ICANN75 | AGM - Joint Session: ICANN Board and GAC
Tuesday, September 20 2022 – 15:00 to 16:00 KUL

MANAL ISMAIL, GAC CHAIR: Thank you very much, and good morning, good afternoon, and good evening, everyone. Welcome to the GAC-Board bilateral. I would like to start by welcoming all Board members in the GAC room and on Zoom. The GAC continues to appreciate and value our regular exchange with the Board at face-to-face meetings, or should I now say hybrid, and we have one hour for this meeting and have identified quite a few issues the GAC would like to discuss with the Board. But before we get started, I would like maybe first to hand the floor to Maarten for any opening remarks?

MAARTEN BOTTERMAN: Thank you, Manal, and thank you all for having us, always a pleasure to be in this room, the GAC where we are so happy to have governments representing and talking together about advice to give to ICANN on how to handle best in this public space. It's a privilege to benefit from the information, we're very much humbled by the fact that almost 180 governments signed up to support us in this way, and we are already very understanding of the challenges that you sometimes have of rotation in the GAC

and we're doing what we can to help to make that as painless as possible.

The other thing we really instated, and I think is a great thing, is the process of the Board GAC interaction group, named by a gentleman from Iran, Kavouss, and it's really time and time again, to explore together what can we do even better? But this session is about the questions we asked you and you asked us; we look forward to engaging. Thank you very much, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you Maarten. And if you allow me one more thing before we start, to introduce Nicolas, GAC representative from Paraguay and incoming GAC chair, so that the Board can also put a face to the name, hopefully without a mask one day.

With that, can we go to the following slide please and we are starting by the question that the Board has sent I know to the GAC and other parts of the community as well and what collaborative actions should the community and Board and org be undertaking to further progress achieving our strategic priorities. Next slide, please. We have divided the discussion in two, first on the effectiveness of the Multistakeholder Model and in that respect, the GAC reiterates the previously stated, that ICANN, the community should prioritize the three priority work areas

identified in the 4th of June 2020 paper, and these are the prioritization of work and efficient use of resources, precision in scoping the work, and consensus representation and inclusivity. And noting that improvements in these areas will enable ICANN's inclusive and representative Multistakeholder Model to achieve timely and effective outcomes that serve the public interest. We also received an update from ICANN org staff on this important work this past week on the 17th, and the GAC supports the continuation of the various ICANN org efforts, those underway and those that have already started.

So… in the short term, ICANN.org staff could consider conducting a community call, this is a suggestion, at key checkpoints throughout the year, of course mindful of other community obligations between SO/AC leadership, the whole Board and org executives, to reflect on whether recent public meeting discussions have influenced thinking on any of the community strategic priorities. So, this was one suggestion received, and we go to the following slide, please. Some members of the GAC have also raised the idea that the committee and other SO/AC should consider producing regular reports, perhaps two or three times a year on actions they themselves have taken to contribute to progressing strategic community objectives. And in order to further progress in achieving the priorities, it would also be important to review the policies developed in the past years,

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define those that are still relevant in view of the current priorities, and focus the work on removing the stumbling blocks for the implementation of these policies.

And on the last slide, if I can ask, we go to the next slide... cross community Working Group could be formed to reflect on possible procedural improvements, with the aim of enhancing the policy development and implementation processes within ICANN. And finally, the GAC recalls its key role in understanding and advising the ICANN Board and the community in the context of ICANN's strategic goals related to geopolitical developments and is happy to engage in such work with the Board at any time, and this relates to the pillar on geopolitics within the current ICANN strategic plan.

Finally, through the discussion, a question emerged on where are the Board and ICANN org in the next strategic planning cycle? Where are we in this cycle? And where and how can the GAC as a committee get more involved in the ICANN strategic planning? So, there was a lot of interest during the discussion, GAC colleagues are interested to be part of the planning process and asking what is the process and when can the GAC be able to participate? So I will stop here and see if there are any reactions to this.

MAARTEN BOTTERMAN: Thank you for an excellent list of suggestions and ideas and also for the follow-up question. I see Matthew in the back without microphone, so I'll do my Matthew now. Basically, the intent is to start with the new strategic planning cycle next year and inclusively and in iteration with all parts of the community including the GAC. And we look forward to that and appreciate your eagerness to participate in that. The strategic plan has been leading us through difficult times and helps us keep our compass on what we need to do to fulfill our mission, and in that way, I think it is essential that the next one will be developed inclusively and mindful of the longer-term impact that changes may have, so we are prepared for that. So you will hear more about that. And we won't forget you, that is the promise I have right now, and I think it's early next year, I'm looking at -- yeah, Matthew gives thumbs up.

On the other questions, any Board members want to comment? On the suggestions, I mean. And very much appreciated the second suggestion. Because something is on the list to be done, it may not need to be done anymore at some point in time because of changes and better things happening and I think we appreciate that also if you would be mindful and willing to

consider also GAC advice in that spirit, that sometimes we have a legacy that is not relevant anymore, and I think this is not only for the GAC but across Board, we have been very bad at taking things off the table that are not needed anymore. So I think that's a very good suggestion.

GÖRAN MARBY: First of all, sorry for being five minutes late, but I was actually in the midst of trying to fulfill a promise I made last time we met. So in your inboxes you will find something [that is tangentially interesting,] because we promised to do something and look into how we would handle GAC advice in the last new gTLD program, so GAC members will find this document sent out from the GAC support team, and I hope that will also help to give more context on existing PDPs, [where are we with] PDPs, and especially in relationship to the fairly large impact the GAC had on the first portion of the round when we launched the program. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Göran. And this takes us -- I think if we can move from the Board's question to the GAC to GAC questions to the Board. And Göran has already answered the first question, which was on the handling of GAC advice in the context of the next round of new gTLDs, and we were looking forward to receiving the information about how GAC advice and input has been handled

during the first round in order to inform GAC colleagues as we are approaching the second round. And I have not checked my email yet, but I have been handed the document right now, so thank you very much. And any other comments on this? Yes, Becky, please.

BECKY BURR: Yes, Manal. I think and greetings to everybody, wonderful to see you in-person again. I think this is a really important topic that we have been talking about in the BGIG and among the Board, and we have learned a lot of information as the result of independent review process, dispute resolutions processes, about how our dispute resolution panels will look at the manner in which the Board acts on GAC advice in the context of new gTLDs, and I think there is a lot of learning that we can do from this. We can make sure that the Applicant Guidebook is clear with respect to how GAC advice can best be formulated to be useful and usable to the Board and clear about how the Board should act on it, clear about expectations with respect to communication underlying reasons and the like. And I am very much looking forward to putting together some sort of learning tool, webinar, Zoom, so we can actually go over the specific guidance that we have received from our independent review panel in a couple of cases so that as we go into the new round, there are very clear expectations and

understandings about the important process of the GAC providing advice with respect to delegation of new gTLDs.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Becky, and thank you everyone and thank you for lending a hand and trying to help us to learn from previous lessons and try to see how we are going to handle the new round as we have 180 new GAC representatives, and we had the capacity building workshop also before the meeting week started and I'm hearing very positive feedback on this. And we had also oral briefings from org and even community colleagues are also helping to provide us with all the necessary information, so just to share my appreciation and we're very grateful to everyone. So with this, I'm moving to the second question, and this has to do with global Internet access and connectivity. First, on the Ukraine support and if the Board can share with us an update on where does this stand, please.

MAARTEN BOTTERMAN: Thank you. Well, basically what the Board did is following the request from Ukraine is to see what it could do and what makes sense also from an ICANN mission perspective -- what would make sense -- and with that we made the 1 million available and asked the CEO to go out and find a way to disburse that in the best

possible way with a trusted organization which knows better how to spend that money locally as well than we do. Ultimately, it's the plan to see whether this kind of relief is something we should be ready to provide more often in future situations and in a way this is similar to things we have done with for instance the hurricane relief that took place where the people in that area weren't asked to pay their dues during that period of recovery. And also the DNSTICR approach where we said when COVID came up, let's be mindful that not every website that pops up and says send me money because we will help is the right one, so in that way tracing abuse in those cases. So these actions have been rolled out. We look forward to evaluation in particular of the Ukraine support program, and the Ukraine support program was a first time. Anything you would like to add on what the status is, Göran, on that?

GÖRAN MARBY: Not really, you said most of it. This is the first time ICANN Board as an institution decided to [divert fund] for anything, and one of the important things for this the Board has asked me to do was to also learn from that experiment -- that was a wrong choice of words -- this first initiative. So we can see how we can continue to do it if we continue and what form we're going to do it. But this was something that was heartfelt. We did it with heart and in the right way and actually very fast, especially for being ICANN.

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MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten and Göran. And Nigel, go ahead. He is online. Nigel? I think you're on mute. We can hear you now.

UNITED KINGDOM: I'm sorry, guys. Well, yes, good morning, thank you very much indeed, and just a brief follow-up. First to say, to congratulate ICANN for what they have done in response to the Ukraine situation, for the support that has been shown. I think it certainly is something that the UK government are very complimentary of and thank you Göran for the comments made in the opening sessions earlier this week about Russia and Ukraine.

Secondly, I just wanted to follow up, there was a letter from Ukraine that was sent to the ICANN organization and GAC members about satellite terminals and the provision of such and wondered if any response had been made to that. Thank you.

MAARTEN BOTTERMAN: I think the response is that we have never thought that we should invest in specific technologies. If there is a request to see how we can help further and if more funds can be available, that is a different question, but for now we have not provided a specific

additional response to the 1 million, nor have we prescribed how exactly it's being used.

GÖRAN MARBY: And we did answer directly to the GAC representative of Ukraine. And [it's just that] we have this process, before we process those things, put them in public, we always ask if it's okay for us to publish the question and answers as a part of our process, and I probably can blame myself that somewhere along the line haven't checked if I've received an answer. But we did send what we call a pre-answer to the Ukraine GAC rep, who I think I have seen here, by the way.

MANAL ISMAIL, GAC CHAIR: Thank you.

MAARTEN BOTTERMAN: Just to add, we did ask the org to come up with a process to approach these questions as well so we could do that in good faith.

BECKY BURR: I think it's important we realize we really need to think about how we process these requests. So... we asked the org to develop a process for how we can provide financial assistance to support

stability, security in response to emergency, unexpected events that that are beyond the control of Internet users. So, there is a thought that a more generalized set of principles need to be available to guide us in responding to these kinds of requests.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten and Becky, and I think this also speaks to the following questions, but I can see Brazil and Ukraine in the queue. Please keep it brief.

BRAZIL: Ukraine first, perhaps?

MANAL ISMAIL, GAC CHAIR: Ukraine first?

UKRAINE: Thank you. First, on behalf of Ukrainian people, I would once again thank you for prompt decision of the ICANN Board to allocate funding for Ukraine. We had high hopes that this funding would ensure uninterrupted Internet access for civilians in regions where Internet infrastructure is being destroyed by

Russian missiles. What do we see now, unfortunately, is the organization to which these funds are directed use these funds inefficiently -- having read the report, we do not understand where this organization spent 20 percent of the allocated amount. They wrote a report, but in our opinion, this report is about nothing.

We would really like to see the rest of the funding put to real use and ask ICANN Board to take all possible measures, so the funding helps our people to have access to the Internet. The last weeks, I think most of us have seen the good news, that our military deoccupied a lot of settlements in Eastern Ukraine. All of these settlements, it is more than 300 settlements with a general population more than 1 million people right now is without any connection. Our Internet providers in these regions and settlements put all efforts to restore fiber networks, but unfortunately, it takes a few months, maybe half a year, because of fields covered by Russian mines, so they're not able to restore the networks. And right now it is the only way to maintain these 1 million people in these territories is allocation of satellite terminals because satellite Internet in this region is the only decision, having problems not only with Internet, even the energy infrastructure has been destroyed by the Russians. So, we ask again to review this decision and put more efforts as ICANN Board to help our people keep connected. Thank you very much again.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Ukraine. And I have Brazil and I have Wes from the Board, and we're touching on the coming questions. Should I read the general questions before giving you the floor, Brazil, or is it on the specific Ukraine thing?

BRAZIL: It's the second point.

MANAL ISMAIL, GAC CHAIR: Okay, perfect. Let me read the remaining two questions, and then we can continue with the queue. So… second is does the Board have information about ICANN offering similar support to other countries or regions in the past? Would such support be considered in the future for other circumstances? And maybe I should pause here because the following question is different and then let's proceed with the queue, and I have Brazil first and then Wes.

BRAZIL: I think during the opening session yesterday we had some interesting comments on systemic issues, and I think they touch upon first of all which place ICANN wants to occupy in let's say the overall landscape of Internet governance, so looking too to the future, one of the aspects—and how it relates to other

organizations in this landscape. [There are a lot of]{ organizations that are out there, that will be there, and it's important to look to the future how ICANN relates to those other organizations. And I think one specific topic that was highlighted during those speeches was exactly Internet access and connectivity. And I don't want to touch on the specifics of Ukraine because I think it's very specific, and of course, we support the efforts being done in that respect. But perhaps looking to the future, it would be interesting to see if it's possible and how to put together a program directed at supporting connectivity in developing and underserved regions. Because in different circumstances and conditions, I think there are regions and countries that are really in need of this support.

And I know ICANN is not a [inaudible] agency, I'm not suggesting that, but perhaps something that could be looked into in the future is how ICANN could perhaps play a better and bigger role in this respect. And in this world without connectivity, you have nothing, nothing else matters, so I think that is something that we want to support and see perhaps if the strategic planning could come up with a program or structured region that could be directed to specific regions, connect to other programs or regional programs, so on and so forth. Thank you very much.

MAARTEN BOTTERMAN: Very good suggestion. This is the first time that we do consider, and we asked the CEO to see how we could implement this towards the future. Göran, can you comment o nthat?

GÖRAN MARBY: I love this question, by the way. I think what you are doing here -- what I really like is the fact that you bring many of the things we often talk about in silos into one discussion. When it comes to the money thing, as Maarten said, this is the first time we do anything like that and as you know, at ICANN, we do something, look into it, learn from it and then do it better, so we are in that process and I'd love to come back to you on that.

The second part is we also have something we wall the ICANN grant program coming around, which is substantial amounts of money coming from the auction proceeds from the first round, and -- which we are in the process of building that program now which will give an opportunity for organizations, people around the world, to ask for grants within ICANN's mission, so another avenue to that as well.

And then you said ICANN's role in the world of Internet governance. That's a very good question, because remember, every time you go online, you [inaudible] something, you actually meet me. We should never forget that. ICANN is not the policy

body for this. ICANN makes decisions about policies when it comes to names, and then we have representatives for the numbers communities, we have the IETF who does the protocols, the country code operators who operate independently but through the IANA functions, we have a role and I think -- we are very proud of this ecosystem that many of you represent, root server operators, we are doing this as a technical thing we do all together.

So that is our role in what we call Internet governance, and we often use the world to describe this, technical Internet governance, which is different from policy making, like when we speak about net neutrality, fair share, whatever new things they want to come up with. That's where we are. And then you talked about something -- and you can't ask a question of me like this without me starting to talk. Yes, we have done lots of things not the best way. If you look at domain names, about the digital divide, most domain names today are in Latin script and most in English, and I don't know if you heard me say this, but most are in English but only 20 percent of the world population actually reads and writes English. There is a disconnect there, and I think that contributes to what you think about the sort of that the industry is very western-oriented, the way we distributed IP addresses once was also a recognition of that. We are working hard in all our ecosystems to try to do that differently now.

And one of the tools for us to do that is actually what we call SubPro, and I wish we could come up with a better name, it's not really a sales name, but we are trying to create an opportunity for people around the world to have their own identifiers, their own top level domain, to be on the Internet, based on their own language, keyboards, their own narrative so we can go away from the English speaking language. And I happen to be from Sweden, but my language contains a couple of letters that are not contained in others, my name contains that as well. And when I speak to many people about the importance of how you talk on the Internet, is that in maybe two or three generations, it would be sad if we actually lost our languages, everything became Latin script and English because we get forced into it. The next round is to take into account many of these things, and that's why the community, ICANN.org and Board is working so hard to make sure we can take this opportunity for it because in the end, Internet is local and global at the same time. And I hope and believe if we do this right, we can make it more local and therefore, make sure that for instance Internet in Africa is for Africans and Internet in Brazil is for Brazil.

But the real answer, please join us when we talk about the SubPro, because that is going to make -- if we do that right with application support, with language support, with Universal

Acceptance and all of that, I think we can get it right. And that was a long speech, wasn't it? But I happen to be very passionate about this, so thank you for asking the question.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Göran. And seeing no further requests for the floor, I'm going to proceed with the following question. And it is on the -- with an eye towards the broader aspiration of closing the digital divide, how can the GAC best approach the Board or ICANN.org to examine issues like DNS market concentration? An example for registrar demographics, and this came up during the capacity building discussions where it was obvious that there is an uneven distribution of the registries and registrars. So, any reactions to this?

MAARTEN BOTTERMAN: On DNS market concentration, maybe Göran.

GÖRAN MARBY: I think the answer is SubPro. But also, a question you can ask, and you all come from countries, and you all have country code operators independently running there and they are often the way they sell their domain names is particular for your market, and they are really good at what they do, by the way, so it actually starts with your own. But going back with that, that the Latin

script identifiers is probably one of the important things. Because people think the Internet is sort of in English. And if you go to social media companies, you have to use a Latin script identifier. And I think if we can convey the feeling that the Internet is for everybody and you can use your own keyboard and script, that will change. But as many times when it comes to our things about the Internet, no one has done this in world history before, but at least we're trying. So I would say SubPro could be an answer to it. But we have to spend more resources informing people on the importance of the diversity of the Internet itself. Internet is the only place where we have 5.3 billion people who can connect with each other. it has no walled gardens because everybody is using the same identifier systems. That's a unique and fantastic thing. All platforms on top of it could be walled gardens, have to be in there to be able to connect. So we have to do a better information job when it comes to this. You shouldn't ask me more questions about that, because I will start preaching soon.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Göran. And I think we're good to move on to the following question. Next slide, please. On WHOIS disclosure system and the proof of concept design paper, if the Board can share with the GAC any updates, for example whether you feel you already received the information you were looking for or any other updates of course, thank you.

MAARTEN BOTTERMAN: Becky?

BECKY BURR: Yes, and that is question we have been talking a lot about this week. The Board began the workshop this weekend with an in-depth discussion about the proof of concept design paper on the WHOIS disclosure system. And we spent quite a bit of time talking about it and really concluded that we had just a couple of questions that we wanted to make sure we understood. We understand that the value of the system could be that it will make it simpler for individuals to submit requests for access to WHOIS data, it could make it simpler for registrars to process those requests because of the completeness of the information that they will receive, and also it is possible that we would get important information about usage and outcome data that would help us to analyze and to work further on the EPDP Phase 2 full SSAD recommendation.

There are also some things that the system as designed in this design is not. And it is not a new policy, it's not intended to replace, override the community policy and the work that went into EPDP. It doesn't include a lot of the functionality or some of the functionality, at least of the SSAD, including accreditation,

any kind of automated processing, any third-party review of alleged misuse of the system, or any kind of billing system or cost allocation. And of course, it is not going to return to the pre-2018 WHOIS system, nor will it relieve registrars of their obligations under applicable Data Protection laws to possess a lawful basis for accessing data, for applying a requisite balancing test, and taking steps required with respect to cross border data transfers.

Assuming that we're right on those assumptions about what the value of the system is and that there is a shared understanding across the community about what the system will do and not do— and I'm not really assuming that. We have asked the community to tell us if we've got that right. Then we think that if the council is of the view that there is value, taking into account those limitations in the system, the Board is prepared to move quickly, very quickly, to consider any recommendations that we receive from the GNSO Council.

There are some interesting things we have talked about, for example the system will produce data of some sort. It would be most interesting and most useful if the data reflected very widespread adoption of the system by registrars and by requesters. And there are some things that the community could do, there are probably ten different ways that the community

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could approach opportunities, whether at policy development or otherwise, to increase registrar participation and request usage.

There is also an interesting opportunity to implement the privacy and proxy policy, putting the system together. The privacy and proxy policy has been adopted and in place for some time but when we moved into the temp spec GDPR and Data Protection compliance mode, we needed to answer a number of questions in order to actually implement the privacy and proxy policy, and we think that gives us an opportunity to do so now.

So… we have said to the GNSO Council that we are looking for their input to let us know whether we've got the assessment of the values and benefits correctly, whether there's shared agreement across the community about what the system will do and, on that basis, whether the GNSO Council supports moving forward with it. We have received some input already on important aspects of the design system that could affect the value proposition, and org has quickly jumped on those proposals to understand what it is we could do without completely changing the nature of the undertaking to address those.

Obviously, every time you add a new feature or function, that's going to add complexity and cost and time, so there is balancing

that needs to be done, but with respect this one feature about logging of all requests, org has jumped on that very quickly. So, we're hoping to hear back quickly. We think there is an opportunity right now to do implementation at a time that will have the least negative impact on any of the other development projects coming down the pike, so we have encouraged the community, council, to come back to us as quickly as possible, and once we have that information the Board will move expeditiously to consider and close on that.

And one other thing. I think everybody knows, but part of the design would be that after some amount of time we will take a look at the system, see how it is functioning, whether it is delivering value to the community, whether there are tweaks that could be made and what it tells us about development of the SSAD.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Becky. And I can see Brian from WIPO requesting the floor.

BRIAN BECKHAM: Thank you, Becky. I had a specific question on point number 3, and this was raised in the prior session with the Board and the CSG, and I apologize if I'm being dense here, but you had

mentioned the potential or the need for the community to coalesce around improvements to the system design of the WDS. And as far as I recall, the compulsory nature of the SSAD recommendations coming from S2 was that all registrars would participate in that SSAD system.

So… I guess the specific question is with that foundation of an understood agreement from the Phase 2 work and the SSAD that became of that, that registrars would anticipate in the SSAD, if and when it would be developed, what specifically would be needed from the Board's perspective to move the WDS design towards being compulsory for all registrars? Thank you.

BECKY BURR: Thanks. So, the Board has considered and then adopted the Phase 1 recommendations. But at the request of the council, we paused consideration of the Phase 2 recommendations. So those are not adopted policy yet. I think that it is entirely possible for example, and this is as I said just one example -- the GNSO could adopt policy that simply said if and when ICANN develops a centralized intake for WHOIS access requests, that all registrars must participate in it.

Another one of the logging suggestions that we have heard, and org is exploring would provide some incentives for voluntary

compliance as well. But the first thing that springs for mind is a quick policy development around the WDS, which shouldn't be that difficult to achieve, given that as you noted, that in Phase 2 the policy recommendation did anticipate compulsory participation.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Brian and Becky. I have a hand from Chris Lewis-Evans from the UK, and we have two remaining questions, and I need to recognize also Vice Chairs which I have completely overlooked, so sincere apologies. And I have received the request from Russia to have two minutes at the end to provide a statement. So Chris, please. If you can keep it brief.

UNITED KINGDOM: Yes, Manal, and Chris Lewis-Evans for the record, thank you for that. Just for clarity though, are you saying that we need to look at new policy work to sort of mandate registrars' and registries' use of the system or more that we can get the GNSO to recommend acceptance of some of the recommendations already carried out through policy work. Thank you.

BECKY BURR: That is actually a really interesting question. First of all, all I'm saying is that we think it would be useful for the council to consider what could be -- what might be done to increase

participation, and obviously this could be a parallel process. We don't contemplate it being done prior to acting on any kind of council recommendation to move ahead.

I hadn't actually thought about the possibility for example of whether the council could ask the Board to consider moving forward on that one provision of Phase 2 regarding compulsory participation, and we would have to look at that carefully, because it may be that the way the recommendation is structured it doesn't work, but that is something we should definitely look at. I think there are a variety of different approaches to it, but one of them could be a quick policy development process.

MANAL ISMAIL, GAC CHAIR: Thank you, Becky.

GÖRAN MARBY: When the current agreements require contracted parties to provide reasonable access to obtain data, I worked so hard to come up with a name that people actually could understand, WHOIS disclosure system, and now it's the WDS. Next time I am going to come up with one you can't make an acronym of.

BECKY BURR: So long as it's a good name.

GÖRAN MARBY: So the point is that this is a way to get to data where we centralize it and also a way for the requestor to go directly to the registrar. There's no prevention there, and according to the policy and agreement, they have to answer it. But it doesn't say that the answer has to be yes, and they will provide the data, because the contracted party, the registrar in this case, has to do according to law, a balancing test and the requester has to prove they have a legal basis to get access to the data. [That is fine tuning.] Not to get lost in this.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Göran, and I think we need to go onto DNS abuse now. And the question reads: Does the Board have any plans to facilitate and implement DNS abuse mitigation for example from malware, bot nets, and piracy.

JAMES GALVIN: Thank you, Maarten, Manal, and thank you to the GAC, certainly a pleasure to be here. The Board does share your concern about DNS abuse, and I think it's important to start from that place, and we obviously agree it is an important topic to continue to work with the community to address. It is also important to acknowledge that a starting point for any DNS abuse discussion is to acknowledge that DNS abuse, as we know it in the ICANN

community here, is phishing, pharming, malware, bot nets and spam as a vector, and important to keep that in mind as a cornerstone principle of where we're launching from and activities we want to proceed with.

And we know a lot of progress has been made that has helped to improve where we are right now, want to be sure everyone is aware of these things and able to refer back to them. Going all the way back to 2013 in the midst of the 2012 round of new gTLDs, the registration accreditation agreement and the new registry agreement at that time introduced provisions for combating DNS abuse. And four years later we had the launch of DAAR which has been providing some indication of security threats since that time.

In 2019 and in 2020 we added anti abuse provisions to some legacy TLD contracts. 2020 was dot com and 2019 was org, biz, info and Asia. In 2022, DNSTICR was introduced to help combat abuse specifically with COVID-related domains, and this year it was added to also cover the Russia Ukrainian situation to help combat some disinformation about that set of circumstances. And today we already have a Public Comment open for a proposed amendment to registry agreement for gTLDs to allow ICANN to access data, to extend DAAR to apply to registrars. And finally, since DAAR was created in 2017, it's also important to

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point out that there has been an observable and significant decline in domains used to perpetrate DNS security threats both in absolute terms and on a percentage basis. You may have seen that graph back at ICANN 74, it was a common thing that Göran was using in his discussions during that week about DNS abuse. And all of that even as the number of domain names has actually been increasing in the industry. So again, the current state of abuse that we can observe is that we are in a better place than it once was, at least among gTLDs.

As you know, ccTLDs can set their own policies and they can voluntarily participate in DAAR. A few have and we certainly would like to encourage, and ICANN.org would welcome other ccTLDs that would like to participate. Importantly, though, this does not mean that we're done, and we're not suggesting that DNS abuse is over. There certainly is more work to do and there will always be more work to do, and that is important too, we need to evolve.

From a what-to-do-next perspective, certainly there are continuing discussions in the community and with the GNSO Council, DNS abuse small team, to which org has been providing input and stands ready to continue to support the community, and in parallel ICANN org continues to research into DNS abuse and will continue to evolve DAAR, most notably initially here in

particular with respect to adding registrars, but there are other activities they're pursuing and DAAR of course does help us to understand and inform our DNS abuse discussions. So… this is important and useful to us in general. And as a concrete example of evolving progress, we note that contracted parties are already considering an additional mitigation effort that would undertake to address compromised versus malicious registrations -- which of course the Board supports [inaudible] the community going forward and going to evolve.

Let me end with a more direct responses to your question. The Board will continue its efforts to support the org and the community as they continue to discuss DNS abuse and implement DNS abuse mitigation. Implementation is not something that the Board would undertake directly, but we certainly do want to continue to support the community in its efforts to move forward which I hope from the examples that I have offered is an indication that things are moving forward and will continue to evolve. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jim, and maybe we can take the final question.

GÖRAN MARBY: I just want to inform you in the contracted party house meeting today they started talking about entering contractual discussions directly with ICANN org, which we welcome very much and I'm looking forward to those discussions to talk about the things that Jim was now talking about. I want to pick up on one thing on the actual question, and that is about piracy. ICANN by its mission and bylaws is not about content. It's very, very important for us to remain in that and there are two reasons, two practical things for this one as well, or one particular thing is that besides the fact that it is part of our mission not to go into content, on the other side, we don't have the technical ability to actually go and check all websites in the world and then deem what might be legal or not legal, and there are many other better enforcement mechanisms than us, so it's very important, not in mission, not in our bylaws. But also, I would claim it's fairly impossible for us to do that, to look on all websites and check everything for data to see if something would be deemed illegal according to some law around the world.

But remember, we do have protections around this. One of the oldest protections we have is around trademarks. I think one of the oldest policies we actually have -- I think she says okay -- where we for more than 20 years have had trademark protection, where we work with, among others, WIPO and other ones who help us with that. So it's not as if we don't do anything, and I hope

Jim's description of the things we do to fight DNS abuse is something you also take into account. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Göran. And the last question -- and I hope it's okay if we run five minutes over time, I ask your understanding. So quickly, how can the GAC help the Board and the wider community undertake and proceed the work to improve the reporting and handling and enforcement of contract terms?

MAARTEN BOTTERMAN: I think that for sure by providing feedback on how the reporting is currently provided, there are specific website pages on the ICANN where you can find the reporting and handling and enforcement, and the org is always looking forward to suggestions for improvement in that.

GÖRAN MARBY: If I may, I will ask someone to post in link chat a link with the latest report which we do on a frequent basis, I think it's actually monthly we now come out with reports, and one of the reasons why we're doing that is because the GAC a couple of years ago

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asked us to increase reporting, and of course I can't be sitting here without saying there is also in the actual CEO report, which you could read on your flight home because it came late, as I learned, there are more things about what we do in compliance. And I also know that Jaime, the head of that function, loves to come to GAC and talk about what we're doing when it comes to compliance.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten and Göran. And quickly in 30 seconds, just to recognize that in addition to Paraguay being the incoming GAC chair, we also have Sweden, Burundi and Korea as incoming Vice Chairs for the second term and Lebanon and UK as incoming chairs for the first term. With that, Slava, are you online?

RUSSIAN FEDERATION: The Russian Federation is one of the parties who suggested their candidate to the post of the secretary general of the International Telecommunications Union, would like to go make the following comment: In response to the address of the CEO ICANN Göran Marby during the opening ceremony, talked about the conference and the coming elections at the International Telecommunications Union. Dear colleagues, I would like to use this opportunity to give you a chance to look at the program of our candidate. This program is aimed at the harmonization of ICT.

We would like to enhance cooperation of all country members with the private sector, with network operators, service providers, and various organizations which play an important role in the global development and implementation of connectivity and ICTs, including ICANN. I will provide a link to this program in the chat.

In conclusion, I would like, the Russian Federation would like to note the following: The mission of the general secretariat of the ICT and the general secretary himself is about providing high quality and efficient services to the members of the union. The general secretary governs administrative and financial aspects of the activities of the organization. Only administrative and financial services, I emphasize. The general secretary, as well as in many other international organizations, is not a representative of a particular state. This person is neutral. They do not govern the union; they do not define the directions and goals of its activities. The union develops in the direction which is defined by the members and fulfills the tasks adopted through a consensus-based decision-making process led by the members. The members include 193 countries as well as about 900 companies, international governmental organizations, non-governmental organizations, regional organizations, academia, and civil society representatives. It is a community which includes over 50,000 experts. The Russian Federation is convinced that this union even

after the elections during the plenipotentiary conference in 2022 will continue implementing its mission through connecting people throughout the world regardless of where they live and how much money they have, will continue to protect their right to communication. Thank you very much for your attention.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Slava, apologies for the delay.

RUSSIAN FEDERATION: Can I make one small comment related to remarks in chat? It's not related directly to the subject of our today discussion and questions with the Board, but yesterday a speech was made officially at the public ceremony, and [indiscernible] Board only one opportunity to make such comment to Göran. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Russia, and apologies for exceeding the time. Any final remarks, Maarten before we conclude?

MAARTEN BOTTERMAN: As always, thanks GAC for hosting us and for a very good discussion, and all sympathy for everything that is happening in the world. And really appreciate the constructive [one,] and the hard takeaway is also early engagement on the strategic plan as

one of highlights I think that we really appreciate. So, thank you very much. Manal, as always -- and this is the last time?

MANAL ISMAIL, GAC CHAIR: No, before the last.

MAARTEN BOTTERMAN: Okay. Good.

MANAL ISMAIL, GAC CHAIR: So… thank you very much to all Board members who joined us today and all GAC colleagues and to all community members who showed interest in the session. And to GAC colleagues, it is now a less than 30-minute break. Please be back at half past so we can start our Communiqué drafting. Thank you very much, everyone.

[END OF TRANSCRIPTION]

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