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ICANN68 | Virtual Policy Forum – GAC preparation for meeting with the ICANN Board Monday, June 22, 2020 – 15:00 to 16:00 MYT

JULIA CHARVOLEN:

Good morning, good afternoon, and good evening, everyone. My name is Julia Charvolen from the ICANN support team. Welcome to our third session of the day on the preparation of the meeting with ICANN Board. We will not be doing a roll call today for the sake of time but GAC members' attendance will be noted and available in the annex of the GAC Communique and in the GAC Minutes of this ICANN68 meeting. Recognizing that these are public sessions and that other members of the ICANN community may be in attendance, the GAC leadership and staff support encourage all of you who are GAC representatives and delegates to share your attendance and type your participant name, surname and country or organization you are representing in the Zoom room chat. This will help us identify GAC session attendees, keep accurate GAC attendance records and facilitate the queue for participant comments and questions during this session. The Zoom room is equipped with a chat feature, a box found at the bottom of your zoom window please make sure to change the drop down menu to include all attendees to ensure everyone can see your message.

If you would like to ask a question or make a comment please type it in the chat by starting and ending your sentence with <QUESTION> or <COMMENT> and please keep them short – if possible Interpretation for GAC sessions will include all 6 UN languages and Portugese and will be conducted using both Zoom and the remote simultaneous

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MANAL ISMAIL, GAC CHAIR:

Welcome back, everyone to the GAC Zoom room. During this session we will prepare with our meeting with the board. The session is scheduled for an hour. We already have an agenda for this meeting but before we get started with the agenda of our meeting with the board, let me just note that the board GAC meetings are important and regular feature for ICANN public meetings. It's one bilateral that we are always keen to maintain. GAC meetings were closed, the board GAC meeting was one of the few meetings open to the community and normally very well attended. Even after the sessions have become public, the session is a regular important interaction point to maintain





interaction -- the structure of the session follows either a formal exchange of questions which is what the GAC has been following so far or a single topic for thorough discussion with the board. We normally share our questions with the board in advance of the ICANN meeting week which we already did but maintaining the right to update and fine tune based on the meeting discussions, again, with a announcement share the questions or points for discussion well before the meeting. And this is in order to make sure the board comes ready and able to provide the answers we are looking for.

So if we can go to the following slide and maybe get started with the agenda for the meeting with the board. So this is just to structure our discussion, the normal introductions and then review of GAC efforts since ICANN67. And I would say this could be a very short agenda item and maybe we can at the end decide whether the time would allow -- because I think we have a long list of questions. And then the discussion of specific GAC priorities, and we had here the three priority topics of the GAC, new gTLD subsequent procedures, DNS abuse, mitigation and domain name registration directory search.

And finally there is issue spotting, and this is to recognize issues coming up and of interest to the GAC so sort of forward looking, and this would include the global public interest multi-stakeholder evolution, GAC review at chartering organization of auction proceeds final report and also the ATRT3 final report. So maybe we can get started with the questions we have first and then see how we would like to fine tune the agenda at the end. Maybe one more slide.



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ROBERT HOGGARTH:

Manal, the slides are there as backup. As I'm speaking, Gulten will be changing the view to the shared Google Doc. I will then turn the floor back to you so that you can read or otherwise conduct the discussions of the various sections of the draft materials, and I will play the role of editor and make changes as shared or discussed or proposed by you or various GAC members. These materials have been shared previously with GAC members with the exception as you get further down in the list to the DNS abuse area and the background the final topic with respect to RDS type actions. So I will turn the microphone back to you; I will take the proverbial pen and wait, poised to make any changes if suggestions are made, thank you.

MANAL ISMAIL, GAC CHAIR:

Okay, excellent. Thank you, Rob. Thank you very much. So sounds like a plan. So the first topic is the new gTLD subsequent procedures, and if I recall correctly, we didn't have here any specific questions but since this is a priority to us as the GAC and to the whole community, so we thought it's worth flagging to the board and sharing our thoughts with some specific remarks at the end. So let me quickly go through what is on the screen. So subsequent procedures for new gTLD remain a high priority for the GAC. The GAC has participated extensively in the GNSO PDP process, and the committee provided extensive summaries of its ICANN67 discussions in its ICANN67 GAC communique.



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Second point, since ICANN67, the GAC has worked productively

internally to develop particular positions on the high priority GAC

topics being addressed in the GNSO PDP process and has shared

several of those views in that venue. GAC leadership has also engaged

with other communities, particularly the ALAC, to explore areas of

common interest to ensure all community views are thoroughly vetted

during the PDP process. The GAC high priority topics include

applicant support and participation of underserved regions, closed

generic TLD's, public interest commitments, global public interest,

GAC early warnings and GAC advice, community based applications.

The GAC understand that the final report of the GNSO PDP still been

prepared. The committee will use the ICANN68 meeting to further

refine its views in order to be prepared to share its views on the final

report document when it is published. And finally, it is important that

the entire community be given sufficient time to review and respond

to the final report of the PDP working group.

So I will stop here and ask if there are any questions. I see Kavouss'

hand up. So if we can unmute Kavouss Arasteh, please. I can hear you

faintly, Kavouss. If you can speak closer to the microphone.

IRAN:

Better now?

MANAL ISMAIL, GAC CHAIR:

Yes, better.

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IRAN:

Okay. Thank you very much. I hear my own voice.

JULIA CHARVOLEN:

Sorry to interrupt, this is Julia. Kavouss, you are actually on the phone bridge and in the Zoom room. Would you wish to speak through the phone or the Zoom room? The Zoom you sound a little bit faint. If you use the phone it might be better and mute the sound on your computer. Please go ahead, Kavouss. I can't hear him anymore. Kavouss, can you hear us?

IRAN:

Excuse me. Is it okay now? Okay. I think this is the statement. What are the questions? Questions, know what are the priorities and so on, so forth. But what are our questions we want to share with the board? They have been copied from the previous meeting with the board. Could we not review this? Number one. And number two, sorry, we should not admire ourselves that we have worked extensively, productively and so on, so forth. First of all, in the subsequent procedures we have not worked extensively. There are very, very few people attending so it's not extensive. And then we have not worked so productively. If it is, we should not admire ourselves, so can we change that to some more normal language? Because it is more or less -- better to clarify some of these and then what are we sharing with the board apart from what we have mentioned? Perhaps we should say the GAC high priority topics have already been shared with

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the board at ICANN67 and if you have any questions, [indiscernible] because even reading that takes some time of the meeting, better to reduce it the maximum possible. Thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Kavouss. I note your point and I see Rob already reflecting your comments. I hope to be assisted by the topic leads. I think the main message here is the bullet point -- the last bullet point which is that the entire community should be given sufficient time to review and respond to the final report of the PDP working group. As you rightly mentioned, there is no specific question per se, but we felt that this is a priority that should be highlighted. So I'm happy to make the language less maybe if -- or if there are any other suggestions from the topic leads. But apart from this, there is no specific question here. It's just informational agenda item. Is this okay, Kavouss? I see your hand again please if we can unmute Kavouss.

IRAN:

Yeah. Yes, I don't want to bother Rob, but I think yes, the question or point D is an important one but [indiscernible] should be given sufficient time, we should mention that. When we say sufficient time, noting that the decisions in this regard would normally be more appropriate to be taken when GAC is in a session, whether physical or virtual. Because if they give us 30 days between the two sessions, it is very difficult. Although we try to mobilize the people to prepare something, we should mention for GAC at least the most practical way



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-- the most practical way is when in session, either physical or virtual. So we have to mention, thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Kavouss. So can please topic lead just let me know if this is feasible. We are talking about the annual general meeting, the upcoming session for the GAC. And we already know it's going to be virtual. But... Jorge, please.

JORGE CANCIO, GAC VICE-CHAIR: Hello? Do you hear me okay?

MANAL ISMAIL, GAC CHAIR: Yes, loud and clear, Jorge.

JORGE CANCIO, GAC VICE-CHAIR: Hello, everyone. And good morning, good afternoon, good evening or good night to some of you. Just very quickly, I think we take this comment from Kavouss, maybe we can simplify the language until tomorrow but let's not engage in wordsmithing now. And I had another point on public interest commitments below public interest which fall under the same high priority topic, so it should be only one bullet. But going back to the comment from Kavouss, I think we take that up and we will simplify the wording because it's a bit lengthy now. Thank you.

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MANAL ISMAIL, GAC CHAIR:

And Jorge, is it okay to ask that we be given time until the next GAC session, physical or virtual session?

JORGE CANCIO, GAC VICE-CHAIR: Thank you, Manal. If I may react, of course I think it would be more convenient for us. At the same time, I think it's more or less four months away, though it might be too much of a stretch, I wouldn't be too definite on that, but just mention the convenience of having such analysis -- because it's not a decision -- by the GAC in a physical or virtual session, but I would express it more as a desire and in any case, the message is that we ask for sufficient time. Because at least for the northern hemisphere we have holiday season in July which would cut short a lot of the time devoted to the public comment period and have as it happens, also the two topic leads, Luisa and myself, live there. And apart from, this is a process that has been going on four or five years now so I think sufficient time is required in any case, and perhaps 40 day public comment period falls short of such a

requirement.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Jorge. I see also Luisa in the chat agreed. Happy to simplify the wording. Usually public comments periods are 40 days but having more time would be beneficial, especially in these circumstances. And Kavouss, is this a new hand?



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IRAN:

Yes, I don't want to get into any discussions with my distinguished friend, Jorge, but something which six years has been spent and many issues not very clear, take the geographic name, it's unfinished business and it would not be possible to put 40 days and so on, so forth. Different from the normal issues, a very important issue that five to six years and now we need time so I don't see any problem. Not to say desirable, it's normally the GAC would be in a better position to comment on an important issue as such when it is in session and open, whether physical or virtual and that is important and I don't think we should be against ourselves. Thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Kavouss, noted. We will work on the language and we will be circulating an updated version shortly.

So I see no further requests for the floor. So if we can scroll further down to the following topic. And this is DNS abuse mitigation. And this text was presented by the PSWG today, so I will go through it word by word. First privacy proxy services for background law enforcement reported during ICANN68 that the majority of domains involved in pandemic-related fraud, phishing or malware have employed privacy proxy services to hide the identity of the registrant. Question is what does the ICANN board intend to do to ensure that such services can't continue to facilitate threats to the security and consumer trust in the DNS? Kayouss.

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IRAN:

I know where the questions come from. What does the ICANN board intend to do to ensure -- how can the ICANN board ensure that this would not happen. And then cannot continue or should not continue. So we have to soften the language. I don't think the board would be in a position to ensure that and we have to remember discussions in the PDP, there are people not sharing our views 100 percent so we should ask ICANN something they can do. They are not the counterpart to GAC. So I leave it again to those behind this question, I know who is behind that -- to soften the language. Thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Kavouss. Rob, please, can we highlight the word ensure? And happy to receive any suggestions or we can think of a less strong word as we go. And thank you for increasing the font. If we can scroll down to the following questions. And please let me know if there are suggestions to replace ensure.

The second section is proactive anti abuse measures. And the background text reads: The CCT review recommended that ICANN negotiate contractual provisions providing financial incentives for contracted parties to adopt proactive anti abuse measures. Recommendation 14, this recommendation has been placed in pending status by the ICANN board. And the questions read: What steps, if any, have been taken by ICANN org to facilitate community efforts to develop a definition of abuse to inform further action on this recommendation? Two, why aren't existing community developed definitions of DNS abuse sufficient? And three, would ICANN even,



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absent a definition, consider incentivizing validation of registrant information by registrars? So any comments on this? If not, let's scroll down please.

ROBERT HOGGARTH:

Manal, as that is being done, I note in the chat that Redouane Houssaini has noted an additional question to add. Not sure if under the A or B section --

MANAL ISMAIL, GAC CHAIR:

Thank you, Rob. Let me read this question first and see if we can fit it and if is so under which section. So domain abuse activity reporting, the DAAR, needs to be strengthened. Is there any possible steps to enhance this project? Also I wonder if the possibility for DAAR to be open as part of the [indiscernible] platform? Do we have our topic lead with us in the room? And are there any comments to adding this? Chris, please.

CHRIS LEWIS-EVANS:

Hello, everyone. Thank you for that, Redouane. Certainly the first half of that question is very good question and I think that would be a good one to add as Manal indicated exactly where we fit that in, I could have a look at later.

The second part, I think we have asked that before, not whether it could be tied in to the data platform but certainly whether the data could be released. And maybe one for ICANN staff whether we can



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find the tab -- I seem to remember the answer being there were contractual issues around the use of the data and publication of the data. So I think that second part has been asked before, whether you would want to ask it again in relation to the open data platform would be good to understand but certainly the first part around strengthening and how that will evolve would be a very good question to ask.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Chris, and thank you very much, Redouane for the suggestion. Rob, if we can take note of the question, the first part, and I think if we already know there are contractual obligations that may not be appropriate to have this on the open data or be released in general, and have already received this from ICANN org, then I don't see a need to repeat the question. I see Kavouss' hand up.

IRAN:

Yes, Manal. I think the first bullet is okay. The second and third we don't need at all. Why are not existing community developed definitions of -- don't need, the last question more important. It's very important. So I suggest we take the first and last and delete the two between because it is already covered in both. Thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you, Kavouss. So there is a proposal to leave the first question as is and first part of the last question as proposed by Redouane Houssaini from Egypt and delete the middle two, leave the why aren't



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existing community developed definitions of DNS abuse sufficient? And would ICANN (even absent a definition) consider incentivizing validation of registrant information by registrars? Is everybody okay with deleting those two questions? Chris, please.

CHRIS LEWIS-EVANS:

Thank you, Manal. Chris Lewis-Evans for the record. Yeah, Kavouss, the second bullet I think is quite key here. We have had a number of community processes that have gone through and generated definitions for DNS abuse and really I think the question here is a lot of work has been done around the community and getting this succinctly defined. And really a key aspect of this is if one of those is not sufficient such as the one in the CCT review, why not? And do we have to do the work again? So I think that's why one of the colleagues put that in and I think that's quite key to ask. We don't really want to be redoing work time and time again. Thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you, Chris for clarifying. Kavouss, is it okay to keep the question?

IRAN:

Unfortunately, no. No, I don't think there's no necessity. We're asking ICANN why are not existing community developed [reading] perhaps if you want -- I know when I thought at the beginning I know where the whole four questions are coming from, one or two persons. Perhaps even the first question take facilitating, you break after facilitating



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community efforts then to develop the definition and in the absence of that to facilitate that and so on but not asking questions so strong why it's not, we're not interrogating ICANN.

I said the first question what steps, if any, have been taken by ICANN, A, to facilitate community effort to develop the definition so on, so forth -- and B, in the absence of that and then you take the questions. To use, finalize the existing definition but not asking why it's not this. It's too strong. We are GAC. We are one of the constituencies of the ICANN. We're not the boss of ICANN asking why you don't this and why you don't that. It's too strong of a type of question. We should be more diplomatic and more polite and friendly. Thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you. Kavouss. Chris and others, of course, are you okay with the suggestion? I'm all in favor for softer language, of course. But I hope it conveys the message. Chris, please.

CHRIS LEWIS-EVANS:

Yes. Certainly we can soften the language but I think we need understanding of why the board has implemented that part, the CCT review would be quite key to maybe we can take this away and reword this offline. Thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Chris, for your flexibility, and Kavouss for the suggestion. Again, we will be working something offline and



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circulating an updated version. If we can move on, please. To accuracy of gTLD registration data and the background reads: In 2012 the first cost review team found that the low level of accurate WHOIS data is unacceptable and recommended that one of ICANN's priority should be to improve WHOIS data accuracy.

In 2015 ICANN started identifying and reporting inaccurate gTLD WHOIS data through the WHOIS accuracy reporting system. In June 2018 as a consequence of the adoption temporary specification for gTLD registration data, ICANN suspended operations of the ARS limiting ICANN compliance's ability to investigate inaccuracies. In September 2018, the CCT review recommended specific work to determine whether the ARS could proceed into its ultimate phase of identity validation. The board placed this recommendation in pending status until the outcome of the RDS WHOIS 2 review. If we can scroll down please.

In September 2019, the RDS WHOIS 2 review estimated that 30-40 percent of the registration data was inaccurate and recommended removing operations of the ARS or a comparable tool (recommendation 5.1) the ICANN board placed this recommendation in pending status until the EPDP Phase 2 addresses the matter. It is now clear that Phase 2 of the EPDP will not do so. The GNSO council determined that the WHOIS accuracy is not on the critical path of phase 20, effectively delaying any meaningful progress indefinitely.



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Meantime pervasive gTLD registration data inaccuracies continue to undermine the effectiveness of the gTLD register directory service. Including in meeting the legitimate need of the law enforcement and in promoting consumer trust, this situation may also jeopardize any future registration data access model when it comes to compliance with accuracy provisions in relevant data protection law.

So a quick remark, I think this text is a bit long but let's get to the question first. What does the ICANN board intend to do to restore ICANN's ability to address gTLD registration data inaccuracies, including but not limited to, removing the ARS identity validation phase. So any -- yes, Kayouss, please.

IRAN:

Yes, contrary to the two previous questions, I am much in favor to put this question as strong as possible. Because that is one of the points that is very, very, bothering everybody. And now we have this clear chat 30-40 percent inaccurate, too much and as a lot of problems and difficulties for everybody. With respect to background, yes, if you can do it, shorten it, but I think it's a good thing to remember to the board that we're following everything quite closely. I have no problem with the background. But the only thing we could not say something which is against a study which has been done and so about ARS, so could we slightly modify that? Not to say we don't want that anything else be done but on the ARS, we are just talking of the accuracy, whatever way it could be done.



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So in summary, I'm in favor of the question as much as possible. I have no problem with the background. And even I don't want to shorten that, it may lose its meaning and objectives, but the last portion, ARS, whether we have to emphasize on the ARS or on the accuracy of the [indiscernible] thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Kavouss. Let's scroll down to the part mentioning the ARS and agree whether we can change this to accuracy in general rather than referencing ARS in specific. I see no note. So let's work on this, Rob, please. And if everyone is okay with the background, let's leave it as is.

Just checking the time, I think we have something like 18 more minutes. So if we can scroll down to the following topic on domain name registration directory service and data protection issues, the background text reads: ICANN org has requested legal guidance from the European protection board [reading] [refer to slide].

Recently ICANN org has requested further guidance in the face of challenges for public authorities with a legitimate purpose to secure data from contracted parties, reasonable access to nonpublic gTLD registration. On this occasion, ICANN org signaled that absent such guidance it may not be able to enforce some provisions of the temporary specification.

The GAC notes that the European data protection board is an independent authority that may not be able to provide the level of





detailed guidance hoped for by ICANN org. Moreover, the GAC notes that when the European data protection board does provide guidance to ICANN, stakeholder rarely agree on an interpretation of such guidance, let alone how it should be implemented. As a consequence when assessing the legal obligations and compliance exposure under my success model, current or future, contracted parties tend to adopt conservative positions by default irrespective of legitimate third party interests in data disclosures and irrespective of the lawfulness of such disclosures.

The GAC understands that per the bylaws, ICANN's mission includes maintaining the security, stability and resiliency of the domain name system. As stated before by the GAC, in the eyes of governments, this requires what the board has called legitimate and proportionate access to registration data. And the questions read: How will ICANN ensure that the reasonable access requirements in ICANN's interim registration data policy for gTLD is effective, informationable, and enforced by ICANN contractual compliance in the interest of the ICANN community and in the public interest? Second question: How could the ICANN board ensure that any future system for accessing gTLD registration data serves the interests of public as well as does not only serve the interests of ICANN's contracted parties? Third question: What role should the ICANN board and ICANN organization play in ensuring that any future system for accessing gTLD registration data evolves appropriately and in a timely manner in response to future guidance or information available on the applicability of data protection law?



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And I believe the fourth and last question: What is the status of the ICANN org led survey on the need to differentiate between natural and legal entities for the purpose of domain name registration data, and when will the results be provided to the EPDP team? This study was supposed to have been provided last month and despite requests for an executive summary an estimated completion date, no further information has been provided. As acknowledged by staff, there is considerable interest in this topic.

So any comments on any of the four questions? I see none. So -- Kavouss, please, sorry. Kavouss.

IRAN:

Yes. I understand the importance of this issue. I follow all the discussions [indiscernible] first of all, Manal, I have suggestion for the background. First, not just this background but all backgrounds. Perhaps yourself or anyone responsible would not read this background text in the meeting with the board, otherwise it takes much time. Just say see background and attach background and I'm sure the board is quite wise to read the background. So we don't need to read the background at the meeting, it is time consuming.

With respect to questions, I think they are very lengthy. May I ask two or three persons provide that to kindly look at that one to summarize to give the thrust of the question and trying to avoid interrogating the ICANN. So I'm not against the question but it's too long and maybe one-sided. Let us leave it to see what had in the EPDP, some of them about this and then try to see what we can do because of reasonable



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access and natural and legal -- this has been a lengthy, lengthy discussion so we do not try to override that as I mentioned at the beginning of your plenary today. We are part of that group and we have to consider the discussions. It doesn't mean you are not right but means that we have to be part of that discussion and respect our commitment that we are part of that and we should not when expressing our views come back and raise it again. So I leave the four questions to be considerably reduced and without any complaint or interrogations. Thank you.

MANAL ISMAIL, GAC CHAIR:

Thank you very much, Kavouss. So on the background part, I fully agree, I was going to suggest that now that we have read it word by word and it's a bit long even in the different parts under the different topics, that we keep it for the board's info and get to the questions directly.

So the second point is shortening the question. So let's also take this offline and try to see if we can provide a shorter version of the questions while maintaining the meaning. So any more comments on the questions? We still have ten minutes, and we have two parts to finalize the issue spotting recognition of issues coming up. If we can scroll down, Rob, please.

And this is just to note what the GAC plans to work on in the coming period. As mentioned during the opening plenary, today there are already several final reports that are out either for final reports or draft reports that are out for public comments, all with due dates. So this is



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more of our work plan for the coming period. So any objections to flagging upcoming topics or any of the listed topics? Global public interest, evolution of the multi-stakeholder model of ICANN auction proceeds, and ATRT3 final report. I see Kavouss, please.

IRAN:

Thank you, Manal. I have no problem with the questions. But some of them in my view is an impossible mission. Global public interest. Manal, we tried in icg, we tried in accountable -- this is a very, very, very, difficult when you talk about global public interest. There are not united or universal agreed even path in the past, four years, agreed to leave it as is but I don't know that anybody had intent to see what are the global public interest. They are used by ICANN whenever they want to reject something, they say against the public interest or global public interest and also using the bylaws but we never succeeded to define that. Are we going define that?

MANAL ISMAIL, GAC CHAIR:

I agree, Kavouss, but this is something that the board is working on and there are a paper on this and we showed interest in following up on the topic and we asked them if there is any material they can share with us. We requested this at ICANN67, so we are just following up on our interest in the topic since the topic is already being discussed so we should be part of the discussion.

So two things here, the paper the board is working on and also we agreed to have -- or suggested to have this as a topic of discussion



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with the ICANN CEO, again in light of the paper that has that is being already prepared by the board and will be released soon. So I hope this clarified -- it's not a GAC exercise, per se, but an exercise that is ongoing and that the GAC would be interested to follow closely. I hope this addresses your concern, Kavouss.

If there are no further comment on this part, if we can go back to the first part, Rob. And just to highlight -- point B. Review of GAC efforts since ICANN67. And this was suggested as an introductory part to our session with the [reading] [refer to slide].

Any objections to flagging this at the beginning? Allowing enough time for the questions, of course. Seeing no hand up and no requests for the floor, then I take this as agreement. We noted the comments received so far. We will be working on them offline and circulating and new version soon so that we can also share it with the board in due time for them to prepare for the meeting.

If there is nothing else then I would thank you all very much. It's now again time for a 30-minute break and I have to say, I'm enjoying those frequent breaks. Please be back at half past. We will be starting at 1630 Kuala Lumpur, 830 UTC. Thank you all. Enjoy your break.

[END OF TRANSCRIPTION]