
ICANN68 | Virtual Policy Forum – GAC Communique Drafting (4/5)
Thursday, June 25, 2020 - 11:30 to 12:30 MYT

GULTEN TEPE: May I ask the technical support team to start recording the meeting?

Good morning, good afternoon and good evening, and once again this is Gulden Tepe from ICANN GAC support. Welcome to the ICANN68 Virtual Policy Session, communique drafting on Thursday 25 of June at 3:30 UTC. In case a GAC member doesn't have the ability to raise their hand or see the names of other panelists we advise you to leave the room and join again by individual link sent to your e-mail by ICANN RT.

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With that I would like to leave the floor to Manal Ismail.

MANAL ISMAIL, GAC CHAIR: Thank you very much. And welcome back everyone. We will continue with our communique drafting again this session is scheduled for an hour, and we have one more hour scheduled for the communique so not much time, so let's get started. And

try to accomplish in the remaining 2 sessions. So if we can go to the new text. Please, Fabien, go ahead.

FABIEN BETREMIEUX: We have received a text for the [inaudible] would you like to start there?

MANAL ISMAIL, GAC CHAIR: I'm sorry, for what?

FABIEN BETREMIEUX: For the Public Safety Working Group report which is displayed right now the section that reports on the tests of the.

MANAL ISMAIL, GAC CHAIR: Uh-huh.

[Voices speaking simultaneously]

MANAL ISMAIL, GAC CHAIR: No, if everybody agrees, I would rather start with the issues of importance to the GAC, and if there is anything that will be put also under follow up on previous GAC advice, so that we -- and also the text provided by Kavouss as well. So issues of importance to the GAC, again the subsequent procedures I'm

not sure if people were able to work on the fine tuning that we agreed on during the first session, but maybe we can go to the new text that -- so let's go past the subsequent procedures please, unless we have things ready. I see already 2 hands up so let's take Kavouss and then Vincent and agree where to start. Kavouss, please. Kavouss, I cannot hear you if you are speaking. You may be on mute.

KAVOUSS ARASTEH: Yeah, sorry. I sent the text and I sent the second text which was a correction to the first one, some editorial mistakes. So, Fabien, please kindly take the second text. Thank you. I sent it to everybody as well. I sent to to everybody as well the second text.

MANAL ISMAIL, GAC CHAIR: Excellent, thank you, Kavouss. Fabian we already took the second text?

FABIEN BETREMIEUX: I will make sure that we reflect the last e-mail that was received.

MANAL ISMAIL, GAC CHAIR: Okay, thank you Fabien and meanwhile Vincent please go ahead.

VINCENT GOUILLART: Thank you, Vincent Gouillart from France, for the record.

Concerning my proposal and SubPros I would like to clear the path in some way because I've been trying to come up with something more precise and specifically about SPIRT, but I'm afraid I have to face reality. The result boils down to what is already included in this paragraph so I think that on SPIRT, I can only come to a conclusion that the previous paragraph already says it all. And so, in this case, I think we can scrap this paragraph all together.

I can live with this given that the SPIRT is the main point of concern, or at least the main point of attention, and previous paragraphs in our eyes, is already quite good. What we can do if GAC colleagues deem it useful, would be to just keep the beginning, the GAC appreciates the efforts of the working group to create predictability framework, no more alert or IP mechanisms and to inject this sentence in the previous paragraph as the token of our thankfulness to the working group, which would be -- well it could result in something like while the GAC appreciates the efforts of the working group to create a predictability framework some GAC raised... and the added value such as SPIRT etcetera. But that is the only things that I propose we keep. And for the sake of time and clarity, I know the time is short, we can also drop the objections. I am not

trying to save this paragraph at all costs, to put the trace of France in the communique at all costs. Not at all. So, I propose that we try to do something like this, and all parties for inadvertently stretching the topic beyond what had been discussed this week on for making us lose a bit of time.

Thanks, Jorge, for the reminder. That's it.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Vincent, for this -- your spirit-- not the SPIRT as in the team but thank you for your flexibility, so can we reflect Vincent's suggestion? Keeping the first part and inserting it in the text while the GAC appreciates the efforts of the working group to streamline alerts and appeal mechanism the and check if this is okay. We can leave it. Otherwise we can see what Vincent already kindly offered.

So is this okay with everybody? I think Kavouss, is an old hand.

KAVOUSS ARASTEH: Old hand, yes, sorry.

MANAL ISMAIL, GAC CHAIR: Okay. Thank you. So Fabien, please, old hand?

FABIEN BETREMIEUX: It was just a clarification that have but maybe we can get a confirmation that what was requested on the screen [inaudible].

MANAL ISMAIL, GAC CHAIR: Vincent, can you please confirm that this is the -- your first proposal?

VINCENT GOUILLART: Thank you, Manal.

Actually, I was even proposing to strike streamline alert and appeal mechanisms and replace it with create predictability framework because if I recall well, the alert and the appeal mechanisms were also deemed a bit too late by Jorge and Jeff also put a comment about it during the last session, so yes, this way, that does reflect perfectly my proposal. Thanks Fabian.

MANAL ISMAIL, GAC CHAIR: Thank you very much, thank you Vincent, and Fabian, and I see Jorge confirming also his thanks to you, and confirm the text looks fine, so Fabien please, this is the new hand, right?

FABIEN BETREMIEUX: Yes. I'm just reading the sentence and further down the sentence with the new addition that there may be wording to be

changed. I don't know if you want to... the entire sentence so that we can consider just where needed.

MANAL ISMAIL, GAC CHAIR: Sure, let's do that. So in this part now reads while the GAC appreciates the efforts of the working group to create a predictability framework, some GAC members raised doubts on the added value of such a SPIRT, and expressed concerns that its creation, if adopted could add complexity to the current procedure and potential inconsistency with existing roles and responsibilities according to ICANN bylaws.

And thanks for the revised text here as well. I think it, it looks good. Shall we delete such?

Okay. I see confirmation from Jorge in the chat that such can be dropped. And Fabian is this a new hand? Okay, an old one.

So, any objections to the text as it stands on the screen, and thank you Jorge also for your flexibility and for revisiting this text during the very short break.

So, I see a comment is it from Morocco? I'm not sure I understand the suggestion so if you can please retype it or maybe raise your hand, so can we, can we move on for now if

this is agreed by everyone? I see no objections so let's scroll down and thanks to everyone for the flexibility.

Now the text on EPDP. And I have a small suggestion here that maybe we can -- so if we can -- yeah. Maybe we can remove EPDP and EPDP and from the title. I think we have EPDP as the bigger title again as a suggestion, if agreed by Georgios and other pen holders. So maybe the need for a set to evolve and I wonder this legal versus natural or do we need to say this? And does it read well, and thank you Georgios for confirming in the chat.

So let's take it part by part. Any comments on need for a set to evolve? The GAC's small group highlighted the need for any final Phase 2 recommendations to include an effective mechanism for the set to evolve including in response to future legal guidance. Such evolution should be consistent with the Phase 2 policy recommendations particularly with regard to the topic of what categories of disclosures may become subject to automated responses.

Okay. I see no hands up. Then Fabien, please, go ahead.

FABIEN BETREMIEUX: Thank you, Manal. Can you hear me well? It was reported my audio was not good.

MANAL ISMAIL, GAC CHAIR: I hear you well.

FABIEN BETREMIEUX: Okay.

MANAL ISMAIL, GAC CHAIR: So if it's good to me.

FABIEN BETREMIEUX: Thank you I'm juggling between set ups. I just received a suggestion to edit some of the headings so I will proceed to making those edits, just for your information.

MANAL ISMAIL, GAC CHAIR: Thank you. Thank you, Fabien. So if there is -- if there are no comments on the SSAD evolution then now to legal versus natural, and data accuracy, and this text leads GAC would request the Board to obtain an update from the GNSO, as soon as possible, on its progress towards developing a specific plan to continue the policy development process to address the unresolved issues related to distinguishing between natural and

legal entities, and ensuring data accuracy. Such future policy efforts, such future policy efforts should start no later than 30 days following the publication of the Phase 2 EPDP final recommendations and conclude within 6 months.

Further, we note that the GAC and other advisory committees such as the SSAC and ALAC should participate in any scoping or terms of reference for these future efforts. So any comments?

Fabien please go ahead, and then Kavouss. Fabien, if you're speaking we cannot hear you.

FABIEN BETREMIEUX: Sorry. I'm aware of the suggestion by the drafter of the text to bring the background relevant to the topic, which currently is underneath the text, into the section, so should I proceed to move that text so that you can proceed in reading the relevant background on this matter?

MANAL ISMAIL, GAC CHAIR: Yes please do. Thank you. So, just reading the chat, Finn is suggesting Denmark is suggesting to avoid using we, supported by NOHA from Egypt, and if not yet Georgios needs to be upgraded as a panelist to be able to use the microphone, so please if he's not upgraded yet, please do. And I see a

confirmation earlier from Japan, I hope it was on the text that needed re-structuring, so thank you Japan, and apologies to miss a few things in the chat. Kavouss, please, I believe this is a new hand.

KAVOUSS ARASTEH: Yes, it's a new hand. I wonder whether GAC could put a deadline of 30 days or 6 months. Could we -- modify the text putting in a sort of with the objective or I'm to as soon as possible, and some qualifier that 6 months and 30 days, is it something that we could put in the text, or we should slightly modify that, put in a sort of objectives as soon as possible, possibly within 30 days, and possibly within the 6 months but put something, but putting a specific date. I wonder.

I am just asking the small team about the feasibility of stating or having these deadlines. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. I see Giorgio's hand up, so Georgios, please go ahead.

GEORGIOS TSELENTIS: Thank you Manal. Georgios Tselentis, European Commission for the record.

Kavouss we had exactly this debate inside the small group whether we could be as prescribed as it is in the text now. What we want to avoid, and you said it as well, is that this effort just perpetuates for the eternity. So we need at least a language saying that we need it in the near future rather than later.

We tried to put some deadlines there just to highlight that, I'm happy to take on Board any suggestion you may have to take this, this issue that we need these issues of legal versus natural and data accuracy to be taken into account in the near future.

Taking also into consideration that the Phase 2 is still in progress, but it's going to be concluded in the near future. Thanks.

MANAL ISMAIL, GAC CHAIR: Kavouss, please. Thank you, Georgios.

KAVOUSS ARASTEH: I want to -- hello? Yes.

MANAL ISMAIL, GAC CHAIR: Yes, we can hear you.

KAVOUSS ARASTEH: Do you hear me? I have no problem, but I think it might be better that we delete the 30 days after publication as soon as possible, and then say that at the final recommendation and concludes to the extent practicable within 6 months. I put some qualifiers. And this is a suggestion. Everybody agree with this suggestion? I would be happy to propose that. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you Kavouss. Georgios, are you okay with Kavouss's suggestions?

GEORGIOS TSELENTIS: Thank you, Kavouss, I'm fine with the suggestions if Fabien could capture the text so we can see it on the screen, I'm fine with the suggestion of Kavouss.

MANAL ISMAIL, GAC CHAIR: Thank you, Georgios. Fabien, please.

FABIEN BETREMIEUX: Thank you I appreciate if the suggestion could be.

MANAL ISMAIL, GAC CHAIR: Repeated.

FABIEN BETREMIEUX: Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you so Kavouss if you can please repeat your suggestion with dictation speed, please. Thank you.

KAVOUSS ARASTEH: Yes, if you hear me, I suggest that we say, after efforts should start as soon as possible, after or following the publication of the Phase 2. And then 6 months and conclude to the extent practicable, 6 months after -- just put in practicability. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. Just confirming one last time Georgios any objections? I see an agreement from Georgios to could have Kavouss's suggestion in the chat so thank you both. So, I appreciate your guidance Fabien whether I should continue reading or we now from the background at the beginning, I should start from the beginning? I'm a bit lost.

FABIEN BETREMIEUX: So I [inaudible] relevant section of the background following this paragraph that we've just read so I believe you could start at the second paragraph on the screen.

MANAL ISMAIL, GAC CHAIR: Okay. Perfect. Thank you, Fabien.

And the second paragraph reads the temporary specification for gTLD registration data specifically recognized that ICANN's mission directly involves facilitation of third period processing for legitimate and proportionate purposes related to law enforcement, competition, consumer protection, trust, security, stability, resiliency. Malicious abuse, sovereignty and rights protection.

ICANN is required by section 4.6E of the bylaws subject to applicable laws to "use commercially reasonable efforts to enforce its policies relating to registration directory services", including by working with stakeholders to "explore structural changes to improve accuracy and access to generic top-level domain registration data", and another "as well as considering safeguards for protecting such data".

Kavouss, please.

KAVOUSS ARASTEH: Yes, do you hear me?

MANAL ISMAIL, GAC CHAIR: Yes.

KAVOUSS ARASTEH: Yeah, I suggest whenever we refer to something as a quotation or citation from ICANN bylaws perhaps we put it in italic would be more feasible for the reader. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. I believe it's already italics but if it's not, then let's reflect Kavouss's suggestion please. Then the following paragraph reads moreover, the temporary specification principles for processing re-- for -- I will re-start again I'm sorry. Moreover, the temporary specification principles for processing required that data shall "be accurate, and if necessary, kept current, and appropriate to the purposes of which they are processed between brackets accuracy, and end quote" and there is a reference here, and then this requirement is consistent with article 5D of the EU general data protection regulation.

Moreover, Phase 1 of the EPDP recognized that accuracy was expected to be considered in Phase 2 and between brackets. See recommendation, 4 and accompanying footnote.

Yes, thank you, Fabien.

I think the full stop is a typo.

Then this requirement is also consistent with the GAC's advice in the Abu Dhabi communique which recalled the 2007 GAC principles regarding gTLD WHOIS services principles recognizing the need for accurate registration data, and between brackets and quotations, the gTLD WHOIS services should provide sufficient and accurate data about domain name registrations and registrants, subject to national safeguards for individual's privacy.

I see no hands up, so last paragraph in this section. Hence, data accuracy is called for to facilitate ICANN's mission, for consistency with GDPR, the expectations of the EPDP Phase 1 team and prior GAC advice.

Any comments? Kavouss please?

Kavouss, I cannot hear you if you're speaking. You may be on mute.

KAVOUSS ARASTEH: Because the unmute does not appear on my computer then I have to wait until it appears. So it is -- yeah thank you.

MANAL ISMAIL, GAC CHAIR: Okay.

KAVOUSS ARASTEH: I have no problem with this text, but I hope all this text does not -- or do not compromise the activities being done at EPDP Phase 2 team. Just as a statement, a professional statement. I hope that does not because referring to Abu Dhabi communique we are far from that, many thing has happened. Many activity has been done and I hope that we are quite cautious when we are saying.

I have no objections to that, but I just draw to the attention of the people that any things that compromise the actions being taken EPDP may not be welcome by others.

Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss, and I see Giorgio's hand up so Georgios, please.

GEORGIOS TSELENTIS: Thank you, Manal. Georgios Tselentis from the European Commission and I'm part of the small EPDP group.

I share the concern of Kavouss in this respect, however, I think the purpose of this text here is to remind that if we make some, some issues, if we raise those issues in this text it's because they

have been repeatedly requested to be resolved in previous instances, and we want to remind that this was, for example, it was in our GAC advice, it was in the term specs, it was in so many places and these issues still remain unresolved.

Now to what extent this can have an impact on the completion and the successful completion of the current final report and conclusion of the second phase, it's an issue and I share in this like Kavouss said, however, I think it's useful for the reader to see that those are not issues that are new, those are issues that were of concern of the GAC and we keep, we keep insisting on resolving them. Thanks.

MANAL ISMAIL, GAC CHAIR: Thank you, Georgios, and, yeah, I agree with what you said but also with what Kavouss said that we just need to make sure that what we mentioned in Abu Dhabi, I mean things did not develop differently, and maybe the request we are reiterating might not be feasible at this point in time, but I'm sure you have already done this check, but if not, just just to make sure what exactly was said in Abu Dhabi communique because things have developed through the EPDP process so I hope I'm getting Kavouss's point right.

And thank you for the clarification Georgios. So can we move onto the data controller ship? And the text here reads the GAC expects more clarity on the status and role of each of the data controllers and processors in the SSAD model. To this end, the GAC urges ICANN org and the contracted parties to complete the respective data protection agreements between them as soon as possible so that they can be shared in a timely manner and support the IRT in its implementation activities.

Any comments?

Okay then moving to anonymized e-mails, and the text here reads the use of anonymized e-mail may be a solution to protecting the registrant's identity while serving some of the legitimate domain name registration data access seeker's purposes.

We therefore suggest a feasibility/legal study to guide the availability of a publicly accessible anonymized e-mail by the contracted parties. The EPDP team received legal guidance that anonymization as well as pseudonymization is a useful privacy enhancing technique/privacy by design measure and this is between quotation I'm sorry -- DPA guidelines recognizing that this technique may be used under appropriate circumstances.

And I see Giorgio's hand, so please go ahead.

GEORGIOS TSELENTIS: Thank you, Manal. Georgios Tselentis from the European Commission.

I made following a comment that I think was by Rubens that we use the term anonymization and pseudonymization often and interchangeably I made -- a change there and the heading also was referring to anonymized e-mails. The difference between anonymization and pseudonymization, in anonymization you cannot trace back the identity of the data subject and that's why I think we are focusing to the anonymized e-mails as a possible solution.

However the guidelines, the advice that we received from the legal counsel in the EPDP group was also quoting that both techniques are considered as privacy-enhancing techniques. And hopefully we can find a practical solution which is also accepted by the contracted parties to implement and that is the nature of our suggestion there, thanks.

MANAL ISMAIL, GAC CHAIR: Thank you for that clarification, Georgios. So any comments seeing none then let's move on please to the -- I'm not sure what's next. Fabien, please go ahead.

FABIEN BETREMIEUX: Manal, this is Fabien speaking. We this is the end of the text regarding the EPDP in the section issues of importance to the GAC you may recall there is also text suggested in the section 6 of the communique follow up on previous events, so I don't know if you want to consider that text including your suggestion that it be moved back to the issues of importance to the GAC, so this is just to flag for your consideration.

MANAL ISMAIL, GAC CHAIR: Thank you for the reminder, Fabien, and I agree while on the topic let's maybe move to this part under follow up to previous GAC advice to read the text and agree where it fits better, but before this allow me to give the floor to Georgios, please. Go ahead.

GEORGIOS TSELENTIS: On this debate, Manal Georgios Tselentis for the record. On this debate Manal whether we should put it under the header of follow up previous advice or not, again, apologies for my ignorance, in how these things are treated in the ICANN

mechanisms, but I think this is -- this -- these issues are somehow in the scorecard of the Board -- of the follow-up on the... and may be we need to put this it there so it the advice is tracked, otherwise I have no problem to put the text back it the issues of importance for the GAC.

So it's an honestly it's just an issue of properly placed text so it's raised from the mechanism -- from the GAC communique. Thanks.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Georgios. And I mean, no ignorance at all. We are still discussing where to put it, so we all don't know what is best here. So let's read the text, and then agree where it best fits.

So the text reads the GAC notes that it advised in its San Juan communique that any successor systems to the WHOIS should, and the first bullet ensure that the proposed model maintains current WHOIS requirements to the fullest extent possible, and second bullet, distinguish between legal and natural persons, allowing for public access to WHOIS data of legal entities, which are not in the remit of the GDPR.

We observe that it appears unlikely that these goals will be achieved at the conclusion of Phase 2 of the EPDP, nevertheless we open that this advice still stands and should be considered as part of the EPDP.

Kavouss, please.

KAVOUSS ARASTEH: Do you hear me, please?

MANAL ISMAIL, GAC CHAIR: Yes, I can hear you, Kavouss.

KAVOUSS ARASTEH: Yeah, I have no problem -- first of all I suggest that we replace we by GAC. This is something that I mentioned many many times, and Denmark mentioned also today.

There is no personal adjectives GAC. And again, same concern, we refer to San Juan communique, many things has happened but I have no problem just for record that we should be consistent, which is what is going on. And taking into canned that other people are carefully watching what we are writing. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss.

The point on we and GAC is well noted from yourself and Denmark. We will make sure this is taken care of throughout the communique. On the consistency point I cannot agree more. Now just checking the chat, and Jorge, Switzerland suggesting we should identify quotations from the prior text in italics and quotation marks, so any quoted text, yes please, Mark it as such. And Noir from Morocco in the EPDP paragraph there is a reference to the Abu Dhabi communique and the year 2007 is mentioned.

However, it is 2017, not 2007. Please check.

Thank you very much Noir for spotting this. If we can fix the year please.

FABIEN BETREMIEUX: Manal if I may.

MANAL ISMAIL, GAC CHAIR: Please Fabien.

FABIEN BETREMIEUX: Just a meant the and cab communique referred to GAC principles that were published in 2007 so the 2007 refers to those principles the date of those principles, so... screen back to the section 4.2 issues of importance to the GAC, EPDP, Abu Dhabi -- [inaudible] the 4th paragraph of legal versus natural. [Inaudible] sorry, we're waiting to scroll back to that section. So we -- they needed to -- are you able to scroll back? Issues of importance to the GAC, EPDP. Subsection legal versus natural data accuracy. 4th paragraph.

We have it here. Scroll down please. One more. The last paragraph on the screen here. And the reference 2007 is for the GAC principles regarding gTLD.

MANAL ISMAIL, GAC CHAIR: Thank you, Fabien, so I hope that answers you Noir so the year is for the GAC principles, and not for the Abu Dhabi meeting itself. Thank you, Fabien. I have Kavouss, Iran and then Paul, U.K. so Kavouss, please go ahead.

KAVOUSS ARASTEH: Do you hear me.

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

KAVOUSS ARASTEH: Yeah, thank you. I think the confusion came to our college from Morocco came to me but I found what Fabien said is right but perhaps you could remove the confusion by adding, before the Abu Dhabi the GAC, 2017, Abu Dhabi communique recalled 2007, in it's 2017 Abu Dhabi communique recalled 20 -- so we put that in order to avoid that confusion. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss, for the helpful suggestion, U.K. please, Paul go ahead.

PAUL BLAKER: Thank you Paul Blaker for the U.K. for the record.

MANAL ISMAIL, GAC CHAIR: Paul, I heard you at the beginning but not now, are you still speaking?

PAUL BLAKER: I'm sorry I have a question for clarification, about the last 2 sentences under EPDP. It says the GAC observes it appears unlikely these goals will be achieved. Nevertheless the GAC observes this advice should be considered as part of the EPDP. I don't really understand the first sentence.

Are we accepting that this advice will not be followed, or maybe some more clarification would be made about that.

MANAL ISMAIL, GAC CHAIR: I'm sorry to interrupt. Can we just move to show the text that U.K. is commenting on? I think it's on -- yes, further down under follow up on previous GAC advice EPDP section.

Yes, okay, so if you can repeat Paul please your concern it's regarding the very last 2 sentences.

PAUL BLAKER: Yes, I would just like some clarification about the intention here because the first sentence seems to suggest we accept that this advice will not be achieved, but the second sentence seems to contradict that, so maybe Georgios or the drafter could just explain a little bit more thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much and I see Giorgio's hand up already. So please Georgios if you can clarify.

GEORGIOS TSELENTIS: Thank you Manal. Thank you, Paul. Georgios Tselentis for the record. It is indeed we are in a situation where the EPDP

finalization of their report is not, is not done as we expected to have it before ICANN68, but this is not the case. However, how we see now things going is that the issue of legal versus natural persons, although we raised it as an important issue, it is unlikely that it will be resolved within the Phase 2 of the EPDP but what we wanted to stress here is that for this issue we have made an advice, and this advice is still -- is still in applicable.

It's still in force we want to see consideration of this issue. I don't know if it's better that we say there that this insinuates an extra or a prolongation of this issue of policy development process but what we wanted there with the second sentence was to say that our advice still stands.

I don't know if Paul is clarifying what we are trying to say there, and if there is a better way to express that, I'm open to any suggestions. Thanks.

MANAL ISMAIL, GAC CHAIR: Thank you, Georgios, for the clarification, and we may need to fine tune the text and meanwhile just let me reiterate and I'll then give the floor to Kavouss, that the part, any part under GAC advice or follow up to GAC advice we should be very sensitive about what we write in there because this -- whatever we write in here, if not followed, it triggers the bylaws, and I mean, this

obligates the Board somehow to take action, so if the EPDP is concluding without this into consideration, and now we are requesting this to be considered by the EPDP so I see an issue here, and thank you Paul also for flagging this.

And Kavouss and then Georgios. Kavouss, please.

KAVOUSS ARASTEH: Do you hear me?

MANAL ISMAIL, GAC CHAIR: Yes, Kavouss.

KAVOUSS ARASTEH: Thank you. I tend to agree with ... that first of all, EPDP is not a constituency of the GAC it calls under the GNSO. And we should be careful that not all of our advice should be taken by the EPDP because there are many peoples with different interests, they consider that but they may not implement that.

So I suggest that we delete the first part of the last paragraph. The GAC observes that it appears unlikely that these goals will be achieved. It is -- although it may be true but it's a little bit negative. We could remain the last point, that the GAC ... this still stands and should be considered. We have no problem.

So the first part totally delete and the second part delete nevertheless, and start the GAC reiterates that -- not observes. Reiterates that this advice still stands and should be considered as -- so we say what we wanted to do, but we do not mention any negative I am impression that will not be achieved and so on and so forth.

So if Georgios could agree with that, I am happy to take that. Delete the first part and just take the last part. The GAC reiterates that this advice is -- thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss, and I was going to propose something more radical than this, but I think you did a smart change here. I was going to suggest that we maybe delete this last 2 sentences since we are reiterating the same advice but I like your suggestion, and I see support from Jorge, and from Paul. And I was seeing Georgios hand up.

GEORGIOS TSELENTIS: I fully agree with Kavouss.

MANAL ISMAIL, GAC CHAIR: Perfect. Perfect. Thank you. So thanks for the helpful suggestion Kavouss. The then I they we are good with this part.

Fabien, if you can guide us what's next?

FABIEN BETREMIEUX: Yes, Manal. Can you hear me?

MANAL ISMAIL, GAC CHAIR: Yes.

FABIEN BETREMIEUX: Trying to adjust me audio setup as we're getting further feedback, but it sounds faint. To the translators so hopefully it's getting better for everyone. I believe that we have text I'd like to DMR this section on follow up on previous advice related to the DNS abuse there are a few edits so while we are in this section you may want to consider that otherwise we do have text, new text to consider when we section on issues of importance to the GAC.

MANAL ISMAIL, GAC CHAIR: Okay. Then let's do the first quickly while we are on the same section, so DNS abuse the GAC heard presentations on the impact of COVID-19 related DNS abuse, and on efforts of authorities to count... for consumers and businesses much the presenters noted the efforts of registries and registrars to address DNS abuse both proactively and reactively as well as the

initiatives by SSAC and ICANN OCTO to support the detection of abuse and collect and share best practices.

The GAC comments these efforts which have contributed to greater cybersecurity, preventing fraud, preserving public health and safety, and likely protecting lives. The GAC notes that new efforts to -- the GAC notes that new efforts to tackle DNS abuse should not replace, but rather complement existing initiatives to improve accuracy of registration data, such as the accuracy reporting system, and to implement policy on privacy and proxy services, which are currently on hold despite having been recommended by a number of review teams, and endorsed by previous GAC advice.

The GAC calls on the Board to implement existing advice, and on the ICANN -- on the ICANN community to seize this opportunity and commit to its different work streams on DNS abuse, aiming for skater, safety, and the protection of individual and public rights and freedoms. So, frankly, I'm a bit confused here because this is follow up on previous GAC advice? Are we under this section right?

So I'm not sure -- so, is there something that we are reiterating here previous GAC advice, any reference to previous GAC communique? I mean, is this new text Fabien please?

FABIEN BETREMIEUX: I don't mean to speak for the drafters, I just want to reference in the second paragraph there is a reference to...

MANAL ISMAIL, GAC CHAIR: So Fabien, I'm sorry to interrupt you, Laureen in the chat is saying I think this is in the wrong section, so Laureen, this was meant to be in -- under important -- issues of importance to the GAC? Or if you can confirm even in the chat if you cannot speak at the moment. So Laureen is saying correct, so if we can take this part, yes, thank you, I'm sorry sorry interrupt you Fabien.

I understood you don't want to speak on behalf of the group, and I saw Laureen typing so -- and meanwhile if any comments on this text? Then please be ready to raise your hand. Thank you Fabien and support staff. I know it's collaborative efforts here, so I keep referring only to Fabien, but thank you everyone. So any comments on this text on DNS abuse? Now under issues of importance to the GAC.

I see no comments, so we have 3 minutes left. If we in the 3 remaining minutes can read any new text that was not read before, so that we can think it over during the break, and also there is a long -- there is a community panel as well, and then we will be reconvening afterwards so sometime for everybody to think about this. Could have use please.

KAVOUSS ARASTEH: Yes, I think I sent the text to Fabien. I think should put it in the Mayes that I mentioned and have a look before we break. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you Kavouss. So if we can do this please. If we can go to the section -- yes the cross-community working group accountability Work Stream 2 implementation, and the text sent by Kavouss reads, some GAC members stated that depriving individuals and institutions from their digital resources and domain names between brackets, like what has happened to domain names of their citizen and cultural and media organizations.com.net on.org, and unilaterally removing them from global DNS resource can highly compromise the stability and social capital of their businesses, and also could be an example of violating the international human rights.

In addition, such an action -- I believe, can extremely undermine the pillars of Internet governance system and digital trust. I would like to suggest that the issue of the digital unilateral coercive measure UCM in area of digital resources and its impacts especially during COVID-19 pandemic be considered as an issue of importance to the GAC. This case can happen to all countries, and may expand to ccTLDs in the future. It is obvious

that an international organization should work under international law, and United Nations principles and objectives.

These GAC members request ICANN Board and ICANN president/CEO to take necessary action pursuant to I believe Work Stream 2 recommendations and associated reports dealing with jurisdiction to remove obstacles mentioned above in order to facilitate access of these GAC members to DNS resource.

So we are we are at the hour but I can see Kavouss's hand up so Kavouss any clarifications so that.

KAVOUSS ARASTEH: Yes. Yeah excuse me there was some mistake here that is mentioned in this the line after when you have in addition, after that digital trust second -- after that. Delete I would like to suggest. These GAC members therefore suggest that the issue of these GAC members therefore suggest that the issue of.

MANAL ISMAIL, GAC CHAIR: These GAC members I think -- yes thank you so Kavouss anything else.

KAVOUSS ARASTEH: No, thank you.

MANAL ISMAIL, GAC CHAIR: Okay. So please consider discussing this text when we come back.

It's now a 30 minute break and after the break there's a cross-community panel on ICANN post COVID-19 the use of virtual meetings, it's scheduled from 1300 Kuala Lumpur to 1430 which is 5:00 to 6:00UTC and then followed by another 30 minute break.

So we need to be back here in the GAC Zoom room at 1500 Kuala Lumpur time. 7:00UTC, and please meanwhile if you can review the communique text, this will be the final communique drafting session, so I hope we can be ready to finalize the communique at this time.

So thank you very much, enjoy your break. Thank you.

[END OF TRANSCRIPT]