
PANAMA – GAC Communique Drafting – Session 3
Wednesday, June 27, 2018 – 17:00 to 18 :30 EST
ICANN62 | Panama City, Panama

CHAIR ISMAIL: So, thank you all for your patience. And apologies for the delayed start. We're good to start now. So Tom, over to you.

TOM DALE: Thank you, Manal. I'll run through the -- the draft communique from the top and note the changes that have been made since the first reading and perhaps take, if you wish, in the usual manner of the GAC to deal with the -- to deal with those changes as we go through them.

So the introduction is unchanged. The -- an addition has been made to the section dealing with cross-community discussions to read as follows: GAC members participated in relevant cross-community sessions scheduled as part of ICANN62, including sessions on GDPR and WHOIS, where the key role of public policy and the positive approach of the GAC were noted. This is to reflect some suggestions made by Iran during the last session. And working sessions of Work Track 5 of the new gTLD subsequent procedures PDP. That was an addition suggested by Argentina. So I'll pause there. And move on. Sorry.

CHAIR ISMAIL: U.S.?

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UNITED STATES: I apologize. Is this the time to raise concerns?

TOM DALE: Yes.

UNITED STATES: Yes. The text in the -- in the parentheses, I'm a little bit concerned about because it's indicating something that was noted, and I'm not sure that this is accurate. I'm not saying it's not accurate, but I'm not sure I understand the rationale and I'm just concerned that we might be stating something that wasn't actually noted.

TOM DALE: Yeah, Kavouss.

CHAIR ISMAIL: Iran, please, Kavouss.

IRAN: Thank you, Manal. I don't understand the concern. This is what we have heard yesterday. We have participated in the cross-community session scheduled as part of (indiscernible). We say in which instead of where. In which without parenthesis. In which the role of the GAC -- in which the role of the GAC in regard with public policy issues which relates to the GDPR was acknowledged in the first part. Whether it's a

key role or role, I have no problem. It's a key role. In which the key role -- without the square bracket. We don't need the square bracket. This is not a part of this anyhow. In which -- the second line, delete the square bracket. In which the role of -- key role of the GAC concerning or relating -- is not concerning. Relating public policy issue. And the third line, delete which regarding the GDPR and associated procedures of -- or process of EPDP was acknowledged. So this is this one.

So working track 5 is a different issue. Maybe we have another one. We could have A and B and so on and so forth. So we start ICANN62 and we have one issue relating the GDPR and associated process of EPDP and two would be another with Work Track 5 and the new gTLD subsequent round. This is the exact, the -- again, starting with relating to new gTLD subsequent round and its work track, in particular Work Track 5.

CHAIR ISMAIL: Kavouss, so we're talking here about the cross-community discussions.

UNKNOWN SPEAKER: (Off microphone).

CHAIR ISMAIL: Yeah, so --

IRAN: In cross-community discussion yesterday on the panel everybody acknowledged the major or role of -- key role of the GAC with respect to the GDPR and its active -- and the necessity of its active participation in the process was acknowledged.

CHAIR ISMAIL: Yeah, I mean --

IRAN: There was nothing --

CHAIR ISMAIL: We're just reporting here the active participation of the GAC in the cross-community sessions and not getting into substance.

IRAN: I'm talking after that. We say that after this is to acknowledge and then come that sub -- consequently the active participations of GAC in the process of EPDP was emphasized. This is what we had yesterday. We had only one comment from the floor, Mr. Hix (phonetic). He misread the GAC advice on the matter and it was corrected by panelist, that's all. Nobody had any doubt about the active participation and role of the GAC in respect of the GDPR. So I don't know what is the concerns of some colleagues. So in terms of A, thank you.

CHAIR ISMAIL: Thank you, Kavouss. Maybe the concern relates to we're putting this on behalf of the whole community. I mean, we're speaking --

IRAN: We express what we have heard from the community.

CHAIR ISMAIL: I mean, we have heard only the panel and maybe a few interventions --

IRAN: We talk about the panel. No problem.

CHAIR ISMAIL: So yes, U.K. please.

UNITED KINGDOM: Thank you, Chair. Paul Blaker, for the U.K. I think we understand the good intention behind this suggestion, but it does worry us in other respects. Because we know what our role is, we know what the GAC's role is. If we start providing a commentary on it, it might suggest we have a stronger role in some cross-community discussions than in others. It might suggest that -- it might be seen as a commentary on the role of other communities within ICANN. And so I think perhaps we should be careful and avoid opening up a discussion here about what our role is. As you say, this is simply reflecting the fact that we took part in these conversations and we should be careful not to open up discussions about other issues connected to our role. Thank you.

CHAIR ISMAIL: Thank you, U.K. And Kavouss, if you agree, I tend to agree also to leaving this as stating our active participation in the sessions and moving all the substance to where we are going to put the GAC advice where we can express our views.

IRAN: If you have places where you want to offer the WHOIS, so you just want to emphasize that based on which the role of the GAC or having active participation in the process of the GDPR and EPDP is necessitated? Okay, you -- you and some other colleagues agree. So if someone does not like something should propose a concrete proposal and we leave that one.

CHAIR ISMAIL: If I understand correctly, Kavouss, the proposal is deleting the text in blue. I mean, just stopping after -- a full stop after WHOIS. Or a comma, if you're reporting on Work Track 5 as well.

IRAN: To delete what, please?

CHAIR ISMAIL: Tom, please, can you mark the part we're proposing to delete?

IRAN: No. I don't agree that. The output of this group at least is that we need to participate in the activities of the GDPR and associated process of EPDP. This is something we should mention. Otherwise, I don't need to say that we participated in the cross-community. So what? Can be specific. There's nothing here.

CHAIR ISMAIL: I think this is what we used to do in previous communiques as well. We -- we refer to our active participation in the cross-community sessions. We do not convey outputs from the cross-community sessions. We can definitely convey outputs from our own meetings, but we cannot speak on behalf of the cross-community session and say how they concluded.

IRAN: Thank you, Manal. I think it was wrong interpretation of some colleague saying that we are acting on the whole (indiscernible). If you include somewhere that, with respect to the GDPR and associated process of EPDP, it is necessity that GAC participate in that process efficiently, effectively, and actively. If you put it, I have no problem. Put a stop after that and add that one. So associate that part with whatever is the discussion of that part. You have to participate actively. Everyone mention that, unless the people here they mean that we don't need to participate in that. And some of those, they said they don't (indiscernible) are the first people that put their name as the group to participate. And also suggest the name of others. So I don't understand these people. Thank you.

CHAIR ISMAIL: Thank you, Kavouss. I think everyone agrees to the importance of active participation of the GAC. I have U.K. and then U.S.

U.K.

UNITED KINGDOM: Thank you, Paul Blaker for the U.K. Yes, we absolutely agree with Iran that they are very important public policy issues in the discussion on GDPR and WHOIS and the GAC must play a very active part in those discussions. This is more a question of where to put that in the text. Perhaps we should try to reflect that in the text on GDPR which we will come to later but leave this text as factual notes in the usual way. Thank you.

CHAIR ISMAIL: Thank you, U.K. U.S., please go ahead.

UNITED STATES: I concur with U.K.

CHAIR ISMAIL: Thank you. So let's keep the text in line, and we will insert it maybe later in -- in a more relevant place if you don't mind, Kavouss.

IRAN: I don't mind, but I think it is better you needed to go to that part or at least put them in somewhere they won't forget. Thank you. Go to the GDPR and insert the paragraph relating to the necessity or need of active participation of GAC in the process of GDPR and associated course of action required for the preparation of the EPDP. So if you go to that part and put that sentence before we forget what we have said. Thank you.

CHAIR ISMAIL: Thank you, Kavouss. We're taking notes at this time because this is not a Word document. We're trying to put things in Google Docs, so things are not the normal way. So please bear with us. So now we're - - yes, Kavouss.

IRAN: I don't understand why we only mention work session of the Work Track 5. We have work session of the subsequent -- sorry, new gTLD subsequent round but not only Work Track 5. Work Track 5 is part of that. If you want to add any particular activity of Work Track 5, I have no problem. So we should not separate Work Track 5 from other work track. All of them are under the new gTLD subsequent round. So we should put it there. Not here.

TOM DALE: Thank you. If I can provide some explanation. It was included at the request of Argentina, of Olga, and it reflects the fact that they were open cross-community sessions, not work tracks. 1-4 were not cross-

community sessions. Work Track 5 did something different for this meeting. They held their working session as open cross-community sessions and therefore it was included in this session dealing with cross-community sessions. That was why it was there. Whether it stays there or not is up to the GAC, of course.

CHAIR ISMAIL: So can we move on? Yes, please.

TOM DALE: The section in blue is new. It was requested by GAC members in the earlier session. It reads as follows: The GAC received briefings from the GNSO business and intellectual property constituencies regarding their work on access and accreditation. GNSO contracted parties on the practicalities of the GDPR temporary specification, and ICANN with regard to the unified access model. There's also additional material concerning WHOIS, and to be honest, I'm not quite sure where that came from. Is staff able to help?

CHAIR ISMAIL: Yes, Kavouss. We'll just listen to explanation from staff where this text came from and I'll give you the floor immediately after.

TOM DALE: My apologies. It's been clarified. The material that I'm about to read out is a report from the PSWG, European Commission, United States, and other interested parties. It is a report on GDPR and WHOIS

activities here. And PSWG is not involved. Thank you. This is a report. It is not a part of advice. It reads, The GAC also held extensive discussions on WHOIS. The GAC welcomed the efforts by all parts of the community to address the issue of access to non-public WHOIS data as well as the leadership shown by ICANN in proposing a framework to guide discussions on a new access model. ICANN has an important role to play in ensuring that there is a clear and well-coordinated process in place. In the discussion the GAC noted the negative impact of the lack of timely access the non-public WHOIS data is having on different user groups and expressed desire to achieve more consistent and timely access.

The GAC expressed its commitment to working together with ICANN and the community in this process and in a first step intends to provide detailed comments on the unified access model as soon as possible after ICANN62. The GAC was of the opinion that solutions should be implemented as soon as they become available. As I said, my understanding is this is a report, not advice.

CHAIR ISMAIL:

So any comments on this part? I think we also at some point in time agreed to welcome the initiative by ICANN and the speed by which the model was proposed, right? So if you can find the place for just one sentence.

UNKNOWN SPEAKER:

(Off microphone).

CHAIR ISMAIL: Yeah. I think we agreed to welcome the initiative of ICANN and the speed by which they proposed the unified access model. Yes. Cathrin, please, go ahead.

EUROPEAN COMMISSION: Yes. Thank you, Manal. Just to clarify, there's a sentence if you scroll back up a bit, Tom, where we say the GAC welcomed the efforts as well as the leadership shown by ICANN in proposing a framework to guide discussions on a new access model. And if you would like, we could add something about the swiftness with which they proposed. But that was supposed to echo this welcoming thoughts.

CHAIR ISMAIL: Yeah, sure. It serves this purpose. Sorry. I had overlooked it. Thank you. Iran, please.

IRAN: Yes. I have doubt about saying that as well as the leadership shown by ICANN in proposing a framework to guide discussions on the new access model. What are we talking about? Are we talking about the temporary specification? What are we talking about? Leadership shown by ICANN in proposing framework to guide discussion on the new access model. What are we talking? Is it part of this temporary specification or a separate part? Thank you.

CHAIR ISMAIL: The unified access model.

IRAN: Why we need to show you the welcome to the guidance as well as leadership and so on and so forth.

CHAIR ISMAIL: We don't -- it's a matter of concern to the GAC. We have raised this several times, and they were quick in responding to having something in place, for proposing something for everyone to weigh in their views. Yeah.

IRAN: I suggest to replace leadership a course of action taken by ICANN. Thank you.

CHAIR ISMAIL: U.S., are you seeking the floor? No? This would read, As well as the course of action taken by ICANN.

IRAN: Course of action taken on a new access. We believe the proposing framework of guide discussion, we don't need that. Course of action with regard to a new access model. Thank you.

CHAIR ISMAIL: But, I mean, this changes the meaning, Kavouss. We wanted to acknowledge the initiative by ICANN. Now we're deleting ICANN. We wanted to acknowledge the initiative by ICANN and the speed by which they responded to GAC concerns by proposing this unified access model. Please, go ahead.

IRAN: Yes. We have no problem to acknowledge anybody. We are here to acknowledge and throw flowers in front of everybody, but I would wish to put further stuff up there whose data and putting acknowledged -- acknowledgment as well as acknowledged course of action taken with regard to a new access level. Thank you. Leave the rest. So acknowledgment is there.

CHAIR ISMAIL: Please, Kavouss, can you speak to the microphone, please.

IRAN: Yes. And acknowledged to leave as well as they, retain course of action taken, leadership shown by ICANN proposing a framework to guide discussions and put on a new access model.

CHAIR ISMAIL: Course of action taken by who?

IRAN: By ICANN. By ICANN. Course of action by ICANN. In regards to a new access model. The third line, end of the third line. In regard with -- go to the fourth line -- a new access model.

CHAIR ISMAIL: Yes, Cathrin, please.

EUROPEAN UNION: Yes, for the European Commission. Just to say that this very much changes -- we're trying to reflect the discussion that we had in the GAC on these issues. And there were two points that were highlighted by the GAC. One was that we did welcome the unified access model, and the second was that we saw that it does not yet provide a model but rather a framework for discussions. So those are the two points that we tried to bring together in the sentence. And there is, of course, a difference between welcoming and acknowledging something. Welcoming is more positive in meaning, and that's what we've been trying to reflect in the sentence. So I think we're losing both of those aspects now in the sentence, and in our view, it no longer accurately reflects the discussion that we had, which is what we're trying to report on here. So we disagree with this change.

CHAIR ISMAIL: Thank you, Cathrin, and Kavouss, I think this goes along the line of being positive, which you have already suggested some time ago. Please, go ahead.

IRAN: It's case by case. In regard of initiation of discussions. I have no problem put discussions, but I have problem with the leaderships.

Thank you.

CHAIR ISMAIL: Okay. So the main concern is leadership.

Cathrin, please, go ahead.

EUROPEAN COMMISSION: Would it be better to say initiative shown by ICANN?

CHAIR ISMAIL: Kavouss, would initiative be good instead of leadership? "The initiative shown by ICANN"?

IRAN: I need to have the full sentence because there are a lot of brackets. I can't read that. Thank you.

CHAIR ISMAIL: We have the essence of the concern. We have a proposal now, so maybe we can clean the sentence and you will see it in the next version. Would this be okay?

IRAN: Kindly underneath of this paragraph show the cleaned version and then we will comment on that.

Thank you.

CHAIR ISMAIL: Okay.

Then let's move on.

TOM DALE: Thank you. There were no changes to the sections on the first of the internal matters on GAC membership. There are no changes to the report from the public sector or -- and human rights working groups.

There is some additional material here, firstly from the GAC working group on GAC participation in the NomCom. This was suggested by Argentina. Olga is the chair of that group. The text reads: The working group presented to the GAC the "GAC criteria for NomCom." Text was analyzed in a plenary meeting in order to have agreement on a final version.

I understand that plenary session is scheduled for the GAC tomorrow, but Olga can correct me. So...

CHAIR ISMAIL: So this meeting is going to take place tomorrow, but since we're working on the communique today, we needed to have some reflection on this in the communique. And I believe the communique

won't be out until tomorrow anyway, so it would be factual at the time.

Kavouss.

IRAN: Could you go back to the GDPR and put the sentence it is final before we go ahead with the others? Before I forget what I said. Thank you.

CHAIR ISMAIL: So just to get some clarity, are we doing the editing from here or from support staff at the back? Here?

Okay. So can we go back.

So the GAC welcomed the efforts by all parts of the community to address the issue of access to nonpublic WHOIS data, and welcomes...

So, I'm sorry, is this Fabien thing you, Tom, or -- okay.

So I think we said, and welcomed the initiative by ICANN in proposing.

Kavouss, we are just formulating the sentence, and then we're going to discuss it.

IRAN: Manal --

CHAIR ISMAIL: Yes.

IRAN: -- we don't have acknowledge and welcome. Either we have welcome or we have acknowledge. So please delete "the" before "acknowledge" as well as "acknowledges" or "acknowledged."

CHAIR ISMAIL: The suggestion was we delete "acknowledge" and put "welcome." As you rightly mentioned, we will have either welcome -- so we are having "welcome" to be more positive; right? And you said you are only concerned with the word "leadership." So we're changing "leadership" to "initiative."

IRAN: So "Welcome the course of action." We don't need T-H-E, "the," after "as well as."

CHAIR ISMAIL: Okay. So "The GAC welcomed the efforts by all parts of the community to address the issue of access to nonpublic WHOIS data."

IRAN: Yes. And welcome --

CHAIR ISMAIL: As well as --

IRAN: As well as, yes.

CHAIR ISMAIL: "The initiative taken by ICANN or the initiative by ICANN in proposing,"
and then we leave the rest as is.

Does this reflect your proposal, Cathrin? Or...

IRAN: If you -- Delete the division mark if you can. I don't know what the
(indiscernible).

By ICANN, yes. Okay. "In proposing a framework to."

CHAIR ISMAIL: Does this sound okay to everyone? Cathrin, please, go ahead.

EUROPEAN COMMISSION: Yes, I would just suggest to add a verb. So "as well as the initiative
shown" or "taken by ICANN in proposing." The native speakers might
be better placed, but it seems to me that there is a verb missing.

CHAIR ISMAIL: Can we move on?

Okay. About.

So back to you, Tom.

TOM DALE: Yes, Manal. I think we just noted that the -- the GAC had just noted the proposed wording on the working group on NomCom. I don't recall if there are any comments.

CHAIR ISMAIL: Yes. As I mentioned, this meeting will take place tomorrow. This is just to finalize the drafting today, and the communique will not be out until tomorrow anyway. So this will be factual by tomorrow.

Okay?

Then let's move on.

TOM DALE: Thank you, Manal.

There is some new text there reporting from the -- the co-chair of the GAC Underserved Regions Working Group. And that reads as follows: Since ICANN61, the working group completed a regional capacity development workshop in Senegal in May 2018 and its eighth and final capacity development workshop during s62 in Panama. The workshops were well received by the participants and the working group is finalizing its draft evaluation report on the capacity development initiatives, which will be presented during the high-level governmental meeting in Barcelona in October 2018.

The working group is grateful for the continuous support of ICANN CEO and Board of Directors via our collaboration with the Government

Engagement Team. The working group would also like to thank all the other ICANN departments involved in this program.

Finally, the working group would like to thank the supporting organizations, the advisory committees of ICANN and all other stakeholders for their committing resources and availing members to present during the workshops.

CHAIR ISMAIL: Iran, please.

IRAN: Perhaps the last part, "to present." Perhaps we should say "to attend the workshop."

Thank you.

CHAIR ISMAIL: I think they are talking here about speakers, but let me clarify from Pua. Yeah. I see Pua nodding, so the intention here was to acknowledge the presence and the participation of speakers from the different SOs and ACs to the capacity-building workshop.

Does this make sense to you, Kavouss?

IRAN: No. To present, I -- I think you have to mention the way you want. Either to attend, either to contribute or something, but to present during -- present something. To present what?

Contribute to the activities of the workshop. Thank you.

CHAIR ISMAIL: So contribute is okay, Pua? Okay.

Instead of present. Availing members to contribute during the workshops.

CHAIR ISMAIL: Okay. India, please.

INDIA: Rahul Gosain for the record. Short point. I think it should be, in the line before the last one, "all of the stakeholders for committing their resources." "Their" should come after "committing" to my (indiscernible). "Committing their resources."

Or even this is fine. We can just leave it there. For committing resources and availing members.

CHAIR ISMAIL: Yeah, I was just going to ask, does this -- is it okay, Pua, as well? Okay.

Then can we move on?

TOM DALE: The section reporting on the BGRI session is unchanged from the one you saw earlier. The section on the independent secretariat is unchanged. At the request of the GAC, some information has been included on the GAC elections to read as follows: During the opening session, ICANN GAC support staff alerted the membership that the ICANN62 Panama City meeting marks the beginning of the 2018 GAC leadership election cycle.

This year's leadership elections are open for the position of GAC chair, who serves a two-year term, and the five GAC vice chairs who each serve one-year terms. Effective 27 June 2018, the nomination period will be open until 23:59 UTC on 5 September 2018.

CHAIR ISMAIL: Yes, Kavouss.

IRAN: Yes, first of all, there is a small editorial. "Supported" with lowercase "U," not upper case. And instead of "alerted," "informed." Thank you. Informed the membership or informed the GAC.

Thank you.

CHAIR ISMAIL: Thank you, Kavouss. Noted. So informed instead of alerted.

Switzerland, please.

SWITZERLAND: Thank you. Jorge Cancio for the record.

Just for the sake of being brief, perhaps it would suffice if we say we would -- that we start the sentence with "The ICANN62 Panama City meeting," because the rest is really a little bit irrelevant to the outer world.

CHAIR ISMAIL: Okay. Is everyone okay with this?

So can we move on?

TOM DALE: Thank you, Manal. The next section that now deals with issues under the heading of "Other Issues," a number of members had worked during the break on a new section on enhancing ICANN accountability. That group was -- certainly involved Brazil and Canada but a number of other members as well.

It reads as follows: The GAC noted the conclusion of the work on of the Cross-Community Working Group on enhancing ICANN accountability, Work Stream 2, and expresses its appreciation to all involved. The GAC reiterates its support for the open, multistakeholder process by which the recommendations were developed. The GAC will review the final report and recommendations and aim to finalize its position as a chartering organization no later than ICANN63.

And I'll read it through for the sake of completeness.

Several GAC members reiterated major concerns regarding the report from the subgroup on jurisdiction. These members consider that it falls short of the objectives envisaged for Work Stream 2 and that its recommendations only partly mitigate the risks associated with ICANN's subjection to U.S. jurisdiction.

Several GAC members welcomed the recommendations on jurisdiction and stressed in particular the importance of industry having options, including a menu, for choice of law and venue for contracts with ICANN.

In relation to the discussion on jurisdiction, GAC members took note of the acknowledgment by the Cross-Community Working Group that further discussions to address unresolved concerns are needed.

Finally, the GAC in its face-to-face interaction with the ICANN Board asked board members whether they could already identify options for continuing discussions on aspects of ICANN jurisdiction that will not be resolved by the CCWG-Accountability WS2 work. The Board replied that it is no position -- or is in no position, I think it means, to answer this question prior to receiving the final recommendations from the CCWG after discussion and decision by the chartering organizations.

And I'm sorry. Those edits should be fixed there, so I'll get those out.

CHAIR ISMAIL: So, Kavouss, please.

IRAN: Just that say "is not in a position." Not is not -- "is not in a position."
"That it is not in a position to answer this question prior to receiving the."

TOM DALE: That's correct. That's better English.

CHAIR ISMAIL: Do we need the question mark after workstream 2 work?
So any comments?
Brazil, please.

BRAZIL: Well, two comments. The first part, the one that -- I'm proposing to repeat the language we adopted in San Juan for the first part because we cannot assume the points that -- the same points that were made will be made tomorrow, but it's a bit of future (indiscernible). But I assume the positions remain, so I think it's okay for the moment to place it there as a placeholder and maybe revisit tomorrow in the light of discussions.

In regard to the addition reflecting this morning's discussion with the Board, I -- yeah. One point, initially that's what the ICANN Board replied. They were not in a position to answer prior to receiving final recommendations. However, what I tried to suggest is -- and to invite the Board to start considering this, and the GAC as well, I think we --

because the discussion will be there, and I think parts of the -- any solution or any way forward may assist the process of examination by the chartering organizations themselves, particularly the GAC. My delegation and others, we will not -- The issue will be there when the GAC will revisit this issue. And if in case we have some ideas on how we can address this by adopting the report but also proposing some way forward, I think this would be helpful in the process of examination of the report, not after. That was the sense of asking or presenting the issue to the Board.

I am not -- Maybe I can try to come up with some language to reflect that, but I think for the moment, it is sufficient. It's like we ask them a question. They say, "I cannot do because it's premature," and that's it. That was not the intent in the first place to raise the question.

Thank you.

CHAIR ISMAIL: Thank you, Brazil.

Iran, please.

IRAN: Thank you. I suggest that the last but one line after "from the CCWG," we add "taking into account comments received" or "comments made by chartering organizations in this regard."

Because this is important. It's not only adoption. It's also comments. Some area we may not have full adoption. Maybe adoption with some comments.

So taking into accounts comments received from chartering organization in this regard.

Comment could be adoption. Comment could be adoption plus some further view. So this is something more in line with the process.

Thank you.

CHAIR ISMAIL:

Yeah, Brazil.

BRAZIL:

Yeah, I -- I'm sorry. I think I have to disagree with my colleague Kavouss because we cannot change what the Board said. I think we just have to revisit what they said and reflect it here.

Maybe what we should say after this sentence is to add something and say, "Some GAC members suggested that early reflection on the topic should be done with a view to the very process of discussion, decision by the chartering organization." That was the idea I wanted to convey. They should not wait for the decision because, particularly in the case of the GAC, I understand the concern will be in the GAC on how to address it. So it is something worthwhile to think in anticipation what we can do about that.

So I can propose some language. I just -- Maybe if you want to move forward, or I can try to write down something.

CHAIR ISMAIL:

Yes. So let's wait for a proposed text from Brazil. And I have to admit that my understanding was similar to what we had in the text initially, so maybe I should make sure that the Board understood what you conveyed now, because I didn't have the same understanding at the session.

My personal understanding matches what initially was on the screen.

So maybe we can -- I mean, we can -- we can draft now our initial intention of the question or the brainstorming, and on the side I can make sure that this is conveyed accurately to the Board. So just to make -- Maybe they -- maybe they understood it right and it was just me, but just to make sure.

So let's wait for a proposed text.

Yes, please, Trinidad and Tobago.

TRINIDAD AND TOBAGO:

Thank you, Manal. Karel Douglas, Trinidad and Tobago.

Two things. One, I agree in respect to what you just said. I think the text as it was initially drafted does convey what the meaning was what the Board had said. But I really thought I would mention another small, minor point in respect to the word on the second sentence -- or

the first sentence, second line, the word -- use of the word "already." I didn't know if that was there for purpose. I did not see the need for the word unless it's meant to convey if they could now. You but I thought it might be useful to delete it unless there's a requirement that you wanted to convey a time.

CHAIR ISMAIL:

Thank you, Trinidad and Tobago. I think it makes sense.

So, Brazil, can we delete the word "already" from the second line?

So it should read: The GAC in its face-to-face interaction with ICANN Board asked board members whether they could identify options.

Okay. Thank you.

Kavouss.

IRAN:

I think the last part on line after is not correct. We should say "and decision" or "and." We don't need discussion. "And decision made by the chartering organization." Not after.

CHAIR ISMAIL:

Yeah, I see your point, but we're changing this probably anyway. We're waiting from -- we're waiting for draft language from Brazil on this part. So let's wait until we see what we will receive, and then fine-tune the language if needed.

Okay? Kavouss, please.

IRAN: And we need something with CCWG and after. And after. So we need something between the two.

Thank you.

CHAIR ISMAIL: Okay. Noted.

So, yes, can we move on, please, until we receive the final text.

TOM DALE: Thank you, Manal.

The next section had an additional sentence reflecting some proposals from GAC members. It reads: The GAC was briefed by the co-chairs of the new gTLD subsequent procedures PDP. It was noted that GAC consideration of the initial report for Work Tracks 1 to 4 to be published shortly will take some time and the GAC's discussions may extend to ICANN63.

There's an additional sentence now that reads: The GAC noted that it is difficult to cover four work tracks and a plenary with limited resources.

CHAIR ISMAIL: So may I ask what's plenary? What's meant by --

TOM DALE: The work track. The PDP has a plenary group which is covering and coordinating all issues, so --

CHAIR ISMAIL: Okay. And --

TOM DALE: -- at the top level and it's driven by what are now five work tracks.

CHAIR ISMAIL: Understood. Thank you for the clarification. Kavouss, please.

IRAN: Thank you. The portion that start after the third line after comma. "Will take some time and the GAC's discussion may extend to ICANN63." I don't understand what that means. They said they would publish it shortly, full stop. And then GAC noted that? In fact, it is not noted that. So we have to delete "will take some time." So that was not discussed. Just the work track people said that they will shortly publish the initiative report -- initial report, sorry. After "shortly," put a stop, and then start the sentence, "The GAC noted."

Thank you.

Third line, you don't need. "Will take some time." What it means, that take some time.

TOM DALE: Just to clarify, if I may, Kavouss. Is what you're saying to get the sense of it was noted that GAC consideration of the initial report will commence when it is published, full stop, or something like that?

CHAIR ISMAIL: I think -- Okay.

Is this okay for everyone?

So, Switzerland, you -- Switzerland, you are seeking the floor or -- no? Okay. Sorry.

Anyone else on this part?

Yes, Iran, please.

IRAN: Thank you, Chair. I think the third line, after "GAC," it says "noted." "Indicated that." It is not a note.

CHAIR ISMAIL: Thank you.

So let's move on.

TOM DALE: Thank you, Manal. The next section dealing with Work Track 5 geo names is unchanged from the earlier draft.

The section dealing with the HLGGM is also unchanged.

We now move on to sections dealing with consensus advice to the Board.

Now, the first piece of advice concerns GDPR and WHOIS. I'll read this out.

"The GAC considers that a unified access model is central to providing access to nonpublic WHOIS data for users with a legitimate purpose, and this should continue to be addressed as a matter of urgency. Therefore, the GAC advises the ICANN Board to, i, take all steps necessary to ensure the development and implementation of a comprehensive unified access model that applies to all contracted parties as quickly as possible. And (ii), to publish a status report four weeks prior to ICANN63.

That's followed by a rationale which I'll also read out.

As noted by the GAC and other stakeholders, access to WHOIS information is critical for the furtherance of legitimate purposes associated with protecting the public interest, including law enforcement, cybersecurity, consumer protection, and the protection of intellectual property. To achieve this, the development of stable, predictable, and effective access mechanisms for nonpublic WHOIS information is necessary. The GAC finds the existing requirements in the temporary specification for contracted parties to provide reasonable access to nonpublic information as insufficient to protect the public interest."

CHAIR ISMAIL: Any comments on this part? Iran, please.

IRAN: Thank you, Chair.

I don't recall that anybody talk about comprehensive unified access. They talk about the unified reliable access, but not comprehensive. I don't recall any reference to it, to the comprehensive. But reliability, yes. Reliable -- or unified reliable access.

Thank you.

CHAIR ISMAIL: Yeah, I think the -- the comprehensive thing was mentioned several times in interventions from the GAC. Yeah. It was not in the ICANN proposal, but, I mean...

Yeah, Kavouss, please.

IRAN: No problem if you want to retain "comprehensive," but I would like to add "reliable unified access."

Thank you.

CHAIR ISMAIL: So can we replace comprehensive by reliable?

Or maybe both?

Cathrin.

EUROPEAN COMMISSION: Yes, thank you. Cathrin for the European Commission.

Just to say that what -- what we meant as the drafting team by "comprehensive" was to ensure that the access model actually covers all the parts. So the four A's that were mentioned. The accreditation, the authentication, the access, and the ability. So that there was a framework for the entire process in place. That was the meaning of comprehensive in that context.

And unified refers -- I mean, all the bits of it have a -- have a purpose for being there. And of course we would agree that the process should also be reliable. I'm wondering whether that is a -- is an adjective that also applies to the model itself. So maybe we can work on the phrasing there, because the model itself is -- is perhaps not -- it's just the model for the process that might be reliable.

Sorry to be nit-picky.

CHAIR ISMAIL: Kavouss, please.

IRAN: As I mentioned, I have no problem to comply with the request of European Commission to retain the comprehensive. I never heard of

that, but add "and reliable." "Comprehensive and reliable unified access model." Reliability is referred to several times, at least five times by Steve DelBianco, by some other speakers.

Thank you.

CHAIR ISMAIL: Thank you, Kavouss. Is it okay, European Commission, to add "reliable"?

So triggered by what Kavouss said as well, maybe if we can elaborate more on "comprehensive," because, I mean, probably we will receive the same question from the Board, maybe, on our post-communique exchanges, trying to clarify what we mean by comprehensive. But...

Cathrin, yes, please.

EUROPEAN COMMISSION: Yes, and we tried to clarify this further down in the rationale. So we tried to keep the advice as short as possible, and then we go into more details further down below, and of course in the report from the discussion.

CHAIR ISMAIL: Okay. So are we good? Yes, Kavouss.

IRAN: I think that the board members, we have seen some of them scrutinizing. They may not focus on the rationale. They go to the text.

Still, I have doubt that we need "comprehensive." Reliable unified access model is sufficient.

If you want to do something, put that comprehensive in the rationale. Thank you.

CHAIR ISMAIL: Frankly, Kavouss, I think the -- I'm pretty sure they read the rationale as well. Maybe they don't focus on the first part of the communique, but they start reading from the GAC advice onward. So probably they read the rationale as well.

So I have the U.S.

UNITED STATES: Thank you. I just wanted to note that I'm a bit cautious about including the word "reliable" without all the other qualifiers that should also be there. Including predictable, so on and so forth. So I would prefer, I think, at this stage just to keep it at comprehensive unified access model, and in the rationale we can go into the details of what that should include. But we start listing qualifiers like that and we run the risk of leaving out other things that should be included as well.

CHAIR ISMAIL: So are we good with leaving the detail and explaining what comprehensive means to us in the rationale? Kavouss, please.

IRAN: The reverse. Reliable in the text, comprehensive in the rationale. Thank you. I don't agree with the last proposals. It was discussed several times by our experts, and they have mentioned this reliability. Even they have other word saying that mandatory, but I don't want to (indiscernible) that. But we don't agree to put transfer reliable in the rationale. We could transfer comprehensive in the rationale.

Thank you.

CHAIR ISMAIL: U.S.

UNITED STATES: I'm sorry; I'm really not in a position to agree to that because, again, there's more to the unified access model than reliability.

Thank you.

CHAIR ISMAIL: Thank you, U.S.

So I have Trinidad and Tobago, and then Iran.

TRINIDAD AND TOBAGO: Thank you, Manal. Karel Douglas, Trinidad and Tobago.

Just a very simple point. I think comprehensive, the word from the plain and ordinary meaning, as we say the Oxford Dictionary meaning means all. It encompasses everything. So I think that would be the word. And then you would go later and include all the other components, which would be reliable, et cetera, et cetera.

So those would form the parts, the components of comprehensive. And that's my understanding of the word "comprehensive."

CHAIR ISMAIL: Thank you.

Iran, please.

IRAN: Thank you for your reference to dictionary. I propose to delete "comprehensive" and "reliable" both. Unified access model. Thank you. And explain whatever you want in the rationale. Thank you.

CHAIR ISMAIL: So we have a proposal now to delete "comprehensive and reliable," and leave it at this.

Cathrin, please.

EUROPEAN COMMISSION: Yes, I'm sorry to come back on this, but again, we think comprehensive is actually quite important to put in here. The issue

that we identified was that there might be a situation where only the authentication part is taken care of, and then users are left to their own devices as to how they use that authentication with registries and registrars. They might still be in a position where they have to look for one of the 2,500 contracted parties, and the procedures that that party might apply to actually accepting the token and providing access and whatever procedures they might want to apply to that.

So that is why reflecting the discussion in the GAC, we felt it was of particular importance to highlight the need for a comprehensive model that does not just focus on individual bits and pieces of what access might entail.

Thank you.

CHAIR ISMAIL:

Thank you.

I have Iran and then Argentina.

IRAN:

Thank you. If you read the bylaw, rationale plays a more important element of any advice. It could explain, expand and put whatever adjective you want. So we don't agree with the comprehensive. We agree comprehensive and reliable. Some people don't agree with reliable. We delete both and go to the rationale and put whatever adjective you want over there.

So I don't think that the insistency of some people that they don't want to listen to the others.

Thank you.

CHAIR ISMAIL: Thank you, Kavouss.

Argentina.

ARGENTINA: Thank you, Manal. I think that the explanation given by the representative of the European Commission was very detailed and it should be included in the rationale. And that point I agree with the distinguished representative from Iran. Maybe deleting the adjectives in the advice and go into more detail about those adjectives and scope in the rationale.

Thank you.

CHAIR ISMAIL: So I think, and I remain to be corrected, I think the idea was putting the broadest adjective in the advice itself and then elaborate on it in the rationale. Right?

So is this acceptable?

Argentina, please.

ARGENTINA: Just to clarify, please. Deleting the adjectives in the advice and including adjectives and more detailed explanation about that scope in the rationale.

CHAIR ISMAIL: Yes. Cathrin.

EUROPEAN COMMISSION: Yes, thank you, Manal, and thank you for these proposals.

Let me explain why we think it is particularly important to have this adjective here, because the legal value of the rationale is not the same as the advice itself. So if we just say develop the implementation of a unified access model, then that model could just focus on the little piece that is now included in the model that ICANN has put forward for discussion. It would not be comprehensive and it would not cover the kind of user friendly access that the GAC is calling for. And that's why it actually makes -- it's just one small adjective but it makes a big difference from a legal perspective as to how this would be perceived by the Board, because it's either part of the advice that we give or we just tell them you just propose whatever which unified access model with whichever parts you think would be, useful and that is a different outcome that I'm convinced is not the one the GAC is aiming for.

CHAIR ISMAIL: Yes, Kavouss.

IRAN: I don't think we can qualify or describe adjectives as a small or big or so on, so forth. Comprehensive is a very, very global and large issues, may contain many things. So we disagree with the "comprehensive" here.

Thank you.

CHAIR ISMAIL: Switzerland.

SWITZERLAND: Thank you. Jorge Cancio, Switzerland, for the record.

I just wanted to state my support for the explanations given by the European Commission and also by our colleague who quoted the Oxford dictionary. I think that's very well stated.

At the same time, I don't have any strong feelings on keeping "reliable" in the advice piece. So I don't know if -- nobody wants to die in a ditch for those two adjectives, we could keep them in the advice, perhaps.

CHAIR ISMAIL: Thank you, Switzerland.

So may I ask whether the problem is the word "comprehensive"? So are we trying to look for another word or adjectives in general? I mean, if this had been a complete unified access model or some other

word. I'm just trying to understand the concern so that we can address it.

Yes, please.

CAMEROON:

Joseph for Cameroon speaking. Thank you for giving me the floor. I was following the discussion and I was wondering the following. If we were to look at the next part of our document, this is the model that can be applicable to all contracted parties. And I think this is the important part, and everything that we are saying reflects what we are looking for. These are objectives. Comprehensive and reliable are adjectives. And I think this model is applicable to all contracted parties and we could leave it like that.

CHAIR ISMAIL:

Thank you, Cameroon.

So door Cathrin.

EUROPEAN COMMISSION:

It's just a proposal to try and deal with it, with the issues with the wording. Perhaps alternatively one could consider saying take all steps necessary to ensure the development, implementation of a unified access model that addresses the areas of accreditation, access, authentication, and accountability that we've mentioned, and applies to all contracted parties. Then we're not dealing with any

adjectives or qualifiers. I'm not sure whether that gets everybody else's approval. But just as a suggestion.

And, Tom, I can repeat the -- Do you want me to repeat the four?

So addresses the issues of -- or that addresses accreditation, authentication, access, and accountability.

CHAIR ISMAIL: Thank you for the constructive suggestion.

So, Iran, please.

IRAN: Yes. I buy that. Thank you.

CHAIR ISMAIL: Okay. Thank you.

So I think this means we're deleting "comprehensive and reliable," and now the sentence reads, "Take all steps necessary to ensure the development and implementation of a unified access model that addresses accreditation, authentication, access, and accountability, and applies to all contracted parties as quickly as possible."

So thank you, Cathrin. And thank you all for your flexibility.

So can we move on?

Cathrin, yes, please.

EUROPEAN COMMISSION: Just to suggest add a comma after "contracted parties."

CHAIR ISMAIL: Yes. Done. So can we move on, Tom, please.

TOM DALE: Do you want to go to the rationale?

CHAIR ISMAIL: Do you want to read the rationale again? Have we read it before or --
Let's do it once more to make sure everyone is on the same page,
please.

Thank you.

Yes, Iran, please.

IRAN: Yes. It was a criticism by somebody in the previous text that I
proposed that we should not speak on behalf of the other
stakeholders. So I suggest that we delete "other stakeholders" and
say that "GAC noted access to WHOIS information is critical." We don't
talk about other stakeholders, with the same token that people did
not agree with what we proposed before.

Thank you.

CHAIR ISMAIL: Okay. Any problem with deleting "and other stakeholders"?

TOM DALE: The GAC notes that?

CHAIR ISMAIL: So can we put "The GAC notes that access to WHOIS information is critical?"

Is this okay with everyone?

Any other comments?

Yes, Kavouss, please.

IRAN: Thank you. In the third, fourth line it says "to achieve this." Do we mean this, adjective, all these or all those issues? Perhaps we should replace this to this effect, instead of to achieve this. In this effect or in this connection.

Thank you.

CHAIR ISMAIL: So "to this effect, the development of stable, predictable," and so on. Is this acceptable? I see nodding.

Thank you, Kavouss.

Yes, Iran.

IRAN: I have some difficulty about effective access. We have discussed legitimate access but not effective access. What do you mean by "effective access mechanism"? Effective mechanism I understand. But effective access mechanism I don't understand we are talking about.

CHAIR ISMAIL: My understanding is, and I remain to be corrected, effective in terms of having full access, having access to maybe volume, not case by case. Having -- I mean, all the specific requirements for the law enforcement authorities.

Iran, go ahead, please.

IRAN: Thank you, Manal. I have difficulty about access.

CHAIR ISMAIL: Sorry, can you speak to the microphone?

I have difficulty with effective or access comes without any criteria, without any condition, without any legitimacy, and so on, so forth. So you are talking about the nonpublic information, and I think we should not take the (indiscernible) everything is -- there are some cases that we need to be careful.

Perhaps instead of effective, we say "and appropriate access multilingualism." Not "effective." Appropriate. Appropriate may also be effective as well.

Thank you.

CHAIR ISMAIL: Thank you, Kavouss.

So can we make "effective" more clear or replace it with -- Kavouss, is this what you are proposing or --

IRAN: I suggest replace "effective" by "appropriate access mechanism."

CHAIR ISMAIL: Exactly, and I think that's what Tom has on the screen now just between square brackets until we finalize the text.

U.S., please.

UNITED STATES: I'm not opposed to the replacement of "appropriate," but just to explain the intention here. "Effective" was workable because at the end of the day, if we don't have a workable access mechanism, there's no point having one.

CHAIR ISMAIL: So "effective" here was to mean workable?

Yes.

IRAN: No problem to put "workable" instead of "effective."

Thank you.

CHAIR ISMAIL: So is it okay with everyone to -- Now the sentence reads -- Sorry. I can't find the beginning of the sentence. Yes. "To this effect, the development of stable, predictable, and workable access mechanisms for nonpublic WHOIS information is necessary."

Okay. I see nodding.

So can we move on?

TOM DALE: Thank you. The next section of GAC consensus advice to the Board deals with protections for IGO identifiers. I don't think that there -- that there have been amendments to that section since the break, but perhaps WIPO or someone else could advise. Did you make amendments or not?

CHAIR ISMAIL: So, WIPO, are there any amendments to the text we initially received?

WIPO: Yes, thank you, Manal. I sent a few updates to the GAC staff email address. I can read those. They're relatively brief. I'm happy to do whatever is easiest for us collectively.

CHAIR ISMAIL: So is it...

TOM DALE: Okay. Thank you. They're reflected. I should have checked. My apologies. Perhaps we could read it through to make sure everybody is literally on the same page. Thank you.

The GAC advises the ICANN Board to, (i), maintain temporary protections of IGO acronyms until a permanent means of protecting these identifiers is put in place.; (ii), work with the GNSO and the GAC following the completion of the ongoing PDP on IGO-INGO access to curative rights protection mechanisms to ensure that GAC advice on protection of IGO acronyms, which includes the available small group proposal, is adequately taken into account also in any related Board decision. And, (iii), provide an update to the GAC on ICANN assistance for ensuring the accuracy and completeness of IGO contacts on the current list of IGO identifiers."

Okay.

CHAIR ISMAIL: So on bullet point (iii), Brian, I think they are currently pending some communication from us on what we need exactly, so I'm just wondering what the Board response would be to -- to the third bullet.

I mean, they will refer to ICANN Org, and they will refer to the discussion today, so...

WIPO: Yeah, thank you. So what we did was the new text in that third bullet is IGO contacts. And so this was an attempt to reflect the conversations we had this afternoon. And I believe that this can be read in a more procedural way so this can kind of fall in line with the dialogue we had with ICANN Org earlier this afternoon.

CHAIR ISMAIL: Because it reads to me as if the ball is in their court right now, which I don't think is the case. Right?

I mean, they have clearly asked for written communication from our side indicating what we need exactly from ICANN side. I mean, if we had issued this letter earlier, maybe we could have left the advice as it reads now, but I'm just a bit reluctant to --

WIPO: Yeah. No, I take your point. So maybe the way to address that is instead of "provide an update," start with "continue the dialogue with the GAC"?

CHAIR ISMAIL: Yes. I think. And just to make sure we're on the same page, because there was a discussion during the lunch break between ICANN Org and IGOs regarding this specific request, and they indicated that they need clear guidance on what exactly is needed from their side because they don't have the means to complete the list, but they are willing to help if there is something specific needed from their side. And we promised them a written request from our side. So that's why.

So I have Switzerland and then I have Iran.

SWITZERLAND: Thank you, Manal. Jorge Cancio, Switzerland, for the record.

It's more a question of clarification on Roman i, the first one. We say "maintain temporary protections." Do we mean maintain the temporary protections or maintain the current temporary protections?

I guess we are intending that, we are referring to the current ones, because otherwise temporary could be a new kind of temporary protection. So perhaps Brian could clarify this.

CHAIR ISMAIL: Yeah, I see Brian nodding. Brian, please, go ahead.

WIPO: Yes, thank you, Jorge. Brian Beckham for the record. I think that's a useful clarification, so we would fully support that.

CHAIR ISMAIL: Excellent. Thank you.

Iran, please.

IRAN: Yes, thank you. First of all, I agree with the current. Second, I have difficulty continue the dialogue with the GAC. It is something, it is not clear how this dialogue will be continued. Dialogue means sending a letter by chairman of the ICANN Board to the chair of GAC. This is the dialogue? Is it chair of the GAC or dialogue with all GAC? So I'm not very happy with replacement "continue dial lock with the GAC." Should be firm, clear, precise and concise. "Provide an update to the GAC." And I don't want to also mention "on ICANN assistance." Delete that. "For ensuring the accuracy and completeness." I'm not in favor of continuing the dialogue with the GAC. I'm in favor of the intention of previous sentence, starting "provide an update to the GAC." Deletion on the "ICANN assistance," and either "for ensuring" or "to ensure the accuracy," and so on, so forth.

Thank you.

CHAIR ISMAIL: Kavouss, let me provide some background to. This we currently have a lives of IGOs that was compiled, I mean, in sort of an ad hoc way.

We're not sure about its accuracy and completeness. And we're lacking resources to do this. So we are explicitly asking ICANN for assistance by providing resources to complete this list.

So the discussion today was if we can put something in writing to clarify what exactly is needed from their side. We can work on better language if necessary. We can do this offline and see it in the second iteration. But we definitely asked for ICANN assistance, and I think this is maybe similar to what we had in previous communiques, but I'm not sure.

So, Brian, please, go ahead.

WIPO:

Yes, thank you, Manal. So just to recall, we had previously asked for assistance in prior communiques. So I think that's -- that's on firm ground.

In terms of the continued dialogue versus provide an update, we did, you may recall, following some communiques in prior ICANN meetings, we received a GAC-Board scorecard where that was followed by an exchange of letters and emails. So in terms of continuing dialogue, "dialogue" is meant in a broad sense. There was a scorecard, there were exchange of letters, there were emails. So it wasn't meant to be proscriptive in terms much how to continue that dialogue but just to express that there had been a dialogue previously undertaken.

CHAIR ISMAIL: Okay. So let's -- Kavouss, you're not happy.

So where -- Where exactly is the problem? I mean, we can try to work on "continue the dialogue" because here we're advising the Board.

So, I mean, we can -- Yes, Iran.

IRAN: Continue taking actions. "Dialogue," I don't understand the dialogue. Dialogue has a specific meaning. Some people again refer to the tens of dictionaries in the Google and tell me what dialogue means. I don't want that. We have to have specific information what each word means so we don't have to refer to the dictionary and here and there. So dialogue, I cannot give you the dialogue. Taking necessary action and so on, I agree, but dialogue, I have difficulty with that. And I have always difficulty to assistance. I have difficulty to begging for the assistance, that we are unable and we can't do anything. Please just want, please, assist us. No it's not assistance. Taking action, I have no problem.

Thank you.

CHAIR ISMAIL: So I would request that we take this offline and come back with a proposal because let me just clarify that we cannot request them to take action right now because they are pending us to say what action do we need them to take. So we cannot follow up on taking action before requesting the exact action.

So let's leave it at this. I'll try to work with Brian on some other language and get back to you. So let's move on for now, and we will get back to this later.

Thank you.

So, Tom, please, yeah.

TOM DALE:

Okay. I'll read out the rationale as it currently stands for this advice.

The GAC continues to await the long-delayed depletion of the PDP on IGO-INGO access to curative rights protection mechanisms. As to, i, this PDP will have a direct impact on the permanent means of private sectoring IGO identifiers which has been the subject of longstanding and consistent GAC advice. As to (ii), the GAC provided input to the PDP's draft report in 2017, notably on the issue of IGO immunities, as did individual members and observers. The final report should reflect that substantial input, noting that current indications are that the PDP recommendations will not adequately reflect the GAC's advice on this topic. The GAC remains open to discussions with the GNSO and the Board to ensure that this is in the case.

The GAC notes that the work on this PDP began by at least mid-2014 and has yet to satisfactorily reach a positive resolution. The GAC moreover notes that a 2007 GNSO issue report provided a blueprint for a means for handling domain name disputes concerning IGO identifiers which substantially matches the small group proposal.

The temporary protections currently in place for IGO acronyms must remain in place until such time as the Board makes a decision regarding the most appropriate means to provide a permanent means for protecting these identifiers given the irreparable harm that could result if these acronyms are released from the temporary reserve list before a permanent mechanism is established.

As to iii, the GAC has additionally previously advised the ICANN Board to allocate at least minimal resources to ensuring the accuracy and completeness of IGO contacts on the reserve list and awaits progress on this issue.

CHAIR ISMAIL:

So I think depending on the final agreement on bullet iii, we may need to also refine the language in the rationale relevant to the same bullet.

Iran, please.

IRAN:

No problem, but in the last but one line, we refer to minimal resources. If it is in the previous GAC advice, we don't change it. Otherwise, I don't understand why we say "minimal resources." But once again, if we have it in the previous advice, we don't want to change that because that is contradictions to what we (indiscernible). Otherwise, I would change at least -- delete "at least," "to allocate necessary resources" because not "at least minimal." Thank you. I don't know who is define the minimum. Minimum may be one hour during one year. That is at least minimum.

Thank you.

CHAIR ISMAIL:

Thank you, Kavouss. So let's take a look at this "to allocate necessary resources," and then we will finalize in the following reading.

Thank you, Kavouss.

So let's move on to the two-character codes.

TOM DALE:

Thank you. This was text that was prepared by a fairly large group of GAC members during the break, which seems like a long time ago now. But it was -- it now reads as follows. Two-character country codes at the second level.

On 15 March 2017 through the Copenhagen communique, the GAC communicated its understanding to the ICANN community and in particular to the ICANN Board that there were changes created by the 8 November 2016 resolution relating to the release procedure of two-character country/territory codes at the second level.

As stated in the 15 March 2017 Copenhagen communique, the changes introduced by the 8 November 2016 resolution meant that, contrary to the then prevailing practice, it is no longer mandatory for the registries to notify governments of the plans for their use of two-letter codes nor are registries required to seek agreement of governments when releasing two-letter country codes at the second level.

Accordingly, in the 15 March 2017 Copenhagen communique, the GAC provided full consensus advice to the ICANN Board, which included requests that the Board take into account the serious concerns expressed by some GAC members as contained in previous GAC advice, immediately explore measures to find a satisfactory solution of the matter to meet the concerns of these countries before being further aggravated, and provide clarification of the decision-making process and of the rationale for the November 2016 resolution, particularly in regard to consideration of the GAC advice, timing and level of support for this resolution.

Under the 8 November 2016 resolution, ICANN's president and CEO, or his designees, is authorized to take such actions as appropriate to authorize registry operators to release at the second level the reserved letter/letter two-character ASCII labels not otherwise reserved pursuant to Specification 5, Section 6 of the Registry Agreement subject to these measures.

Previously to the changes created by the 8 November 2016 resolution in its 30 June 2016 Helsinki communique, it was stated that the GAC considers that in the event that no preference that is been stated as to the requirement that an applicant obtains explicit agreement of the country or territory whose two-letter code is to be used at the second level, a lack of response should not be considered consent.

Also previously to the changes created by the 8 November 2016 resolution, there was an established process for requests to release two-letter codes. As advised by the GAC in its 11 February 2015

Singapore communique, this process involved an effective notification mechanism so that relevant governments can be alerted as requests are initiated, and it relied on a list of GAC members who intend to agree to all requests and do not require notification.

On 20 June 2018, the GAC was informed that on 12 June 2018, ICANN had authorized the registry operator for .XXX to release for registration to third parties and activation in the DNS at the second level all two-character letter/letter ASCII labels not previously authorized by ICANN for release and not otherwise required to be reserved pursuant to the Registry Agreement. The announcement of the release of not previously authorized two-character codes at the second level has caused some GAC members to reiterate serious concerns about ICANN's ability to engage with the relevant GAC members to find a satisfactory solution to the matter. These unresolved concerns include doubts about ICANN Board's ability to provide a satisfactory explanation for the changes created by the 8 November 2016 resolution as well as to adopt measures, pending a satisfactory settlement of the matter, to prevent further consequences from the changes created by the 8 November 2016 for the concerned GAC members.

The GAC advises the Board, the ICANN Board to put in place transparent and workable mechanisms with those GAC members who have expressed serious concerns about release of their two-character country/territory codes at the second level with a view to mitigating in an effective manner the concerns in each case, bearing in mind that all previous GAC advice on the matter stands.

CHAIR ISMAIL: So I was just going to say the same, Tom. So would the very first part -
- I mean, the paragraphs, at least some of it should go as a rationale
or...

Kavouss, please.

IRAN: Yes, I fully agree with you that such a long introductory part is more
fitted as a rationale. So we start with advice, and that come under
rationale.

Thank you.

CHAIR ISMAIL: So is this okay with the drafters?

Okay. Then...

I have Brazil, India.

Okay. Brazil, please.

BRAZIL: Thank you, Madam Chair. Perhaps we could reference in the rationale
the text that was previously read by whoever is going to read the
communique.

And by that I mean that I -- I think it would be appropriate to keep the -
- to keep the text as it currently is, and in the rationale, we refer back
to the -- to the introductory part.

CHAIR ISMAIL: So the proposal is to leave the text as is, and when we get to the
rationale part, we refer back to the introductory text. So I have
Kavouss and then U.S.

Iran, please.

IRAN: Yes, thank you. At least, if you want to maintain what has been in the
text now, we should have some word at the beginning. Introduction,
history, background, something. Then we should add rationale, say
"refer to the previous rationale we have given."

So any advice must have rationale because it is GAC advice. And I
don't know why we said advise advice -- okay. Advice. We need to
have rationale, and refer to that as previously in the communique X, Y,
Z. But in the beginning this long paragraph should have some title.
Introduction, background, history or something. Thank you.

CHAIR ISMAIL: Thank you, Kavouss.

U.S., please.

UNITED STATES:

Thank you. This is Ashley with the United States.

So just a few introductory comments. I agree that this needs to follow the formatting that we usually follow here. I think it -- we introduce the opportunity of confusion without having the rationale, and you also lose the GAC advice with such a heady introduction.

But that aside, I also have a question as to whether or not this is better placed in the follow-up to previous GAC advice, because it's not clear to me that this is any different from past GAC advice. But I'm happy to be -- for anyone to explain to me how this is different from the advice that we've issued in the past.

Thank you.

CHAIR ISMAIL:

Yes, Canada, please.

CANADA:

Charles Noir for Canada. I'd like to support the U.S. in this. We're also trying to understand how this might be different from advice issued in the past. And we would see it better placed under follow-up advice as well.

CHAIR ISMAIL:

Iran.

IRAN: Thank you, Manal. May I suggest that dealing with the format, we do it after. First go to the advice. When it is clear, then we come to the format. But the format will be as it is, whether format will be different, and so on. These are the second issue. The first issue is the advice itself. So may I suggest you first go to the advice and try to clear that in one way or another and then go to the format. I'm sure we can find a better way or an agreed way. Not better, an agreed way. Thank you.

CHAIR ISMAIL: Thank you, Kavouss. We're now focusing on the advice. It's on the screen, so this is the advice. And what I'm hearing is whether this is a new advice or reiteration of GAC previous advice.

Brazil, please.

BRAZIL: Thank you, Madam Chair. This is clearly not a reiteration of previous advice. There is a -- there is -- I request that the Board sets up mechanisms together with and for the GAC members who have expressed various concerns. So I don't think it would be appropriate to place it in a section that deals with follow-up of previous GAC advice.

I thought that there was agreement among the members of the small drafting team that this was new GAC advice and that it would be appropriate to ask it.

As regards the question of how this GAC advice should be framed, I wouldn't have strong -- a strong objection to perhaps then, as it was suggested before, to use the paragraphs preceding the advice itself to be placed as rationale, but then this is Brazil's position on this matter.

Thank you.

INDIA: I would tend -- Sorry.

CHAIR ISMAIL: Thank you, Brazil.

India, please. Go ahead.

INDIA: Thank you, Madam. Rahul Gosain from India for the record. I would tend to support Brazil's position. This is not a re-creation of the previous advice. And regarding the format, we can follow the accepted or the format which has been the convention, and we don't mind putting out the introduction part in the rationale.

CHAIR ISMAIL: Thank you, India.

Brazil.

BRAZIL: Thank you, Madam Chair.

Just to give some background about the necessity of this new advice. The -- It seems to me that board members have been requesting for clear guidance from the GAC concerned members. And I think this GAC advice would give just that.

In the rationale -- in what will become the rationale, if that's adopted, there is an indication quite clearly of what are the concerns of those GAC members who have expressed that those concerns. And then there is clear guidance provided in the advice of what sort of action would be necessary to satisfy and put an end to this dispute.

Thank you.

CHAIR ISMAIL:

Thank you, Brazil.

I have Iran, Russia, China, and Indonesia.

Iran, please.

IRAN:

Thank you, Manal. If you scroll down, please, or up. Go to the upper part of that, I think, a little bit before this "A." I think we should follow the previous course of action we have taken in this regard and that would be follow-up action on, and then go to the text. In fact, it's a follow-up action. It should not be a new GAC advice but follow-up action on previous advice.

I think we have already this in one or two occasions, talking about follow-up actions. So go to the beginning of the advice, and then say follow-up action on GAC previous advice on the release of two characters, and so on, so forth.

Thank you.

CHAIR ISMAIL:

Thank you, Iran.

I think this goes along the line of what the U.S. and Canada were proposing. What I'm hearing is that this is not follow-up or a reiteration of the previous advice. What I hear is that we're trying to make a sort of fresh start after the complexity of the -- I mean, the previous situation. But let's continue with the order of speech.

I have Russia next.

Russia.

RUSSIAN FEDERATION:

Thank you. We would like to react to the question whether it's new advice or it's old advice. We think it's new advice because it gives the new message to the Board, but it reiterate previous advices on this particular matter.

Thank you.

CHAIR ISMAIL: Thank you, russia.

I have China next.

CHINA: Thank you, Manal. I think for this paragraph, the big difference for me, that transparent and workable mechanisms. I think in this regard I would think of this as new GAC advice.

Thank you.

CHAIR ISMAIL: Thank you, China.

Indonesia, please.

INDONESIA: Thank you. First of all, I would like to support the idea of these two characters, because two characters of the country, ccTLD, is becoming something like a brand for the country. We can call it cyber brand globally. So it is quite important for the country.

And we said with use of the second-level domain, where the top-level domain can be a very sensitive word for that partic- -- of some particular countries, then it becomes important.

Another point here, that is the -- basically the rationale, but then to accommodate what our colleagues mention, perhaps our secretariat can help to see the previous advices, especially the commitment from

the Board that there will be a mechanism to -- to discuss this with the related countries before they release the two characters.

I just want to make sure that if this is really new advice, purely new advice, or it has been related or as a follow-up to previous advices. Because after the meeting with the Board this morning -- this afternoon, it was mentioned that -- there was an exchange of mention that this advice seems to be (indiscernible) -- seems to be rather new for them, if it is clearly written. Then I want to make sure that this is really a follow-up. Then we have to check the previous advices and make a reference to that.

Thank you.

CHAIR ISMAIL:

Thank you, Indonesia.

Iran.

IRAN:

Thank you, Madam.

During the draft I propose the following: To transfer the last part of the new advice to the beginning as point one. GAC reiterates its previous advice on the matter. Two, and then put in place. I have no problem with take it as new advice if it is formatted in that sense. Not saying that bearing in mind, that so on, so forth. It is not a formulation for the GAC advice to bear in mind something. But putt, one, GAC reiterates its previous advice on the matter, and, two, advises to put in

place, and so on, so forth. If two separate paragraphs, I have no difficulty to allowing myself or others, that is a new advice. If we separate that one, not -- with a comma saying "bearing in mind," and so on. "Bearing in mind" is not a good formulation for the GAC advice.

Thank you.

CHAIR ISMAIL: So I have U.S. and Cameroon.

U.S.

UNITED STATES: Thank you. This is Ashley with the United States.

First of all, thank you for making clear what is new here, which is mechanisms. And I just wanted to indicate that I have concerns with this because I don't know what these mechanisms are. And I would find it hard to reach GAC consensus advice around mechanisms that have not been identified, particularly since there are mechanisms currently in place. It's not clear to me what new mechanisms are envisioned here.

Thank you.

CHAIR ISMAIL: Thank you, U.S.

Cameroon.

RWANDA:

(Off microphone).

I've been reading the -- the last response from the Board, and the response is always the same. We give these advices in the Denmark communique. But since then, the response from the Board are the same. So it's always coming back on the same issue, I think should be clear what we want from the Board. I support the U.S. on this mechanism. What mechanism do we want from the Board? Is it the task force? Is it the platforms, second -- this two-character monitoring mechanism? What do we want from the Board?

So we always come back on this issue, but we don't take any clear message, and we don't have any clear response from the Board.

So I think you have to clarify on this; otherwise, what you want from them, so that the next time can just throw up what has been done.

Thank you, Chair. That was my submission.

CHAIR ISMAIL:

Thank you, Rwanda.

And, again, just to correct the mistake, this was Rwanda and not Cameroon.

So Iran, please.

IRAN:

Thank you. Let me provide reply to the two previous speakers. And the first speaker said that there is mechanism. Yes, there is a

mechanism, but not for those country who have expressed serious concerns. There is no mechanisms. If these people show me what mechanism exist to mitigate or to respond to these serious concerns, I would be happy not to have any advice. There is no mechanism.

There is mechanism how to release a two character. But this mechanism has not responded to the serious concerns of several GAC members. So that is mentioned here.

So I don't think that we could say that there are mechanism in place. There is no mechanism in place in this specific area that people have concerns. For some people, it has no concerns. They don't mind, whether they country code or territory code, be released at the second level and with or without the permission. But some other country, for various reasons, they have that. That is why it's in previous advice that some countries. And we refer to some countries. So it is a request or advice for a new mechanism that resolves the issue of serious concerns after two -- two years or three years.

So this is the situation. There is no mechanisms. And I ask the people please tell me which mechanism have been put in place or has been put in place to respond to these serious concerns. There's no mechanism. They continue to release without any permission, without any discussion, without any negotiations. That's all.

Thank you.

CHAIR ISMAIL:

So let's take the last intervention on this, and then I would suggest we also have a few things to reflect in the communique. I would suggest we pause for 10, 15 minutes for people to get again together and try to -- I think we have agreed on the first part, that it provides background and rationale of the advice. And maybe we can try to work on what exactly we need to reflect here and address concerns of -- that has been voiced.

So, please, go ahead. Please.

PAKISTAN:

Thank you, Chair. This is Raza Shah from Pakistan. So agree to what distinguished colleague from Iran just said, if there is no mechanism, then that mechanism needs to be in place.

I have one -- perhaps a comment. The advice states in the second line, "GAC members who have expressed serious concerns." But my understanding is that once the mechanism is in place, it can be utilized by any GAC member going forward, whether they have expressed these reservations or concern while this was formulated or not. So there's really no need to mention that "who have expressed" because this mechanism is not going to be just for the countries who have expressed serious concerns in the past. So maybe the countries that have currently not expressed any concerns perhaps will find some use cases in the future where they will be able to utilize those mechanisms. So the mechanism will be perhaps for all the GAC member countries, not just for the ones that have expressed serious concerns.

So I'm not sure what this sentence really means here.

Thank you.

CHAIR ISMAIL: Thank you, Pakistan.

I can see Canada. Yes.

CANADA: Charles Noir for Canada. Firstly, we do recognize that this is important. I think we're very much struggling with the notion of the mechanism. Forgive me for not being diplomatic, to do what? What mechanism? To do what?

CHAIR ISMAIL: So I can see Argentina, and then Iran.

So would (indiscernible) way forward, for example, would solve the problem if the problem is the word "mechanism"? Argentina and then Iran.

ARGENTINA: Thank you, Madam Chair. Perhaps to remind that there was a mechanism agreed between the GAC and ICANN.

So, for example, we had developed a national mechanism where we received a notification, we contacted the relevant parties at a national level, but that mechanism disappeared, and GAC was never consulted.

So maybe that's a reference of what a mechanism would be. Thank you.

CHAIR ISMAIL:

Thank you.

I have Iran and then UK.

IRAN:

Yes. Exactly. There was that mechanism. The government were consulted, and the 60 days and so on, so forth. Whether that mechanism was good or not, but there was a mechanism. But that mechanism totally disappeared now. It is totally open. This is total deregulation. It is totally open to satisfy some groups of people, of some brands and so on, so forth.

Still, this mechanism is required in one way or other. So for our distinguished colleagues from Canada, this is mechanism. (Indiscernible.) Consult the government. I have no problem to retain those who have concerns. It is very easy to find out which country have concerns. ICANN can send a letter to all countries that if you have any concerns, please identify or indicate your name and the concern. Later on, they will be consulted.

We are not going to have retroactive actions, at least at this stage. But we don't want to continue with the same thing and be fait accompli for so many things.

So there is a need to have mechanism, whether you say reestablishes the previously mechanism or something, but that is quite clear that currently, there is nothing. Previously, there was something. And that something was deleted by 16th of November of 2016, or whatever, 15th of November.

So there is a need for a mechanism. That is a very serious issue, and we want that, and we clearly mentioned GAC previous advice, that in that case we mention some country they have problem, but not all. And we're asking mechanism for these countries who have problems.

Thank you.

CHAIR ISMAIL:

Thank you, Kavouss.

I think we explicitly were -- or I understand that there was need to provide a new advice explicitly to avoid the complexity of the situation before. But if we're referring to existing mechanisms, then, I mean, I'm afraid they are not workable now.

So we're trying to be constructive and to find a way forward to satisfy concerned GAC members and to avoid anything that was not satisfactory before.

So I have UK and then U.S.

UK.

UNITED KINGDOM: Thank you, Chair. Paul Blaker for United Kingdom. We share the concerns that have been mentioned by Canada --

CHAIR ISMAIL: I'm sorry, Paul. Can you speak closer to the mic?

UNITED KINGDOM: I'm sorry. We share the concerns raised by Canada and the United States about this concept of mechanisms, but before we go to a short break as you suggest, we also need to raise the a concern about the phrase "mitigating in an effective manner."

We're not sure what that means. It perhaps suggests that any concern of any country must be met through this kind of mechanism. We're not sure how that is possible or what it means.

So we think we need to give a little bit of attention also to that phrase because it's quite problematic for us.

Thank you.

CHAIR ISMAIL: Thank you, UK.

U.S.

UNITED STATES: So, yes. Thank you. Ashley with the United States.

So I just wanted to respond to many soft other things that have been mentioned on the floor with respect to reverting back to the process that used to be in terms of notifying countries in advance. And I think this is kind of the crux of the issue here, which is that process has changed as a result of a process. The ICANN Board moved forward with what they thought, wrongly, addressed our concerns. We took issue with that process, and I think we need to take steps to avoid that situation happening again. But we can't go and change the existing process that's been agreed to by the Board and the community without having a community process.

I'm just concerned that we are trying to undue something that's already happened, and I don't -- I don't know that that's appropriate. In fact, I know it's not appropriate.

Thank you.

CHAIR ISMAIL:

Thank you, U.S.

So I have Denmark, and, please, can we take a short break and try to resolve this, Kavouss, offline or -- you need to add something. So let me -- So Denmark and then Iran, please, really brief. So Denmark, please.

IRAN:

Yes.

CHAIR ISMAIL: Denmark was first. I'm sorry.

DENMARK: Thank you. We, of course, were concerned when the new regime was introduced, but it is a reality. Two-letter codes on second level have already been indicate -- have been allocated. And we will be a little hesitate to hear that we will reinstate the things which was done previously with the possibility that two-letter codes was not released to -- to operators. We think that will tend to be kind of discrimination, and I think we, from government side, should try to avoid discrimination between operators in this place.

So it will be good if we can clarify a little more what is meant by the mechanism, and also what the UK mentioned. What do we mean with mitigating in an effective manner the concerns?

Thank you.

CHAIR ISMAIL: Thank you, Denmark.

So, Iran, really brief.

IRAN: Yes, Manal. I think we have to explain the situation. We can't be brief.

Currently there is a discriminations between the country that have no concerns and the countries that have concern. What discrimination you think that there would be? Currently there is discriminations. We

have no problem with the countries that have no concerns continue to have no concerns, but those countries that have concern, their concerns must be met.

There are two issues here. Either to go back and correct whatever has been done. The second is that at least from now, take necessary action not to continue this type of discriminations. What is wrong that asking the countries that they have no concerns, they continue not to be consulted? But those countries who have concerns to be consulted. What is wrong with that? This is not discriminations. We are not the same culture, we are not the same background, we are not the same custom, we are not the same believe and so on, so forth. This is accepted. And we are not going to resolve this matter.

The Board is not as easy as the people they think that we should have a unified process to satisfy everybody. We have concerns. You have not concern, respect your views, but we have concerns. So -- and we don't have to continue this fait accompli forever. We need to address that. And we've mentioned that for those countries who have concerns, so there's no discriminations.

Thank you.

CHAIR ISMAIL:

Thank you, Iran.

I have Russia, and we really need to stop after this and go to drafting. So, Russia, please.

RUSSIAN FEDERATION: Thank you. We think that this discrimination issue is not fair in this particular case, because we don't want to rewrite what was done. We are talking about the future issues, and we want to take part in the consultants, the process of the new usage of our ccTLD on the second level. And, actually, we feel discriminated in this particular case. What I can say, that we worked on the process. The process was in place, and we were satisfied with this process, and then it was stopped by the Board without any consultation. And ICANN really likes to talk about bottom-up processes. Here is not the bottom-up processes. It was top processes to the bottom. And now we want to -- now we feel discriminated, and we want this to be changed. That's it.

Thank you.

CHAIR ISMAIL: I have South Africa, and, please, be brief. We need to go to the drafting session.

SOUTH AFRICA: Thank you, Manal.

I think there is a need to have a mechanism in place to give the countries that are concerned an opportunity to engage in terms of their two-letter -- to their two-letter country codes because you don't want to have a retrospective way of dealing with the issue. It's better

to have this beforehand so that you know you try and avoid issues that will come after the fact.

So it would be important to have this mechanism in place.

Thanks.

CHAIR ISMAIL:

Thank you, South Africa.

So I think now all views has been made clear and have been put on record. So if we can try to work in the coming 15 minutes in trying to find a commonly agreed language. We are now expecting one sentence from Brazil on Work Stream 2, and also one sentence from WIPO on the IGOs part. And please, the advice we would like to give to the Board on two-character code.

So let us pause here and reconvene at five past 6:00 with the incentive of trying to finish quickly to join the social networking that will start at 6:30.

Thank you.

Kavouss, can you --

IRAN:

Very simple suggestion that some people, they put their finger on the -
- with the view to mitigating in an effective manner. So as an alternative to that, with a view to resolve the concern or these concerns in a satisfactory manner. An alternative. With a view to

resolve these concerns in a satisfactory manner to these countries.
These are alternatives.

CHAIR ISMAIL: Can you join the drafting team and provide --

IRAN: We were six people and we have a messenger from the other party. We have other party, all of them join the us. We don't need a messenger, somebody coming from here, going to -- we are part of the group. If people want to negotiate, they should come to the table. We don't want a messenger between the two. We are friends and we should be talking together.

CHAIR ISMAIL: Yes, definitely. We are talking about one group with one draft. So thank you.

[Coffee break]

CHAIR ISMAIL:

So, thank you, everyone, for your patience. We'll be starting again.

So we're just getting the communique on the screen again. So we had three parts that we need to review. One was regarding the Work Stream 2, and we were notified by Brazil that they are okay with the original text. So no updates on this part.

So we will now review updates on the IGOs part and review the advice text on two-character codes.

So, yeah. So please, Tom, can you read the final text for the two-character code?

TOM DALE:

Thank you, Manal. I'll read through the text that I just received from Brazil. Apologies for the -- some of the slightly erratic formatting, but we're trying to save time here.

The GAC advises the ICANN Board to, I, work for those GAC members who have expressed serious concerns with respect to the release of their two-character country/territory codes at the second level in order to establish an effective mechanism to resolve their concerns in a satisfactory manner, bearing in mind that previous GAC advice on the matter stands.

And, II, immediately take necessary steps to prevent further negative consequences for the concerned GAC members arising from the November 2016 Board resolution.

There's a rationale that follows.

CHAIR ISMAIL: So was there any change in the rationale part?

So, good.

Kavouss?

IRAN: Yes. Thank you, everybody. And I said at the beginning -- at the end of the discussion, reluctantly I agree with that but I have one small suggestion. At the beginning, "Work as soon as possible with the GAC members," because if we say "work," it may take another four years or another ten years.

So instead of me, my son should come to the GAC if it is allowed by the government to (indiscernible). So work as soon as possible.

Thank you.

Comma between the two. Work, comma, as soon as possible, comma.

CHAIR ISMAIL: Okay. Thank you, Kavouss.

Nil other comments?

Canada, please.

CANADA: Charles for Canada. Charles Noir.

At the -- Understanding that we've made a lot of progress, we're also wondering about a possible addition to recognize, perhaps in the preamble, the work that ICANN has done in this space, not to negate that important work that's -- that's, you know, come a long way as well.

CHAIR ISMAIL: Thank you, Canada.

Iran.

IRAN: Thank you. What Canada says is in the record. We don't want to put in the written to recognize something. That's their job, their duty. They have (indiscernible), but Canada and any other person could express on the record any recognition, any congratulation, anything they want, but we don't need to be recognizing that. I don't want that. Thank you.

CHAIR ISMAIL: Kavouss, I'm reminding you we have to be positive and constructive; right?

IRAN: Not in this area. I will be negative. Not in this area. You cannot -- I am -- In principle. You cannot imagine what we do the next seconds. This is not possible. The world is changing. Nothing is permanent.

Thank you.

CHAIR ISMAIL: Thank you, Kavouss.

Can we live with the text as is?

UK, please.

UNITED KINGDOM: Thank you. Paul Blaker for the UK. I think what we're talking about now is the all the history in --

CHAIR ISMAIL: Can you speak closer to the mic?

UNITED KINGDOM: I'm sorry. We're talking now about all the history in all those paragraphs in the preamble which sets out what happened with different communique.

We are not sure ourselves that we need to repeat a very long history lesson in our communique. If we are going to do that, though, it needs to include all sides. And we know that ICANN have taken some steps which Canada referred to, and we think it's important to recognize that in -- as part of the history of this issue. And perhaps there's some text we can use just to note the matters that were put in place.

We think that if we ask ICANN to take steps to work with GAC members, when they do do something, then we need to recognize it and not just ignore it because we also need to encourage ICANN to be taking these steps and working with us. And to completely ignore the steps that they have taken would not be fair, would not give an accurate reflection of what has happened and would not encourage better working with the organization that we want to see.

So we think some extra text, just maybe a few sentences to recognize what has been done is important in that preamble.

Thank you.

CHAIR ISMAIL:

Thank you, UK.

In fact, I would propose chronologically that we acknowledge the efforts, provide the advice, and then give the rationale why we are providing advice. So it makes more sense to me, if okay with everyone. So -- Iran, please.

IRAN:

Thank you, Manal. The text of rationale in my view is a balanced text. If you put to acknowledge something, I also put a criticism to something. Criticize, that cause a lot of problem for us. Hundreds of .IR has been given without our agreement.

I am not allowed to do that?

So let us be neutral. Not to recognizing, not criticizing, not --

CHAIR ISMAIL: So --

IRAN: I don't want to change anything in the preamble and in the recognizing of something. People could send letter recognitions. People could send -- say something here in the records as many times that they want, congratulate, recognize. But I don't want to put any recognition in any part of this rationale or thing because we have been drastically suffered of this situation.

Thank you.

CHAIR ISMAIL: So thank you, Kavouss. I agree with you that the rationale is now solid and it doesn't really have a place for any acknowledgment. My proposal to be acknowledging the efforts at the very beginning, then provided -- providing our advice, and then providing the rationale for this advice. So --

IRAN: (Non-English word or phrase). I don't agree. Nyet.

Thank you.

CHAIR ISMAIL: Thank you. I can see -- I'm sorry.

So I'm not sure about the order. I can see Argentina and India, so Argentina, please. Thank you, India.

ARGENTINA: Thank you. I think we could be more objective. I understand the concerns raised by colleagues from United Kingdom and Canada in trying to recognize what ICANN has done, but I think in this case I would ask them to consider to be more objective and go to the point that we want to stress, which is the fact that there were some rules that were changed, and we want to build on a new way of solving the problem.

So if we can be more objective, I think that would be easier also for the Board to understand.

Thank you.

CHAIR ISMAIL: Thank you, Argentina.

And, frankly, I don't see a problem in saying we see what you've been doing. We are providing this advice, and this is why we're providing this advice.

So, India, please.

INDIA: Rahul Gosain from India for the record.

I would tend to agree with my colleagues who have expressed that we should try to steer clear from any acknowledgment or any recognition in this text because the text has been -- as you may well appreciate, has been arrived at after considerable deliberations amongst the members, and we risk, you know, but unnecessarily inserting or adding or taking away, we risk jeopardizing that.

So in the spirit of consensus building, I request we steer clear and be as objective as possible. As regards the point regarding the rationale, as you have accepted, the rationale is pretty solidly laid out in the -- in how we have explained it. And I think we can live with this.

Thank you.

CHAIR ISMAIL: Thank you, India.

Brazil.

BRAZIL: Thank you, Madam Chair.

Perhaps it is a question of how we would phrase the acknowledgment. And if we manage to, for example, start the acknowledgment with a "While the GAC acknowledged that some efforts have been," in order to -- by the way we phrase this acknowledgment to also give the sense that it doesn't solve all the problems.

So Brazil wouldn't have a strong reaction against the addition of an acknowledgment.

CHAIR ISMAIL: Thank you, Brazil.

I have Iran, UK, and Canada.

IRAN: Thank you, Manal. English is not my mother tongue. I speak Persian. Pretty nice language.

I have started work in the governmental international since 1971. I do not agree any acknowledgment or any recognition of anything because something was not satisfying some countries. Please, kindly. I told you, this is a package. If you start to change that, I start to change that.

So nothing to be added to this text. Not at the beginning, not at the end, not in the introduction, and nowhere, Chair. Please. This is a delicate balance and we have to retain it as it exists.

Thank you.

CHAIR ISMAIL: Thank you, Kavouss, but I think the proposal of Brazil, I thought it addresses your point. So it says while you have made some efforts, we would still like to advise you on the following because of what's in the rationale.

But let -- Let me take the order of speech. I have UK and then Canada.

UNITED KINGDOM:

Thank you. Paul Blaker for the record.

I think perhaps there is a misunderstanding here. We are not suggesting that we change the wording of the GAC advice. We are not suggesting that we welcome anything or acknowledge anything. We are only suggesting that in the history of this issue as described in the preamble, we have maybe two or three additional sentences which are factual sentences. Because it is a fact that ICANN has placed additional contractual obligations to the registry operators that they must put in place measures to prevent confusion, for example. And that they must remove abusive domains once detected and on other issues, other things that they have done.

This is not welcoming things or acknowledging things. They're just stating facts to make sure that that history contains all of the facts.

Perhaps if we saw some text in the preamble, it would help to address the concerns other colleagues have made. But to be clear, we're not proposing to acknowledge or welcome anything. We just want to make sure that the history is a complete history.

Thank you.

CHAIR ISMAIL:

Thank you, UK.

I have Canada and then Iran.

CANADA:

Thank you. Charles Noir for Canada.

It might be helpful to follow-up on my colleague from the UK and read some text we were thinking in order to clarify what exactly we had in mind. So I'll do that now.

So what we're proposing is something along the lines of, "ICANN put in place additional contractual obligations to the registry -- registry operators where they have measures in place to prevent confusion and to immediately remove abusive domains once detected. By this contractual obligation ICANN can ultimately revoke accreditation to any registry operator that fails to remove abusive names."

Again, following up on my colleague from the UK, we see this as quite a factual statement of the record.

CHAIR ISMAIL:

Thank you, Canada.

So I have Iran, Pakistan, and Australia.

CANADA:

Thank you, Manal.

Yes, ICANN has put some measures, contractual measures for registries and registrars, but some countries should understand our

position. Registries, registrars do not talk to us. Say they're under the sanction. No talk. Don't talk to us.

If they put that, I put another sentence. "However, no action has been taken to resolve the issues and to remove the confusion." I would add that one. So please add the sentence. I will add that one as well.

Once again, Manal, we are late hour, 7:00. I don't think that we want to do that. Anyone could write a letter to the ICANN, collective letter. Anyone could say anything. But there are problems. They are something but they don't apply that. Really, they don't apply that.

So you are not a condition that we are. We are under a specific particular condition at this stage because of the circumstances.

So please kindly do not add anything other than I add something, "However." And however, I have the right to put whatever, whether these measures to remove the confusions has been taken or has been implemented, so on and so forth.

So please kindly understand us.

Thank you.

CHAIR ISMAIL:

Thank you, Iran.

I have Pakistan and then Australia.

PAKISTAN: Thank you, Manal. Raza Shah from Pakistan for the record. I'm not sure what the best practice has been in the past that before every GAC advice there has been a preamble or not, but in this particular case, in the interest of, you know, generating a consensus of this advice we had come up with this advice. And now, not to complicate the matter even further by putting -- introducing new language in the preamble where we all agree that advice is really the beef of this document. I'm not sure how far along the preamble would go. And the second point is if you really look at the gist of this advice, it carries some -- it carries the message that -- you know, or the concerns of the aggrieved parties or the members, GAC members that have been affected by this.

So I don't think this particular advance really demands a preamble, especially acknowledging what ICANN has done in the past.

So again, a request on the lines of what the colleague from India has said that interest of what we have arrived at this, I think if we can leave it at this and move forward, that would be the best way.

CHAIR ISMAIL: Thank you, Pakistan.

So Australia, please.

AUSTRALIA: Thank you, Chair.

When we, the medium-size group was discussing this at first today, I did say at that time that if we were to have the historical narrative,

then all GAC members would need to agree on -- on the narrative that we are telling. And I think -- I understand this issue remains an issue for some governments, but I think it would not be perhaps an accurate record of the historical facts to neglect to include that ICANN has made some efforts in this regard.

That -- I understand that ICANN's efforts haven't satisfied the concerns of some governments, but I think we do need to acknowledge that there have been efforts made. Thank you.

So I agree with the Canada and the UK.

CHAIR ISMAIL: Yes, Iran.

IRAN: Could you kindly go at the beginning of that history or rationale or whatever is that and I suggest a sentence.

GAC noted the action taken by the Board of ICANN with respect to release of two character, so on, so forth, and wish to indicate the following. That's all. We have taken note of that. We don't qualify the notes, whether it's acknowledgment in the positive, acknowledgment in the negative, and so on, so forth. GAC noted the action taken by the Board with respect to release of two-character codes and territories to be used at the second level and wish to indicate the following.

Chairman, distinguished Manal, this is the maximum we could agree. Australia is right, Canada is right, U.S. is right, everybody is right. But

we need to agree on something. We have difficulty to put some acknowledgment because it have some negative effect to us. But we have no problem to note the actions. And we do not qualify what this note means. Note with satisfaction, note with dissatisfaction, note with what. But that is that.

Thank you.

CHAIR ISMAIL:

So any reactions to this addition? Sorry, I'm not clear of the order.

Brazil was first, so...

Brazil and then India. Thank you.

BRAZIL:

Thank you, Manal, and I want to say something, but very carefully because I was not in the room before. I was following the other meeting, presentation of the Work Stream 2 report. However else we have expressed in the meeting with the board, I think it's not that we acknowledge that we know positively what they have done but every time we have been discussing this, raising the issue, been for more than a year, and the board has been taking some action and coming back to us and saying that by taking that action our demands have been met. So hence we have -- I have said, for example, even something they said they are now putting on these Web page, the reference, some other resource, blah, blah, blah, blah, so they are doing this. We said okay, but this does not go to the matter, to the

heart of the matter, to the heart of the problem we have raised. That's why I -- I do not have a problem in documenting what they have been doing. It is not that I'm saying I am glad about that. So -- it's just to document it. And I think by doing this we are preventing them to come back to us and say well, you are requesting it but I have already done this and that. So I can say you have done that. It's noted. However, and then the advice stands. The advice is, I think Pakistan has said, is the important piece. If we document in a neutral way what they have done and say but you have done this but this does not mean that we are satisfied. This does not address. I don't see anything negative coming from that. On the contrary. Maybe this will avoid the same approach they have been taking. Every time they raise the issue they make something superficial, perfunctory, they say I have done this, look, this is a good measure. That's why I -- and again, I've not participated in the debate before, but I don't think it's bad to document because I say okay, you have done this but it's not sufficient. Thank you.

CHAIR ISMAIL:

Thank you, Brazil. So may I make a suggestion, and then I have Australia, then U.K. I'm sorry. We have India first. Very sorry. India, go ahead.

INDIA:

Thank you. Rahul Gosain from India, for the record. So while I appreciate and welcome the comments by Brazil and others for finding some middle ground and finding some resolution to the matter

and I see there's some value in what he's saying in terms of documenting what -- what ICANN has possibly done in the matter, but I wish to flag only two issues here. Number one, the heart of this advice is about how needs of those GAC members who had expressed concerns were not met by what ICANN board had done so far. So I would still steer clear from acknowledging, appreciating or, you know, any such comment that we are not in agreement of the actions taken by the board thus far, I would not want to do that because despite our expressed concerns, the actions have been, as another rightly pointed out, either perfunctory or inadequate or -- but not what was desired. So that is one issue. And otherwise, in the spirit of consensus making, I'm open to documentation of efforts, if any. But I also want to flag one point I have in the board response which is written, so the board response on this in the previous GAC communiques, the board notes the GAC's concerns regarding the topic. The board stands ready to continue to engage with the concerned governments on this issue and looks forward to further updates on the topic. So this, to my mind, seems to suggest that they have not taken any action. They're, in fact, waiting for further updates. So it may be out of place to mention, you know, any actions which they have taken here. It is not relevant here actually.

CHAIR ISMAIL:

So --

INDIA: Because the heart of the advice is basically why they have not done what they should have done. And so, I mean, it doesn't seem to be appropriate to mention here, to me, to my mind, what they have done so far.

CHAIR ISMAIL: So --

INDIA: And they themselves have in their communique response acknowledged that they're waiting for updates. They've not done anything.

CHAIR ISMAIL: Can we say, "The GAC notes the actions" -- "The GAC notes the range of actions taken by the board and advises the board to," and then we continue with the advice and then we put the rationale? I mean, we're just noting it, and it's your language, Kavouss. So I have first, I have Australia U.K., and then Iran. Australia, please.

AUSTRALIA: Thank you, Chair. This is an important issue to many governments, and I think it's important that we do find some consensus on this. I wondered if it might be useful if we could see Canada's proposal on the screen so that we could -- could have a look at what was actually being proposed and take it from there. Thank you.

CHAIR ISMAIL: Thank you, Australia. U.K., same? So Canada, have you sent -- have I -
- meanwhile, as we try to put the text, I have Iran.

IRAN: Thank you. This is the text that we have to comment or there's another text? If you want I can change "range" by notes -- "various course of actions taken" or "various actions taken." Madam, I am not prepared to agree any qualification or any adjective or any verb as acknowledgment, appreciation, welcome, and so on and so forth. Let us be neutral. It doesn't mean that we don't appreciate, but we don't want to mention that because we don't want to contradict the body of the advice. And I have been working two years permanently, more than five or six hours a day for this accountability. In the rationale there is no place to put acknowledgment. It is not. I was in the legal committee, I was in other committees. There is no place to put any sort of acknowledgment or recognition or welcome in the rationale. Rationale is rationale. Is a logic. Is an argument why you proposed that. And the thing at the beginning is the maximum that it says that. No, I don't want to put that one.

CHAIR ISMAIL: It was sent by Canada. Australia and U.K. would like to see it on the screen. We will discuss it.

IRAN: Put some other -- can GAC member -- this, I gave you this because it --

CHAIR ISMAIL: We have not adopted this text yet, Kavouss. We are just discussing. U.K., please.

UNITED KINGDOM: Thank you, Chair, and thank you for -- Paul Blaker for the U.K. And thank you for putting the text on the screen. I think when people look at it, you can see it's not welcoming anything or acknowledging anything. It's only statements of fact. And I think we would agree with the comments by Brazil that having statements of fact can make sure that our rationale is complete. And I would say to those concerned countries if our rationale does not take into account what ICANN has done, it undermines our advice. It suggests that our advice was made on the basis of incomplete understanding. And ICANN could come back to us and say ah, we see your advice but you didn't take into account the fact that we have done these things. So we think our rationale needs to be complete and it does need to include the fact that these steps at least have been taken by ICANN. Thank you.

CHAIR ISMAIL: Iran, please.

IRAN: Thank you. If you put that one, I put the sentence as "However, this measures, instead of resolving the confusion, has created more

problem for certain countries, the concerns of which has been appeared in various GAC advice." It would be neutral. I cannot say that, this one.

CHAIR ISMAIL: Can I propose that we maybe use the formulation Thiago suggested earlier, putting while before -- I mean, while this is in place, we are advising the board so-and-so because of the rationale? Would this be okay with everyone? Kavouss.

IRAN: Madam, at the end of that, after names add "However the utility or applicability of this measures is questionable."

CHAIR ISMAIL: I think "while" says it all. I mean --

IRAN: No, madam. I (indiscernible) understand that. No. Why does it say that? I'm sorry. At the end of that saying that, "However, these measures, in some cases, created more problem than resolving the confusions." Or "preventing the confusions." Kindly put the text I have proposed. We should be neutral with everybody. You made the - - text of somebody put in the -- on the screen. Mine, "however, these measures has, in some cases -- have, in some cases, created more confusion than resolving the confusion." Thank you.

CHAIR ISMAIL: So Canada, please.

CANADA: Thank you, Chair. Charles Noir for Canada. I think the way that we're looking at this is, it's a factual statement. It doesn't provide any qualifications. It doesn't say whether we approve or not. It doesn't give any sense that we're giving anything away here. It's reiterating a factual statement of obligations that have been put in place through contract in response to this question that we've been trying to solve. Whereas I think we would definitely see the second sentence or the third that has just been added as not being in that same category. Thank you.

CHAIR ISMAIL: I have the U.S. and then Iran.

UNITED STATES: Thank you. This is Ashley from the United States. I would just like to propose a potential compromise. So the second sentence starting with "However," perhaps it could read, "However these measures have not been sufficient from the perspective of the concerned countries." Thank you.

CHAIR ISMAIL: Oops, sorry. Thank you, U.S.

Iran, please.

IRAN: No problem to that. But in the third line, "by this contractual obligation ICANN can ultimately," "can" is the ability of verb -- of the action. We don't want to talk about ability of ICANN. "ICANN should ultimately revoke," not "can." "ICANN should ultimately revoke," and then I have no problem with the text proposed by USA instead of the proposed that "should." Don't do this square bracket. What is propose the square bracket while some other people proposed without a square bracket. No. No, sorry. Please.

CHAIR ISMAIL: We're putting all the text --

IRAN: No, put USA in square bracket also. Please, kindly, I don't understand this inequal access and inequal treatment. Please, kindly. Thank you.

CHAIR ISMAIL: So Brazil.

IRAN: Thank you.

BRAZIL: Thank you, Manal. May I just suggest a minor addition on the first line. And it would be the deletion of "where they have measures in place" and it would read then, "ICANN put in place additional contractual obligations to registry operators to prevent confusion" and so on. Thank you.

CHAIR ISMAIL: So are we good with deleting "where they have measures in place" and replacing "can" by "should?" Iran.

IRAN: Thank you. I'm sorry to my distinguished friend, Thiago, "where" doesn't fit there. The text was correct. The text was clear. We don't need to add "where" and we don't need --

CHAIR ISMAIL: We're not adding, Kavouss. We're deleting.

IRAN: So "ICANN put in place additional contractual obligation" --

CHAIR ISMAIL: "To prevent." The marked text will be deleted.

IRAN: "Can" be replaced by "should."

CHAIR ISMAIL: Yes. We're just taking it one step at a time. So no problem with deleting? I see no objection. Okay. Then let's delete this. Any objection to replacing "can" by "should"? I see U.K.?

UNITED KINGDOM: Thank you, Chair. Paul Blaker for the U.K. We're not sure that "should" is the correct word here. I mean, it's -- it's not a simple issue, but as we understand it, ICANN does not have an obligation to do this under a contract. The obligation is on the registries' operators. We may think that they should do it, but that's a matter of opinion. This is meant to be a statement of fact. Perhaps "can" is not the right word. Perhaps it's more neutral just to say, "is able to" is another suggestion, maybe a compromised suggestion, just to be more neutral. But we think here we're talking about the power that ICANN has, not about whether in one case or another it should take a particular course of action. It's a factual statement about the power that ICANN has. Thank you.

CHAIR ISMAIL: Thank you, U.K. I have Iran, Canada, Australia, and Niue.

IRAN: Thank you.

CHAIR ISMAIL: Just a second. So proposal is "able to." Yes. Thank you, Tom, for reflecting this.

IRAN: Thank you very much. Doesn't worry. "Able to" is calm. Exactly same thing. I am very sorry that some colleagues interpret "should" as an obligation. Should is not an obligation. We have used should thousands of time in the text that we are all involved in that, U.N. text. Is not obligation. The obligation is "shall." And it's stronger than "must." We are not talking of that. So "should" is not obligation. It's option.

CHAIR ISMAIL: Thank you, Kavouss. Noted.

IRAN: Stronger than "can." Thank you.

CHAIR ISMAIL: Okay. So before taking the rest of the order of speech, I add India to the queue. Can you please add square brackets, empty square brackets on my behalf? So with the proposal to have "by this contractual obligations ICANN ultimately revokes "-- I mean, can we live without any of the verbs between brackets? So anyway, I have Canada. No? I lost -- I lost track. So Australia.

AUSTRALIA: Thank you, Chair. I don't have strong views on the words that we use here, but I think we probably do need a verb of some description. And

I -- we -- I would agree with U.K., we think "is able to" is more neutral than the other options up there.

CHAIR ISMAIL: Thank you, Australia. I think I had Niue and then India and should I add -- okay. Niue and then India.

NIUE: What about "entitled to," "ICANN is entitled to ultimately revoke"?

CHAIR ISMAIL: Is "entitled to" okay with everyone? India?

INDIA: Rahul Gosain from India, for the record. I think that all these actions which have been so elaborately spelled out here is all covered in the, you know, GAC noting the range of actions, and I think if for the purpose of greater detail we could possibly even consider, you know, "GAC notes, the range of actions taken by board, placing additional contractual obligations to the registry operators with respect to release of two-character codes and indicates the following," that should kind of serve the purpose without going into details. Because they don't add to the rationale as such. And while it was a signal that we have taken on the -- we have taken cognizance of all the efforts which have been -- or whatever actions have been taken by the board. So this is my view. Thank you.

CHAIR ISMAIL: Thank you, India. So is this acceptable Canada, Australia, U.K.? So the proposal is, going back to the GAC notes, the range of actions taken by the board.

UNKNOWN SPEAKER: (Off microphone).

CHAIR ISMAIL: Placing additional contractual obligations to the registry operators to prevent confusion and -- no, with respect to? I mean --

UNKNOWN SPEAKER: (Off microphone).

CHAIR ISMAIL: So can you repeat it again at a dictation speed just so we can have it on the --

INDIA: GAC notes the range of actions taken by the board, placing additional contractual obligations on the registries and registrars with respect to the release of two-character codes and indicates the following. Or if you wish to add "to avoid confusion," I'm okay with that as well. "To prevent confusion."

CHAIR ISMAIL: Brazil, please.

BRAZIL: Yes, this is Benedicto speaking, for the record. I hate just to ask one clarification, and I'd like to be excused for my ignorance. When we are saying that the board has established additional, we say additional in relation to what they have established in November 2016 and additional with regard to what? Something that happened between some meeting and now or what? Because as we read it, it -- this is something we have been referring to that subject every meeting. So additional implies something that has happened recently. Is that the case or are we referring to what -- what is the time reference for that additional? I'd like just -- because my recollection, in the meeting we had with the board the single measure they highlighted was the intent to post on the website information that countries could rely on and then the country themselves would seek to explore whether there was abuse or not. I think that was -- that's why it's not clear for me where that language comes from. And I beg to be excused, the question about the (indiscernible).

CHAIR ISMAIL: Thank you, Brazil.

BRAZIL: Just to -- because if there is some question or some lack of clarification, what are we meaning by saying they have put in place additional? Because when they decided back in November 2016 they

spelled out a few conditions. Are we saying something that came after that or are we referring to that? If that's the case, I think we would be on firm ground and noting -- just noting the range of actions because then we are referring to a number of things including the website -- we are not referring to here -- would be taken on board.

CHAIR ISMAIL: Thank you. So can I ask for the sake of time, even, if we can go back to the GAC notes, the range of actions taken by the Board. Is this acceptable?

INDIA: Yeah, (indiscernible), and we can delete "additional" if there is no evidence of additional.

CHAIR ISMAIL: So can we say the GAC notes the range of actions taken by the Board including contractual? Because, I mean, Brazil mentioned the website and other things that are not listed here, so...

I think the proposal is to remove "additional"; right?

INDIA: Yes, yes.

CHAIR ISMAIL: So "The GAC notes the range of actions taken by the Board including placing contractual obligations on registries and registrars with respect to release of two-character codes and indicates the following."

Can we live with this text? Australia. New Zealand, I'm sorry.

NEW ZEALAND: Thank you, Chair. Just one minor suggestion. Looking at the measures adopted by the Board, I think they only apply to registries and not both registries and registrars. So I suggest we delete "and registrars."

Thank you.

CHAIR ISMAIL: Thank you, New Zealand.

Iran?

IRAN: I'm not sure of that. We have to read the 2012 when the contractual parties, what is mentioned. I'm not sure. Please kindly -- I need clearance from the -- from the representative of ICANN whether it is only for the registries or registries and registrars. So we have to have - - I don't think that we should immediately do that one. That might have some consequences.

Leave it as it is in this draft, and then if it is not, we have noted. We have not done anything. If it is not for registrar, it is not for registrar.

CHAIR ISMAIL: I hope you are not proposing that we read this now.

So maybe Fabien can provide some clarity on where the contractual obligations appear. And I can see also UK and Canada. But, Fabien.

FABIEN BETREMIEUX: This is Fabien Betremieux from the GAC support team of ICANN. My understanding is that you're discussing the measures to avoid confusions that are now required from registries per the implementation of the 8 November 2016 resolution.

The specific requirements are on registries who are responsible for the release of those two-character codes at the second level.

So if, indeed, you are referencing the Board resolution of 8 November 2016, we're talking about new contractual requirements on registries only.

CHAIR ISMAIL: Thank you, Fabien.

I have UK, Canada, and then Iran.

UNITED KINGDOM: Thank you, chair. Paul Blaker for the UK.

I would only repeat the comment I made earlier that the suggestion by India undermines our advice. If we do not take note of the fact that

ICANN has taken powers to revoke this, it appears that our advice -- and yet we still have so much detail. Paragraph after paragraph after paragraph, repeating the whole history of communiques, but we do not even notice that ICANN has taken specific powers, then it means that our advice is taken on an incomplete rationale and it weakens the advice. And I don't think that's what India intends, but that would be the effect.

CHAIR ISMAIL: Thank you, UK.

Canada.

CANADA: Charles Noir for Canada.

I just wanted to confirm, first of all, that, indeed, the reference material that we were using is the 8 November resolution adopted by the Board. So I just wanted to be clear about where we -- where we were deriving our text from. And I would also like to support my colleague from the UK. I do think given the context of the document, the length and the depth of detail that we do go into, including quotations, that we're really not asking for an awful lot in terms of simply referencing specifically what ICANN has done in this space.

Thank you.

CHAIR ISMAIL: Thank you, Canada.

Iran, please.

IRAN: Thank you. I think we continue to have changes from here to there, and we lose track of something. Either you put simply and we don't discuss anything, but whatever is proposed, some people disagree with that.

So go to the highlight yellow text and try to see why we could not agree ICANN should do that. Is not obliged to do that, but should do that as the option to take that actions. And put the text of USA, which is quite relevant to that, and delete the text proposed as the third part of that sentence. I don't want to come back so many texts at the same time. It would be difficult to follow.

We should take the action. So take the yellow text. Delete the last part. "These measures have in some cases created more confusion than resolving" problems. Accept the USA case, text. And then I would like to be convinced that why we could not say "ICANN should" ultimately. It's options. It may not. We have not said that ICANN shall ultimately revoke. Should do that, depending on the circumstances. So still, I am not convinced why we should not use the term "should."

Thank you.

CHAIR ISMAIL: Thank you, Kavouss. So can we first maybe -- because I understand that there is part here that is not factually accurate, so maybe we can make the sentence accurate and then try to finalize it.

So, Fabien, can you please provide us with the Cathy syntax, please.

FABIEN BETREMIEUX: So Fabien Betremieux from the GAC support team of ICANN.

I believe the part of the sentence that says -- sorry, I will read the sentence. "ICANN put in place additional contractual obligations to the registries operators to prevent confusion and to immediately remove abusive domains once detected."

That part of the sentence is a fairly extensive interpretation of the actual contractual language. So if you would like, I will read that part of the contractual language.

So I'm reading from the measures for letter letter two-character ASCII labels to avoid confusion with corresponding country codes. There are two mandatory measures that are required from registries. I will read only the second one which is the relevant one. Post registration complaint investigation.

"Registry operator shall take reasonable steps to investigate and respond to any reports from governmental agencies and ccTLD operators of conduct that causes confusion with the corresponding country code in connection with the use of a letter letter two-character ASCII domain. In responding to such reports, registry

operator will not be required to take any action in contravention of applicable law."

So this is the text of the contractual requirement. I believe these references and --

UNKNOWN SPEAKER: (Off microphone).

FABIEN BETREMIEUX: Let me stop here.

BRAZIL: I'm sorry. You read only the second part. Could you read the full text?

FABIEN BETREMIEUX: I read the full text of the second mandatory measure which is the post registration complaint investigation. Maybe, Tom, we can do this --

BRAZIL: Could you read also the first? Because this one, for example, doesn't say anything because it puts the burden on the countries to do. So it's completely different from --

INDIA: In fact, the interpretation seems to be flawed --

BRAZIL: That's what I --

INDIA: If I may.

[Speaking simultaneously]

BRAZIL: Read the full text, the full decision. I think that will give more clarity.

CHAIR ISMAIL: Thank you, Brazil.

While we bring the text on screen, Iran, please.

IRAN: Thank you. I think -- I thank Fabien for the complete text of the ICANN resolutions. Perhaps it's more appropriate at the beginning when we say ICANN has...

CHAIR ISMAIL: Sorry, Kavouss.

IRAN: I can't read the text.

CHAIR ISMAIL: We're just trying to put the text on the screen.

IRAN: No problem. If it is from the text, we should quote. If it is a quotation, put in the inverted comma, put in italic quote, end of quote. But at the beginning would be -- please go back to the yellow text. If I suggest something, and if it is no problem if Fabien and Tom to -- Yes. ICANN put in place additional contractual obligation to registries. Registry. Not registries operators. Registry operators, not registries. Registry operator, and then quote. And put whatever is in the resolution, unquote, in italic, and then continue the sentence, the rest. Because there are two actions. It is not only one. We have mentioned in one in the yellow. We should mention both of them. So should quotation of what is in the resolution. Thank you.

CHAIR ISMAIL: I think we could even provide a hyperlink. But anyway, I have Russia next.

RUSSIAN FEDERATION: Thank you, Chair. As this text was provided by the Canada, can you please explain how you get this wording, "ultimately revoke accreditation to any registry operator that fails to remove abuse names"?

If it's not in the contract why you put this into the proposal? Thank you.

CHAIR ISMAIL: I think we didn't have the documents at hand at the time of the drafting. So -- and we were seeking ICANN staff to provide us with the documents. So everyone was just drafting on top of their heads. So --

INDIA: We should revert back to the original proposal which I made in which we acknowledge that some contractual obligations have been placed and that's it, and leave it at that. I think that the GAC notes and -- you know? That one which I made, without going into the specific details of what the meaning of those contractual obligations, I would say. It would be safe to do that rather than risking saying something which is incorrect.

CHAIR ISMAIL: Fair enough. So is it okay with everyone that we now go to the version that says the GAC notes?

Yes. Thank you, Tom, please. The GAC notes the range of actions taken by the Board including placing contractual obligations on registries with respect to release of two-character codes. Without further elaboration on what exactly...

I can see Iran nodding. Canada?

CANADA: Charles Noir for Canada. We would be happy to cite the resolution as proposed now. I think our understanding is that if the registry is not in

contractual compliance that ICANN would take certain steps, and that is where we were coming from.

Thank you.

CHAIR ISMAIL: Thank you, Canada, for the clarification.

India.

INDIA: Thank you. Rahul Gosain from India for the record.

So may I propose the GAC notes the range of actions taken by the Board, including placing contractual obligations on registries. And in the bracket we give the hyperlink of the exact resolution and -- or the exact contractual agreement or that part of the contractual agreement which we may like to refer to, and then we proceed as is.

And I think that should satisfy my members' concerns. Yeah? Thank you.

CHAIR ISMAIL: Thank you, India.

So, yeah. Tom, please. As you put this in place.

Iran.

IRAN: Thank you. I think from the legal point of view, we say registries, and then "as stipulated in resolution," and give the number and the date and hyperlink that. The text should properly read, "As stipulated in resolution." If there's a number of resolution, give the number, date of resolution, and then hyperlink that. And don't add anything to that, yes, I have no problem. "As stipulated in Board resolution" number and date, and then hyperlink that.

And then with respect to so on, so forth. But we do not add anything else to that.

Thank you.

CHAIR ISMAIL: Thank you, Kavouss.

Fabien.

FABIEN BETREMIEUX: While you keep discussing we will verify that reference to make sure there is, indeed, this exact language from the Board resolution. And this is just to make sure that this factually is precise, because I wonder to what extent this may be in an announcement by the ICANN Organization when it implemented the Board resolution.

So I'll verify the most accurate reference we can put here.

CHAIR ISMAIL: Yes, thank you.

Brazil.

BRAZIL:

Thank you. And I am -- If everyone is okay, I'm okay as well. The only thing is that, for me, this does not make any sense because I was -- my comments before were based on the understanding that we were making reference to actions that the ICANN Board has been taking in response to the concerns we have been expressing after the decision November 2016 was announced.

So I think there was a few actions that ICANN had taken, and I was mistakenly thinking that additional measures have been taken additional to the -- because if we are referring here to November 2016, it doesn't make sense because we are referring to the thing that gave origin to how the issue. It seems we are taking into account things that have take place but actually we are referring to the very initial -- that's why now, if everybody is okay with that, but I think it doesn't make sense. That's why I was thinking we should refer to an attempt by the ICANN Board to react by implementing this, and that additional to November 2016. At the same time say this is not sufficient.

But I see we are going to another direction. I'm a bit confused.

CHAIR ISMAIL:

But actually I think this makes perfect sense.

So can we have it? I mean, can you provide just one sentence that we put it on screen now?

BRAZIL: My short suggestion would be to delete "including placing contractual obligation," because if by saying this we are referring to November 2016, we are not noting the range of action taken by the Board in response to concerns that were expressed after November 2016. That's -- I don't see -- Either we do it in an extended way and we refer "The Board indicated it would make the information available" (indiscernible) to do this or do that, provide clarification on the procedure. Do we say something additional or do we just refer in general to the range of actions taken by the Board?

Maybe I'm wrong. Maybe I'm seeing a different way. Maybe other colleagues will comment.

CHAIR ISMAIL: So is everyone okay with Brazil's proposal?

It's to delete "including placing contractual obligation," because we're here -- I mean, acknowledging the additional steps that ICANN took to address GAC concerned members. I mean, the website tool, the individual communication with GAC concerned members. So it's not necessarily the contractual obligations that we were trying to acknowledge here.

India.

INDIA: But that's what the word "including" serves the purpose. It sort of refers to -- apart from -- not only are we accepting that contractual obligations have been placed but there are other measures, also. So "including" I think covers that concern to some extent.

CHAIR ISMAIL: Brazil.

BRAZIL: Thank you, Madam.

If you were to stick to Ambassador Benedicto's suggestion to delete that sentence, perhaps we could add the purpose of those measures that were adopted which are present already in the contractual obligations but also in the website attempt to address the concerns.

And the purpose would be to prevent the confusion with those two-character codes and to eventually remove abusive websites.

So as a concrete suggestion it would be, and I will read how the sentence would be. "The GAC notes the range of actions taken by the board to prevent" and then the continuation of the sentence would be something that was already there. In the highlighted yellow part above.

CHAIR ISMAIL: Which part from the highlighted text? Sorry.

BRAZIL: Yes. Brazil speaking. If you go up and then unless you have already deleted the highlighted yellow –

TOM DALE: Fabien does have the language from the -- from the conditions, if you want to include that.

UNKNOWN SPEAKER: (Off microphone).

TOM DALE: Do you want to read it now? I'm sorry.

BRAZIL: Because the -- the two purposes for those actions would be that they were aimed at preventing confusion and eventually removing abusive uses of two-character codes. And those measures would include the contractual commitments, which we need not mention them, and would also include the website attempt to address the concerns of GAC members.

CHAIR ISMAIL: Thank you, Brazil. I have Australia.

AUSTRALIA: Thank you, Chair. We think there is quite a comprehensive historical narrative here for the rest of it, and our preference is to keep the text

as Canada had proposed. If we are -- if we are making amendments, then perhaps we could, you know, delete the lengthy narrative and just say something along the lines of, "The GAC notes the range of advice it has previously given on this matter" and leave it at that. Thank you.

CHAIR ISMAIL: So suggestion now is to shorten the rationale and keep it to a short agreed sentence that reflects both sides. U.K.

UNITED KINGDOM: Thank you, Chair. Paul Blaker for the U.K. Yes, could we see that suggestion from Australia on the screen, please. Thank you. Maybe at dictation speed. Thank you.

CHAIR ISMAIL: Australia, please.

AUSTRALIA: Thank you, Chair. Yeah. I think if we simplified it entirely and just had something along the lines of, "The GAC notes the range of advice it has previously given on this matter."

CHAIR ISMAIL: I think we're trying to acknowledge the range of actions taken by the board and not the GAC advice. So I have Iran, U.K. Iran, please, go ahead.

IRAN: Thank you, madam. It is very strange in the rationale we note the advice we have given. This is the rationale? What rationale is that? I think we are amending something. Maybe people are tired. I don't think that we should agree with this GAC notes a range of advice that is providing. This is rationale of the --

CHAIR ISMAIL: Yeah, we haven't agreed anything, Kavouss. So allow me to give the floor back to Australia to clarify, and then I have U.K. and Brazil. So Australia, please.

AUSTRALIA: Thank you, Chair. My point was simply that we have quite a comprehensive historical narrative here, but I'm not sure that all of us would agree that it was entirely balanced. So my suggestion is that we kick the wording along the lines of what Canada had proposed or we simplify it entirely and remove the historical narrative that was currently there.

CHAIR ISMAIL: Thank you, Australia. U.K.

UNITED KINGDOM: Thank you. Paul Blaker for the U.K. Yes, I think what we're talking about here is consistency. So in the first sentence on the screen now

we have a proposal not to go into any detail about what action ICANN has taken. So to be consistent, we don't need to go into all the detail of what advice the GAC has given. So we would delete all of that history, all of those paragraphs, and instead take the same approach that we've taken in the first sentence and simply note the range of advice rather than repeat it all again in our communique. This would make the communique shorter, easier to read, and we would take a consistent approach.

Now, we understand colleagues are very attached to that very long history. If we are going to have a very long history, we need also to recognize a little bit more detail about what the ICANN organization has done, and we would prefer to go back to that text that we -- we were discussing and where we almost had agreement. But if we are going to only have noting the range of actions taken by the board, then we think we should take the same approach for our previous advice and not repeat it all in many, many long paragraphs. Thank you.

CHAIR ISMAIL: Thank you, U.K. Brazil.

BRAZIL: Thank you, Madam Chair. The difficulty that Brazil had with the suggested paragraph by Canada was that it was not entirely accurate. If Canada can provide an accurate paragraph when it -- when they wish to refer to the contractual obligations of a reason from the -- the

contractual terms that were adopted by ICANN, then go ahead. But it be accurate. And our suggested text, which was an attempt to simplify, I think it brought more accuracy to what was there before because by not singling out the contractual obligations as the only measures, we made justice to ICANN's efforts which included also the adoption of other measures which are not mentioned there but as we know are the establishment of this website. So I agree that it would be preferable to have an accurate paragraph initiating this rationale and then we can do as we agreed before. Keep the rationale as it is but then try to be as accurate as possible.

So what I would ask is for Canada perhaps to provide some text that would be satisfactory to everyone and accurate. Thank you.

CHAIR ISMAIL: Thank you, Brazil. Iran.

IRAN: Thank you, madam. We have been discussing this for two hours. What can we do? There is no reason, no outcome. So what can we do? Go back to the yellow text and agree to the word "can," not change it to the "should," and I agree with text of USA. ICANN, ICANN can, ICANN can. Okay, no problem. ICANN can. "ICANN can ultimately revoke." Delete the rest. Retain the text of USA, and don't change the historical background. That's that. So Tom, distinguished Tom, please delete "is able to," delete "should" and retain the text as proposed by Canada. "Can" -- or U.K. "Can ultimately." Delete, go back to "can"

and delete "should" totally. Yeah. Now this is called in U.N. consensus by exhaustion. The last as it is, why I proposed.

CHAIR ISMAIL: Yes.

IRAN: Thank you.

CHAIR ISMAIL: Yes. Rwanda. Just before giving the floor to Rwanda, thank you very much, Kavouss. We will have this text ultimately but with fine-tuning to correct the factual wrong information that was -- I mean, there is inaccuracy in the sentencing or the phrasing to immediately remove abusive domains once detected. So this is factually inaccurate. So we will fix this now on the screen with the help of Fabien, and I hope we can adopt the text afterwards. And while we're fixing the text, let me take Rwanda, please.

RWANDA: Thank you, Chair. I just want to talk about that because there are recurrences on ICANN website, so we have to use the IP information on there, which is in the ICANN decision. That's what I want to say.

CHAIR ISMAIL: Excellent. Excellent. Thank you, Rwanda. Brazil, please.

BRAZIL: Thank you. I think maybe we are getting to a solution. I'd like, however, to propose something for the first part because I think, in my opinion, the way it looks now, if we are referring to November 2016, still does not make sense. No, I think we should say, "The GAC notes action that has been taken by the board in an attempt, attempt to respond to GAC's concern expressed previously," something like that. And then we can say, "However, these measures do not address the concerns." Because I think if we are making now reference to things that were done in November 2016, that doesn't make sense to start by doing that. I think we should take note of the meeting we had this morning or yesterday, I don't -- in which information was provided by the board. Action they have been taking, trying to respond to the concerns expressed. I think this is what we should document here, that we note actions the board has been taking attempting to respond to those concerns. And then can go on and say, "However, these measures are not sufficient from the perspective of concerned countries." I think this is the relevant thing to say at this point.

CHAIR ISMAIL: Sorry. So can we try to -- so you want us to start with the GAC notes at the beginning and then go with the yellow text afterwards? I mean --

BRAZIL: Yeah, the yellow text, the second part. Maybe we can import "however." Can we do that, to import it but put it -- yeah. And then

can we move, "The GAC notes the range of actions taken by the board attempting to respond to concerns previously expressed." I think the -
- I look to my native English speakers to ameliorate the text. "Attempting to respond to concerns previously expressed in regard to the November 2016 decision," something like that. Because I think we're not -- we are here should refer to the range of action taken by the board after November 2016 in reaction to the previous advice we give.

UNKNOWN SPEAKER: (Off microphone).

BRAZIL: Yes, maybe to, "release of the two-character codes." Full stop. And then, "However, these measures have not been found sufficient." Because here my intention is to refer to the range of actions taken by the board after -- in the period that mediates between November 2016 and today, including measures they have announced recently. So this is an attempt by the board to respond to our concerns. But -- and then we say however, this still does not meet -- I think this is an updated reflection. If we refer back to what took place in November, I think -- but again, I leave it as another suggestion maybe when we come back to this, as you have indicated, Madam Chair.

CHAIR ISMAIL: Thank you, Brazil. So is this okay with everyone? I can see Guyana.

GUYANA: Chair, just a change if this is the language that we're going to use. "The GAC notes the range of actions taken by the board in response to concerns previously expressed with regard to the release of the two-character codes."

CHAIR ISMAIL: Is this okay, Brazil? Okay. Any objections? Okay. Then are we done with the two-character code? Can you bear one more sentence under IGOs because, I mean, we had a slight fine-tuning on the IGO language.

TOM DALE: Thank you, Manal. The --

CHAIR ISMAIL: I'm sorry, Tom. Kavouss, is this on two-character code or --

IRAN: On this, paragraph III.

CHAIR ISMAIL: So can we read it first and then we will take comments.

IRAN: Yes.

CHAIR ISMAIL: So Tom, please, go.

TOM DALE: Thank you. To cut a long story short, this was a revised text received from WIPO as a result of some earlier discussion. This is advice to the board. So the GAC advises the ICANN board to III, "continue working with the GAC on ensuring the accuracy and completeness of IGO contacts on the current list of IGO identifiers."

CHAIR ISMAIL: Iran.

IRAN: I think, if I'm not mistaken, (indiscernible) talked to me. But I think in a better language would be sort of "on ensuring," "in order to ensure." Not "on ensuring." "In order to ensure."

CHAIR ISMAIL: Okay. Can we do this, please? Any other comments? I do not see Brian in the room, but I'm sure he will not object. Is he? No. So does -
- can we go to the end of the rationale, too? Yes, Rwanda, please.

RWANDA: Thank you, Chair. I think that we had this kind of other rationale last meeting, this other one, what I viewed, this was from the board. We still have a similar advice in our last meeting. I think we can leave it to

ICANN website and see what was the response and see if you also like to write it again. Thank you.

CHAIR ISMAIL:

Thank you. So we have provided advice on this, on IGOs in San Juan.

The Board replied with a list of questions, we have provided answers to those questions, and there were more -- they were seeking further clarification today. So that's why we're referencing here continuing to working together on the issue. So just in a nutshell.

So just can we quickly go to the end of the rationale? Because I think there was something also referencing the same point, just to make sure we're consistent. Yes, thank you.

TOM DALE:

Yes, the final sentence -- the final paragraph of the rationale for that advice reads, as to 3, the one we've just looked at, the GAC has additionally previously advised the ICANN Board to allocate sufficient, sufficient has been added, resources to ensuring -- sufficient resources for ensuring -- sorry -- the accuracy and completeness of IGO contacts on the reserve list and awaits progress on this issue.

CHAIR ISMAIL:

Sorry we don't have Brian here, but -- yeah, Kavouss, please.

IRAN: Replace "for ensuring," "to ensure." To ensure, yes. And "sufficient" is now okay because before it was "minimal" and I didn't agree that. Instead of "ensuring," "to ensure."

CHAIR ISMAIL: Okay. Then Guyana and then Rwanda.

GUYANA: Sorry, Chair. What is "additionally previously"?

TOM DALE: I believe what the intention of the wording is is additional -- additional to the previous components of the rationale, but -- and the previous advice is, you know, the previous advice.

Having said that, I'm not terribly convinced myself, having read that. I didn't write it, but...

CHAIR ISMAIL: So should it read, "Additionally, the GAC has previously advised the ICANN Board"? Is this what is intended? Or can we take "additionally" -- so U.S., please, and then I'll get back to you Rwanda, I'm sorry. U.S.

UNITED STATES: Thank you, this is Ashley from the United States. I can't speak for WIPO, but I don't think the word "additionally" is critical here and it might be clearer without it.

CHAIR ISMAIL: Yeah. Thank you.

Rwanda, please.

RWANDA : Thank you, Chair.

I do have another separate question, maybe after drafting this communique. It is related to .AFRICA. I think you have been exchanging some emails on the list. I don't have any feedback on .AFRICA.

You remember that it was -- it has been requested by African Union authorities, they have .AFRICA, .AU I think -- no, .A, .AFRICA.

So we are -- we need some update on that.

Thank you very much.

CHAIR ISMAIL: So there is no update from the African Union side. I mean, they are not here at the meeting, and the issue was neither on the agenda nor has been discussed here. And I even tried to reach them intersessionally, but I got no response. So we're pending updates from their side.

Thank you.

So I think we're done with this. So just one more time, because I got a request to clarify how the rationale would look like in its final form.

So can we please go back to make sure that we're all on the same page regarding the rationale, without getting into the text. Just the first paragraph and...

Tom, please. Yes.

TOM DALE: Excuse me. Rationale of the GAC notes the range of actions taken by the Board in response to concerns previously expressed with regard to release of two-character codes at the second level. However, these measures have not been sufficient from the perspective of the concerned countries.

CHAIR ISMAIL: Yes, Tom. Let's move on. We're just reviewing the structure of the rationale. So --

TOM DALE: You want to scroll down?

CHAIR ISMAIL: Yes, Kavouss.

IRAN: Yes, in the first line we are talking of actions. In the third line we are talking of measures. So we should be consistent. Either "actions" or "measures." So maybe the third, and "these actions have not been,"

because there's no measures. Talk about adject- -- demonstrated adjective. These -- So "these actions."

It's purely editorial. Nothing to this. I don't want to change things at all. Thank you.

CHAIR ISMAIL: Thank you, Kavouss.

Then let's move on.

TOM DALE: (Off microphone).

CHAIR ISMAIL: No, I mean we then have the whole rationale as it stands at the first place, so I don't think we need to go through this word by word.

So we're done with two-character code?

Thank you.

So, yeah. Tom, please.

TOM DALE: Thank you, Manal. This is a final section, or the only proposal to go in the section on follow-up on previous advice, and it concerns GDPR and WHOIS. And the proposed text is, "The GAC recognizes that the Board deferred four items of GAC advice. The GAC urges the Board to take steps to address these issues."

Thank you.

CHAIR ISMAIL: Any comments? India?

INDIA: Rahul Gosain from for the record. May we consider adding "to address these issues on priority?" The words "on priority" or immediately or any such wording which -- or "in a time-bound manner"? To suggest that it will be addressed urgently.

CHAIR ISMAIL: So, sorry, but how -- I'm not sure, how did we -- I mean from where did we receive this text?

TOM DALE: UK and U.S.

CHAIR ISMAIL: So can we maybe urge the Board --

INDIA: On priority.

CHAIR ISMAIL: I'm sorry;

INDIA: India the word we can use is "on priority." So that leaves it sufficiently open and yet expresses some sense of -- some semblance of urgency to our request.

CHAIR ISMAIL: Yeah. So I'm just thinking out loud here. My concern is that we're following up on the deferred GAC advice. So can -- I mean, can we make reference here to the annex of the temporary specification? I mean addressing these issues through prioritizing issues? For example, on the annex of the temporary specification.

Does it...

I mean, so what do we need exactly here from the Board? Because we're following up on deferred GAC advice that they are not in a position to -- still not in a position to accept.

Iran?

IRAN: Yes, Manal, you are right. Although they have not mentioned it specifically, but actions on these four may depend on some other actions to be done, or some other activities to be done.

Perhaps it may not be appropriate to say as a priority, because there are some other issues pending in order to enable ICANN to -- Board, sorry. Board to address this issue.

So if colleagues agree, we don't mention as a priority.

It is sufficient to address these issues. Some standard text as soon as possible. It depends on the qualification, but priority they may say that there are many things pending in order to enable them to address this issue. So we have two issues -- two version. Either say as soon as possible, standard section -- sentence, or delete "as a priority," because they can't do that.

CHAIR ISMAIL:

Thank you, Kavouss.

So again, my question to the drafters, are we following up here on the deferred GAC advice or the implementation of such advice through the annex to the temporary specification?

IRAN:

Madam to defer -- defer it, it's likely to reject.

CHAIR ISMAIL:

Yes, they said we cannot provide a decision at this -- I mean, if they have to decide at this point in time, they will reject the advice. So they deferred decision. And I don't see -- U.S., please.

UNITED STATES:

Thank you. This is Ashley from the United States. I just wanted to note that we -- we phrased this vaguely because it wasn't clear what path was going to be taken. I think there's a number of different paths that could be taken at this point to address our concerns.

So we didn't want to necessarily bind ourselves to any particular path.
So hopefully that provides some clarity with respect to the language.

CHAIR ISMAIL:

Okay. I'm just trying to think from a Board point of view when they respond to this, will they be in a position to provide the response or they will -- again, we will go through the rejection deferral loop? If you see what I mean.

I don't have a problem with the text. I'm just thinking that if we're reiterating the same thing under the same conditions, we will get the same response.

Yeah, I ever European Commission, Iran, and then U.S.

European Commission, please.

EUROPEAN COMMISSION:

Thank you, Madam Chair.

I think here the issue is that we want that the Board doesn't leave the items it has deferred for eternity. We want somehow to keep in mind that they have to satisfy what we requested. So I think -- I don't know if we add something to put in "in a timely manner" or something similar at the end of the sentence, or we can live -- I think we can also live with the text as is because, as U.S. said, we want to keep -- to keep the flexibility on how this will evolve. But what we want is that it will -- we keep the Board to be in an alert mode to continue to keep what we

said in this advice, in the previous advice. This is the spirit of what is behind the text.

CHAIR ISMAIL:

Thank you very much. And that's why I was asking whether we should follow-up on the deferred advice or follow-up on its implementation through the annex, because we have all the four deferred advice placed in the annex to the temporary specification for further community work.

So my sense was maybe we can follow-up on the implementation of the deferred advice rather than following on the deferred advice.

So I have Iran and then U.S.

IRAN:

Thank you, Manal. What you said is appropriate, is right, but I think there is no harm if we add "as soon as possible." Because that "as soon as possible" would have the connotations that they might wait for something else, and on the other hand, we don't want to push them to immediately reject that because then we will be in some sort of difficulty. So if you act as soon as possible, it's no problem.

Thank you.

CHAIR ISMAIL:

Thank you, Kavouss. And again, I was alerted by Tom that the rest of the sentence says to address these issues, issues within the deferred

GAC advice. So we might not be really following on the deferred GAC advice. So I stand to be corrected here.

U.S., please.

UNITED STATES: Yes, thank you. I apologize. I'm getting a little bit fuzzy brained at the moment. But if I'm following the logic here, perhaps we could reference them as they are articulated in the annex and ask that we be kept apprised as they further consider how to respond to our deferred advice. Does that make things a little more clear?

CHAIR ISMAIL: No; I think, U.S., you meant we list them or we just reference them?

Okay. I mean, yeah, as reflected to the annex to the temporary specification.

UK, please.

UNITED KINGDOM: Thank you. Paul Blaker for the UK.

I was going to say that we think we should keep the text as it was; that adding more just makes it more complicated.

We know that the situation is still developing. For example, we are expecting to hear further advice back from the European Union DPAs and that may have an influence.

So the text was carefully drafted, particularly with the words "address these issues," to allow for the possibility of some flexibility to respond to those possible developments.

I don't have a strong view about the suggestion from the U.S. If that's helpful, then we can go with that, but I think we should be careful not to start adding lots of things to this text because we need to keep that flexibility.

CHAIR ISMAIL:

Okay. Thank you, UK, then. Let's delete the text between brackets and retain the text as it was.

Any comments? Rwanda.

RWANDA :

Thank you, Chair. I think there are some initiatives that I'm pleased that -- I want to be implemented. Just like unified access model and EPDP.

So I think this -- our different advice will be implemented during that period. So for this time, I think we -- it's not simple to get the response from them because they are in the phase of the European EPDP and the unified access model.

Up to me, we should add like -- add a sentence saying that they should take into consideration those different other devices when developing those EPDP and unified access model. I think it would make sense.

Thank you.

CHAIR ISMAIL: Yes, this is what we're trying to do here indirectly through the text because the Board is not in position of developing or implementing. So we're just following up on the previous advice to make sure they are kept as a priority and we are kept informed of any developments.

Does this address your concern, Rwanda? Iran.

IRAN: Yes, I think adding more things makes it more complicated. It's better to leave it as it is.

Thank you.

CHAIR ISMAIL: Thank you. I think at this point in time, it's very difficult to add any more text.

India, please.

INDIA: Rahul Gosain, India for the record.

Could you please pull out the four items of advice for reference which have been different? I think one was to do with distinguishing between legal and natural persons and then there were three others.

So it would be helpful if you could just pull them out so if we want to have a look.

CHAIR ISMAIL:

So the four items had to do with confidentiality, limitations on -- yeah, on queries. Distinguishing between legal and natural, and the fourth one was maintaining access between now and when we have an ultimate model in place, access to non-public data, of course, or access to WHOIS. I can't recall the -- the syntax but yeah, India.

INDIA:

So I have a solution that yes, we could possibly consider just adding the word "urgent" on that, and we are (indiscernible) frame the steps to be taken by the Board and not exactly addressing the advice, but the Board to take urgent steps to tackle these issues or to respond to these issues.

CHAIR ISMAIL:

So the advice in the San Juan communique is currently on this --

INDIA:

If we pull up the text which -- the draft text which we were using, "So the GAC recognizes that the board deferred four items of GAC advice. The GAC urges the board to take urgent steps to address these issues" which is, I think, should be safe and fair.

CHAIR ISMAIL: Isn't it implicit with "urges the board"? So it's a matter of urgency?
Sorry. Iran, please.

INDIA: "The GAC advises the board to take urgent steps to" because this is
advice. So we should -- "The GAC advises the board to take urgent
steps to address these issues."

CHAIR ISMAIL: This is under follow-up on previous advice, right? Yeah. So I have Iran
and U.S.

IRAN: Thank you, Manal. I think the term or word "urgent" is too strong
because "urgent steps," if they were not able to do that, what do we
mean by urgent? Why we need to say urgent steps? Maybe people
want it necessary steps but not urgent because --

CHAIR ISMAIL: So, frankly, at this late hour I would propose leaving the text as is. So I
agree with you. I had U.S.

UNITED STATES: Yes. Thank you. I agree with keeping it as is as well because it's quite
complicated in that there are still a number of things in the air that
aren't yet decided with respect to whether or not the EPDP is going to
have some of our issues in scope or not, so it's not quite clear where

the vehicles exist to address these issues. So I think keeping it simple and short at this point probably makes the most sense. Thanks.

CHAIR ISMAIL:

Thank you, U.S.

So shall we consider the communique adopted? Good. Thank you.
So thank you all.

[Applause]

Sorry to keep everyone to the late hour. Thank you all for your flexibility. Thank you to the interpreters and apologies for keeping you late.

[Applause]

Thanks to support staff. And to I.T. support as well. Thanks, everyone.
Thank you.

[Applause]

So the communique will not be issued until tomorrow so that we're factually right in what we're reporting because we're reporting on tomorrow's sessions as well. So thank you, and we're reconvening tomorrow here at 8:30.

TOM DALE:

Is it really 8:30.

UNKNOWN SPEAKER: (Off microphone).

CHAIR ISMAIL: Yes, 8:30. Thank you all.

[END OF TRANSCRIPTION]