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# GOVERNMENTAL ADVISORY COMMITTEE (GAC)

## MINUTES OF MEETING

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### SINGAPORE

7-12 FEBRUARY 2015

#### MEETING ATTENDANCE & MEMBERSHIP

Sixty eight GAC members and nine observers attended the meeting.

The GAC welcomed Ireland, Mauritania, Kazakhstan and the Republic of Guinea as new members; and the Economic Community of West African States (ECOWAS) as an observer.

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

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

All available presentations made (usually slides) are available on the GAC website.

#### CROSS-COMMUNITY ACTIVITIES & ENGAGEMENT

##### Meeting with ICANN Board

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

- IANA Stewardship Transition.
- Enhancing ICANN Accountability.
- Implementation of safeguards for new gTLDs.
- New gTLD program review and assessment.
- 2-character labels at the second level.
- Independent Review Panel and dot Africa.
- Internet security.
- Internet governance.

Specifics of these matters and the Board response are detailed under relevant subject headings elsewhere in these Minutes.<sup>1</sup>

##### Meeting with Generic Names Supporting Organisation (GNSO)

The GAC met with the GNSO and agreed to a mechanism proposed by the [GAC-GNSO Consultation Group](#) for early engagement at the issues scoping phase of a GNSO PDP. It will have the following features:

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<sup>1</sup> Transcript at <http://singapore52.icann.org/en/schedule/wed-gac-board/transcript-gac-board-11feb15-en>

- Identification of any relevant standing GAC advice as part of a request for an Issues Report.
- Creation of a GAC Quick Look Mechanism Committee, to be comprised initially of the GAC Chair and Vice Chairs, which will consider whether the issue:
  - Has public policy implications and GAC will commence preparations to provide input;
  - May have public policy implications and GAC will consider further whether to provide input.
  - Is unlikely to have public policy implications but GAC reserves the right to provide input at a later stage.
- If the GAC as a whole agrees with the Committee's assessment this will be conveyed to the GNSO.

These arrangements will be on a trial basis, subject to review after a suitable period, and subject to ongoing adjustments as necessary.

It was noted that a liaison position on the GNSO Council remains open should GAC wish to resume use of it.

**ACTION POINT:** The decision of the GAC on this matter to be included in the Communiqué. **COMPLETED.** ACIG to work with the GAC-GNSO Consultation Group to develop an implementation plan.

### **Meeting with Country Code Name Supporting Organisation (ccNSO)**

The GAC met with the ccNSO and discussed the final report of the [Framework of Interpretation Working Group](#) (FOIWG). The outcomes of that discussion are included under "Advice to the Board" later in these Minutes.

### **Meeting with At-Large Advisory Committee (ALAC) Leadership**

The GAC leadership met with members of the [ALAC](#) leadership in a session open to all GAC members. It was noted that there are many common elements in the respective positions of GAC and ALAC with regard to consumer safeguards for new gTLDs. It was agreed that communication between the two organisations should continue, including inter-sessionally, across all issues of common interest.

**ACTION POINT:** ACIG and ICANN staff to monitor developments and liaise with ALAC as directed by the leadership group.

### **GAC Participation in ICANN Nominating Committee (NomCom)**

The GAC met with members of the [2015 NomCom](#) and was briefed by the GAC Working Group led by Argentina.

It was noted that the recommendations of the Board Working Group have not yet been proceeded with and there may be further work undertaken. This means that for the immediate future the GAC retains one non-voting position, which since 2007-8 it has chosen not to take up.

GAC members expressed a range of views for and against GAC participating through one or more positions on the NomCom. There was support for examining all options, including agreed GAC criteria to assist the NomCom in assessing public policy expertise and experience.

Further details on this discussion are at [Attachment 3](#).

A session on this issue will be organised for the Buenos Aires meeting in order to review the range of views for and against GAC participating through one or more positions on the NomCom.

**ACTION POINT:** ACIG and ICANN staff to work with GAC Working Group on options for further consideration, including possible draft criteria.

## Protection of Geographic Names in Future gTLD Rounds

The GAC Working Group on Protection of Geographic Names in Future gTLD Rounds held a further community consultation session on their draft (v3) [discussion paper and comments received](#) through public community input. This is a draft document that has not been endorsed by the GAC. Invited speakers were from the ccNSO, GNSO, ALAC, European Broadcasting Union and the Internet Business Council for Africa.

A range of views were expressed by GAC and community members, including: problems in using a single approach for terms that are used in different contexts; legal considerations; the need for some certainty in dealing with names that are not on the ISO3166 list; links between geographic names and community applications; and the need for engagement with the work of the [CCWG on Use of Country and Territory Names as TLDs](#).

With regard to process, the GAC leadership group will consider options for future handling of this work within the GAC. It was noted that the CCWG would welcome participation of more GAC members in its work.

Further details of the community session are at [Attachment 4](#).

**ACTION POINT:** ACIG to prepare note to GAC inviting more participation in the CCWG. **COMPLETED.** GAC leadership group to consider future handling of this work within the GAC. A session on this issue will be organised for the Buenos Aires meeting in order to review a new version of the background document updated with the 25 comments received, the interaction activities proposed by ALAC and the revision of the community applications situation, among other issues.

## Underserved Regions

The GAC noted that there are currently discussions on how effective the ICANN [Applicant Support Program](#) had been in assisting new gTLD applicants, including from underserved regions, and what will be done in this area for the next round.

GAC was reminded that public comments on [registrar insurance requirements in underserved regions](#) closes on 13 March 2015, and members could have their comments coordinated through Trinidad and Tobago or Argentina if they wish.

## Internet Governance

The Chair advised that the [CCWG on Internet Governance](#) had invited GAC participation and was close to finalising its charter. The GAC was generally in favour of some level of GAC involvement in the Group, either through individual members or possibly as a chartering organisation, subject to further consideration of the final version of their charter.

Notes on the CCWG on Internet Governance meeting and the Community Session on Internet Governance, both held in Singapore, are at [Attachment 5](#).

**ACTION POINT:** ICANN staff to circulate a revised version of the Group's charter to the leadership group and the GAC for comment before a final decision on continuing GAC involvement.

## GAC Open Forum

GAC discussed approaches to community engagement under ATRT2 Recommendation 6.1 and in light of the paper circulated by Sweden. Suggestions were made for improving the GAC Open Forum model used in London and Los Angeles by adding an "ask the GAC" section to monthly SO/AC leaders calls; and using the session immediately after the GAC's face-to-face meetings with the Board. There was agreement on the need for at least one Open Forum per year; for arrangements to align with the new ICANN meeting structure from 2016; and, if possible, to hold another GAC information session at the next IGF, given the success of the event at IGF 2014.

GAC agreed that development of online materials for GAC and non-GAC outreach should be explored further, including videos by GAC members in their own language, and possible collaboration with relevant areas of ICANN including ICANN Learning and the ICANN Academy.

**ACTION POINT:** ACIG to factor possible Open Forum into GAC planning process for Buenos Aires. Possible lead to be identified. ICANN staff to liaise with relevant areas of ICANN on development of online materials.

## Community Workload & Prioritisation

GAC discussed options for workload management within GAC and across the community. GAC members participated in the [SO/AC High Interest Topic session](#) on the themes of Work Prioritisation, Information Access and Stakeholder Engagement.

**ACTION POINT:** ACIG to prepare an updated calendar of key activities and deadlines; and preliminary draft guidelines for participating in GAC, in accordance with ATRT2 recommendations.

## Briefing on Domain Name Abuse

GAC was briefed by consulting firm [Architelos](#) on current aspects of domain name abuse and strategies for minimising abuse.

## IANA STEWARDSHIP TRANSITION & ENHANCING ICANN ACCOUNTABILITY

The GAC welcomed briefings from Larry Strickling, Assistant Secretary for Communications and Information, US Department of Commerce; GAC members of the

[ICG](#); and GAC members and the Co-Chairs of the [CWG-Stewardship](#) and the [CCWG-Accountability](#).

GAC considered that both community groups had made substantial progress to date. Members supported efforts consistently undertaken by the Co-Chairs of the CWG and CCWG to coordinate their work in view of the direct linkage between their respective work and encouraged them to continue these efforts.

With regard to IANA Stewardship Transition:

- GAC Members confirmed their commitment to continuing to work within the CWG to develop the next version of a proposal. GAC participants in the CWG will continue to report back to GAC and receive guidance on major issues through inter-sessional consultation across GAC. It was agreed that the revised timelines remain challenging, and the Secretariat will prepare more detailed briefing for GAC on key dates and processes.
- The GAC noted that individual governments have the opportunity to contribute through the public comment period associated with the next version of a proposal, and this should be encouraged. The Secretariat will consolidate regular summaries of GAC members input to CWG discussions.
- Members confirmed their commitment to the work of the CWG towards a consensus proposal for submission to the ICG.

With regard to ICANN Accountability:

- GAC Members confirmed their commitment to continuing to work within the CCWG to develop proposals for enhancing ICANN's accountability. GAC participants in the CCWG will continue to report back to GAC and receive guidance on major issues through inter-sessional consultation across GAC. GAC members participating in the CCWG will organize themselves through an e-mail list to coordinate next steps. At the same time all members and participants have requested to be included in all the working e-mail lists of the CCWG.
- Members agreed that they should work to identify particular issues for governments as both individual or collective participants (including, for example, the GAC itself) in any new or enhanced mechanisms.
- There was agreement that the next stage of GAC input to relevant work streams should include public policy principles that could guide development of any new or enhanced accountability mechanisms (Lead: Australia).
- Members confirmed their commitment to the work of the CCWG towards a consensus proposal for submission to the ICANN Board.

Members are aware of their role as a Charter Organisation for both the CWG and CCWG. GAC agreed that both processes will have the highest priority for GAC inter-sessional work, the GAC being mindful of the updated timeline.

It was noted that there are options in the Charter for dissenting views subject to appropriate process.

Further details on this discussion are at [Attachment 6](#).

At the meeting with the Board, GAC members noted continuing concerns with regard to jurisdiction of ICANN functions; and problems with the Independent Review Process highlighted by the dot Africa issue. The Board urged GAC members to raise these issues in the CWG and CCWG, as the groups developing new processes and structures. In response to GAC concerns about the need for consultation outside the ICANN community, particularly with developing economies, the Board noted continuing outreach work and initiatives such as the ICANN Academy to tackle "soft barriers" to participation.

**ACTION POINTS:** The discussions noted above to be reflected in the Communiqué. **COMPLETED.** Proposals for draft public policy principles for input to CCWG to be submitted to Australia for coordination. ACIG to prepare GAC-specific timeline covering CWG, CCWG and ICG for guidance of members.

## **GAC ADVICE TO THE BOARD**

### **gTLD Safeguards**

GAC invited the following to summarise their position to the meeting on this matter: Alan Greenberg (ALAC); Mason Cole (Registry Stakeholder Group); Ron Andruff (Business Constituency).

GAC members agreed that there is still a strong case for previous GAC advice to be fully implemented, particularly with regard to highly regulated sectors where considerations of consumer protection and public safety are central to public policy. The GAC also noted the need to clarify whether the Board has in fact accepted, or not, GAC advice on these issues, and, if not, what are the next steps under the ByLaws.

The Chair reported on an informal meeting (under Chatham House rules) held on 9 February between the NGPC, US and European GAC representatives, and members of the Registry Stakeholder Group, Business Constituency and ALAC. The meeting was helpful in clarifying GAC the positions of all parties with regard to implementation of new gTLD safeguards. A further meeting is planned within three weeks of the Singapore meeting.

At its meeting with the GAC, the Board stressed its commitment to resolving outstanding issues and noted the commitment to a further meeting with stakeholders including GAC.

GAC agreed to advise the Board on specific measures with regard to verification and validation of credentials in regulated and highly regulated sectors; the Public Interest Commitment Dispute Resolution Process; and undue discrimination.

GAC was briefed on compliance activities by ICANN staff.

**ACTION POINT:** Advice to Board on specific measures to be included in Communiqué. **COMPLETED.**

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

The GAC noted recent correspondence from the Board and from IGOs. There was agreement to continue working with the IGOs and NGPC through appropriate discussion mechanisms; and with the GNSP PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms.

**ACTION POINT:** The outcome of these discussions to be reflected in the Communiqué. **COMPLETED.**

## Protection of Red Cross/Red Crescent Names

The GAC welcomed steps taken to implement the NGPC resolution adopted in Los Angeles on 12 October 2014 concerning protection of names and acronyms for Red Cross/Red Crescent.

**ACTION POINT:** Communiqué to reflect that GAC reiterates its previous advice to the Board to pursue consultations to conform permanent protections in current and future gTLD rounds. **COMPLETED.**

## FOIWG Report

The GAC and the ccNSO had a constructive exchange of views on the [FOIWG report](#), including on options for the IANA operator where delegation is transferred under national law; the role of governments as "significantly interested parties"; whether a delegation, transfer or revocation could ever occur where the relevant government is opposed; and what constitutes misbehavior. There was agreement that existing policy sources and the proposed Framework of Interpretation may not cover all possible circumstances, particularly with regard to revocation.

The GAC agreed to note the work of the ccNSO FOIWG, and its efforts to provide interpretive clarity to RFC1591; and to welcome the FOIWG's recognition that, consistent with the GAC's 2005 Principles, the ultimate authority on public policy issues relating to ccTLDs is the relevant government. The GAC agreed that, as such, nothing in the FOIWG report should be read to limit or constrain applicable law and governmental decisions, or the IANA operator's ability to act in line with a request made by the relevant government.

**ACTION POINT:** The outcome of this discussion to be included in the Communiqué. **COMPLETED.**

## Accountability & Transparency

The GAC discussed progress on implementing relevant ATRT2 recommendations following presentations by the Board-GAC Recommendations Implementation Review Group (Recommendations 6.4, 6.5, 6.7 and 10.2); Spain (as lead of the GAC Working Group on Working Methods – Recommendations 6.1, 6.2, 6.3 and 6.6); and the ICANN Global Stakeholder Engagement team (Recommendations 6.8 and 6.9).

At its meeting with GAC, the Board noted that ICANN is still reviewing implementation of ATRT2 and the Board is conducting its own internal examination. No specific plans have yet been made for ATRT3.

Further details on this discussion are at [Attachment 7](#).

**ACTION POINT:** ACIG to: (a) Draft a letter from the GAC Chair to the Board detailing the current position with regard to relevant ATRT2 recommendations, and circulate to GAC for comment after clearance by the leadership group; and (b) Update and publish the final version of guidelines for High Level Governmental Meetings (Recommendation 6.7).

## WHOIS

GAC noted that the Board's [letter of 22 January 2015](#) had responded to GAC's concerns regarding the wide range of WHOIS-related activities and had provided the requested road map. It was noted that some of these issues are relevant to a number of GAC Working Groups, including the proposed one on Human Rights.

**ACTION POINT:** ACIG to include WHOIS issues in draft terms of reference for relevant Working Groups, subject to GAC approval.

## 2-Character Codes & Country/Territory Names at the Second Level

GAC discussed developments since its advice in the Los Angeles Communiqué on use of 2-character codes at the second level. It was agreed that a number of factors had contributed to some confusion, including that the GAC advice may not have been clear enough; stakeholders had interpreted the advice in different ways; and it had been implemented by ICANN without consultation.

Members drew a clear distinction between use of 2-character codes and use of country and territory names. While there are issues with both for some members, the latter appears to be generally a more sensitive issue.

With regard to 2-character codes, members noted (as on previous occasions) that some governments wish to be consulted on proposals from registries; some do not; and some may have no concerns about certain categories, for example proposals in the dot brand group. It was agreed that the current process should be amended to ensure relevant governments can be alerted; the comment period should be extended to 60 days, covering pending and future requests; and that an "opted out" list should be placed on the GAC website to indicate countries who do not wish to be consulted;

With regard to country and territory names, it was agreed that ICANN staff and the GAC Secretariat should work to develop a public database to streamline the process for the release of country and territory names at the second level, as outlined in Specification 5 of the Registry Agreement.

GAC considered that arrangements must be made to ensure that governments who are not GAC members are consulted within any new framework.

This matter was raised at GAC's meeting with the Board, who acknowledged the need for clarification. The Board subsequently decided, following the GAC's Singapore communiqué, on new measures to be implemented immediately ([Resolution 2015.02.12.16](#)).

**ACTION POINTS:** The outcome of the above discussions to be reflected in the Communiqué. **COMPLETED.**

## Human Rights and International Law

The GAC noted presentations from Peru and an update from the Council of Europe on human rights and international law considerations relevant to ICANN. In discussion, members raised issues including:

- GAC has previously taken international human rights frameworks into account in its advice on new gTLDs, for example freedom of expression and rights of children, and that this should be reflected in any new work;
- the particular role of GAC members with regard to expertise on treaty-based frameworks such as the UN Convention on Human Rights;
- non-legal issues relevant to the private sector (including for example ICANN), including corporate social responsibility; and that
- international law is also relevant to jurisdiction and accountability issues.

There was no agreement at this stage on possible changes to ICANN ByLaws in this area.

GAC noted that a community session on these issues was held during the Singapore meetings, and that there appeared to be general support for establishment of a CCWG.

GAC agreed to form its own Working Group on these matters, noting that its work should be appropriately coordinated with any broader initiatives across the community, including sharing of information.

At its meeting with the GAC, the Board urged GAC members to raise in relevant community-based groups (including the CWG and CCWG) issues related to the application of international law.

The Russian Federation circulated a statement expressing concern about actions taken by a US-based Registrar. This is at [Attachment 8](#).

Further details of discussions during the week are at [Attachment 9](#).

**ACTION POINT:** ACIG to prepare draft terms of reference and submit to leadership group for initial consideration. Possible leads to be identified.

## Working Group on Public Safety

Following an informal meeting of some GAC members and Vice Chairs and law enforcement agencies, the GAC decided to create a Working Group on Public Safety. It will provide a way for law enforcement and consumer protection experts to engage with each other and the GAC on domain name policy and administration issues of interest to such experts, for example WHOIS.

**ACTION POINT:** ACIG to prepare draft terms of reference and submit to leadership group for initial consideration. Possible leads to be identified.

## New gTLD Program Review & Assessment

The GAC again discussed the relatively small number of community-based applications for new gTLDs and what appears to be a low rate of approval by community evaluation panels. It was agreed that more analysis is needed of the applications made and what common issues and problems may have emerged. Such analysis could feed into

ICANN's review and assessment processes for the current round. Material prepared by the European Broadcasting Union on this matter has been posted to the GAC website.

At its meeting with the Board, GAC was briefed by staff on ICANN's [updated work plan](#).

**ACTION POINT:** ACIG and ICANN staff to review data and identify options for GAC consideration.

## **INTRA-COMMUNITY WORK: GAC OPERATIONAL MATTERS**

### **Review of GAC Operating Principles**

The GAC discussed possible changes to the GAC Operating Principles in light of briefing prepared by ACIG and Spain. The following issues were raised in discussions:

- The suggestion in the briefing of three categories of possible changes:
  - Group 1: Increasing the number of Vice Chairs; and ensuring electoral procedures are clarified.
  - Group 2: A range of administrative changes, many of them to reflect agreed outputs of the GAC Working Group on Working Methods.
  - Group 3: Possible changes to Principles 14-18 relating to GAC Membership and Observers; possible changes to the rule of consensus provision of advice to the ICANN Board; and any other proposed changes.
- Whether a comprehensive, holistic review is desirable.
- How to achieve geographic (as distinct from regional), gender and linguistic diversity when there is no specific supporting mechanism.
- Membership requirements.
- Consensus decision-making.

It was agreed that the following proposed changes should proceed to the 60-day consultation period provided for under Principle 53, with a final decision to be made at the Buenos Aires meeting:

- (1) Increasing the number of Vice Chair positions from 3 to 5 (By amendment of Principle 21, and consequential changes to Principles 25, 31 and 32); and
- (2) Updating the voting procedures for the next Vice Chair elections, due to be held at the Dublin meeting in October 2015, to permit online voting and enable members to cast their votes up to 21 days prior to the relevant meeting (By amendment of Principles 35 and 36, and consequential changes to Principles 32 and 34.).

It was also agreed that a separate process should be started to allow GAC members to provide initial views on any other changes to the Operating Principles that they consider necessary.

Further details of this discussion are at [Attachment 10](#).

**ACTION POINTS:** ACIG to: (a) Circulate to GAC a proposal reflecting the suggested changes on the number of Vice Chairs and voting procedures; and (b) Advise on options for the separate process for initial GAC comments on other parts of the Operating Principles.

## **GAC Travel Support**

GAC noted advice from ICANN staff that additional travel support for GAC members to attend meetings will be sought for the financial year 2015-16 to reflect the increase in GAC membership and ICANN's increasing emphasis on outreach and engagement.

GAC noted that decisions on travel support are made by the leadership group, and that applications now exceed the number of places available. Some members suggested that geographic diversity and distance to be travelled should be among the criteria for assessing applications. Others believe that the objective should be to secure sufficient funded places so that all those eligible can be supported.

Travel support will be sought separately for any High Level Governmental meeting held in 2015-16.

## **Meeting Structure**

GAC received a briefing from the ICANN Meetings Team on the [new meeting structure](#) being implemented from 2016, and discussed implications and options for the GAC. These include, for the shorter mid-year "B Meeting": A 4-day limit for GAC meetings; dropping weekend meetings; more interaction with the community; and more social interaction within GAC. It was noted that a number of suggestions had been made in ACIG briefing.

**ACTION POINT:** ACIG to seek further GAC views on options for GAC.

## **Review of GAC Website**

ACIG updated GAC on the status of the review and renewal of the GAC website. At this stage it is expected that a fully functional site meeting GAC requirements will be in place by 2016, with specific timing dependent on broader ICANN decisions. It was noted that GAC comments on the paper circulated by ACIG had been minimal to date.

**ACTION POINT:** Further GAC input to website renewal process to be encouraged. Project management to continue through ACIG, ICANN ICT staff and GAC lead (Trinidad and Tobago).

## **INTRA-COMMUNITY WORK: GAC WORKING GROUPS**

Outputs from existing GAC Working Groups were reflected in the sessions and decisions on Accountability and Transparency; Protection of Geographic Names; and Participation in the NomCom.

GAC agreed that consolidated information and options for operating guidelines are needed to enable a comprehensive update of working group activity and GAC participation in external groups.

**ACTION POINT:** ACIG to prepare: (a) Consolidated list of all GAC Working Groups; and (b) Preliminary draft guidelines on GAC participation in internal and external working groups, for circulation to GAC and comment.



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## ATTACHMENT 1

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### LIST OF GAC ATTENDEES: SINGAPORE, 7-12 FEBRUARY 2015

Members	
African Union Commission	Madagascar
Argentina	Mali
Australia	Morocco
Austria	
	Namibia
Belgium	Nauru
Brazil	Netherlands
Brunei Darussalam	Nigeria
Burkina Faso	Niue
	Norway
Canada	
China	Peru
Chinese Taipei	Portugal
Colombia	
Commonwealth of Dominica	Republic of Guinea
Comoros	Russian Federation
Cote D'Ivoire	Rwanda
Czech Republic	
	Singapore
Denmark	Solomon Islands
Dominican Republic	Spain
	Sweden
Egypt	Switzerland
European Commission	
	Tanzania
Fiji	Thailand
Finland	Trinidad and Tobago
France	Tunisia
	Turkey
Gabon	
Germany	Ukraine (Remote)
Grenada	United Kingdom
	United States
Holy See –Vatican City State	
	Viet Nam
India	
Indonesia	
Iran	
Ireland	
Israel	
Italy	
Jamaica	
Japan	
Jordan	
Kenya	
Korea, Republic of	
Kuwait	
Lithuania	

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)	Interpol
Caribbean Telecommunications Union (CTU)	League of Arab States
European Broadcasting Union (Remote)	New Partnership for Africa's Development

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## ATTACHMENT 2

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### GAC SINGAPORE COMMUNIQUÉ

#### Governmental Advisory Committee

Singapore, 11 February 2015

#### GAC Communiqué – Singapore <sup>2</sup>

##### I. Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Singapore during the week of the 7<sup>th</sup> of February 2015. 65 GAC Members attended the meeting and 9 Observers.

The GAC thanked outgoing Vice Chairs Tracy Hackshaw (Trinidad and Tobago) and Peter Nettlefold (Australia) for their service to the GAC.

##### II. Inter-Constituency Activities & Community Engagement

###### 1. Meeting with the ICANN Board

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

- IANA Stewardship Transition and ICANN Accountability
- gTLD Safeguards
- New gTLD program review and assessment
- 2-character labels at the second level
- Independent Review Panel and dot Africa
- Internet security
- Internet governance

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

The GAC met the GNSO and agreed, on a trial basis and subject to ongoing adjustments as necessary, to a mechanism proposed by the GAC-GNSO Consultation Group for early engagement at the issues scoping phase of the GNSO Policy Development Process (PDP). This includes formation of a GAC Quick-Look Mechanism Committee.

The arrangements will allow for an early indication in the PDP of whether the issue has a standing GAC advice and whether it has public policy implications, and hence is of

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<sup>2</sup> 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>.

interest to the GAC. It will also enable the GNSO to factor this in and the GAC to prepare input to be provided at the relevant stages of the PDP. This would not limit the GAC's existing ability to give advice to the ICANN Board.

### **3. Meeting with the Country Code Name Supporting Organisation (ccNSO)**

The GAC met with the ccNSO and had a constructive exchange of views on issues raised in the Framework of Interpretation Working Group Report.

Further information is contained in this Communiqué under "GAC Advice to the Board".

### **4. GAC Leadership meeting with the At-Large Advisory Committee (ALAC) Leadership**

The GAC and ALAC leadership groups met in open session and exchanged views on a range of issues, including: gTLD safeguards for consumer protection with regard to strings in highly regulated sectors; future involvement in the Nominating Committee; and possible enhanced co-operation and communication between the GAC and the ALAC, including inter-sessionally.

### **5. GAC participation in the Nominating Committee (NomCom)**

The GAC met with members of the 2015 NomCom and appreciated the opportunity to discuss how the GAC can most effectively contribute to the work of the NomCom. The GAC will work on the noted issues with the objective of resolving them, should the GAC decide to resume its involvement, either within the current structure or a revised one. This includes the possibility of GAC developing criteria to guide NomCom selections.

### **6. Protection of Geographic Names in Future Rounds**

The GAC Working Group on Protection of Geographic Names in Future Rounds convened a community session to note comments received on the Working Group paper and hear invited speakers from the community. The Working Group will continue its work inter-sessionally, including GAC engagement with the CCWG on Use of Country and Territory Names as TLDs.

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The GAC warmly thanks 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 Singapore.

## **III. Internal Matters**

### **1. New Members**

The GAC welcomes Republic of Guinea, Ireland, Kazakhstan and Mauritania as new Members; and the Economic Community of West African States (ECOWAS) as a new Observer. The GAC currently has 150 Members and 32 Observers.

### **2. GAC Operating Principles**

The GAC is continuing consideration of possible changes to its Operating Principles.

## IV. Transition of US Stewardship of IANA and Enhancing ICANN Accountability

The GAC reiterates its commitment to engagement with the CWG-Stewardship; the CCWG-Accountability; and the ICG. The GAC expresses its appreciation of the substantial progress to date of the community groups. Furthermore, the GAC applauds the efforts consistently undertaken by the Co-Chairs of the CWG and CCWG to coordinate their work in view of the direct linkage between their respective work and encourages them to continue these efforts.

With regard to the CWG-Stewardship:

- GAC Members will continue to work within the CWG to develop the next version of a proposal, with reporting back to the GAC and guidance on major issues from the GAC as a whole;
- The GAC encourages individual governments to contribute through the public comment period associated with the next version of a proposal;
- The GAC will contribute to the work of the CWG towards a consensus proposal for submission to the ICG.

With regard to the CCWG-Accountability:

- GAC Members will continue to work within the CCWG to develop the proposals for enhancing ICANN's accountability, with reporting back to the GAC and guidance on major issues from the GAC as a whole;
- The GAC will work to identify particular issues for governments as both individual or collective participants in any new or enhanced mechanisms;
- The next stage of the GAC input to relevant work streams will include public policy principles that could guide development of any new or enhanced accountability mechanisms;
- The GAC will contribute to the work of the CCWG towards a consensus proposal for submission to the ICANN Board.

Both processes will have the highest priority for GAC inter-sessional work, the GAC being mindful of the updated timeline.

## V. GAC Advice to the ICANN Board<sup>3</sup>

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

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<sup>3</sup> 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 considers the Singapore 52 meeting an important milestone in confirming the record to date of the NGPC's adoption and implementation of GAC advice, as well as in setting the stage for subsequent GAC work related to the monitoring of ICANN's compliance and enforcement activities.

While the GAC appreciates the efforts of the NGPC since the 2013 Beijing meeting to respond to the GAC's advice, the GAC regrets that the NGPC has determined that requiring Registries to verify and validate the credentials of registrants for domain names in regulated and highly regulated industries poses cross-jurisdictional challenges for Registries and Registrars.

The GAC believes that its advised affirmative requirement for verification of credentials at the time of registration goes much further to meeting the goal of mitigating consumer harm and fraud than an after-the-fact complaint system. The GAC also notes that a significant number of Registries and Applicants for highly regulated strings have, consistent with GAC advice, voluntarily committed to undertaking the verification and validation of credentials.

**a. The GAC urges the NGPC to:**

- i. publicly recognize these commitments as setting a best practices standard that all Registries involved with such strings should strive to meet. In addition,

**b. The GAC recommends:**

- i. that ICANN suggest to those Registries for which such commitments have not yet been taken and for which contracts have already been signed with ICANN, that they review means and ways of introducing such provisions in view of the public policy concerns. This could also help to raise confidence in Internet-based commerce.

With regard to the Public Interest Commitments Dispute Resolution Procedure (PICDRP), the GAC appreciates the further clarification that the PICDRP process provides a potential "alternative or parallel" mechanism for a harmed party to pursue remedies that does not "preclude or limit" ICANN's normal contractual compliance process and timetable, and we urge the NGPC to continue to refine and clarify the process. At present, the GAC considers the PICDRP to be complex, lengthy, and ambiguous, raising questions as to its effectiveness in addressing serious threats.

**c. The GAC urges the NGPC to:**

- i. consider refining the PICDRP and/or to consider developing a "fast track" process for regulatory authorities, government agencies, and law enforcement to work with ICANN contract compliance to effectively respond to issues involving serious risks of harm to the public. Finally, with regard to the GAC's Beijing Category 2 advice,

**d. The GAC urges the NGPC to:**

- i. provide greater clarity as to the mechanisms for redress in the event registrants believe they have been unduly discriminated against.

**2. Protection of Names and Acronyms for Inter-Governmental Organisations (IGOs)**

The GAC will continue to work with interested parties to reach agreement on appropriate permanent protections for names and acronyms for Inter-Governmental Organisations. This will include working with the GNSO PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms; and with IGOs and the NGPC.

**3. Protection of Names and Acronyms for Red Cross/Red Crescent**

The GAC welcomes the steps taken to implement the NGPC resolution adopted in Los Angeles on 12 October 2014. The GAC reiterates its advice to the Board to pursue its consultations in order to confirm permanent protection of the Red Cross and Red Crescent terms and names in the current and future new gTLD rounds.

**4. Framework of Interpretation Working Group (FOIWG) Report**

The GAC notes the work of the ccNSO FOIWG, and its efforts to provide interpretive clarity to RFC1591. The GAC welcomes the FOIWG's recognition that, consistent with the GAC's 2005 Principles, the ultimate authority on public policy issues relating to ccTLDs is the relevant government. As such, nothing in the FOIWG report should be read to limit or constrain applicable law and governmental decisions, or the IANA operator's ability to act in line with a request made by the relevant government.

**5. Accountability and Transparency**

The GAC will write to the Board, before the Buenos Aires meeting, providing details of progress on implementing relevant ATRT2 Recommendations, including those that are completed.

**6. WHOIS**

The GAC notes the receipt of a comprehensive briefing provided by the Board on the wide range of WHOIS-related activities currently underway across ICANN and the community.

**7. Release of Two-Letter Codes and Country Names at the Second Level**

**a. The GAC advises the Board to:**

- i. amend the current process for requests to release two-letter codes to establish an effective notification mechanism, so that relevant governments can be alerted

as requests are initiated. Comments from relevant governments should be fully considered.

**b. The GAC further advises the Board to:**

- i. extend the comment period to 60 days. These changes should be implemented before proceeding with pending and future requests. A list of GAC Members who intend to agree to all requests and do not require notification will be published on the GAC website.

**8. Country and Territory Names**

**a. The GAC advises the Board that:**

- i. ICANN should work with the GAC to develop a public database to streamline the process for the release of country and territory names at the second level, as outlined in Specification 5. The database will inform whether individual GAC Members intend to agree to all requests, review them case by case, or not agree to any. The absence of input from a government will not be considered as agreement.

**9. International Law, Human Rights and ICANN**

The GAC decided to establish a Working Group on Human Rights Issues and the Application of International Law as these matters relate to ICANN activities. The GAC will also monitor community developments and consider how any GAC initiatives can complement any such developments.

**10. Public Safety and Law Enforcement**

The GAC agreed to establish a Working Group on Public Safety and Law Enforcement.

**VI. Next Meeting**

The GAC will meet during the period of the 53<sup>rd</sup> ICANN meeting in Buenos Aires, Argentina.