

ICANN | GAC

Governmental Advisory Committee

San Juan, Puerto Rico, 11 March 2024

GAC Communiqué – San Juan, Puerto Rico¹

The San Juan Communiqué was drafted and agreed in a hybrid setting, during the ICANN79 Community Forum, with some GAC participants in San Juan, Puerto Rico, and others remotely. The Communiqué was circulated to the GAC immediately after the meeting to provide an opportunity for all GAC Members and Observers to consider it before publication, bearing in mind the special circumstances of a hybrid meeting. No objections were raised during the agreed timeframe before publication.

I. Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in San Juan, Puerto Rico, in a hybrid setting including remote participation, from 2 to 7 March 2024.

Seventy-one (71) GAC Members and Nine (9) Observers attended the meeting.

The GAC meeting was conducted as part of the ICANN79 Community Forum. All GAC plenary and working group sessions were conducted as open meetings.

The GAC welcomed the presentation of the 2024 ICANN Community Excellence Award to its former Chair, Manal Ismail, as a testament to her exceptional decades-long service, to her continued dedication to the multistakeholder model, and to her talents for achieving consensus in an exemplary open, fair, collegial, and empathetic manner.

¹ To access previous GAC Advice, whether on the same or other topics, past GAC communiqués are available at: <https://gac.icann.org/>

II. Inter-Constituency Activities and Community Engagement

Meeting with the ICANN Board

The GAC met with the ICANN Board and discussed:

- GNSO Statements of Interest
- Urgent Requests for Disclosure of Registration Data
- Next Round of New gTLDs, including:
 - Applications for gTLDs that are culturally sensitive to countries/governments
 - Applicant Support Program
 - Overview of Analyses Related to Costs and Benefits of a Next Round of the New gTLD Program

Meeting with the At-Large Advisory Committee (ALAC)

The GAC met with members of the ALAC and discussed:

- The New gTLD Applicant Support Program
- Update on Enabling Inclusive, Informed and Meaningful Participation at ICANN

Meeting with the Address Supporting Organization (ASO)

The GAC met with members of the ASO and discussed:

- IPv4 Transfers
- IPv6 Deployment
- Ongoing Work on Criteria for Establishment of New Regional Internet Registries

Meeting with the Generic Names Supporting Organization (GNSO)

The GAC met with members of the GNSO Council and discussed:

- New gTLD Program Next Round
- GNSO Statements of Interest (SOIs) and Transparency
- DNS Abuse Mitigation
- WHOIS/Data Protection

Meeting with the Contracted Parties House (CPH) of the GNSO

The GAC met with representatives of the CPH and discussed:

- DNS Abuse Mitigation
- Registration Data Request Service (RDRS)
- Statements of Interest (SOI) Transparency

Meeting with the Nominating Committee (NomCom)

The GAC received a briefing from the 2024 NomCom leadership team on:

- The opportunity for applications for ICANN leadership positions
- The Committee's expected work in this calendar year
- The roles and responsibilities of community members who serve on the NomCom; and
- The opportunity for a delegate from the GAC to join the 2025 NomCom.

Meeting with the Universal Acceptance Steering Group (UASG)

The GAC received a briefing from the UASG and discussed:

- Why Universal Acceptance is important
- How the UASG is addressing the UA Challenges
- UA efforts by the ccNSO

Cross Community Discussions

GAC Members participated in relevant cross-community sessions scheduled as part of ICANN79, including the Community Consultation on Public Interest Commitments (PICs) and Registry Voluntary Commitments (RVCs), the Subsequent Procedures Implementation Review Team Sessions and the DNS Abuse Community Outreach, organized by the GNSO's Contracted Parties House (CPH).

III. Internal Matters

1. GAC Membership

There are currently 182 GAC Member States and Territories and 39 Observer Organizations.

2. GAC Leadership

The GAC thanked its outgoing Vice-Chairs, Ola Bergström (Sweden) and Francis Olivier Cubahiro (Burundi) for their valuable support and contributions to the GAC.

The end of the ICANN79 meeting marks the start of a new term for the incoming GAC Chair/Vice Chairs Team:

Nicolas Caballero (Paraguay) (Chair)

WANG Lang (China)

Thiago Dal-Toe (Colombia)

Christine Arida (Egypt)

Zeina Bou Harb (Lebanon)

Nigel Hickson (United Kingdom)

3. GAC Working Groups

The GAC notes and welcomes the appointment of Gabriel Andrews from the United States' Federal Bureau of Investigation as a co-Chair of the Public Safety Working Group. The GAC and the Public Safety Working Group extend their sincere appreciation to Laureen Kapin who is stepping down from this position, for both her valuable service and for her continued contribution of expertise to the Working Group, in consumer protection policy, ICANN policy and ICANN multistakeholder processes.

The GAC and Underserved Regions Working Group (USRWG) note the departure of Pua Hunter, GAC representative from Cook Islands and co-chair of the USRWG, and extend their appreciation for her tireless commitment and dedication to the work of the USRWG.

- **GAC Public Safety Working Group (PSWG)**

The GAC Public Safety Working Group (PSWG) continued its work to advocate for improved measures to combat DNS Abuse and promote lawful, effective access to domain name registration data.

The PSWG participated in a session to brief the GAC on DNS Abuse Mitigation that included a GAC Member’s presentation about 2023 fraud data including frauds facilitated via email, websites, and phishing. The session also included information about a private company’s efforts to detect and mitigate or disrupt DNS Abuse, noting the importance of minimizing the “live” time of DNS Abuse and looking at the impact, as well as the amount, of DNS Abuse.

Regarding domain name registration issues, the PSWG continued its participation to support the GAC Small Group and helped to update the GAC on these issues. The presentation to the GAC included updates on the Registration Data Request Service, including usage experience from law enforcement, a business, and a registrar. The update also noted the need to resume work on policies governing Urgent Requests.

The PSWG also continued its outreach, holding discussions with several stakeholder groups during the ICANN79 week.

- **GAC Underserved Regions Working Group (USRWG)**

The GAC Underserved Regions Working Group (USRWG) held a Capacity Development Workshop (CDW) on 2 March 2024. The workshop focused on matters of interest to GAC members based on feedback received from the post ICANN78 workshop survey. The workshop discussed the following matters:

- ccTLDs management,
- ccTLDs transfer,
- IP addresses allocations; and
- the role of Regional Internet Registries (RIRs)

The day concluded with language-based breakouts which discussed issues arising from the presentations. The groups shared thoughts and recommendations on the various issues that were presented. The contributions from the respective breakout groups will be compiled and forwarded to the GAC Leadership for their consideration. A post-workshop survey will be conducted to gather feedback from members of the GAC on the workshop and to guide the USRWG on future workshops and capacity development initiatives.

The USRWG will continue to enhance capacity development initiatives through webinars and workshops, regionally and during ICANN meetings in light of the high engagement expressed by members. The CDW planning team expresses its appreciation to the contributions of ICANN org and experts from the ICANN community, including IANA/PTI, the .PR ccTLD registry operator, and the Address Supporting Organization (ASO).

4. Capacity Development

At the beginning of the meeting week, the GAC conducted a productive and informative capacity development workshop featuring several topics of interest to GAC participants. The workshop discussed the following matters: ccTLD management led by presentations from .PR’s experience

regarding the management of its ccTLD; ccTLD transfer with focus on IANA's role related to the ccTLD transfer process presented by PTI; IP addresses allocations and the role of Regional Internet Registries (RIRs) regarding the allocation of IP Addresses at the regional level presented by RIPE NCC.

Six language breakout groups were then formed by CDW participants: French, Portuguese and Spanish, Chinese, Arabic, and two groups for English. The groups were given the opportunity to discuss the key takeaways from the sessions, their level of importance within the groups' country and region, including what could be the potential challenges and recommendations to help ICANN overcome them. The common denominator shared by the groups was the interconnection of the topics presented.

On the matter related to ccTLDs, most groups agreed on the need to continue building capacity related to ccTLDs and particularly in developing countries, taking into account that ccTLD management is not run the same way across countries. Also of note were the Country Code Policy Development Processes, the resiliency of ccTLDs in natural disasters and their role in the recovery process. CDW participants shared concerns about the process of redelegation, DNS Abuse, and IDNs within ccTLDs.

Regarding IPv6, the CDW breakout groups highlighted the importance of promoting IPv6 adoption worldwide. The groups noted the need for coordination between governments and ICANN stakeholders, such as the ASO, to elaborate guidance on the management of numbers and systems, and shared resources.

5. GAC Operational Matters

Strategic Planning

The GAC discussed the development of the GAC Strategic Plan and agreed on an initial set of priority areas and corresponding GAC Strategic Objectives. The GAC has agreed to review any additional strategic objectives presented by GAC members, and will continue developing an initial set of expected outcomes, for each of these objectives, in consultation with the GAC Topics Leads, GAC Chair and Vice-Chairs, for further consideration by ICANN80.

High Level Government Meeting Preparation

GAC attendees reaffirmed the purpose and importance of High Level Government Meetings (HLGMs) and focused their ICANN79 discussions on a review of the preliminary draft meeting agenda for the upcoming 9 June 2024 HLGM in Kigali, Rwanda - including a session-by-session examination of the subject matter, potential speakers and timing for each of the HLGM sessions. GAC representatives were encouraged to draw the attention of their senior government officials, and the rest of the ICANN community to reinforce the value of the meeting.

GAC Open Microphone Session

The GAC conducted an experimental “open-mic” session designed to enable the Committee to expand its collaboration, information, and communication channels within the ICANN multistakeholder community. This pilot open-mic session invited community members in their individual or representative capacity to make brief statements to the Committee. In addition to interventions by community members, GAC Members also used the session as an opportunity to note topics, issues, and upcoming activities that could or should be of interest to governments. GAC Members will consider holding future listening sessions at upcoming ICANN Public Meetings.

IV. Issues of Importance to the GAC

1. DNS Abuse

The GAC welcomes the addition of new DNS Abuse obligations for Contracted Parties, which will become effective in April 2024. The GAC appreciated hearing from ICANN org’s Compliance department about plans for auditing and enforcing the amendments, as well as from a GAC Member on consumer fraud trends, including fraud facilitated via email and phishing attempts.

The GAC also welcomed a presentation from a third party on the topic of DNS Abuse measurement, during which several terms that are included in the new amendments – “actionable evidence,” “prompt action,” and a requirement to “stop and/or otherwise disrupt,” were discussed. The GAC acknowledged the recommendation that, to support effective enforcement, the community would need to establish minimum evidential thresholds and standards for “actionable evidence”. Such standards should be consistently applied. Regarding “prompt action,” reference was made to SSAC115, which outlines a 96-hour minimum standard. To develop a clear appreciation of what “stop and/or otherwise disrupt” means, it was recommended that the information Contracted Parties provide on enforcement actions taken include the action taken as well as the considerations that lead to it. The GAC also acknowledged the importance of quality of the abuse reports and that good reporting practices need to be further developed and widely shared.

The GAC discussed what a reasonable timeframe for assessing the impact of the obligations might be. Some suggested six months. However, there remains a general expectation that significant progress occur in advance of the next round of new gTLD applications. The GAC will track reports from ICANN Compliance on DNS Abuse enforcement. The GAC also explored options for what prospective work on DNS Abuse might entail, recalling some topics previously identified (such as guidance on key terms or capacity building to disseminate best practices beyond the contracts baseline) as potential areas to address before the new round of gTLDs. Finally, the GAC expressed its interest to re-connect with other parts of the community on these matters.

2. Cost Benefit Analysis of the New gTLD Program

In the ICANN56 Helsinki Communiqué the GAC advised the Board that *“an objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round”*, and the Board accepted said GAC advice. The GAC again raised this issue in its ICANN64 and ICANN70 Communiqués. In the ICANN78 Hamburg Communiqué Follow-up on Previous Advice the GAC recalled its ICANN56 Advice to the Board concerning an objective and independent analysis of costs noting that *“so far the GAC is not certain of the availability of such analysis called for by the GAC”* and that *“the GAC is looking forward to receiving such analysis at the earliest opportunity and ahead of ICANN79.”*

In response, ICANN org compiled the document Overview of Analyses Related to Costs and Benefits of the Next Round of the New gTLD Program. The GAC understands that the Board may consider that this document has fulfilled the GAC's advice concerning the cost-benefit analysis. However, the GAC has assessed whether the document can be considered an implementation of the GAC Advice, and concludes that it cannot be considered to constitute a cost-benefit analysis, nor to be objective and independent. In this sense, the GAC notes that the document produced is a detached assessment of certain individual costs and benefits. To be considered a cost-benefit analysis, the analysis must be comprehensive, coherent, and complete, and must assess and quantify all significant advantages and disadvantages seen from a global perspective. Furthermore, the GAC is of the view that the analysis should have been done objectively and carried out by an independent consultant.

The GAC recognizes that the Community (with involvement of the GAC) is taking forward the next round of new gTLDs and has set a corresponding timeline. The GAC, therefore, believes that conducting further analysis at this stage would not serve the intended purpose.

The GAC encourages the Board to ensure that GAC advice, which the Board has accepted, is effectively implemented and its implementation is communicated to the GAC.

3. Registry Voluntary Commitments (RVCs) / Public Interest Commitments (PICs) in New gTLDs

GAC members discussed the Implementation Framework for Content-Related Registry Commitments in the New gTLD Program in preparation for potential Committee input to the open consultation process. The discussion, to an extent, was framed by GAC advice in ICANN77 Washington D.C. Communiqué on the fundamental need for PICs and RVCs to be enforceable. GAC members shared a range of views on this issue, including that: 1) the Committee needs adequate time to analyze and consider this complex issue; 2) concerns about whether a Fundamental Bylaw Amendment related to content would be needed, and 3) whether any outcome would jeopardize the existing RVCs which registries have entered into as a result of GAC advice.

The GAC is of the view that a complete and careful legal analysis is required in this regard, the result of which is to be made available to the community. It was noted that Fundamental Bylaws Amendments should be considered carefully, and that an amendment should only occur if the ICANN community believes that it is required. The GAC intends to consider these issues further, including submission of a GAC comment to the community consultation process.

4. Registration Data

Registration Data Request Service (RDRS)

The GAC continues to support efforts to maximize participation in the Registration Data Request Service (RDRS) and reiterates that widespread use of the pilot by both registrars and requesters will help the RDRS meet its intended purpose of generating data to inform the ICANN Board's

consideration of the policy recommendations related to a future System for Standardized Access and Disclosure (SSAD). The GAC believes all contracted registrars should participate.

The GAC welcomes ICANN org's continued efforts to provide regular monthly reporting of usage metrics. While the pilot has only been recently launched, these metrics have already shed light on potential improvements that could help the pilot meet its intended purpose and create an improved user experience. The GAC looks forward to continuing to work with the GNSO Standing Committee on the RDRS to address challenges and, where appropriate, suggest improvements to the RDRS.

Specific issues might include confidentiality of law enforcement requests and voluntary participation by ccTLDs. In light of the feedback received from various stakeholders, the GAC encourages further review to take place to eliminate unnecessary and confusing elements of the current requester interface, particularly with respect to requests from law enforcement and the applicability of various data protection frameworks. The GAC also strongly encourages to include information about the RDRS and a link to it within the WHOIS lookup/Registration Data Access Protocol (RDAP) with a view to increase its visibility.

Finally, the GAC stresses the importance of continued outreach efforts throughout the lifespan of the RDRS to ensure both requesters and registrars are aware of the uses and limits of this pilot program as well as its intended purpose. To this end, the GAC encourages ICANN org to conduct a survey of registrars who are not currently participating in the RDRS to gain insights into the concerns of these parties and potential challenges that could be addressed.

Privacy and Proxy Accreditation Implementation

The GAC supports a Privacy and Proxy (P/P) accreditation process at ICANN. The GAC hopes the ICANN community will thoroughly explore options that allow implementation of approved recommendations that are still relevant from the previous PDP on P/P issues and appreciates ICANN Org's recently shared work facilitating this process. The GAC continues to encourage registrars and requesters to participate in the RDRS; doing so will ensure the community is able to produce evidence-based registration data policy, including on the use of P/P services and their potential impact on usage of the RDRS, or subsequent domain name registration request systems. Some requesters have noted confusion around the provision of P/P information in place of the registrant information because they expect to receive data related to the underlying registrant. The mismatch between expectations and results may lead to user frustration and discourage use of the RDRS, which was noted in the WHOIS Disclosure System Design Paper. Accordingly, the GAC looks forward to further work on these issues.

Accuracy

The GAC reiterates that registration data accuracy is an important element in law enforcement, cybersecurity, investigations to enforce Intellectual Property Rights, domain name registration management, and other legitimate third-party interests. At the same time, any changes to accuracy

policy at ICANN should strive to balance the various interests involved, including those of registrants with enhanced privacy needs.

The GAC supports ICANN org's efforts to identify scenarios for assessing accuracy under ICANN's contracts that provide useful information to advance the Accuracy Scoping Team's work, and welcomes ICANN's Office of the Chief Technology Officer's (OCTO) forthcoming Inferential Analysis of Maliciously Registered Domains (INFERMAL), which could shed further light on accuracy. The GAC welcomes the timely completion of the Data Processing Agreements between ICANN and the Contracted Parties so the community can resume its work expeditiously on the topic of accuracy.

5. Transparency and GNSO Statements of Interest

The GAC discussed the matter of transparency and Statements of Interest, recalled concerns expressed in its ICANN76 and ICANN78 Communiqués, and stressed the central relevance of transparency in this regard as a crucial precondition for accountability and legitimacy in ICANN policy development processes. It is noted that on 28 February 2024 the GAC Chair issued a letter on the matter to the Chair of the ICANN Board². The GAC looks forward to continued engagement with the GNSO, Board and community on this issue.

6. Regional Internet Registries

The GAC appreciates the information received from the ASO concerning AFRINIC, and welcomes the fact that AFRINIC continues to serve the African region despite the current circumstances. However, GAC members expressed concern about the situation and the impact it may have on the distribution of number resources in Africa. The GAC understands that there are legal constraints to providing full transparency on the ongoing legal procedures, and welcomes receiving further updates regarding AFRINIC governance.

The GAC took note of the announcement that the ASO is considering to initiate a review of the Criteria for Establishment of New Regional Internet Registries (ICP-2)³ and is looking forward to receiving future updates on this important process, including how interested GAC members can take part.

7. IPv6

The GAC recognizes the need for accelerated deployment of the IPv6 protocol and looks forward to continuing discussing with relevant ICANN constituencies any policy options to incentivize and to expedite the adoption of IPv6.

² [GAC Correspondence to ICANN Board Chair: Matter of Transparency at ICANN](#) (28 February 2024)

³ <https://www.icann.org/resources/pages/new-rirs-criteria-2012-02-25-en>

V. GAC Consensus Advice to ICANN Board

The following items of advice from the GAC to the Board have been reached on the basis of consensus as defined in the ICANN Bylaws⁴:

1. Applicant Support Program (ASP)

a. The GAC advises the Board:

- i. To ensure the Applicant Support Program (ASP) focuses on facilitating global diversification of the new gTLD application program, bearing in mind historical community calls for a ‘remedial round’⁵, recalling ICANN77 GAC advice.
- ii. To publish a comprehensive ASP communications and outreach strategy and associated implementation plan for review and comment by the community with itemized costs, detailed scope and clear metrics of success identified, to complement the overview of the broader communications plan for the next round of new gTLDs included in the Implementation Plan.⁶ This ASP communications and outreach strategy must include details on building awareness of Universal Acceptance and Internationalized Domain Names and should leverage community connections to ensure underserved regions are reached.⁷
- iii. To specify how the reported fund for the ASP will specifically be used to support applicants – whether through offsetting reduced application fees for applicants, funding additional means of support, or a mix of both – and undertake an assessment of the appropriate budget to support the program and the associated communications and outreach strategy in the context of inflation trends since the the launch of the last ASP, which was funded with 2 million USD during the 2012 new gTLDs application round.

⁴ Bylaws section.12.2.(a)(x) The advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the Board determines to take an action that is not consistent with Governmental Advisory Committee advice, it shall so inform the Governmental Advisory Committee and state the reasons why it decided not to follow that advice. Any Governmental Advisory Committee advice approved by a full Governmental Advisory Committee consensus, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection (“GAC Consensus Advice”), may only be rejected by a vote of no less than 60% of the Board, and the Governmental Advisory Committee and the Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution. The Governmental Advisory Committee will state whether any advice it gives to the Board is GAC Consensus Advice.

⁵ [The Need for a Remedial gTLD program for new gTLDs](#) (29 January 2014); See Report on Workshop #122: New gTLDs: Implications and Potential for Community Engagement, advocacy and Development, p.247 of [Internet Governance for Sustainable Human, Economic and Social Development](#) (29 October 2012)

⁶ [New gTLD Program: Next Round Implementation Plan](#) (31 July 2023)

⁷ [GAC Underserved Regions Working Group Terms of Reference](#)

- iv. To develop a holistic approach to the ASP by strongly considering implementation of the ALAC's ASP incubator proposal, recalling the GAC's ICANN78 text.⁸
- v. To consider substantially reducing or eliminating ongoing ICANN registry fees for successful applicants for at least five years, and consider further flexibility thereafter according to applicant needs, recalling ICANN77 GAC advice.
- vi. To explore the potential of leveraging (including contracting and financing the services of), a platform to which new gTLDs, supported through the ASP, could move to eventually operate their own back-end services, recalling ICANN77 GAC advice.

RATIONALE

- i. The GAC stresses that facilitating global diversification is essential to the success of the ASP, and refers the Board to the GAC definition of underserved regions⁹.
- ii. The GAC is of the view that global communications and outreach are essential to encourage organizations in underserved regions to apply through the ASP. Highlighting the economic benefits of operating a gTLD is particularly pertinent to helping organizations understand the merits of applying.
- iii. Adequate funding will be essential for a successful ASP. The GAC is concerned that if the same amount is allocated to the ASP as that of the 2012 round it will not be sufficient to ensure that all successful applicants can benefit from the ASP, particularly in the context of inflation trends over the past decade. Moreover, the application fee will increase to approximately 240,600 USD - an increase of 30% from 185,000 USD¹⁰ As such, funding for the ASP should be increased by a minimum of the same proportion.
- iv. Discussions within the GAC throughout ICANN79 on the ASP, including a bilateral meeting with the ALAC, highlighted the importance of a holistic program that includes non-financial and financial support for applicants.
- v. At ICANN77, the GAC advised that eliminating ongoing ICANN registry fees would help to ensure organizations that are successful in applying for applicant support receive support not only with their application, but are also supported during the period it takes to get a new top level domain up and running. ICANN's Survey of Globally Recognized Procedures for Financial Assistance Programs¹¹ supports this conclusion, highlighting that "supported applicants may have limited access to the financial resources necessary for long-term sustainability. To combat this issue, Providers of Financial Support can provide direct or indirect additional financial assistance post-award". The survey cites guidance suggesting

⁸ [ALAC Proposal for Subsequent Procedures Recommendation 17.2 on Applicant Support](#) (18 August 2023)

⁹ [GAC Underserved Regions Working Group Terms of Reference](#)

¹⁰ [New Generic Top-Level Domain \(gTLD\) Subsequent Procedures Operational Design Assessment \(ODA\)](#) (12 Dec. 2022)

¹¹ [Survey of Globally Recognized Procedures for Financial Assistance Program](#) (5 Oct. 2023)

that capacity development is ‘patient work’ that “typically requires an investment of three to five years before meaningful improvements can be achieved”. This advice is intended to respond to the Board’s question asking that the GAC specify whether ‘eliminating ongoing ICANN registry fees’ was envisioned for a specific period of time.

- vi. A Backend Registry is the mandatory technical platform to operate a domain name extension. The backend registry allows accredited registrars to technically sell domain names for each top-level domain. Support therefore could be provided to foster the establishment of technical registry platforms to assist ASP applicants interested in running their own technical operations. This advice is intended to respond to the Board’s question asking for elaboration on the GAC’s ICANN77 advice for the Board to explore the potential to support the provision of back-end services for successful ASP applicants.

2. Urgent Requests for Disclosure of Registration Data

a. The GAC advises the Board:

- i. To act expeditiously to establish a clear process and a timeline for the delivery of a policy on Urgent Requests for domain name registration data, to respond to the vital public safety interests related to such requests. Such a process must ensure appropriate participation of the community, including the GAC.

RATIONALE

The GAC reiterates its public policy concerns on the lack of progress in establishing an appropriate timeline to respond to requests for registration data in select emergency circumstances, known as “Urgent Requests”, i.e., circumstances that pose an imminent threat to life, of serious bodily injury, to critical infrastructure, or of child exploitation in cases where disclosure of the data is necessary in combatting or addressing this threat.

The GAC recalls that the 2019 Phase 1 policy recommendations provided for a separate timeline for the response to “*Urgent Reasonable Disclosure Requests, those Requests for which evidence is supplied to show an immediate need for disclosure*”. The Implementation Review Team (IRT) developed narrow criteria for Urgent Requests and initially proposed an up to three-business day timeline to respond to such emergency requests. In public comments on the Draft Registration Data Consensus Policy, GAC and other stakeholder groups objected to the IRT’s proposed timeline to respond to “Urgent Requests” as not consistent with the obligation to respond to emergency situations and recommended that the IRT revisit the timeline. The ICANN org Implementation Project Team carefully reviewed the public input received and concluded that there was “*sufficient justification to revisit the policy language and to require a 24-hour response time for urgent requests.*” Regrettably, the IRT discussions could not reach a consensus and the latest proposal of three business days with two possible extensions was considered by the GAC as not meeting the

purpose of providing a reasonable window to respond to emergency or urgent requests, as per the GAC correspondence with the Board of August 2023¹².

Recalling the ICANN78 Communiqué, the GAC appreciates the initiative of the Board to separate the topic of Urgent Requests from the publication of the overarching Registration Data Consensus Policy for gTLDs and welcomes the recent publication of the latter. Having discussed the issue with the Board during ICANN79, the GAC understands that no process for addressing the matter of Urgent Requests has been established since the work was interrupted in August 2023. Against this background, the work initiated in 2019 should restart as soon as possible with the aim to achieve *“an outcome that better meets the public safety considerations posed by urgent requests”* and *“is fit for purpose”* as also recommended by the SSAC¹³.

VI. Next Meeting

The GAC is scheduled to meet next during the ICANN80 Policy Forum in Kigali, Rwanda, on 10-13 June 2024, immediately following the High Level Government Meeting scheduled on 9 June 2024.

¹² [GAC Chair correspondence to the ICANN Board](#) (23 August 2023)

¹³ [SAC122 - SSAC Report on Urgent Requests in the gTLD Registration Data Policy](#) (12 December 2023)

ICANN79 | CF – Joint Session: ICANN Board and GAC
Tuesday, March 5, 2024 – 3:00 to 4:00 SJU

GULTEN TEPE:

Welcome to the GAC meeting with the ICANN board session being held on Tuesday, 5th of March, at 19:00 UTC. To ensure transparency of participation in ICANN's multi-stakeholder model, we ask that you sign in to Zoom sessions using your full name.

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> as indicated in the chat. The feature is located at the bottom of your Zoom window.

Interpretation for GAC sessions includes all six UN languages and Portuguese. Participants can select the language they wish to speak or listen to by clicking on the interpretation icon on the Zoom toolbar.

If you wish to speak, please raise your hand. Once this session facilitator calls upon you, please unmute yourself and take the floor. Remember to state your name and the language you will speak in case you will be speaking a language other than English. Please speak clearly and at a reasonable pace to allow for accurate interpretation. Please make sure to mute all other devices when you are speaking.

Finally, this session, like all other ICANN activities, is governed by the ICANN expected standards of behavior. In case of disruption during the session, our technical support team will mute all participants. This

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session is being recorded and all materials will be made available on the ICANN 79 meetings page. With that, I would like to leave the floor to GAC Chair Nicholas Caballero. Over to you, Nico.

NICOLAS CABALLERO:

Thank you very much for that, Gulden. Welcome, everyone. Please take your seats. And if you mind closing the door, if somebody can close the door, otherwise we will have issues with the air conditioning. Believe me, we did have some. Thank you so much for that. Thank you. So welcome to the board. Welcome, Alan, Danko, Sara, Tripti, Sally, Becky, Jim. It's a pleasure, as usual, to have you here. We'll be talking about some very, very interesting and pressing issues, depending on how you see it. We'll have an active session mainly based in good communication. We'll be reviewing some topics and questions that were shared in advance with the board. And then we'll have an AOB session for Q&A as well. We're going to be reviewing the GNSO statements of interest, urgent requests for registration data, next round of new gTLDs, Name Collision Analysis Project Study, and some additional topics, you know, as GAC issues of importance. And at this point, I'm going to speak in Spanish, given the fact that we're in Puerto Rico and Spanish is one of the official languages here. So I'll go ahead in Spanish.

So as I was saying, we will be covering several topics of interest, not only to the board, but also to the GAC and the wider ICANN community. We plan to allocate enough time for the Q&A segment so that this session is truly interactive and we can make the most of it, because the board's time is highly valuable and the GAC's time is highly valuable. So we want

to make the most of our time together. That's why we sent the questions in advance. And we received your questions in advance as well, so as to make the most of this interactive session together.

I wanted to take the opportunity to speak in Spanish. I want to welcome my highly esteemed colleagues from the board. And with that, I will give the floor to Tripti Sinha, ICANN board chair. So welcome once again, please. I hope you feel yourselves at home and I wish you a productive discussion. Tripti, you have the floor.

TRIPTI SINHA:

Thank you, Nico. Thank you very much. We're delighted to be here. This is an extremely important meeting, our exchange of ideas, and to receive the GAC's input on the topics that are under discussion inside of ICANN are very important in particular from the public policy perspective. So thank you very much for this. And I will now turn it back to you.

NICOLAS CABALLERO:

Thank you so much for that, Tripti. As a matter of fact, let me give the floor to Sally Costerton, ICANN CEO. Please go ahead for any remarks you would like to give Sally.

SALLY COSTERTON:

Thank you. Thank you very much, Nico. This is an important meeting. And when I saw you in Hamburg in the same meeting, you asked me a lot of questions, one of which was about what we call CEO Goal 6, which is the internet governance work, particularly with a focus on the

WSIS+20 review at the end of next year and the work that's going on at the United Nations this year. So I don't think we have this necessarily specifically on the agenda today, but I just wanted to let the GAC know that this Thursday in the main ballroom at lunchtime at 1:15, there will be a briefing session for the whole community on how we are handling that. And I wanted to thank the GAC for the input you've given many of you separately to me, but also following on from that Hamburg meeting. It's been really instrumental. It's much valued. We're now ready with that, what we call in the WSIS outreach network. And please do come to that meeting if you can, if you can't. And you'd like a separate briefing on this from any of my colleagues, either separately or in a group, just please let me know because it's a very important topic. Thank you, Nico.

NICOLAS CABALLERO: Thank you very much for that, Sally. So at this point, let me see if Danko, you know, the vice chair of the ICANN board of directors would like to give any initial remarks on this point.

DANKO JEVTOVIC: Thank you, Nico. I wasn't planning on any initial remarks, but thank you for recognizing. And it's great to be here with you.

NICOLAS CABALLERO: Thank you so very much. So let's dive into the topics and questions. As a matter of fact, we have 10 topics. You actually, you see five numbers, but there's ABC and then AB. So, you know, from a mathematical point of view, we have 10 topics in 60 minutes, which makes up more or less

six minutes per topic or question. So without further ado, let's begin with the first topic, which is GNSO statements of interest. And before I go on, let me give the floor to Switzerland. I saw your hand up or was that an old hand? No? We're good? Okay, okay.

So question one reads, in view of recent concerns that the GAC has expressed to the board regarding GNSO operating procedures that permit participants to refrain from disclosing the individuals or entities that they represent at ICANN, the GAC asks the board to consider what actions may be taken to ensure that all of ICANN's constituent bodies, including the GNSO, are expected to require such disclosures in policy development and operational activities. And for that, I'll give the floor to Tripti. Go ahead, please, Tripti.

TRIPTI SINHA:

Thank you, Nico. This is a very important topic, and I'm glad that there's the kind of attention focused on it. So first, let me say that for the board, it's extremely important to ensure ethics and accountability within our environment. And we appreciate this interest. And to not disclose who you work for, who you represent, runs counter to our principles of transparency and accountability. And so we take this matter very seriously, and we are a policymaking body, and the policies need to be held to account. And when developing policies, it actually serves a very good purpose if people inform the infrastructure surrounding them, who they are and what they're representing. It informs the policymaking process, and you will actually arrive at a better product if you are fully transparent as to who you represent.

So we, the board, have also started a discussion on the need for a much broader ethics policy that covers SOIs and disclosure requirements. So I would say that I would encourage the community to move in this direction. It's important to know the provenance and the genesis of opinions and who's bringing that to bear. So stay tuned. We fully support full disclosure, and it lends itself to a more ethical environment. And also, it helps all our accountability measures. So thank you.

NICOLAS CABALLERO: Thank you for that, Tripti. Switzerland, was that an all-in? Would you like to go ahead now or, yeah, go ahead, please, Switzerland.

JORGE CANCIO: Yes. Thank you very much, Jorge Cancio, Switzerland for the record. Thanks very much for that response, Tripti, and looking forward very much to your next steps. I just was thinking about the possibility of perhaps devoting some public session to the matter in one of the forthcoming meetings, because it's really something we should put under the sunlight that, according to Brandeis, is the best disinfectant to see what are the real reasons if there are any to not going forward with this. So just looking forward to how you are going to go about it. Thank you.

TRIPTI SINHA: Thank you very much for that input, and we'll certainly take that back and have a session dedicated to this. Thank you.

NICOLAS CABALLERO: Thank you very much, Switzerland. Thank you, Tripti. I have Iran. Please go ahead.

KAVOUSS ARASTEH: Thank you very much. I am very pleased to hear from the chairman of the board that they are fully supporting this situation. However, does GNSO fully implement that? That is the question. We knew that the board is fully in favor, not fully, in favor of this, but we don't know what are the obstacles that could not be implemented by GNSO in the expected manner. Is there any obstacle? Is there any exemption? Is there anything that does not permit the GNSO not to do that? Even with 0.0 percent, 0.03 percent. Thank you.

TRIPTI SINHA: Thank you, Kavouss, for your comments. We can certainly conjecture on what someone could not do and could do, but I say let's move forward in good faith. We will be having conversations with the community members. The board is looking at this very closely with a potential policy as well. So I'm an optimist, and I hope that we will have some good dialogues with the community and get to be where we need to be in terms of full disclosure. Thank you.

NICOLAS CABALLERO: Thank you, Iran, for the question. Thank you, Tripti. Thank you, Tripti. Any other feedback, any other comment or question to the board in this regard? I don't see any hand in the room. I don't see any hand online. So let's move to the next topic, which is topic number two, urgent requests for registration data. And the question reads—it's a comment,

it's not a question. The GAC welcomes the board's views on expected next steps for reaching an appropriate timeline for responses to urgent requests under the new consensus policy. Any reactions, any feedback to that? Becky, would you like to go ahead?

BECKY BURR:

Thank you, Nico. Yes, thank you very much. As the GAC wrote to us some time ago indicating that it was the GAC's view that the timeline that had been agreed on in the implementation review team to respond to requests where the information was necessary to respond to circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure, or child exploitation. The GAC's comment was that the timeline is not fit for purpose. And the board looked at that and the board agreed the timeline is not fit for purpose. With the urging of the GAC, we proceeded to issue the remainder of the policy to start on the implementation, and we agreed to take another look at this policy.

We have had a conversation with the GNSO and we are in the process of establishing a sort of structure for, under which we can discuss this issue and what the next step should be with the GNSO. We are treating this as an important matter. I know that people heard me say in the board GAC interactive group call and maybe in the board GAC call itself that there are some critical issues related to authentication of law enforcement that we need to address in order to have a timeline that is remotely close enough to being responsive in these kinds of situations. So that is something that needs to be in the mix and on the table, but

we expect to proceed in the near term to begin the conversation with the GNSO.

Having said that, the reason I wanted to point to the authentication issue is that is something that I think the GAC will want to be involved in that conversation and we will certainly need the GAC's help to address that.

NICOLAS CABALLERO: Thank you very much for that. Becky, let me open the floor for questions, comments, or any feedback from my esteemed GAC colleagues. And I see Iran again. Please go ahead.

KAVOUSS ARASTEH: Thank you very much, Becky, for your explanation. I think this issue of authentication was discussed several years ago and I think there are sufficient background on that. However, do you have any anticipated timeline to give some, I would say, acceptable results on that? Do you have some anticipation timeline? Thank you.

BECKY BURR: So we want to address this as quickly as possible. We are aware that generally in circumstances like this, there are relationships between registrars and registries and law enforcement in jurisdictions where the registrars and registries do business. But there may be circumstances where those relationships don't exist and it is possible, although I think it's possible that this information could be needed on an urgent basis. So we want to address this as quickly as possible.

Even though we did address the authentication issue a couple of years ago, I don't think that we have a solution for authenticating law enforcement globally. And I don't want to get ahead of the GNSO or the board, but it seems to me we're likely to need the assistance of global law enforcement to set something like that up.

NICOLAS CABALLERO: Thank you for that. Becky, I have the European Commission next.

MARTINA BARBERO: Thank you very much, Chair. This is Martina Barbero, European Commission for the Record. And thank you very much to the board for being here today and responding to this question. It is my understanding that, in fact, there was no agreement reached this summer. There were different views on how this final meeting of the IRT went and whether an agreement was reached or not. But in any event, I think the GAC was really much involved in those discussions. So I think we really would welcome the same level of involvement of the GAC in any future discussion that would take place on this topic, because that would be very, very important, I believe. Thank you very much.

BECKY BARR: Thanks. I probably misspoke a little bit. There was a conversation with the working group. Many people believed that they had reached an agreement, but it was clear afterwards that the GAC participants had not settled on that agreement. So agreement was the wrong word to use. But I do want to say that we did have a lot of involvement from members of the PSWG in that. And of course, we not only would

welcome but very much need that participation in order to address this issue.

NICOLAS CABALLERO: Thank you, Becky. Thank you, European Commission. I have the USA next. Please go ahead.

SUSAN CHALMERS: Thank you, Chair, and thank you, Becky, for the update. Just a quick note to say we appreciate this update. We appreciate the news and very much look forward to engaging in this conversation, which we hope will commence sooner than later. Thanks.

NICOLAS CABALLERO: Thank you for that, USA. Any further questions from the floor at this point? I don't see any hand up online, which means we're okay to move on. So let's move on to the next topic, which is the next round of new gTLDs. A, applications for top-level names that are culturally sensitive to countries and government. And the question reads, how does ICANN plan to handle applications for new gTLDs in the next round with regard to the protection of terms with national, cultural, geographic, and religious significance? Consistent with the GAC principles regarding new gTLDs, March 2007, particularly principle 2.1b, will there be any specific measures in place beyond those recommended in the final report of the new gTLDs subsequent procedures policy development process to ensure these gTLDs do not infringe upon the sovereignty and cultural identity of the countries with which they are associated? And

sorry for the long question and for the long acronyms, but that's the way the question reads. Becky, please go ahead.

BECKY BURR:

Thank you. I get all the fun ones. So thank you very much for that question. As you know, the question of treatment of country or territory names was the topic for a special group. The SubPro PDP had difficulty reaching a conclusion on this. And so a group was put together to work on the possibility of additional protections. And after quite a lot of time, there was no consensus as to changes that needed to be made in the 2012 policy. So the policy recommendation will remain the same, which is to say that like every application, a geo name application will be reviewed for the requirements noted in the geo name section, which requires a substantial amount of government support for a TLD string that corresponds to one of the protected names. And there will be a geographic names panel which will determine whether the application, the string corresponds to one of those names. And if the sufficient level of government support, local government support is not available, the application won't proceed.

But the definition of what's a geo name includes approximately 5,000 names. But, of course, it does not cover all possible geo names in the world. It does correspond to geo names that are generally protected in international law. And that is something that ICANN, of course, strives and must do. We must provide the same kind of protections that are afforded in international law. It's very difficult to go beyond those when expert bodies, expert multilateral bodies set those rules.

With respect to the measures related to strings that might infringe on sovereignty and cultural identity, the same rules will apply. The applicant is responsible to identify whether the TLD string falls into those categories and is responsible for reaching out to the local government authorities to discuss that. The guidebook strongly stresses the need for that and says flatly, it's in the applicant's interest to consult with the relevant government.

If we receive early warning messages, those are sent to the applicant and the applicant then needs to address the concern or not. And if the applicant doesn't address the concern to the satisfaction of the relevant government, then the board has to determine, as it does in all of these cases, whether delegation of the string is in the global public interest.

Of course, if the GAC provides advice with respect to one of those strings, then the bylaws specifically spell out that the ICANN board cannot proceed without a consultation and effort to find a mutually acceptable solution. And there are heightened standards required for the board to act in a way that rejects GAC advice. So those applications are in place.

And then finally, there is an objection process that allows governments, private parties, the ALAC, and an independent objector to file objections on a number of grounds. And I think we have seen that happen in the past. So there are tools in place, but there was not consensus on changing those. So those tools will remain the tools that are in place. And I hope we have all learned how to use those tools. And hopefully, we've learned how to use those tools better as we move into the next round.

NICOLAS CABALLERO: Thank you very much for that detailed answer, Becky. Thank you so much. Any reactions, any feedback in the room from—I see my distinguished board member Edmon Chung. Please go ahead.

EDMON CHUNG: Yeah, Edmon here. Edmon here. So adding to what Becky said, actually, I think the discussion around the RVCs, the registry voluntary commitments, will be relevant in this area as well. So there is one, well, not yet, but potentially one additional tool in this round for this type of situation.

NICOLAS CABALLERO: Thank you for that, Edmon. I have Iran, and then Brazil, and then Indonesia. Please try to be brief and to the point. Go ahead, please.

KAVOUSS ARASTEH: Yes, I try. I have always been on the point, and I remain on the point. This is very critical issue. Our distinguished colleague, Olga Cavalli, tried to have a consensus, but it was not possible. I don't think that the cultural, religious, and geographical significance could be dealt with under public interest. Because interest of the people, different religion, different culture, and different geographic are not the same. So I am not in favor of giving the situation to have public interest, interest of those who [will] comment.

Second, I think we should be very careful not to put any political motivation to this geographical name. This has happened,

unfortunately, during the first round, political, totally political, which was not relevant at all. And we should avoid that. I don't believe that the panel could discuss these issues, for instance, something has the cultural significance of a country. A panel could resolve that. So I think we should look for something that bilateral or mutual agreement. If mutual agreement is not reached, the threat should not be delivered. This is very, very important. There are many countries with thousands of years of culture and very strong religious and cultural and geographical. So this is very serious issue. I request the board to take it much more serious than they explain now to us.

NICOLAS CABALLERO: Thank you for that, Iran. Well noted, I have Brazil.

BRAZIL: Well, thank you, Nico. As our colleague from Iran mentioned, I think that is a critical issue for all of us. And thank you very much for the detailed information explanation that was given on this topic. I think we wanted to know if there is, because what would be important to us when we move forward, is to be able to follow the requests in order to be able to assess how sensitive they are or they are not. I was just wondering what tools might be available in that direction. If there's something that every country would have to be proactive in looking for this, if there's a more open and easier way to make sure this happens, if the board or ICANN would take a more proactive role in this, in pointing to situations where a certain risk might arise, because I think timely information on this topic would be critical to have, let's say, a productive and positive

handling of those situations that I'm sure will come in the future. Thank you.

BECKY BARR:

So just to be clear, once the window opens, and we are talking about, at the beginning of this, a window where applications will come in in a bunch and they will be processed and the window will close at some point, as soon as that happens, all of the applied force strings will be published, along with information about what the string is intended to be used for. So there will be total transparency from day one about what strings are in play.

At that point, to the extent that there is concern by any government, the government is free to use the early warning system and we certainly encourage that to happen as quickly as possible. And once that happens, the process, it will be pretty easy to follow the process all the way along, because the government is highly likely to be in the middle of the discussions about whether there is a way to address the early warning. So I don't think we've contemplated the need for an additional tool, but once the applications are up there, there is usually tracking about where they are in the process, including whether early warnings have been filed. So we can take a look at that to make sure it is as clear and easy to use as possible.

NICOLAS CABALLERO:

Thank you very much for that. Brazil, Iran, Becky, thank you for the answers. I have Indonesia.

INDONESIA:

Thank you for the description on the name, crucial name of gTLDs. It has been, we have already a lot of experiences because of crucial names on several things, like many others.

Now, what I want to know is there may be, there are a lot of critical names, which is considered critical in several countries. Yesterday or the day before yesterday, I mentioned this to the GNSO discussion. For example, [inaudible] is a critical name for Indonesia, Malaysia, and perhaps Singapore.

So if there is a dispute of this critical names between countries, will ICANN also do so the so-called going for to solve a dispute or you let the countries you discuss yourself for dispute and settle it down? That's number one.

The second question is, it may happen that a particular name is not a critical name today, so we agree with that name. But because of the changing of ethnical, changing of culture and so on and so on, perhaps in a year time, for example, the word become critical in a particular countries. It will be possible for the country to tell, "ICANN, look, it becomes critical in our country, causing a lot of demonstration and so on. Can you take it out and stop the name, the operator using that particular name?" Thank you.

BECKY BURR:

So with respect to your first question, I think ICANN would be loath to insert itself in a dispute between two governments and would look to those two governments to resolve a dispute. ICANN is not in a position

to do that. We are not a place for resolving political disputes, and we're very clear on that.

With respect to the second name, if you're talking—it's never easy to take registration out of circulation because even if it's a second level registration, somebody has invested in it, somebody's built up intellectual property in it, somebody's whatever. I think that's particularly difficult when you're talking about a top level domain that has gone into the root. So we're sort of riffing on this and I'm not in a position to tell you what the ICANN board's view on it is, but I wouldn't want to give you false expectations that taking a top-level domain out of the route would be an easy thing for ICANN to do. ICANN would need to find that the registry operator had violated its contractual obligations under the registry agreement.

NICOLAS CABALLERO: Thank you, Indonesia. Thank you, Becky. I have Iran again. Please go ahead.

KAVOUSS ARASTEH: Thank you very much. I would like to inform my distinguished colleague from Indonesia. In the interest of stability, because that's something which has been delivered or given today and five years later because of some event, we try to upside down everything. No, that does not conform with the degree and the requirement of stability. Thank you.

NICOLAS CABALLERO: Thank you for that, Iran. And I have a queue again. So I have a board member, Edmon, and then I have the UK. Edmon, go ahead, please.

EDMON CHUNG: Yeah, just quickly on the previous question. I guess there is the public interest commitment dispute resolution policy that potentially can take a TLD out afterwards. But as Becky mentioned, the bar is pretty high to do that. But I guess that relates a little bit to the PICs and RVC discussions as well, whether the PIC DRP will eventually also cover those type of situations where there is a breach when certain commitments are not enforced.

BECKY BURR: Right. And that would be a finding that there's a violation of the registry operator's contractual obligations. But it could be a violation of their registry voluntary commitments made to address an objection from a government.

NICOLAS CABALLERO: Thank you, Edmon. Thank you, Becky. I have the UK. Nigel, please go ahead.

NIGEL HICKSON: Yes, thank you, Mr. Chairman. I'll be very brief. Nigel Hickson, UK, just to say that notwithstanding the immense sort of political interest in here and the political with a small P and the clearly the sensitivity of this issue, we would just really like to say that, you know, this innovation to be able to have geo top level domains has been something that's been

very beneficial in the UK. Certainly to be able to have dot London and dot Wales and dot Scott has enabled those communities to have an identity. I know from experience also the success of dot Berlin, enabling many new parties to come to the table and perhaps engage in the domain name system that might not have done under existing names. So I think subject to the safeguards that are being discussed, this is an amazing positive way of moving forward.

NICOLAS CABALLERO:

Thank you for that, UK. I don't see any other hand. I don't see any other requests for the floor, which means that we can move on to the next topic, which is applicant support program. Question number four reads, how will the board ensure that the applicant support program is sufficiently funded and resourced so that it is globally inclusive and representative, ensuring that underserved regions are prioritized as part of the program?

BECKY BURR:

Thanks. So the applicant support program is extremely important. It is a very high priority of the board. Org is currently working on a number of ideas for expanding the applicant support program and making sure it's adequately funded and resourced so that it really is a valuable tool and can assist entities that don't have the financial wherewithal but have a really good idea to get a top-level domain. There's a list of ideas that Org has published that goes from reduced or eliminated application fees all the way to reduced ongoing fees once the name is in the root. So we're looking at this holistically.

Sally's team, Sally's engagement team, is already extremely busy getting the word out in underserved parts of the world. The communication plan is focused right now on making sure that information about this opportunity and educational resources and like are there.

There is nothing in the applicant support program or the applicant guidebook or the policy that prioritizes one region over another. But our goal is to make sure that we have a very diverse and very inclusive group of applicants who have the resources and support that they need to make a go of a new gTLD.

NICOLAS CABALLERO:

Thank you very much, Becky. Any reactions? Any comments? Any questions in the room? I don't see any hand up. Let me check online. And I have Iran and the UK. Iran, go ahead.

KAVOUSS ARASTEH:

Thank you very much. In several meetings I have mentioned that the term, inverted comma, underrepresented, so on and so forth is not yet defined. The only documented issue is the United Nations that categorizes the country in various aspects and so on and so forth. That is one point.

And the other point is applicant support will be technical, advocacy, procedural, and financial. What I want to say that financial support for that in our views is not sufficient. Just is not sufficient to provide its actions. Thank you.

BECKY BURR: Can I just indicate we absolutely agree with you, Kavouss?

NICOLAS CABALLERO: Thank you for that, Iran. Thank you, Becky. I have the UK.

ROSALIND KENNYBIRCH: Thank you, Chair. Roz Kennybirch, UK. And just to really express agreement with our colleague from Iran, I think that point about the applicant support program needing to be a holistic program, looking at both non-financial and financial support is critical. So really just to agree with our colleague there. And to thank the board for their feedback on the GAC's ICANN 78 Issues of Importance text, particularly regarding the communications plan and appreciated that referral to the implementation plan in that regard.

However, we have discussed as a GAC throughout the week the importance of global outreach and ensuring that the focus of this applicant support program is indeed global. And it would be really important, I think, to see a comprehensive communications and outreach plan with specific milestones, key performance indicators, etc., included so that we're more easily able to see how progress on this communication of this program is taking place. So I'll leave my comments there for now. But thank you to the board for engaging on this really critical issue for the GAC. It definitely is a high priority. Thank you.

SALLY COSTERTON: Thank you very much for the comments. And I echo Becky's sentiments that we absolutely agree. But to your specific point about the global outreach. Yes, you're absolutely right. This is essential and we are resourcing to do that. So what I'm taking away from this is a clear, I will take that back into the team to come back to the GAC with a clear dialogue, a clear understanding as to how that will be communicated out as we go along, which I think is what the question is. Yes. Good. I'm seeing a head nodding. Great. Okay. Thanks, Nico.

NICOLAS CABALLERO: Thank you, UK. Yeah, go ahead, go ahead.

ROSALIND KENNYBIRCH: Thank you so much for that clarification. And just to follow up on that point as well. Another point raised in conversation this week in particular in the GAC's bilateral with the ALAC is the importance of adequate financial resource in order to support that communications and outreach plan as well. So just wanted to make that point as well. Thank you.

NICOLAS CABALLERO: Thank you very much again, UK. Sally, thank you for the answers. Becky as well. Any other comments? Any other feedback in the room online? I don't see any hands up. So we're okay to move on to the third topic, which is next round of new gTLDs, C, cost and benefits of a next round of the new gTLD program. Question five reads, GAC members have reviewed the overview of analysis related to cost and benefits of a next round of the new gTLD program produced by ICANN and included in the

ICANN board scorecard for the GAC ICANN 78 communique 21st January, for which the GAC thanks the board.

Upon review, however, the GAC notes that the materials and content do not appear to satisfy the GAC's request for an objective and independent analysis of the costs and benefits of a new gTLD next round. Such an analysis should, in the GAC's view, include an attempt to quantify all significant advantages and disadvantages from a global perspective.

As presented, the overview report seems to be an assessment of individual matters, an assessment of competition and consumer choice issues, and some considerations about DNS abuse. No quantification of advantages, disadvantages appear to have been sought, nor a listing of them.

Moreover, all inputs to the present document have been prepared by ICANN stakeholders or the ICANN Org itself, all of whom in one way or another have a stake in the previous gTLD round or the next round of gTLDs, and therefore cannot be considered as either objective or independent. So that's the question and some sort of background there. Danko, please go ahead.

DANKO JEVTOVIC:

Thank you, Nico. So the question is long to read and contains part of the current situation, but if you allowed me, I would just like to summarize about this document. So this analysis is high level and identifies cost and benefit based on the three reports related to the program. Competition, consumer trust, and consumer choice review, final

reports that parts of those recommendations are still in process of being implemented, final report on the SubPro, and operational design assessment.

Document includes background summary and key findings for each of those documents and whereas executive summaries. And this document identifies the list of resources that might be used for additional analysis on the new gTLD program DNS marketplace. The rationale for the board is provided in the document that said that ICANN board has concluded that there is no economic basis that would justify stopping the new gTLD program next round from proceeding and no further economic analysis will prove to be any more informative in that regard than those that will have already been conducted.

And the document recalls the GAC its rationale in the March 2023 decision that the board anticipates the overall impact of the new gTLD program on the community to be positive.

So having said that, I think you will allow me just to go back to the beginning. It was ICANN 56 in Helsinki that says that objective and independent analysis of cost and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round. And this analysis asks for independent global analysis. So I think that this is maybe a point in time where we should ask ourselves the question, is it really fit for purpose now to go into this anymore? And the cost to conduct global independent analysis is questionable given that it will draw significant financial resources. But the current investment of the community policy development work and developing of the new gTLD program is such that with the board's conclusion that I quoted

that board anticipates the overall impact of the new program to be positive. It's something that I think clearly shows that there is no real purpose to go back and put ourselves into ICANN 56 shoes to think should we go into this program that we are already into.

NICOLAS CABALLERO: Thank you so much for that. Danko. Any reactions? Any feedback? I see Denmark and then Iran. Denmark, please go ahead.

FINN PETERSEN: Thank you, Danko, for these remarks and the overview there. No matter what, when one look at the advice, and it is many, many years ago when we ask it, we have expected or at least I had expected that ICANN would have conducted that analysis on that stage using a professional company, independent company to look through it, and took all costs and all benefits looking at the horizontal level as a basis for a discussion on the next round. And if the disadvantages was greater than the advantages, one could think about possible remedies, not that such an analysis necessarily should stop the next round. But we think what is on the table in no way, in my view, can be looked at as a cost-benefit analysis. And you are welcome to ask a professional company and give their indication whether that is the case. Nor is it independent and objectives as many part of the community or the Org have been there.

That said, we are now six, seven years from that time, and I acknowledge that the board have taken a decision to go on. The community have worked hard to make recommendations. Those recommendations have been implemented. But I must conclude that

the GAC advice, in my view, haven't been fulfilled in a way. I'm not there going to stop the process, but only urge the board very much in the future to be more active looking at the GAC advice, follow it to the door and inform GAC in the early stage on the result and not give in fragmented documents to be found, whether we can then assess whether it's delivered after that.

So this is, I would think from my point of view, at this point, a government issue which should be corrected. Thank you.

DANKO JEVTOVIC:

If I may just say thank you for your comments. In no way I disagree with you, so you're right, and there is no need for objective evaluation. This report is not what you laid out, but here we are in 2024.

NICOLAS CABALLERO:

Thank you very much, Denmark. Thank you, Danko. I have Iran and then Switzerland. Please bear in mind we have seven more minutes. So try to be brief and straight to the point. So I have Iran and then Switzerland. Please go ahead.

KAVOUSS ARASTEH:

Thank you very much. Colleagues referred to expectation, but expectation is far from the reality. And this issue was discussed at length during the PDP, many, many sessions, and the PDP asked that GAC should provide the criteria. The criteria of the cost analysis and criteria of benefit analysis.

Cost analysis may be a little bit more simple, but benefit analysis, who could have a result of that new gTLD would have X or Y or Z benefits? It is impossible. We have not yet started to implement that. So I think we should go back to what we did in ICANN 56, to see whether we were right to raise this question. But I think this is impossible mission. We can't do that because cost is one time cost, progressive cost, annual cost, and so on and so forth. And benefit, we don't know what is the benefit.

And if the cost and benefit analysis result is not acceptable, what do we do? We stop the second round? I don't believe so. After 13 years of waiting, we should do that because cost and benefit analysis for which there is no criteria. And criteria should be accepted by entire community, but not only by GAC. Thank you.

NICOLAS CABALLERO: Thank you, Iran, for your comments. Well noted, I have Switzerland.

JORGE CANCIO: Thank you, Nico. Just to support what Finn said before, and thank you very much for being so candid. The thing here is that in the future, we avoid similar situations where you have accepted GAC advice, but you don't really deliver on what we asked for. So that we take GAC advice as seriously as we all should. Thank you.

DANKO JEVTOVIC: If I may just reply, as you know, we take GAC advice extremely seriously, but this was also a product of back and forth in trying to really understand what kind of study should be and also how to capture the

benefits, which are, as pointed out by Iran, flexible. So thank you for this reminder, and we'll do our best and better.

NICOLAS CABALLERO: Thank you, Switzerland. Thank you, Danko. And at this point, given the fact that we only have three more minutes, my proposal would be to defer the remaining topics for an intersessional call. If you would agree, Sally, Tripti, Danko, would that be okay? Because there's no way we'll have time to address the rest of the issues in actually two minutes. So would that be okay? So let me give the floor then to Sally Costerton, interim CEO, for any final words or comments. And then to Tripti. Please go ahead, Sally.

SALLY COSTERTON: Thank you, Nico, and thank you, esteemed GAC colleagues. Very interesting and important discussion. And as you say, Nico, we'll make sure that we have all the relevant points for you in an informational call to finish the questions that were raised. Thank you.

NICOLAS CABALLERO: Thank you very much, Sally. Any final words, Tripti, Danko?

TRIPTI SINHA: Thank you, Nico, and thank you, members of the GAC, for your input. We've treaded some tough waters and there are some difficult situations, but we've always appreciated your insight. We do take your advice seriously. And as Nico just said, there are some topics we didn't

get to. We will certainly hold an information call to continue those discussions. So once again, thank you very much for your candid input.

NICOLAS CABALLERO:

Thank you, Tripti. Danko, no need for any final words? That means that we're at the end of the session. Thank you so much again, Alan, Danko, Sarah, Tripti, Sally, Becky, Jim, Martin, Sajid, Harald, Katrina, Catherine, Edmon, Chris, Patricio, and Leon. Thank you so much for your time. It's always a pleasure to have these meetings. So enjoy your coffee. We'll reconvene in 15 minutes. Thank you.

[END OF TRANSCRIPTION]