been issued and should be reviewed by the ICANN community.
- In addition to the RFP, the NGPC indicates that ICANN is currently consulting with registrars and the broader ICANN community to define the process by which the inaccurate records are forwarded to registrars, resolved, and re-checked by the Accuracy Reporting System. ICANN should provide a briefing to the GAC on this consultation, and ensure that the GAC has ample opportunity to provide government views.

Security Audits:

- Similarly, the NGPC's response to the GAC's questions regarding the mechanisms and timeframes for the conduct of security checks by Registries indicates that ICANN would solicit input from the ICANN community to develop a framework for Registries to respond to identified security risks. However, the NGPC has provided no details as to either the parameters for this framework or when this consultation will occur. ICANN should provide a briefing to the GAC on this consultation, to ensure that the GAC has ample opportunity to provide government views.

Validation/Verification of Credentials in Category 1 strings:

- It is disappointing that the NGPC continues to resist the GAC's advice, beginning with its Beijing Communique, that Registries for strings representing regulated and highly regulated sectors should verify and validate the credentials of domain name registrants. The GAC advice required Registry Operators to proactively screen Category 1 Registrants to ensure that they are what they purport to be before they may do business with the public using the name of a regulated sector such as a bank or pharmacy. The looser requirement that registrants provide some "representation" that they possess the appropriate credentials (e.g. as a bank, insurer, pharmacy, etc.) poses the risk of consumer fraud and potential harm because bad actors will not hesitate to make false representations about their credentials. It would be in the best interests of those Registries whose gTLDs represent such strings to demonstrate their commitment to best practices by engaging in the verification and validation of credentials and the avoidance of consumer confusion, fraud and/or harm.
- By eliminating the requirement to consult with relevant authorities in case of doubt about the authenticity of credentials; and the requirement to conduct periodic post-registration checks to ensure that Registrants' continue to possess valid credentials and generally conduct their activities in the interests of the consumers they serve, the NGPC has swept away procedures designed to protect the public from falling prey to scammers and other criminals.
- The majority of new gTLD applicant responses to the GAC's Singapore advice fully endorse the GAC's advice regarding the importance of validation and verification of credentials. It would be constructive for the GAC to consider reaching out to the new and potential Registries on this subject during the London meeting if possible. The ICANN Board should, at a minimum, publicly recognize that a significant number of potential Registries associated with highly regulated sectors are willing to conduct the verification and validation of credentials, as an example that other Registries should endeavor to follow.

Public Interest Commitments Dispute Resolution Process (PICDRP):

- As an untested process, it is difficult to assess whether the PICDRP will provide a suitably nimble method of addressing serious threats, such as botnets and malware.
- As currently drafted, the PICDRP suggests that ICANN may decline to impose any remedial measure, even if the Registry Operator fails to comply with the

compliance notice generated through the process, raising questions as to its effectiveness.

- There also appears to be a critical loophole in the PICDRP, in that there may be no resolution to the report of non-compliance. If the Registry Operator disagrees with the proposed remedial measure, they can invoke yet another alternate dispute resolution process (see B.4.4.6), all of which would occur after potentially more than 105 days has elapsed, an excessive time period in circumstances where time is of the essence, i.e, botnets, public safety concerns.
- The NGPC to reconsider the GAC's Singapore advice and, in particular, to provide a more definitive resolution process to ensure that non-compliance is effectively addressed.

Ensuring Non-Discriminatory Registration Policies:

- Transparency alone is insufficient to deter Registries from adopting discriminatory or preferential registration policies.
- The NGPC should reconsider its position, particularly since the GAC has clearly advised that it does not believe the current requirements in Specification 11 actually meet either the spirit or the intent of the GAC's advice.