GOVERNMENTAL ADVISORY COMMITTEE (GAC): MINUTES OF MEETING

ICANN 56 Helsinki

27-30 June 2016

MEETING ATTENDANCE & MEMBERSHIP

Seventy-five GAC members and fourteen observers attended the meeting.

The GAC welcomed Belize, Suriname, Guyana, Panama, Honduras and Republic of Congo as new Members. This brings GAC membership to 168 Members, and 35 Observers.

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

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

Details of the GAC-led cross-community session on workload management are at **Attachment 3**.

Presentations used by speakers during the meeting can be accessed, where available, from the GAC website (as slides or word/PDF documents).

CROSS-COMMUNITY ENGAGEMENT SESSIONS

Meeting with Generic Names Supporting Organisation (GNSO)

The GAC met with the Chair of the GNSO Council, James Bladel, and other members of the Council. The key issues raised were:

- The GNSO welcomes GAC member involvement in PDP Working Groups. All issues of concern to GAC members can be raised in relevant PDP WGs for consideration, and GAC members should consider joining as members in order to do so.

- Information sharing by individual governments on national regulatory arrangements, for example relating to WHOIS, would be helpful in most WGs.

- The GAC-GNSO Consultation Group reported on a survey of GAC and GNSO members regarding early policy engagement procedures. The Group plans to finalise its work at the Hyderabad meeting.

- The need for prompt finalisation of permanent protections for names and acronyms of IGOs and the International Red Cross Red Crescent. Council members noted that they have only limited flexibility in revisiting PDP recommendations.

Meeting with Country Code Name Supporting Organisation (ccNSO)

The GAC met with the Chair of the ccNSO Council, Katrina Sataki, and other members of the Council. The key issues raised were:

- Implementation of the adopted Framework of Interpretation for re-delegation of ccTLDs.

- The proposed ccNSO PDP on retirement and review of ccTLDs. The GAC will have opportunities for interaction with this at several levels. If the PDP is initiated, GAC will be asked to offer an opinion or advice at the start and end of the process. GAC members may also participate in ccNSO Working Groups.

- The GAC survey of relationships between governments and ccTLD managers. The survey was seen as useful, but perhaps not based on a representative sample. GAC members noted that more interaction between GAC representatives and ccTLD managers in preparation for ICANN meetings could be helpful.

Meeting with At-Large Advisory Committee (ALAC)

The GAC and ALAC leadership teams met outside the plenary sessions due to time constraints. The key issues raised were:

- ALAC has appointed Mr Yrjo Lansipuro as liaison to the GAC.

- ALAC and GAC have common ground in wanting future gTLD policy development to proceed only when a full analysis of the round recently completed is undertaken.

- There may be scope for informal information sharing between ALAC and GAC participants in the Subsequent Procedures PDP and the CCT Review, particularly with regard to user safeguards and public interest commitments.

- The issue of "the global public interest" within ICANN's remit may need further assessment, particularly with regard to the respective responsibilities of the Board and SOs/ACs, and the need for the full range of stakeholder concerns to be heard.

ACTION POINT:

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

Meeting with Security and Stability Advisory Committee (SSAC)

The GAC met with Patrick Fältström, Chair of SSAC, and other senior members of SSAC. The key issues raised were:

- Dotless domains - As identified in SSAC 53, these have unexpected consequences such as errors, instability and end user confusion. While prohibited by the 2013 RAA, registries could ask for them via an RSEP. SSAC remains firmly opposed. GAC members noted GAC advice in the Durban Communiqué supporting SSAC 53, and saw no need to change that position.

- Report on new gTLD program safeguards to mitigate DNS abuse – SSAC has not been asked for input on this, but has done work on specific areas of abuse, for example credential management lifecycle best practice.

- IPv4 and IPv6 – SSAC advised that IPv4 addresses may no longer provide a stable identifier. This has forensic implications, including for law enforcement. The GAC noted that policy development on use of IP addresses takes place in the RIRs (that is, outside ICANN), and that GAC members may participate if they wish.

ICANN Cross-Community Sessions

GAC representatives attended each of the cross-community sessions organised specially for the "B" meeting and participated actively. The sessions were as follows:

- Next Generation Registration Directory Services

- Review of All Rights Protection Mechanisms in All gTLDs

- Charter for the CCWG on Auction Proceeds

- New gTLDs Subsequent Procedures

- Draft Framework of Principles for Future CCWGs

- Workload Scheduling and Management

- Policy Forum Wrap-Up and Looking Ahead to ICANN 57

The GAC Chair led a cross-community session on workload management across the community. Details of this session are at **Attachment 3**.

IANA STEWARDSHIP TRANSITION & ENHANCING ICANN ACCOUNTABILITY

The GAC met with the Co-Chairs of the CWG-Stewardship and the CCWG-Accountability.

IANA Stewardship Transition

The GAC noted that, in accordance with new Bylaws, it had been invited by ICANN to nominate a liaison to the Customer Standing Committee established as part of the new IANA structure within ICANN. The GAC decided that it wishes to nominate a liaison, and will seek expressions of interest from within the membership.

ICANN Accountability

The GAC discussed the conditions under which it would take part in the empowered community mechanism as a decisional participant under the new Bylaws (in accordance with the Marrakech Communiqué). The key issues raised were:

- Whether GAC should participate in exercise of community powers or limit itself to an advisory role within the new structure.

- The need to develop principles for how, why and when GAC will participate, including the option of a case-by-case approach.

- The need to develop procedures that will support effective GAC participation, including: (a) ways in which timeframes can be complied with inter-sessionally, for example better use of online collaborative technologies; and (b) possible adjustments to current GAC principles for use in the new empowered community role for GAC.

- Giving priority to developing GAC arrangements for the early, non-voting stages of the escalation process in the empowered community.

The GAC agreed to nominate Denmark, Iran, Canada, Brazil and Argentina as members of the CCWG-Accountability for Work Stream 2.

ACTION POINTS

ACIG GAC Secretariat to prepare draft principles and procedures for GAC participation in the empowered community, under guidance from a small group of GAC members (**ACIG GAC Secretariat**).

PUBLIC POLICY AND SUBSTANTIVE ISSUES SESSIONS

Competition, Consumer Trust and Consumer Choice (CCT) Review

The GAC was briefed by the Chair of the CCT Review Team, Jonathan Zuck. GAC nominees on the team are Megan Richards (European Commission) and Laureen Kapen (US Federal Trade Commission). The key issue raised were:

- GAC members have an interest in all of the sub-teams through which the review is operating: <u>Competition and Consumer Choice</u>: price competition and value to consumers; <u>Safeguards and Trust</u>: DNS abuse, safeguards/Public Interest Commitments, GAC advice; <u>Application and Evaluation Process</u>: Barriers to participation, applicant support program.

- It would be helpful to have analysis of the scope for small and medium enterprises to participate in the new gTLD program.

- CCT-RT surveys and studies are available at www.cct.wiki.

ACTION POINT

GAC nominees to the CCT-RT to provide regular updates to the GAC. (**European Commission and US Federal Trade Commission**)

2-letter country/territory codes at the second level

The GAC considered this issue in light of previous advice to the Board and ongoing discussions with ICANN on its implementation. The key issues raised were:

- There continues to be a range of national positions within the GAC on whether notification is required for the release of 2-letter country and territory codes at the second level.

- Plans by Registry Operators to mitigate the risk of confusion were noted.

- Some GAC members have a strong preference for explicit government agreement to be obtained on use of such codes.

- Where a government has stated no preference, a lack of response should not be considered consent.

- The Board should urge the relevant Registry or Registrar to engage with the relevant GAC member when a risk of confusion is identified in order to come to an agreement on how to manage it, or to have a third party assessment of the situation if the name is already registered.

ACTION POINT

The discussions noted above to be incorporated in the Communiqué. (**Completed**)

Use of 3-letter codes in the ISO-3166 list as gTLDs in future rounds

The GAC considered this issue in light of ongoing discussions in the community, including in the Cross Community Working Group on Use of Country and Territory Names as gTLDs and the GAC Working Group on Protection of Geographic Names in Future gTLD Rounds. The key issues raised were:

- Further research, analysis and discussion is needed, in GAC and across the community, to try to develop an agreed way forward.

- There is a range of views among GAC members on whether restrictions additional to those in the current Applicant Guidebook are needed.

- Allowing countries to determine the use of 3-letter codes associated with country names may be preferable to generally applicable rules.

- The GAC should engage with other stakeholders, including the CCWG on Use of Country and Territory Names as gTLDs, in developing a position for consideration at the Hyderabad meeting.

- A "holding" advice to the Board on this issue is appropriate at this point.

ACTION POINT

The discussions noted above to be incorporated in the Communiqué. (**Completed**)

Future gTLD Policy

The GAC met with two of the Co-Chairs of the GNSO PDP Working Group on Subsequent Procedures (Avri Doria and Jeff Neumann). The key issues raised were:

- There is a range of views among GAC members on the question of further releases of new gTLDs, and the best methodology for assessing demand and/or need and costs and benefits.

- Some GAC members see a need to start from the current baseline of policies and procedures that are agreed and that work, rather than completely reinventing a new process.

- All of the areas of public policy concern – including how to determine sensitive strings, appropriate categories of gTLDs, community-based applications, internationalised domain names and underserved regions – are within the scope of this PDP, but GAC members should take the initiative and raise such issues within the Working Group.

- While the GAC has the opportunity to put some initial high-level views in response to the Working Group's request of 15 June 2016, this is only an initial community consultation and there will be other opportunities for the GAC as a whole to contribute views as the work develops, in addition to ongoing participation of individual GAC members in the Working Group and its sub-groups.

ACTION POINT

GAC members to actively participate in the Working Group in an individual capacity. (**All GAC members**)

GAC to finalise its response to the letter of 15 June 2016 from the Working Group Co-Chairs containing a series of "overarching questions" on future gTLD policy. (**ACIG GAC Secretariat**)

Privacy and Proxy Services Accreditation Issues (PPSAI)

The GAC met with the Co-Chairs of the GNSO PDP Working Group on PPSAI and members of the ICANN Board to discuss public policy aspects of the final recommendations of the Working Group. Some of the issues had already been raised in the public session conducted by the GAC PSWG. The key issues raised were:

- The GAC is not opposing the recommendations in the final report of the Working Group, but believes there are key public policy issues that can and should be addressed in the implementation phase.

- These issues are: a disclosure framework for law enforcement requests; cross-jurisdictional mechanisms; and a de-accreditation process for providers.

- There is some urgency in moving forward because interim rules expire at the end of 2016.

- There are procedures for referring back to the GNSO any policy issues that arise during implementation.

- The GAC, using the expertise of the PSWG, wishes to participate in the implementation phase should the Board adopt the recommendations, including either consulting with or participating in the Implementation Review Team.

ACTION POINT

GAC members, in particular through the PSWG, to engage with implementation processes established by the Board. (**PSWG, reporting to the GAC**)

Protection of IGO Names and Acronyms

The "small group" on this issue met with Board members and the GNSO during the Helsinki meeting.

The GAC agreed to advise the Board to continue its engagement with the GAC and the GNSO in an effort to reconcile differences between GAC and GNSO advice on this topic; and to engage with the IGOs where appropriate, given their unique status and the time that has elapsed since the issue was originally raised.

ACTION POINT

The discussions noted above to be incorporated in the Communiqué. (**Completed**)

Red Cross Red Crescent

The GAC noted that further consultations were being undertaken by the GNSO with the Board to resolve the remaining differences between GNSO recommendations and the GAC's long-standing advice that the current provisional protection of Red Cross, Red Crescent and Red Crystal designations and identifiers should be made permanent in accordance with the distinct legal and policy grounds for such protection. The GAC agreed to urge the Board to reach a solution as soon as possible.

ACTION POINT

The discussions noted above to be incorporated in the Communiqué. (**Completed**)

Community-Based Applications for gTLDs

The GAC was informed that a review of the experience of community-based gTLD applications is being undertaken by two independent experts facilitated by the Council of Europe. The outcome of this review will be reported at the next meeting of the GAC with a view to serving as an input to current community work on new gTLDS, including the Policy Development Process for Subsequent Procedures for new gTLDs.

ACTION POINT

The discussions noted above to be incorporated in the Communiqué. (**Completed**)

INTERNAL GAC MATTERS

Elections

In accordance with the GAC Operating Principles, the current terms of the GAC Chair and the Vice Chairs expire at the end of the first meeting in 2017. The current Chair is eligible to re-nominate for a second term as Chair. The Vice Chairs have served two terms and are not eligible to re-nominate as Vice Chairs.

The ACIG GAC Secretariat informed the GAC of the election procedures to be followed by ACIG in conducting the elections, and formally called for nominations. Nominations close on 19 September 2016. If elections are required they will be conducted during the final GAC meeting for 2016.

The current Chair, Thomas Schneider, informed the GAC that he will re-nominate for that position.

ACTION POINT:

Nomination and election process to be handled in accordance with GAC Operating Principles. **(ACIG GAC Secretariat).**

Board-GAC Review Implementation Working Group (BGRI)

The BGRI comprises all interested GAC members (currently Switzerland, United Kingdom, Iran, United States and Egypt); and Board members Markus Kummer, Chris Disspain, Erika Mann, Ram Mohan, Mike Silber and Lousewiese Van der Laan. Co-Chairs Egypt and

Markus Kummer convened a session with the GAC to review implementation of recommendation from the ACIG Review of GAC Advice Effectiveness, as requested by the GAC at the Dublin meeting in October 2015. The key issues raised were:

- The current definition of GAC advice on the GAC website should be revised to reflect new Bylaws requirements and referenced in all outgoing advice.

- A template should be created, linked to the new GAC website, to enable advice to be prepared with maximum clarity and precision, including a rationale that covers expected public policy outcomes, and whether the advice is GAC consensus advice.

- Current work (via the GAC website redevelopment) on developing unique tracking identifiers for each piece of GAC advice should be continued and completed.

- A trial will start immediately of a virtual meeting of the Board and the full GAC around two weeks after a Communiqué is issued, to ensure mutual understanding of advice.

- The practice, trialled before this meeting, of issuing a "zero draft" before the meeting for GAC members' comment and input should be continued.

ACTION POINT

BGRI forward work plan to be further developed inter-sessionally; and work to begin immediately on implementing measures agreed as noted above. (**BGRI + ACIG GAC Secretariat**).

Independent GAC Secretariat

The GAC again confirmed its support for an independent GAC secretariat, complemented by ICANN support staff. However, funding remains an issue beyond June 2017. The key issues raised were:

- The current donors (Brazil, Norway and the Netherlands) are unable to continue their current level of contribution without contributions by more GAC members.

- Budget arrangements and timing vary across governments.

- Some governments have a problem with contributing direct to ICANN-related activities, although alternative solutions can be found.

- ICANN-based funding sources should be investigated further.

- Some form of contributory units system should be investigated to make planning easier and more transparent.

- The ACIG GAC Secretariat noted that their current contract terminates 21 days after the June 2017 meeting; that there are currently no negotiations to extend that contract; and that next steps are a matter for the GAC.

ACTION POINT:

GAC members to again review the requests from the Chair for possible contributions to enable continuation of the independent secretariat. A small team to be formed to review ICANN-based funding options. (**GAC Chair**).

Review of GAC Operating Principles

The Co-Chairs of the Working Group on the Review of GAC Operating Principles (Namibia and India) conducted a GAC plenary session. The key issues raised were:

- The need to map changes to the Operating Principles that will be required by procedures agreed by GAC for the new Bylaws, in particular relating to the Empowered Community; and implementation of those changes.
- Ensuring that other issues are promptly addressed, for example online voting; and working methods for GAC Working Groups.
- The options of proceeding with a range of work in parallel or staggering it for workload management purposes.
- The possibility of an inter-sessional face-to-face meeting of the Working Group in India was noted.

ACTION POINT

A draft Work Plan for the Working Group to be developed and circulated to the GAC mailing list no later than 1 September 2016. (**WG Co-Chairs + ACIG GAC Secretariat**)

GAC Capacity-Buidling

The GAC Working Group on Underserved Regions led a session on capacity building, with major input from the ICANN Global Stakeholder Engagement/Government Engagement (GSE/GE) team. The key issues raised were:

- The aim is to increase the capacity of GAC members, especially from smaller and developing countries, to deal with public policy aspects of the domain name system through work across ICANN, in GAC and at the national and regional levels.

- The Working Group will work with the GSE/GE team to develop complementary roles and make best use of ICANN resources.

- There is a need for both specialised training (for example, in DNS security) and support for GAC work generally to enable early engagement in policy development.

- Barriers to inter-sessional participation should be identified and addressed.

ACTION POINT:

GAC WG on Underserved Regions to meet with GSE/GE team and report back to GAC with options for further action. **(WG Co-Chairs)**

GAC WORKING GROUPS

The GAC Chair again stressed the need for Working Groups to coordinate their work with the GAC as a whole, and in particular to ensure GAC is kept informed of, and has

enough time to consider, work that may require GAC endorsement before going on the public record. GAC Working Groups reported to the GAC as follows:

Public Safety: The Working Group continued to contribute to work streams including: Privacy and Proxy Services Accreditation Issues (PPSAI); Next-Generation gTLD Registration Directory Services; follow-up on implementation of previous GAC advice concerning WHOIS cross-validation obligations in the 2013 Registrar Accreditation Agreement; and a compilation of WHOIS case studies. The WG also participated actively in the work of the New gTLD Competition, Consumer Trust and Consumer Choice Review. Capacity building efforts moved forward in collaboration with ICANN's Security, Stability and Resiliency (SSR) team and the GAC Under-served Regions Working Group.

Human Rights and International Law: The Working Group reviewed its workplan agreed inter-sessionally and decided to prioritise its active participation in the CCWG-Accountability sub-group on Human Rights. Volunteers were invited to lead on other workplan topics. IGO observers on the GAC were invited to provide the Working Group with information about relevant conventions and other legal frameworks. An information exchange was held with the Cross Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights (CCWP-HR).

Underserved Regions: The Working Group led the GAC plenary session on capacity building, and met with ICANN GE/GSE staff to discuss future cooperation on capacity building issues.

Protection of Geographic & Community Names in Future Rounds of gTLDs: The Working Group met during the ICANN Helsinki meeting, and will continue working on documents dealing with the concept of "public interest"; and "Best practices for future new gTLD rounds". Additionally it will continue working on finding more accurate definitions and usage of geo-names lists.

GAC Participation in the NomCom: The Working Group met during the ICANN Helsinki meeting. Different scenarios for GAC participation in NomCom were reviewed. The WG will develop draft GAC criteria for selection of leadership positions in ICANN, to be shared with the whole GAC. The WG will continue its work and will contact NomCom leadership to set up a face to face meeting during the next ICANN meeting in Hyderabad.

Review of GAC Operating Principles: The Working Group led the GAC plenary session on this issue.

DOCUMENT ADMINISTRATION

Title	GAC Minutes Helsinki June 2016
GAC Brief No.	
Distribution	GAC Members
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Related Meeting & Agenda Item	ICANN 56

ATTACHMENT 1: GAC Attendees, Helsinki, 27-30 June 2016

Members

African Union Commission
Argentina
Australia
Austria

Belgium
Benin
Brazil
Burkina Faso
Burundi

Cambodia
Canada
Cayman Islands
China
Colombia
Commonwealth of Dominica
Cook islands
Costa Rica
Cote d'Ivoire

Democratic Republic of Congo
Denmark

Egypt
European Commission

Finland
France

Gabon
Georgia
Germany
Guatemala
Guinea

Hungary

India
Indonesia
Iran
Israel
Italy

Jamaica
Japan

Kenya
Korea

Luxembourg

Malaysia
Madagascar
Mexico
Moldova

Namibia
Netherlands
New Zealand
Nigeria
Niue
Norway

Paraguay
Peru
Poland
Portugal

Republic of the Congo
Romania
Russian Federation

Sao Tome and Principe
Senegal
Singapore
Spain
Swaziland
Sweden
Switzerland

Chinese Taipei
Thailand
Timor-Leste
Tunisia

Uganda
Ukraine (remote participant)
United Kingdom
United States
Uruguay

Venezuela
Viet Nam

Observers	
World Intellectual Property Organisation (WIPO)	World Bank
Organisation Internationale de la Francophonie (OIF)	International Telecommunications Union (ITU)
Caribbean Telecommunications Union (CTU)	Commonwealth Telecommunications Organisation (CTO)
New Partnership for Africa's Development (NEPAD)	Organisation for Economic Cooperation and Development (OECD)
Organisation for Islamic Cooperation (OIC)	Economic Community for Central African States (ECCAS)
League of Arab States	Economic Community of West African States (ECOWAS)
International Committee of the Red Cross	Council of Europe

ATTACHMENT 2: GAC Helsinki Communiqué

<div align="right">Helsinki, 30th June 2016</div>

GAC Communiqué – Helsinki, Finland [1]

I. Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Helsinki, Finland during the week of the 27th of March 2016.

Seventy-Five (75) GAC Members and Twelve (12) Observers attended the meeting.

II. Inter-Constituency Activities & Community Engagement

The GAC meeting was held as part of ICANN 56, which was the first Policy Forum under the new ICANN meeting structure. Community engagement took place at the bilateral level, with GAC meeting with several ICANN constituencies; and at the cross-community level, with GAC participating in a range of cross-community sessions and leading one of them.

All GAC plenary sessions were conducted as open meetings.

1. Meeting with the Generic Name Supporting Organisation (GNSO)

The GAC met with the GNSO Council and discussed:

- The current range of policy development processes, noting the value of GAC Member representatives' participation in such processes, including sharing information on a national government basis.
- The GAC-GNSO Consultation Group on GAC Early Engagement in Policy Development, including a recent survey of GAC and GNSO Members on the Quick Look Mechanism and other outcomes; and noting the aim of completing the Group's work by ICANN 57.

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[1] 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.

- The need to address outstanding issues concerning protections of names and acronyms of Inter-Governmental Organisations and of the Red Cross Red Crescent movement.

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

The GAC met with the ccNSO Council and discussed:
- Implementation of the adopted Framework of Interpretation regarding re-delegation aspects for ccTLDs;
- Proposed ccNSO Policy Development Process on retirement and review of ccTLDs;
- Results of the survey conducted by the GAC of relationships between governments and ccTLD administrators.

3. Meeting with the Security and Stability Advisory Committee (SSAC)

The GAC met with members of the SSAC and discussed:

- SSAC positions regarding dotless domains.
- Issues related to IPv4 echaustion and IPV6
- Metrics for new gTLDs

4. Cross-Community Sessions

GAC Members engaged actively in the range of cross-community sessions held as part of the new Policy Forum meeting structure.

The GAC acted as lead for the session on workload scheduling and management.

III. Internal Matters

1. New Members

The GAC welcomed Belize, Suriname, Guyana, Panama, Honduras and Republic of Congo as new Members. This brings GAC membership to 168 Members, and 35 Observers.

2. Board-GAC Recommendation Implementation Working Group (BGRI-WG)

The GAC met with the BGRI-WG, re-convened to consider the effectiveness of GAC advice and:
- Agreed to fine-tune the current description of what constitutes

GAC advice;

- Agreed to create a template that includes all aspects that need to be considered in any GAC advice;
- Agreed, as a pilot, to have a post-communiqué exchange with the Board to ensure common understanding of GAC advice provided in the communiqué; and
- Agreed to the BGRI-WG suggested work plan regarding activities to be accomplished intersessionally, between the Helsinki and Hyderabad meetings, and beyond.

3. GAC Capacity-Building

The GAC held a Capacity Building session at ICANN56, co-organized by the GAC Working Group on Underserved Regions and ICANN's GE/GSE team.

As an outcome of the session, the Co-Chairs of the Working Group invited the GE/GSE team to pursue closer co-operation and work together to assist GAC Member government officials in building capacity and expertise on various DNS-related topics.

In parallel, the GAC Working Group will identify priority areas and issues that the GE/GSE team could include in their engagement related to capacity building.

4. GAC Working Group: Updates as reported to the GAC

GAC Working Groups met and reported to the GAC as follows:

Human Rights and International Law: The Working Group reviewed its workplan agreed inter-sessionally and decided to prioritise its active participation in the CCWG-Accountability sub-group on Human Rights. Volunteers were invited to lead on other workplan topics. IGO observers on the GAC were invited to provide the Working Group with information about relevant conventions and other legal frameworks. An information exchange was held with the Cross Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights (CCWP-HR).

Protection of Geographic Names in New gTLDs: The Working Group met during the ICANN Helsinki meeting, and will continue working on documents dealing with the concept of "public interest" and "Best practices for future new gTLD rounds". Additionally, it will continue working on finding more accurate definitions and usage of geo-names lists.

GAC Participation in the NomCom: The Working Group met during the ICANN Helsinki meeting. Different scenarios for GAC participation in NomCom were reviewed. The WG will develop draft GAC criteria for selection of leadership positions in ICANN, to be shared with the whole GAC. The Working Group will continue its work and will contact NomCom leadership to set up a face to face meeting during the next ICANN meeting in Hyderabad.

Public Safety: The Working Group continued to contribute to work streams including: Privacy and Proxy Services Accreditation Issues (PPSAI); Next-Generation gTLD Registration Directory Services; follow-up on implementation of previous GAC advice concerning WHOIS cross-validation obligations in the 2013 Registrar Accreditation Agreement; and a compilation of WHOIS case studies. The Working Group also participated actively in the work of the New gTLD Competition, Consumer Trust and Consumer Choice Review. Capacity building efforts moved forward in collaboration with ICANN's Security, Stability and Resiliency (SSR) team and the GAC Underserved Regions Working Group.

Review of GAC Operating Principles: The Working Group led the GAC plenary session on this issue. A work plan will be developed and circulated for adoption by the GAC before the Hyderabad meeting.

5. Independent GAC Secretariat

The GAC re-affirmed its view that a sustainable, independent, accountable and transparent secretariat is essential for the GAC to perform its functions. Sources of funding will be explored with the aim of continuing current arrangements after the current contract with ACIG expires in July 2017.

IV. Transition of IANA Stewardship Transition and Enhancing ICANN Accountability

The GAC agreed to nominate a liaison to the Customer Standing Committee that forms part of the post-transition IANA structure. GAC Members will work inter-sessionally to determine the conditions under which GAC will take part in the new empowered community mechanism as a decisional participant under the ICANN Bylaws. GAC Members will continue to actively engage within the Cross Community Working Group on Enhancing ICANN Accountability as Work Stream 2 issues are progressed. The GAC agreed to nominate Denmark, Iran, Canada, Brazil and Argentina as members of the CCWG for Work Stream2.

1. Competition, Consumer Trust and Consumer Choice (CCT) Review Team

The GAC was briefed on the work of the Competition, Consumer Trust and Consumer Choice Review Team (CCT-RT) by the Chair of the Team. GAC Members provided feedback on several issues being considered by the CCT-RT.

2. Community-based gTLD Applications

Following to the GAC's discussion in Marrakech of the many problems encountered by community-based gTLD applicants in the current gTLD round, it was noted that a review of the experience of these gTLD applications by two independent experts facilitated by the Council of Europe is now being undertaken. The outcome of this review is expected to be available at the next meeting of the GAC with a view to serving as an input into current community efforts on new gTLDs, including the New gTLD Subsequent Procedures Policy Development Process.

3. IGO Protections

The GAC remains committed to protections of IGO names and acronyms at the top and second levels, which are in the public interest given that IGOs, as publicly-funded entities created by governments under international law, are objectively unique rights holders. The GAC recalls its advice since the 2012 Toronto Communiqué in this regard, and remains of the view that:

(i) concerning preventive protection at the second level, that notice of a match to an IGO name or acronym to prospective registrants as well as the concerned IGO should be mandated in perpetuity for the concerned name and acronym in two languages and at no cost to IGOs;

(ii) concerning curative protection at the second level, and noting the ongoing GNSO PDP on access to curative rights protection measures, that any such mechanism should be separate from the existing UDRP, offer parties an "appeal" through arbitration, and be at no or nominal cost to IGOs;

The GAC notes the ongoing work of the informal "small group" and the efforts of those involved to develop mechanisms that implement the above-mentioned advice.

The GAC remains of the view that the preventive protections for IGO acronyms should be maintained pending the implementation of

mechanisms for the permanent protection of IGO names and acronyms at the top and second levels.

4. Red Cross Red Crescent Red Crystal

The GAC noted that further consultations were being undertaken by the GNSO with the Board in order to resolve the remaining differences between the GNSO recommendations and the GAC's long-standing advice that the current provisional protection of Red Cross, Red Crescent and Red Crystal designations and identifiers should be made permanent in accordance with the distinct legal and policy grounds for such protection. The GAC urges the Board to reach a solution as soon as possible.

IV. GAC Advice to the Board[2]

1. Future gTLDs Policies and Procedures

a. The GAC advises the ICANN Board that:

I. The starting point for development of policy on further releases of new gTLDs should first take into consideration the results of all relevant reviews of the new gTLD round and determine which aspects and elements need adjustment. In addition, the following should be addressed:

    a. Requirements with regard to interoperability, security, stability and resiliency should be met.

    b. An objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round; and

    c. There should be an agreed policy and administrative framework that is supported by all stakeholders.

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

II. All measures available to the Board should be used to ensure that a comprehensive and measured approach to further releases of new gTLDs is taken in a logical, sequential and coordinated way rather than through parallel and overlapping efforts and/or timeframes that may not be agreed by all relevant interests.

RATIONALE

1. There is currently no public policy reason why further releases of new gTLDs should not proceed as a general principle. There are, however, valid public policy reasons for applying a range of requirements at the application and post-delegation stages. The GAC believes such requirements derive at least in part from ICANN's obligations with regard to the global public interest, as contained in existing and proposed Articles of Incorporation and Bylaws.

2. Data is not currently available to allow a proper assessment, both quantitative and qualitative, of the round that is now concluding. Some important data, for example with regard to consumer safety and security, may not yet be being collected. To ensure a logical and efficient process, such data should be gathered before policy development processes move too far ahead.

2. Privacy and Proxy Services Accreditation Issues

   a. The GAC advises the ICANN Board that:

   I. the recommendations set forth by the GNSO PDP Working Group on Privacy and Proxy Services Accreditation Issues (PPSAI) raise important public policy issues highlighted by the GAC in its comments on the PPSAI's Initial Report.

   II. the Board should ensure that the dialogue on constructive and effective ways to address GAC concerns is continued.

   III. if the Board resolves to adopt the PPSAI recommendations, it should direct the Implementation Review Team (IRT) to ensure that the GAC concerns are effectively addressed in the implementation phase to the greatest extent possible.

IV. GAC input and feedback should be sought out as necessary in developing a proposed implementation plan, including through participation of the Public Safety Working Group on the Implementation Review Team.

V. If, in the course of the implementation discussions, policy issues emerge, they should be referred back to the GNSO for future deliberations in consultation with the GAC on potential enhancements to privacy and proxy service accreditation.

RATIONALE

In its comments on the Privacy Proxy Services Accreditation Issues (PPSAI) PDP WG Initial Report, the GAC highlighted public policy concerns raised by the PPSAI Working Group's recommendations, notably that:

1. Law enforcement and consumer protection authority requests for information from privacy and proxy service providers call for confidentiality as required and/or permitted by local laws;

2. The PPSAI's definition of "Law Enforcement Authority" as governed by the jurisdiction of the privacy or proxy service provider might imply that service providers need only respond to law enforcement requests from within their own jurisdiction while many investigations are cross-border, and;

3. Privacy and proxy services should not be available for domains actively engaged in the collection of money for a good or service. Because these GAC comments were not reflected in the PPSAI Final Report, the GAC, in its Marrakech Communiqué, advised the ICANN Board to allow sufficient time for GAC consideration and discussion of these issues at ICANN 56.

At ICANN 56 the GAC met with members of the ICANN Board, the GNSO Council, and the Co-Chairs of the PPSAI WG. Constructive discussions were held on how GAC concerns with the recommendations could be addressed during the implementation of the Working Group recommendations.

The discussions highlighted that most of the GAC concerns might be addressed during the implementation phase. Specific measures discussed include:

1. A law enforcement Disclosure Framework that could detail the appropriate authorization and confidentiality requirements for law enforcement requests linked to ongoing investigations. Such a disclosure framework could also possibly address

processes for P/P service providers to respond to requests from jurisdictions other than their own.

2. A de-accreditation process that could provide the means to revoke the accreditation of providers harboring actors engaged in deceptive, unfair, or fraudulent conduct or repeatedly not responding to LEA requests.

3. Two-letter country/territory codes at the second level

The GAC has discussed plans proposed by Registry Operators to mitigate the risk of confusion between country codes and 2-letter second level domains under new gTLDs.

Some countries and territories have stated they require no notification for the release of their 2 letter codes for use at the second level. The GAC considers that, in the event that no preference has been stated, a lack of response should not be considered consent. Some other countries and territories require that an applicant obtains explicit agreement of the country/territory whose 2-letter code is to be used at the second level.

a. The GAC advises the ICANN Board to:

1. urge the relevant Registry or the Registrar to engage with the relevant GAC members when a risk is identified in order to come to an agreement on how to manage it or to have a third-party assessment of the situation if the name is already registered.

RATIONALE

This advice is consistent with previous advice given by the GAC on this matter and reflects discussions across a wide range of GAC members during the Helsinki meeting.

4. Use of 3-letter codes in the ISO-3166 list as gTLDs in future rounds

a. The GAC advises the ICANN Board to:

i. encourage the community to continue in depth analyses and discussions on all aspects related to a potential use of 3-letter codes in the ISO-3166 list as gTLDs in future rounds, in particular with regard to whether such a potential use is considered to be in the public interest or not.

ii. keep current protections in place for 3-letter codes in the ISO-3166 list in place and not to lift these unless future in-depth discussions involving the GAC and the other ICANN constituencies would lead to a consensus that use of these 3-letter codes as TLDs would be in the public interest.

RATIONALE

In view of the intense debates and controversies over the use of geographic names in new gTLDs, the GAC requests that the community does not rush into a removal of the Applicant Guidebook protection of ISO 3166-1 alpha-3 codes. This move could have political ramifications.

ISO 3166-1 3-letter codes have strong associations with the country or territory they represent, sometimes even stronger than their 2-letter equivalent. Some GAC Members consider it appropriate to reserve their use for the local community or for purposes related to the country or territory identified. Some other Members consider that there may be other legitimate uses for the code that they would consider to allow.

The interests of countries and territories not yet represented in the GAC should also be taken into account.

For these reasons, the GAC requests time and sincere engagement in an all-inclusive dialogue among governments and stakeholders to identify and address concerns and potential risks before any proposal to change the status quo is made.

5. Protection of IGO Names and Acronyms

a. The GAC advises the ICANN Board to:

i. pursue its engagement with both the GAC and the GNSO on the issue of IGO protections in an effort to reconcile differences between GNSO and GAC advice on this topic while remaining responsive to concerns laid out in GAC advice issued since the Toronto Communiqué;

Taking into account the number of individuals who have joined both the Board and the GNSO since the GAC first brought this issue to the attention of the ICANN Community,

b. The GAC advises the ICANN Board to:

i. engage the IGOs in its discussions (both within the Board and with the GNSO) where appropriate, given that the IGOs are best-placed to comment upon the compatibility of any proposals with their unique status as non-commercial, publicly-funded creations of government under international law.

RATIONALE
This piece of advice is designed to encourage the Board to engage proactively with the GAC and GNSO on this important issue in order to continue the productive exchanges undertake in Helsinki.

VIII. **Next Meeting**

The GAC will meet during ICANN 57 in Hyderabad, India, scheduled for 3-9 November 2016.

ATTACHMENT 3: GAC-Led Cross Community Session on Community Workload

Background

ICANN 56 hosted a series of cross community sessions in the afternoons. These notes are from the GAC Led session on Workload Scheduling and Management. The meeting was chaired by the GAC Chair Thomas Schneider and attended by people from across the ICANN community.

Discussion

A slide indicated that there may be a possibility for the community to prioritise their workload better. A speaker commented that this was very unlikely given that particular issues were of higher priority to one community than to another and that one community was unlikely to surrender its higher priority issues in the model to the benefit of another.

A common issue across all communities is the challenge of getting new volunteers to take on the work. It is often the same people, PDP after PDP generating the work. It was noted that this may be partly due to the anachronistic language used by the ICANN community. So many acronyms mean that when new work is introduced it is in a language that is alien to many people. Unless you are already on the "inside" it is hard to relate to the language and the issue and hard to see why the issue matters to you or your constituency. It is felt that the lack of clear language in the community, or conversely the continued use of a highly specialised set of language rules, is a barrier to entry for new members and works against diversity. It therefore also reinforces the habit of overwork for the regular contributors.

One contributor noted that in any team sport, the team is only as good as its slowest player or contributor. It was suggested that there would be less work and in particular less rework if the more agile parts of the community exercised more patience and worked at the pace of their slower team mates (slower parts of the community). The idea is that it would be better to socialise ideas with those slower parts of the community (ie the GAC) first and early to get them familiar with the idea and working as part of the team early. This would be better than "racing off" down a path with an idea and then having to be frustrated by returning to rework it when others will not come on board.

The meeting was reminded that some time ago a team in ICANN was tasked to do a cross community activity map. It is not certain whether or not this ever was developed, but if it did, it was not maintained. There was a view that this sort of effort should be continuously maintained and updated every time a new activity is progressed by one of the many PDP WG's or CCWG's or advice provided on a subject by one of the AC's. A map needs to be continuously maintained and available to all of the community via the front page of icann.org. It was asked whether the various liaison roles between constituencies could contribute to the development and ongoing maintenance of this map, once ICANN developed it.

There was a comment that the ICANN regional offices need to move beyond their 'general' level of expertise in engagement and become expert in the more particular. Those on the ground in region need to be active in explaining to constituents in that region (Registries and Registrars, the local community, the governments, business) the nature and impact of particular PDP discussions for their region. What will this or that PDP mean to them? How will it impact each constituent? The local offices need to bring

governments, businesses, ccTLDs, end users and registries together in regular forums in the region to discuss relevant topics in the local language. Policy development and ideas need to be driven from the local presence up into the multistakeholder model.

It was suggested that ICANN increase the use of independent rapporteurs to facilitate conversation between the various parties at genuine cross community meetings. It was felt that this may bring different parties along and decrease the work that is currently undertaken debating within a single constituency, only to come to a position and find that when it is released to a different constituency you need to start again. Instead, genuine cross community facilitation where the leaders are not from a constituency but are independent without vested interest in the outcome. This increases trust and the likelihood of genuine open dialogue.

A "speed dating' concept was floated with regard to learning about differing views on differing topics. It was noted that there are always plenty of social events at an ICANN meeting. Perhaps re-purposing those with a specific outcome in mind around a particular PDP or discussion topic into this 'speed dating' type model would be a better use of that available time.

It was noted that it is difficult to know who in ICANN staff to contact for particular activities. It was suggested that staff roles and responsibilities be listed on the website along with their names to make it easier for the community to make contact with whom they need.

All delegates to ICANN meetings need to get out of their own meetings and attend the meetings of others more often. They would learn what the drivers and concerns of others at the meeting are likely to be for any particular topic of interest. Understanding these will make the process of policy development much smoother as concerns can be built into the process early and save unnecessary rework and reformulation at a later date.