Governmental Advisory Committee

Singapore, 11 February 2015

GAC Communiqué – Singapore [1]

I.   Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Singapore during the week of the 7th of February 2015. 65 GAC Members attended the meeting and 9 Observers.

II.   Inter-Constituency Activities & Community Engagement

1. Meeting with the ICANN Board

The GAC met with the ICANN Board and discussed a range of issues, including:

- IANA Stewardship Transition and ICANN Accountability
- gTLD Safeguards
- New gTLD program review and assessment
- 2-character labels at the second level
- Independent Review Panel and dot Africa
- Internet security
- Internet governance

2. Meeting with the Generic Names Supporting Organization (GNSO)

The GAC met the GNSO and agreed, on a trial basis and subject to ongoing adjustments as necessary, to a mechanism proposed by the GAC-GNSO Consultation Group for early engagement at the issues scoping phase of the GNSO Policy Development Process (PDP). This includes formation of a GAC Quick-Look Mechanism Committee.

The arrangements will allow for an early indication in the PDP of whether the issue has a standing GAC advice and whether it has public policy implications, and hence is of interest to

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[1] To access previous GAC advice, whether on the same or other topics, past GAC communiqués are available at: https://gacweb.icann.org/display/gacweb/GAC+Recent+Meetings and older GAC communiqués are available at: https://gacweb.icann.org/display/gacweb/GAC+Meetings+Archive.

the GAC. It will also enable the GNSO to factor this in and the GAC to prepare input to be provided at the relevant stages of the PDP. This would not limit the GAC's existing ability to give advice to the ICANN Board.

3. Meeting with the Country Code Name Supporting Organisation (ccNSO)

The GAC met with the ccNSO and had a constructive exchange of views on issues raised in the Framework of Interpretation Working Group Report.

Further information is contained in this Communiqué under "GAC Advice to the Board".

4. GAC Leadership meeting with the At-Large Advisory Committee (ALAC) Leadership

The GAC and ALAC leadership groups met in open session and exchanged views on a range of issues, including: gTLD safeguards for consumer protection with regard to strings in highly regulated sectors; future involvement in the Nominating Committee; and possible enhanced co-operation and communication between the GAC and the ALAC, including inter-sessionally.

5. GAC participation in the Nominating Committee (NomCom)

The GAC met with members of the 2015 NomCom and appreciated the opportunity to discuss how the GAC can most effectively contribute to the work of the NomCom. The GAC will work on the noted issues with the objective of resolving them, should the GAC decide to resume its involvement, either within the current structure or a revised one. This includes the possibility of GAC developing criteria to guide NomCom selections.

6. Protection of Geographic Names in Future Rounds

The GAC Working Group on Protection of Geographic Names in Future Rounds convened a community session to note comments received on the Working Group paper and hear invited speakers from the community. The Working Group will continue its work inter-sessionally, including GAC engagement with the CCWG on Use of Country and Territory Names as TLDs.

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The GAC warmly thanks all SOs/ACs who jointly met with the GAC, as well as all those among the ICANN community who have contributed to the dialogue with the GAC in Singapore.

III. Internal Matters

1. New Members

The GAC welcomes Republic of Guinea, Ireland, Kazakhstan and Mauritania as new Members; and the Economic Community of West African States (ECOWAS) as a new Observer. The GAC currently has 150 Members and 32 Observers.

2. GAC Operating Principles

The GAC is continuing consideration of possible changes to its Operating Principles.

The GAC reiterates its commitment to engagement with the CWG-Stewardship; the CCWG-Accountability; and the ICG. The GAC expresses its appreciation of the substantial progress to date of the community groups. Furthermore, the GAC applauds the efforts consistently undertaken by the Co-Chairs of the CWG and CCWG to coordinate their work in view of the direct linkage between their respective work and encourages them to continue these efforts.

With regard to the CWG-Stewardship:

- GAC Members will continue to work within the CWG to develop the next version of a proposal, with reporting back to the GAC and guidance on major issues from the GAC as a whole;
- The GAC encourages individual governments to contribute through the public comment period associated with the next version of a proposal;
- The GAC will contribute to the work of the CWG towards a consensus proposal for submission to the ICG.

With regard to the CCWG-Accountability:

- GAC Members will continue to work within the CCWG to develop the proposals for enhancing ICANN's accountability, with reporting back to the GAC and guidance on major issues from the GAC as a whole;
- The GAC will work to identify particular issues for governments as both individual or collective participants in any new or enhanced mechanisms;
- The next stage of the GAC input to relevant work streams will include public policy principles that could guide development of any new or enhanced accountability mechanisms;
- The GAC will contribute to the work of the CCWG towards a consensus proposal for submission to the ICANN Board.

Both processes will have the highest priority for GAC inter-sessional work, the GAC being mindful of the updated timeline.

V.   GAC Advice to the ICANN Board[2]

1. **Safeguards Advice Applicable to all new gTLDs and Category 1 (consumer protection, sensitive strings and regulated markets) and Category 2 (restricted registration policies) strings**

The GAC considers the Singapore 52 meeting an important milestone in confirming the record to date of the NGPC's adoption and implementation of GAC advice, as well as in setting the

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[2] To track the history and progress of GAC Advice to the Board, please visit the GAC Advice Online Register available at: https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice

stage for subsequent GAC work related to the monitoring of ICANN's compliance and enforcement activities.

While the GAC appreciates the efforts of the NGPC since the 2013 Beijing meeting to respond to the GAC's advice, the GAC regrets that the NGPC has determined that requiring Registries to verify and validate the credentials of registrants for domain names in regulated and highly regulated industries poses cross-jurisdictional challenges for Registries and Registrars.

The GAC believes that its advised affirmative requirement for verification of credentials at the time of registration goes much further to meeting the goal of mitigating consumer harm and fraud than an after-the-fact complaint system. The GAC also notes that a significant number of Registries and Applicants for highly regulated strings have, consistent with GAC advice, voluntarily committed to undertaking the verification and validation of credentials.

      a. The GAC urges the NGPC to:

          i.   publicly recognize these commitments as setting a best practices standard that all Registries involved with such strings should strive to meet. In addition,

      b. The GAC recommends:

          i.   that ICANN suggest to those Registries for which such commitments have not yet been taken and for which contracts have already been signed with ICANN, that they review means and ways of introducing such provisions in view of the public policy concerns. This could also help to raise confidence in Internet-based commerce.

With regard to the Public Interest Commitments Dispute Resolution Procedure (PICDRP), the GAC appreciates the further clarification that the PICDRP process provides a potential "alternative or parallel" mechanism for a harmed party to pursue remedies that does not "preclude or limit" ICANN's normal contractual compliance process and timetable, and we urge the NGPC to continue to refine and clarify the process. At present, the GAC considers the PICDRP to be complex, lengthy, and ambiguous, raising questions as to its effectiveness in addressing serious threats.

      c. The GAC urges the NGPC to:

          i.   consider refining the PICDRP and/or to consider developing a "fast track" process for regulatory authorities, government agencies, and law enforcement to work with ICANN contract compliance to effectively respond to issues involving serious risks of harm to the public. Finally, with regard to the GAC's Beijing Category 2 advice,

> ### d. The GAC urges the NGPC to:
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> > i. provide greater clarity as to the mechanisms for redress in the event registrants believe they have been unduly discriminated against.

2. Protection of Names and Acronyms for Inter-Governmental Organisations (IGOs)

The GAC will continue to work with interested parties to reach agreement on appropriate permanent protections for names and acronyms for Inter-Governmental Organisations. This will include working with the GNSO PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms; and with IGOs and the NGPC.

3. Protection of Names and Acronyms for Red Cross/Red Crescent

The GAC welcomes the steps taken to implement the NGPC resolution adopted in Los Angeles on 12 October 2014. The GAC reiterates its advice to the Board to pursue its consultations in order to confirm permanent protection of the Red Cross and Red Crescent terms and names in the current and future new gTLD rounds.

4. Framework of Interpretation Working Group (FOIWG) Report

The GAC notes the work of the ccNSO FOIWG, and its efforts to provide interpretive clarity to RFC1591. The GAC welcomes the FOIWG's recognition that, consistent with the GAC's 2005 Principles, the ultimate authority on public policy issues relating to ccTLDs is the relevant government. As such, nothing in the FOIWG report should be read to limit or constrain applicable law and governmental decisions, or the IANA operator´s ability to act in line with a request made by the relevant government.

5. Accountability and Transparency

The GAC will write to the Board, before the Buenos Aires meeting, providing details of progress on implementing relevant ATRT2 Recommendations, including those that are completed.

6. WHOIS

The GAC notes the receipt of a comprehensive briefing provided by the Board on the wide range of WHOIS-related activities currently underway across ICANN and the community.

7. Release of Two-Letter Codes and Country Names at the Second Level

> ### a. The GAC advices the Board to:
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> > i. amend the current process for requests to release two-letter codes to establish an effective notification mechanism, so that relevant governments can be alerted as requests are initiated. Comments from relevant governments should be fully considered.

b. **The GAC further advises the Board to:**

      i. extend the comment period to 60 days. These changes should be implemented before proceeding with pending and future requests. A list of GAC Members who intend to agree to all requests and do not require notification will be published on the GAC website.

8. **Country and Territory Names**

    a. **The GAC advises the Board that:**

      i. ICANN should work with the GAC to develop a public database to streamline the process for the release of country and territory names at the second level, as outlined in Specification 5. The database will inform whether individual GAC Members intend to agree to all requests, review them case by case, or not agree to any. The absence of input from a government will not be considered as agreement.

9. **International Law, Human Rights and ICANN**

The GAC decided to establish a Working Group on Human Rights Issues and the Application of International Law as these matters relate to ICANN activities. The GAC will also monitor community developments and consider how any GAC initiatives can complement any such developments.

10. **Public Safety and Law Enforcement**

The GAC agreed to establish a Working Group on Public Safety and Law Enforcement.

VI. Next Meeting

The GAC will meet during the period of the 53rd ICANN meeting in Buenos Aires, Argentina.