
LONDON – GAC Meeting: New gTLDs - Compliance & Implementation of GAC Safeguard Advice
Saturday, June 21, 2014 – 16:30 to 18:00
ICANN – London, England

TOM DALE: Please resume your seats. We're about to start the next session. Could you please resume your seats? We'll be starting the next session very shortly. Thank you.

CHAIR DRYDEN: Good afternoon again, everyone. If you could take your seats, please.

Okay. Let's begin our next session. So, first of all -- first of all, we're going to have a brief overview of the gTLD program from ICANN staff. So Christine Willett will take a few minutes to give us an overview as we have received in the past about generally where the program is at.

And then, if there are some questions or comments from colleagues for Christine, we can take those.

As far as what the GAC is focusing on this afternoon in our meetings, we've been looking at some of the outstanding gTLD issues. And we have not had a chance yet to go through in this setting the responses to the safeguard questions that we received from the NGPC. But that's the kind of thing that we have contemplated going through while we meet here in London and, as well, the issue of IGO protections and Red Cross/Red Crescent protections. But I think we've pretty much come to a good point at least in our understanding here in the committee about our next steps on that issue.

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But, anyway, I'll hand over to you at this point. And please, go ahead, Christine.

CHRISTINE WILLETT:

Thank you, Madam Chair.

Good afternoon, everyone. My name is Christine Willett. I'm with ICANN staff. I'll be giving you a brief update on the new gTLD program.

As of today, we have delegated 320 new top-level domains through the new gTLD program. We have signed 440 registry agreements for new gTLD registry operators. We have 1,721 active applications remaining in the program. And 203 applications have been withdrawn.

As of March of 2014, we had -- there were a total of 233 contention sets identified. 82 of those contention sets have been resolved leaving 151 contention sets to seek resolution.

We are actively working through community priority evaluation as well as auctions as two of the ICANN mechanisms for contention resolution. We have published results for nine community priority evaluations. One of those results was favorable. And the applicant for .HOTEL prevailed and achieved priority through community priority evaluation.

We currently have five additional applications being evaluated through CPE, community priority evaluation, and 10 more applicants which would be eligible to participate at a future time.

ICANN conducted its first auction as a mechanism of last resort to resolve contention. That auction occurred on 4 June and was resolved.

We also had additional auctions scheduled for July. However, those contention sets have self-resolved or are being postponed until a future date due to the name collision issue which is pending.

So we have more auctions scheduled for August as well as each month thereafter through January of 2015.

We continue to notify applicants when they're eligible for auction, but we are seeing a large number of contention sets resolved amongst themselves.

The team overall is making consistent progress. We continue to have bandwidth and operational capacity. The team is active in working with individual applicants as they have issues and they face objections and other hurdles as they move through the program. So, in brief, that is my update and brief on the new gTLD program. But I'm happy to take questions on other activities.

CHAIR DRYDEN: Thank you for that, Christine. African Union Commission, you have a question.

AFRICAN UNION COMMISSION: Thank you, Madam Chair. First of all, Christine, welcome. And thank you very much. I'm very sincere, by the way. And I'm saying it was very nice working with you last year on the delegation of .AFRICA and so on.

What I'm going to say is not about -- is I'm not contesting. I'm not even questioning anything. I'm just trying to understand.

Now, I don't know if you were here when I spoke previously and I said that people's frustrations comes most of the time because they don't understand things or they're not well-informed.

It seems to me -- and correct me, if I'm wrong -- that the IRP on .AFRICA that has been engaged, first of all, seems to be doesn't have an end. Will it end in a month, two, three, one year, et cetera? I don't have that information, and I would like if you could clarify that.

Number two: Is the IRP really focused on the issue itself in terms of is it something -- is it reviewing the bylaws or even the decision process? Or is it reviewing the decision that has been adopted following the GAC advice, et cetera, et cetera.

Now, why it is only composed of non-Africans, if I may say that? Non-African. Can you give me clarification in regard to that?

And then finally, after your question, I have five proposals or requests or recommendations, if you may say, to you in order for us to work together hand in hand to be sure that we're resolving this issue regarding .AFRICA. Thank you very much, Madam Chair.

CHAIR DRYDEN: Thank you. Christine or would someone like to respond? Please.

CHRISTINE WILLETT: Thank you, African Union Commission. I appreciate it.

So, to be clear and share information, the independent review panel is specified through ICANN's bylaws. It is one of three accountability

mechanisms ICANN has to ensure that ICANN staff and the board and our process are held accountable and we follow our process and procedures. The independent review panel itself is a mechanism which -- in which the board action, actions undertaken by the board are considered and revisited.

The case for the IRP in question here regarding .AFRICA was engaged -- I'm looking for the exact date -- in -- discussions started in October, but the actual memorandum occurred in May.

So the process is not a staff process that ICANN follows. It is handled -- the matter is handled by a third-party panel. An independent review panel.

The ICDR is the independent body that arbitrates the matter for ICANN and on behalf of the parties.

It is their timeline that is followed in the process and in the matter.

So we are subject to their publication and their interpretation of their specific timeline.

There are general guidelines for the timeline on the Web site regarding the accountability mechanism and the independent review process overall. But the specific timeline for any individual case would be a matter for the panel, the group that has been impaneled in the matter itself.

So that was to address the date issue.

Second question you had was what is the subject? So the subject is not the application. It is not the all nature of the application. It was an

independent review of a decision made by the board and, as I understand it, the board's decision to accept GAC advice to reject another application for .AFRICA.

So that was the subject. That was the matter that is being independently evaluated.

In terms of the makeup of the panel, I can't speak to the panelists from the ICDR, but that's something that I'm happy to take back to our team that works with them more closely to inquiry as to the makeup and constituency of that panel.

So did that answer your questions? And then I'd love to hear your recommendations.

AFRICAN UNION COMMISSION: My colleague has a follow-up question. And then I'll go to the recommendations, please.

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Yeah. Just a matter of curiosity. And, again, correct us, if we're wrong. When you're talking about time here, I think you must understand how sensitive this issue is for the African continent and the African Union. So it's going on for one year. You've got nearly a thousand gTLDs that have been being approved. So once again the African region is going to be marginalized because it's in the wake of thousands of others that have been launched. It's quite a serious and sensitive issue for us. That's why we keep emphasizing it.

The question is why this is part of ICANN ATRT recommendation. It's part of the bylaws. Why wasn't it set earlier when it was requested for? And why can't you give us a date as to when -- even a tentative one? Why can we not be provided with a date as when it's going to start and end? I think we do need to have these issues clarified. Thank you.

CHRISTINE WILLETT:

Thank you very much. We fully appreciate the sensitivity of the matter and the importance of the matter to the entire continent. It is not intended to be any slight. It is simply a matter of ICANN following its bylaws, following our procedures to be held accountable, staff as well as the board -- to be held accountable by all the parties. I'm sure that's not a satisfying answer, but I do appreciate your perspective.

I will take your note about seeking more transparency or visibility to the timing of the matter in the case. I'll take that back to my team and see if there's anything -- any further clarity we can provide on the timeline there, any information we can get from the panel from ICDR on the overall timeline of the case.

AFRICAN UNION COMMISSION: Just last, and since I promised to have some recommendations, probably would be in order to do so.

Now, again, thank you very much for the answers. Thank you very much for your effort and I think to all of you.

I just want to ask you to do me five favors. Five. I didn't say one. I said five.

[Laughter]

Now, number one: So far we are an engaged party, contractual party. And we need to make sure that we are informed timely, to make sure that we get the information on time and the correct information. I don't have to go and Google or Bing something on information. I need to go straight to you and your team and tell me exactly what is happening, where we are, et cetera.

And number two: I wish you'd be very, very proactive when we send you e-mails, send you requests, and to make sure that we are getting the information on what is happening.

Number three: More clarity in the process. We don't want those guys to spend their time reviewing the bylaws of ICANN those kinds of things. The essence is to make sure that, as you say, the board decision is well-grounded or it is justified kind of things. So, according to our readings and information we get from here and there, people seem to derive from the mission that is actually derived related to them.

Number four: A plan B. What are the alternatives in case of, you know, the guys come with some kind of recommendation that is not suitable to us because we are already contractual parties? What's going to happen that affects both of us? Me as a client, you as the one who signed the contract with me. That is something we have not -- you have signed a contract with me.

So, therefore, anything that can go against that may not work in our benefit.

And last -- last one, please, shorten the time as much as you can. Short, short, short. Because, as you say, patience has limits and resources are being wasted everywhere.

And there is many international events happening. And I have to report back to my minister -- this is very important -- on September 15-19 all ministers in charge of major and ICTU will be meeting in Zambia. And they will ask me to report on that. And, once I report back, matter goes out of my hand. I don't control anything. And anything that may be decided by those ministers may or may not be on the benefit of all the process, be it those somewhere that does not relate to .AFRICA but African position will be expert on that point of time.

So, please, let's get something before that so when we get there, we have something positive. Thank you very much.

AKRAM ATALLAH:

Thank you, for your questions and concerns. And we understand the pressure that you're on and believe me, we've -- you know, feel the same pressure as well. And we want to resolve the issue as quickly as possible.

You know, this really shouldn't be a public discussion. But, with transparency of ICANN, we welcome it. So we will set up some meetings with you on a regular basis to provide you updates on where progress is and so that you know when we're going to talk and set.

I can assure you that from our side we'll do everything as fast as possible to accelerate the issue. But you have to also understand that this is a 2-party thing, or 3-party thing.

So, wherever we are not involved, we cannot shorten the process. So from the staff perspective, you have our commitment to do everything we can to accelerate the process and get this done as soon as possible. Okay?

And, again, we will talk more often, and we'll keep sharing information and be as transparent as possible. Thank you.

CHAIR DRYDEN:

Thank you. Okay.

So next I have the European Commission and Italy and Iran and the U.K.

European Commission, please.

EUROPEAN COMMISSION:

Thank you, Chair. I don't have to repeat much about what I said before about the .WINE and .VIN thing. This is hampering completely our trust in ICANN in doing its job as protecting public concerns. And this is definitely an essential public concern of the European Union at large. This is a very serious matter for the time being, and I think it could be resolved if you start listening to what we are saying.

Now, basically, though, what I would like to say at this moment -- and you asked us if we had any questions to you on the staff level. First of all, you said that most of the contention between the applicants are resolved between themselves. I'd like to know how did they resolve this?

Secondly, if you could explain how contentions with other stakeholders, the rest of contention is resolved between applicants and these people. Of course, I'm bearing in mind the European and I would even not call it wine regions in the U.S. I would call it wine regions in the U.S. that have been trying to find a solution to this through business-to-business negotiations. How does ICANN react to this? Thank you.

CHRISTINE WILLETT:

Thank you, EU. I will endeavor to address the contention resolution question. And we'll see about -- so applicants resolve contention amongst themselves. We are informed that there are private auctions being held with parties agreeing to such in a contention set.

There may be business negotiations, individual negotiations going on that we're not privy to. We're informed and we identify that a contention set has resolved because we see that all but one application in the contention set has withdrawn.

So when -- without ICANN's mechanisms of CPE or auction, when all applicants but one withdraw from the program, we are left with one application. And we consider that contention set resolved. So I'm sure they employ various mechanisms among themselves to do so.

We're also aware -- we're not privy, we're not informed, we're not party to any of those external activities.

You also asked the question about how do individual applicants resolve commercial issues or business issues with other interested parties. Again, ICANN staff, board, we don't get involved in those activities. So we're not privy to that information.

CHAIR DRYDEN: Thank you. So next I have Italy, please.

ITALY: Thank you. So my question is to evaluate the advancement of the process of implementation of new gTLDs.

So I have a question concerning a couple of numbers you gave to us. One is the agreements that already signed are about 440 I understood. While the new -- the gTLDs that have been already delegated are 300 and something -- I don't remember exact number. So the point is that I noted in recent times that the percentage of the delegated strings is increasing in recent months. This means that perhaps the process of doing all the intermediate steps before delegating the strings is accelerating. I don't know if this is a good impression I have.

Then I would like -- I think that the GAC will need also some evaluation of how the process of entering into a real, let's say, operations takes. For example, you have sunrise for the new gTLDs. And it will be interesting to know how many of these three hundred and something are already operating. And we -- I think that this kind of data will be very important in order to have an evaluation of how, also for the users, the second names are available to the general public.

Thank you.

CHRISTINE WILLETT: Thank you, Italy. So, in terms of the advancement of the program, you're correct. We signed 440 registry agreements. And we have

delegated 320 TLDs. Is the process accelerating, you asked? I don't think that the internal process is accelerating. I would say we do have operational capacity to handle the rate at which applicants are seeking to move into contracting.

The majority of applicants, over 1100 of them, were invited into contracting by March of this year. However, only about less than 600 of them have responded to those invitations. So we have this backlog of applicants. So with 440 signed, that leaves us with less than 200 applicants that we are actively -- who are actively working with ICANN towards getting registry agreement. We understand that there are various reasons why some applicants may not be moving towards contracting.

So we do have capacity. And that is allowing us to process those applications towards contracting quickly.

Also, the vast majority of objections have been resolved. We are down to 13 individual objections remaining. And those are currently stayed by request of both parties. So objections are no longer delaying contracting. And I'm sure, as you know, the NGPC has taken action and moved forward on the vast majority of GAC advice. So that has allowed and enabled a large number of applicants to move towards contracting.

You then asked a question about the timeline for entering real operations. And I don't have the information in front of me. But on the new gTLD Web site we do have a page for -- that publishes sunrise and claims information. And we do publish every week the number of new gTLDs that are in sunrise and are in claims or have completed those processes. And that's available through what we call the sunrise portal.

So I hope that answers your question. Thank you.

CHAIR DRYDEN:

Okay. Next I have Iran, U.K., Belgium, United States, and Norway. And I think we'll need to conclude this briefing. And then we will have a briefing on the topic of compliance. And we would like to conclude by 6:30 today just to give you a sense of the timing.

So, Iran, you are next, please.

IRAN:

Thank you, Madam Chairman. Before you were starting this briefing, I intended to request you to give a resume of what we have discussed before this session. And I hold that question until the later stage that you sum up what was discussed. It was heated discussions, important subjects arising from disappointment, frustrations, lack of trust, emotional statements, so on and so forth. But we have to sum up what was the result of those discussions. And I'll request you later to come to that.

Now, coming to this discussions, first, if I may request that the statistic given at the beginning of the process is that available somewhere that we could have that? If not, could be made available? That is point one. Very simple.

Second, now, after the new gTLD was started, it was stated by some government that this process may face some difficulties. And, in fact, we have now faced difficulties.

The first thing is that some of these difficulties may be the facts, may be natural, and may be inevitable to appear. But we need to look at that and address that carefully.

It seems that there are some signs of lack of transparency in the process. And we have to address that carefully.

Whether this is really a lack of transparency of -- or it is due to the complexity of the issue or due to other factors that we don't know yet.

The question of IPR is a very, very complex question. Very difficult. I have been witnessing same issue last week in other international organizations a big or great discussions between two sides, one country in the American continent and many other countries in the old continent.

And they ask the meeting to decide -- and I intervene that the meeting could not decide. This is a matter that should be resolved between the parties concerned.

The meeting could not decide neither by consensus nor by voting nor by majority because issue is very, very complex and cannot be resolved by any decision like that.

My question, madam, to you is that, first of all, did you have any other cases in which the issue of IPR has appeared? If yes, why is that the case? If not, why the IPR appeared in case of .AFRICA?

In other words, could you kindly identify circumstances and conditions under which the IPR will apply or will be raised? And why in case of .AFRICA it raised only? So that is a question that we need to answer.

Apart from that, madam, I think that we are facing very difficult situations which may increase the mistrust to the process and difficulties in general with respect to entire ICANN and in particular may endanger the unity and integrity of GAC and also the reputation of GAC. GAC makes some advice. Sometimes advice are not followed. Sometimes the reasons are not convincing. And it creates this mistrust at this very important moment that entire ICANN process and Internet process is under the scrutiny of the world.

So we have to be very, very careful.

We need, Madam, to address these questions.

Some of the issues may be outside the capability, authority, with and responsibility of ICANN. ICANN need to take that into account but it could not intervene.

These are the matters that we should look at to see how we could find solutions. Peoples, colleagues have explained their disappointment, their problems, but up to now, we have not heard any idea how the issue should be resolved. We have to find for the solutions. Sometimes this is good, today is a problem, but also it is good to see what are the solutions for that.

Have we tried, we all together, ICANN, GAC, everybody, to see what are the ways and means and options to resolve some of these very, very complex issues, like geographical identifications, like IPR, and like many others, which involves entities outside GAC and outside ICANN.

Sometimes we are not capable or we are not in a position to do something if the issue is not totally in our hands. so how we could resolve that?

So these are the things, madam, we have to reply.

Thank you.

CHAIR DRYDEN:

Thank you, Iran.

Did you want to respond? Yes, please, go ahead.

CHRISTINE WILLETT:

So I think I can respond to a couple of the points.

You started by asking about the statistics, which I shared. Those are published each week, so they are available on the new gTLD Web site.

I can share the link with the group and make sure that that's to be shared with the constituents.

You asked about the Independent Review Panel and the independent review process, the IRP, and why was it filed.

So the -- All of the cases regarding independent review are published on the icann.org site. There have been -- there are six cases filed on the icann.org site, three of which pertain to new gTLDs. So .AFRICA is not singled out in this instance.

Again, I want to emphasize that these independent review -- the process is one of the three key accountability mechanisms that ICANN

has that are described by our bylaws. It gives -- It is not something that ICANN staff or Board initiate. It is an opportunity, they are mechanisms for our contracted parties and anyone in the community to take issue with ICANN staff or Board activity and action.

So in this case, there was a third party which filed a claim. It's effectively an arbitration or a lawsuit which is being handled by ICDR, the International Center for Dispute Resolution.

So it is one of three cases pertaining to new gTLDs.

I hope that provides you some further information on that.

Thank you.

CHAIR DRYDEN:

Thank you for that.

Next I have United Kingdom, please.

UNITED KINGDOM:

Yes, thank you, Chair, and thank you, Christine, and your colleagues for coming to brief us today. It's very, very useful. We can look at the pages on the Web site but when you present it so effectively, it's very helpful, indeed.

We're all looking for consistency in ICANN's decisions and consistency in two senses. Consistency across what you're doing and also consistency with the GAC advice, of course.

And I was interested, in particular, that you mentioned the situation with .HOTEL and the decision there to give it priority because it's under the CPE evaluation. That will now go to the global hotel industry, and that is the community, and that's consistent with the GAC advice on giving priority to applications with demonstrable community support. So that's great news, very -- welcome that. But where does that leave .HOTELS? Now, the GAC advice on singular and plural, as you know, is we don't like it. It's going to cause consumer confusion, and so on. That's been a consistent line of the GAC in all our communiques going back to Beijing, maybe before. I don't know.

So you've got a decision on .HOTEL. The other applicants for .HOTEL, they fall away, and as I say, the global hotel industry will run that. You've got multiple applications for .HOTELS, the plural form, which are not of the same kind, of course.

So when, ultimately, that is resolved, if I understand correctly, through a contention process, but the same principle that applied to .HOTEL is not being applied in the case of hotels. In .HOTEL, you've gone for the community of the hotel industry, .HOTELS. So ultimately you could envision a situation where somebody is typing in .HOTEL and then puts an "S" on it will go to a totally different kind of Web site. And this hits that, exactly the point about consumer confusion, which the GAC has said all along you've got to avoid.

So I pose that question. How are you reconciling what has happened in the case of .HOTEL with the situation with .HOTELS, bearing in mind .also that the GAC has said don't do it; only have one string, hotel, a singular, or plural if it's another case, but not have both because it's a

recipe for confusion. So I would be grateful for your reaction to that and explanation.

Thank you.

CHRISTINE WILLETT:

Thank you. Thank you, U.K.

The application for .HOTEL was a community application, and as such, they were eligible for priority.

The issue of CPE and that community status is something that we -- is distinct from the singular/plural issue. And we recognize that the GAC did offer a position and a perspective on the singular/plural issue which was considered by the NGPC.

So based on the decisions which have been made to date by the NGPC on the singular/plural issue, and effectively the decision to move forward, not forcing those into contention as confusingly similar, we are moving forward with contention resolution of a variety of singular/plural strings, which have been -- some of which have been contracted and some of which are already delegated.

So we understand and respect the position of the GAC.

AKRAM ATALLAH:

So just to be -- to cover a couple of points here. The string similarity panel that reviewed the strings did not find them similar. The GAC advice was to the NGPC to reconsider the string similarity issue, and the

NGPC reconsidered it and decided to move forward with the applications.

And basically, the consistency is that we haven't done that across other strings and, therefore, the hotel/hotels is in the same consideration. So it is consistent with the way we've implemented the program.

And I just want to make sure that everybody understands that we are implementing the guidebook and we're not actually developing policy in the guidebook. So all of these policies have been developed with the community over a long period of time, and the new gTLD program is just implementing these policies and not changing them.

Thank you.

CHAIR DRYDEN:

Okay. Thank you.

So next up I have Belgium, please.

BELGIUM:

Yes, thank you, Madam Chair.

My intervention relates to the string .SPA. Belgium takes note of the decision of the NGPC as a reaction on the GAC advice of Singapore. We analyzed this decision, but there are still some unclarities. Namely, we can read that the applications will proceed through the normal process.

Could you please provide us with some information? What do you mean, "the normal process"? And what are, from a concrete point of view, the next steps in this process?

CHRISTINE WILLETT: So the string for .SPA was applied for by two applicants. So moving forward through the program would mean moving towards contention resolution with those two applicants. So scheduling an auction or awaiting resolution between the parties amongst themselves, which would then allow one of the applicants to move towards contracting. That would be the normal process for those TLDs.

CHAIR DRYDEN: Thank you.

Next I have United States. Please.

UNITED STATES: Thank you, Madam Chair. And thanks very much to our colleagues from ICANN for taking the time to be with us today.

We have -- I'm going to focus on the NGPC scorecard from June 6. I need to actually say at the outset that the comments I'm going to share are, of necessity, preliminary because the very late receipt in capital of the scorecard and the NGPC's rationale prevented us from undertaking a more thorough, detailed analysis. But we thought it would be a good opportunity today to share with you some of the concerns that USG agencies have identified; sharing them for the first time also with GAC colleagues. So if you would bear with me.

So the timeliness issue is the first one I would flag. It's been very, very difficult to sort of get our hands around all of the material that was shared with the GAC in such a short timeline.

On contract compliance, we certainly appreciate the NGPC's commitment to provide periodic updates and would like to suggest that perhaps, at a minimum, each ICANN meeting actually schedule such an update and perhaps ought also to provide the GAC with an opportunity to submit questions in advance of those updates.

If I could turn to the collection of GAC questions from the Singapore communique related to WHOIS accuracy, the answers seem to hinge on the accuracy of a new WHOIS reporting system for which we understand, as per the scorecard, a request for proposal was posted on May 16, 2014.

In view of the high level of interest in this matter among governments, U.S. proposes that ICANN consider providing an opportunity for the GAC to review the RFP, to ensure that the needs of government users of the WHOIS system will be effectively met.

U.S. would also propose that we have a briefing and an update regarding the RFP and the initiation of the system be addressed during the Los Angeles meeting. At that point, we understand that the proposed pilot report would have been issued and should be reviewed by the ICANN community.

In addition to the RFP, the U.S. notes that the NGPC indicates that ICANN is currently consulting with registrars and the broader ICANN community to define the process by which inaccurate records are forwarded to registrars, resolved, and rechecked by the accuracy reporting system.

We would request that ICANN provide a briefing to the GAC on this consultation and ensure that the GAC has ample opportunity to provide government views.

Similarly on the issue of security audits, the NGPC's response to the GAC's question regarding the mechanisms and the time frames for the conduct of security checks by registries indicates that ICANN will solicit input from the community to develop a framework for registries to respond to identified security risks.

However, the NGPC's June 6 communication doesn't provide any details as to the parameters of this framework, or when this consultation might occur. So we would request that ICANN provide a briefing to the GAC on this consultation. And, again, with the purpose of ensuring that members of the GAC have ample opportunity to provide government views.

I'm going to turn now to some remaining issues, one of which -- well, they're all very important, if I may, but I have to say on the issue of the validation and verification of credentials in category 1 strings, the U.S. is very disappointed that the NGPC continues to resist the GAC's advice which began with the Beijing communique of April 2013 that registries for strings representing regulated and highly regulated sectors should, in fact, verify and validate the credentials of the would-be registrants.

The GAC advice required registry operators to proactively screen category 1 registrants to ensure they are what they purport to be before they do business with the public using the name of a regulated sectors such as a bank or a pharmacy. We view the looser requirement that registrants provide some form of "representation," I put that word

in quotes if I may, that they possess the appropriate credentials as increasing the risk of consumer fraud and the potential harm because bad actors will, frankly, not hesitate to make false representations about their credentials. We further believe it is actually in the best interest of those registries whose gTLDs represent these strings to demonstrate their commitment to best practices by ensuring they actually do validate and verify credentials.

We have noted, in fact, that a majority of the new gTLD applicants who have responded to the Singapore communique fully endorsed the GAC's advice on requiring the verification and validation. So clearly, there is an intention and a high level of interest among clearly responsible new gTLD applicants who are willing to take this step, and they consider that to be part of their responsibility in applying for these kinds of strings.

So we would urge the Board at a minimum to publicly recognize that a significant number of potential registries associated with highly regulated strings are willing to conduct the verification and validation as an example that other registries should be encouraged to follow. That's at a minimum. Our preference is actually that you would revisit the NGPC's position and reconsider requiring verification and validation.

With regard to the public interest dispute resolution process, we think we are, frankly, not the only government in this room that is finding itself being very challenged as to how we test whether the PICDRP will, in fact, provide a suitably nimble method of addressing serious threats such as botnets or malware. It's a completely untested process with very little detail that has been provided to date.

As currently drafted, the PICDRP suggests that ICANN may, in fact, decline to impose any remedial measure, even if the registry operator fails to comply with the compliance notice generated by the process, raising questions as to its effectiveness.

There also appears to be a critical loophole in the PICDRP in that there may be no resolution to the report of noncompliance. If the registry operator disagrees with the proposed remedial measure, they apparently can invoke yet another alternate dispute resolution process, all of which would occur after potentially more than 105 days have elapsed, an excessive time period from our perspective in circumstances where time is of the essence. So, again, just to cite botnets as an example where timely action to resolve the problem is really essential.

So we would urge the NGPC to reconsider the GAC Singapore advice and, in particular, to provide a much more definitive resolution process to ensure that noncompliance is effectively addressed.

Finally, I just want to close on an issue that we thought -- certainly the United States, I hope my colleagues later on this week might be willing to concur, the GAC's advice on the issue of ensuring that there are nondiscriminatory and nonpreferential registration policies for category 2 strings. Regrettably, the NGPC has come back to the GAC suggesting that transparency alone -- the requirement for transparency in registration policies can alone meet the intent and the spirit of the GAC's advice, which dates back, again, to Beijing. And we felt that we had given some examples in Singapore that would indicate that it is entirely possible to be highly discriminatory while being transparent. So I will close on that note. We again would ask the NGPC to reconsider

ensuring that transparency is not sufficient to guard against discriminatory treatment.

Thank you.

CHAIR DRYDEN:

Thank you, United States. Okay.

Would you like to respond to those points or -- okay.

AKRAM ATALLAH:

So thank you. Yes, we will -- If you would send me that list, it was too long to take all the notes, if you send us the list or we can take the transcript and look at the requests for clarifications, and we would answer all of those.

I just want to talk about the compliance issues for a second. I would like to mention that we are working to instill a culture of compliance within ICANN, not only -- not only the -- not only the Compliance Team but throughout our organization to make sure that we are very clear with all the registries that are launching their TLDs what's the right way to launch, what are the issues that we're seeing, and make sure that they don't get repeated before they actually happen.

So I want to just emphasize on that culture of compliance that we're installing within the organization.

On the PICDRP, this is not the only thing that we're doing to look at PICs. We have the audit program, which is a proactive program. It will

sample TLDs on a regular basis, and the PICs are part of the -- will be part of the audits that will happen.

We also -- There is -- I want to remind everybody that the PICDRP process is not the only way to look into a PIC issue or -- so also the Compliance Team will be able to look at any complaint, whether it's in the press, whether it's in the -- it's brought to its attention through the media or through a regular complaint, the Compliance Team will investigate any of these complaints and act on it. So there is nothing that prevents us from actually looking into a PIC infringement just like we look into any other contractual obligations that the registries have.

For the other issues that you've requested from the NGPC, I would expect them to come through the GAC, I hope, and that the NGPC will consider them as they consider all advice.

Thank you.

CHAIR DRYDEN: Please, go ahead.

CYRUS NAMAZI: Thank you. Thank you, Suzanne. I just wanted to add one more thing on this WHOIS online accuracy reporting system that you asked about. The RFP for it is actually posted online, and we will be posting the responses that we receive to the RFPs. And if the GAC wishes to have an update from us in terms of, you know, the information that we receive and the summary of it and the direction that we think we should

be going in Los Angeles, we will be more than happy to oblige. Just let us know.

Thank you.

CHAIR DRYDEN:

Thank you for that offer. And in terms of rolling up the comments from the U.S., we will hopefully have further opportunity in the GAC to discuss them a bit more as well. But whether we do it using the transcription or rolling up kind of the key points or questions, I'm happy to get that to you so that you can provide a response. And, as well, there are aspects touching upon the NGPC as well. So we can get that information to you to enable those communications to happen.

Okay. So next I have Norway, Germany, Denmark, and European Commission, and then we will take any remaining time to have a briefing on the compliance aspect of things.

Okay. So Norway, please.

NORWAY:

Yes, thank you, Madam Chair. And thank you to the ICANN staff for providing us with information.

Just one question coming back to the issue of .AFRICA. We can also understand the frustration about the sort of difficulties of understanding the processes. So I just had one question regarding -- regarding the independent review process panel.

I understand it's an accountability mechanism, but I would -- I would expect that also the -- the panel operates under a certain procedural requirements. And so my question is actually where is that described, the procedural requirements for that panel?

I would also expect that a panel such as that also would have requirements for sort of timelines to handle processes, et cetera. So I think also that would be sort of in the overall, important for the -- to have predictable systems in place regarding accountability, et cetera. So if you are able to answer that, that would be great.

Also one quick question to that answer, response to the question from the U.S. regarding the audit process of the PIC spec, because that also touches upon another process, and I think that my sort of -- I think that's shared among a lot of colleagues of mine, that there's quite a lot of different processes, and that would be, I think, helpful for everyone to have all the different processes explained, requirements and timelines, et cetera. Because I think it's quite confusing to many of us, all the different.

I don't know, you might already have on your gTLD Web site, but like a Wiki describing all these different processes and how they relate to the different stages and processes. That would be very helpful.

But thank you.

CHRISTINE WILLETT:

So the -- I can point you quickly to the Article IV of the ICANN bylaws. Article IV, Section 3 describes the independent review process and the activities. So there's an overall process outlined there.

There are also some graphics and information available, it's on the icann.org Web site, to provide more information. But certainly I would agree with you, ICANN has many, many processes, many independent procedures that are in various places, described in various places on the Web site. So I appreciate the perspective there and will take that suggestion back, yes.

CHAIR DRYDEN: Thank you. Okay. Next I have -- oh, you have a follow-up question, Norway? Yeah.

NORWAY: Yeah, just -- But in the Article IV in the bylaws, there are no explicit sort of timeline requirements for the panel to operate under or provide answers within certain limits or not?

AKRAM ATALLAH: So my understanding is that we use ICDR, which is organizations that does these procedures, and we follow their rules. So if you go to their Web site, I think there you will find some of the rules.

Regardless of that, we will get back to you with an answer in writing once, you know, we gather more information on that.

CHAIR DRYDEN: Okay. Germany, you are next, please.

GERMANY: Yes. Thank you, Madam Chair, and also thank you for providing this information this afternoon.

My question goes in the direction already colleagues mentioned, and it is about the category 2 advice and the question how additional provisions for these highly regulated sectors are implemented. And ICANN also is trying to establish some process, how this implementation works.

What I'm particularly concerned about is the discussion we have and the applications we have on corporate identifiers. We, in the GAC, gave clear advice in this direction, and prior to the GAC advice, we have also from German-speaking countries one application that's a league company formed. It's GmbH. And we would expect that there are procedures that make sure that only applicants and registrants that are this legal form for company may apply for domains under a .GMBH.

This is, frankly, legal a requirement according to our national law and also in other German-speaking countries, as far as I heard. And in so far, we really would appeal that ICANN finds some modus operandi how this is implemented. And the contractor compliance in this respect is, for us, highly important.

Thank you.

CHRISTINE WILLETT: Thank you very much for your question. The category 1 advice regarding safeguards, we'd be happy to reply in writing with some further information on the implementation. But in brief, the safeguards are outlined in a set of ten individual public interest commitments, and

before, as part of the contracting process with any applicant, we look at the category and type of string and identify which of those safeguards apply to each applicant. So if it was listed as a highly regulated string, we have the safeguards which have been published as the implementation. And those safeguards are incorporated into each individual Registry Agreement as applicable. I understand that there's not uniform acceptance of those safeguards, perhaps. But again, we are implementing based on the resolution of the NGPC, and we are implementing based on the safeguards which were approved by the NGPC regarding category 1 advice.

CHAIR DRYDEN:

Thank you.

Okay. So next I have Denmark, European Commission, and then the Netherlands.

Denmark, please.

DENMARK:

Thank you, Madam Chair. Firstly I would like to thank ICANN for this briefing. It is very useful to get this information, and I would also like to thank for the information in the scorecards with the answers to the questions from the GAC in the Singapore communique.

After having had a brief look at the scorecard, I would like to -- I mean, we're still concerned that -- about the binding and effective nature of the mechanisms, the PICs and the PICDRPs and also the way -- I mean, if

governments and public authorities and also other third parties can make use of these mechanisms effectively.

Thank you very much.

CHAIR DRYDEN:

Thank you, Denmark.

I think we can keep moving through the list? Yes?

Okay. Next we have European Commission.

EUROPEAN COMMISSION:

Thank you, Madam Chair, and thank you, GAC board members that are here present today to provide this briefing.

The European Commission, its member states and European law enforcement agencies have identified the following pending issues and concerns stemming from the recently published scorecards and the responses offered by the Board to the set of questions put forward by the GAC in its Singapore communique. Just to clarify we are not seeking any immediate response and we also don't want to capture more time in these discussions; in particular, because there are certain overlaps between the intervention I am going to make now and the intervention of the U.S. So we will be seeking cooperation among the like-minded GAC members to present the Board -- these issues in a more structured manner and in a more thorough manner to the Board the day that we have the interactions.

In the case of .SPA, we consider that is disappointed that after all the first go in reaching an agreement between the government of Belgium and one of the applicants for .SPA, this string will be in any case action; therefore, rendering the negotiations useless. And we consider that this could set --

CHAIR DRYDEN: Could you slow down?

EUROPEAN COMMISSION: We consider that this could set the problematic precedent.

In addition, the auction process could include at least two exceptions. One of them would be the conclusion of those contention sets through negotiations and the second one would be community applications. In the latter case, we would like to know that the GAC has given clear advice already in three or four occasions, I'm not completely certain now, since Beijing in regards to the priority for community applications.

It is also not clear if the PICDRP could be invoked by big teams or actors other than governmental authorities and law enforcement. In addition, it seems that governments will have to pay a fee to invoke a PICDRP and, therefore, face costs in order to fulfill their duty to protect the public interest.

The verification of licenses for strings belonging to highly regulated sectors will not be performed properly in line with GAC advice, and it seems that it will not prevent consumer fraud and deception brought about by the false representation of those credentials.

Also, coming back to alternative remedies to the PICDRP, it's been noted by Akram Atallah before that there were responses but the alternative are from the Board the only alternatives available are government enforcement and administrative actions.

This might be problematic because it doesn't actually match with the explanations we have received now, so perhaps it would be important to update this particular section of this briefing that you have provided to the GAC.

And last comments I would like to particularly thank our law enforcement colleagues present here today who have also been for the first time able to travel to an ICANN meeting from Brussels. Those constraints have to do with implementation of the safeguards. While the NGPC response to the GAC advice includes very helpful information, it is not fully satisfactory in a number of issues and comes at a very late stage, which makes it very difficult for governments to fully analyze this input and to provide coherent responses at this stage. The following are first observations which might be complimented later. First of all, on the verification of WHOIS information, safeguards category 1, the NGPC reply doesn't seem to specify the process, the timeline, and the methodology for the accuracy of these checks. At this point, sorry for reiteration, but it's already been brought up by some other colleagues. The NGPC refers to a further process to be conducted through service providers without providing any clarity as regards to the solution for interim or standards. Secondly, on security checks, no details are provided on the timing and the procedure for the creation of framework for registry operators. Nor does the NGPC response address the interim solutions to be applied by registry operators.

Thirdly, the PICDRP as described in the NGPC response is not defined as to length of procedure or outcome. Especially for urgent cases it would appear to be far lengthy and cumbersome to surface propose. And there is no guarantee to reach any result at the end of the process. Furthermore, we would like to highlight that there should be no charge for governmental or other public organizations in this case.

We consider that this is a matter that is becoming more urgent as the new gTLD goes online.

It should not be acceptable that the NGPC response continually refers to future as of yet undefined processes to potentially address problems that we are facing today. We, therefore, kindly call on ICANN and the NGPC to provide the GAC with a comprehensive and satisfactory response to the legitimate concerns raised since Beijing. Thank you very much for your attention.

CHAIR DRYDEN:

Thank you. So I believe staff have taken note. And we will include these comments with our summing up of points or questions to them regarding our response from the NGPC in the scorecard, particularly concerning safeguards.

Next I have the Netherlands and then Indonesia. Netherlands, please.

NETHERLANDS:

Yes. Thank you, Heather. I just wanted to pick up on the point of .AFRICA again and also in line with my colleague from Norway. I want to give you some experience from government side. I think the

predictability of the process is one of the main rights for somebody who is applying for some license or whatever product. Let's say government service.

And I think one of the main elements in this predictability process is also a predictable timeline. And I -- even we have in the Netherlands regulation in which, when you apply for a certain license, when you don't get an answer in six weeks, you will get the license automatically. So I think this notion of predictability, I think is something which, of course, because of the complexity of the many processes is something which could be a little bit more elaborated in the procedures you have. Thank you very much.

CHAIR DRYDEN:

Thank you. Next I have Indonesia.

INDONESIA:

Thank you, Madam Chair. First of all, I would like to give my appreciation for the speaker but briefing on the -- on the gTLD and so on. It's really give more information to us, especially to me.

My small short comment is that, regarding the public interest, one of the job of the government, of course, is to serve or to look after the public interest. The problem is, of course, public interest meetings from time to time. So it is possible that while during the process of public consultations or even after the gTLD is already given and even after the operator operates a particular gTLD and there is no problem at all. But, with the change of public interest, sometimes a particular government

we get complaint. And we have to file a complaint about a particular gTLD names.

Now, in this case, I would like to draw the attention that somehow these kind of things can happen. And the organization of ICANN should be able to look after this public interest since that may happen on a timely time basis. Thank you.

CHAIR DRYDEN:

Thank you. Okay.

So we're getting close to 6:30, so I think this is a good place for us to conclude for the day. So let me thank ICANN staff for coming and briefing us today.

And apologies to Maguy Serad and her team. We will try to reschedule a briefing on compliance, if that's possible. It is still an important matter for us, and we do appreciate your willingness to come and brief us.

And, as far as next steps for the GAC, we've covered various issues in our discussions related to new gTLDs. I think we have a way forward and some agreement in terms of the IGO protections and protections for the Red Cross and Red Crescent. And as well we heard from several GAC members seeking clarifications or raising concerns in relation to specific strings. And those would be SPA, WINE, VIN and .AFRICA. Yes.

And then clearly we have more discussion to do in the GAC. And more communication is anticipated really on all these points, including safeguards with the NGPC when we're meeting with the board.

We don't have a separate meeting scheduled this week with the NGPC. So the GAC will have the board exchange at the end of Tuesday in mind.

So I think that we can take our discussions today and focus on that as our next opportunity for airing some of these issues further as well as identifying when and how the GAC can discuss safeguards further to the compliance aspect or focus a bit more on the compliance issues that we didn't get to today. And we can go from there.

So we will be reconvening tomorrow at 9:00 a.m. And please be here so that we can begin another day. We have another full day of meetings.

And I will now hand the room over to dot Frogans who would like to present to any interested GAC members about their project. So, just to remind anyone that's interested in that, it's not part of the GAC's agenda as such. But it's an opportunity to hear about their project, if you are interested.

For anyone not staying for the briefing, if we can please leave the room as quickly as possible to allow others to make use of the room. Thank you. Good evening, everyone.

[END OF TRANSCRIPTION]