



Report on

ICANN52

Singapore

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Executive Summary

ICANN52 Singapore has met most attendants' expectations. It was a productive meeting that was largely dominated by the IANA Stewardship Transition discussions and the ICANN Accountability enhancement process.

While those two issues might have shied away quite a few regular ICANN attendants, those who were in Singapore witnessed lively debates and some unseen vibrant discussions in the ccNSO community.

While it is still too early to tell as key assumptions need to be confirmed, an IANA Stewardship Transition proposal that would fit into the ICANN structure is now back on the table and it gained some traction as the ICANN meeting progressed.

Good progress from the cross community working group on ICANN Accountability enhancement suggests that it might be possible to meet the extended June 2015 deadline. The importance of the work of the accountability working group has grown during the week and will likely be the keystone element of the combined proposal that will go to the NTIA.

It is clear that the ccTLD community will have to get aligned on both issues if it wants to continue to have a strong voice in these debates. The ccNSO would be the natural place for a compromise to crystalize and the Regional Organisations will be instrumental in achieving that goal. Many called for a return to the fundamentals and look again at the concrete needs of ccTLDs as a starting point.

In the margin of the ICANN meeting, CENTR members met with the European Commission and European GAC members to share views on the state of things and plan further synchronisation of activities.

The GNSO council had a huge workload to get through both in their weekend working sessions as well as council meeting and other linked sessions. The schedule was in fact so tight that the regular joint ccNSO/GNSO meeting was forced to be dropped and high interest topics such as new gTLDs and WHOIS took somewhat of a back-seat – all to make room for work on the IANA Stewardship Transition and related ICANN Accountability. Within the GNSO, the IANA discussion took place more substantially at the level of the Registry Stakeholder Group, where an internal to ICANN option (whilst maintaining the notion of separability) seems to be the preference. The gTLDs, like ccTLDs, are of course direct customers of IANA and their group is increasing in numbers all the time thanks to new gTLDs.

Other topics in and around the GNSO were: new gTLD auction revenue and future rounds, work on how to deal with the Expert Working Group (EWG) report (likely to be a massive PDP), 2-letter strings at the second level, a new geo-TLD interest group, the new ICANN meeting structure and workload issues as well as, of course, several policy updates from the GNSO working groups and implementation teams.

In addition to discussing the IANA Stewardship Transition and Accountability, the GAC worked on gTLD safeguards, the Framework of Interpretation WG report, country and geographic names and two-character codes.

ccNSO report

The ccNSO spent roughly half of its two-day meeting discussing the IANA Stewardship Transition and ICANN Accountability enhancement process. Reporting on other interesting sessions can be found further down in the ccNSO report.

The IANA Stewardship Transition and ICANN accountability work

Progress so far

The Cross-Community Working Group on the IANA Stewardship Transition had [published 4 potential models](#) to be discussed at this week's ICANN meeting. While there is agreement that the IANA functions operator is currently performing well, and post transition ICANN should continue in the role, the models all try to address how to respond to a serious failure, ultimately in reassigning the role of operator: this is referred to as separability.

In essence they boil down to two approaches: one external to ICANN and the other, internal. Both have a number of elements of accountability in common.

The external models envisage 4 entities which together would provide an accountable and multi-stakeholder based model for the oversight of the IANA functions. One uses an external Contract Co. and the other an external trust to be the contracting agency to replace the US Government's role. More details can be found [here](#). The CENTR Board of Directors [commented](#) on the Contract Co. model and these comments are still highly relevant.

The internal model would build on existing ICANN structures and would add one or two oversight and/or control mechanisms relying on accountability through bylaws or the creation of an internal trust. More details can be found [here](#). This approach is generally perceived as simpler than the external one, but relies heavily on yet to be proven assumptions (such as the ability to re-allocate the IANA functions operation in the case of serious failure or the legal validity of proposed appeal structures).

The Cross-Community Working Group on ICANN accountability has made significant progress and has almost completed the foundations for the accountability improvements. Feedback from all communities on their preparatory work was overall positive. The majority of comments called for as simple as possible an approach and care to avoid decision deadlock by adding layers of bureaucracy and additional mechanisms.

They build on 4 main components: (1) an empowered community; (2) Board improvements; (3) inserting principles in bylaws; and (4) Independent appeals mechanisms. Further details of the accountability mechanisms from each of these components will be template-based. The final model will be stress tested (e.g., against financial and legal risks threatening ICANN). Details and an excellent storyboard can be found [here](#).

Next steps

The IANA Stewardship Transition working group will continue to refine the models and – based on essential legal advice and input received from the communities – prepare a final proposal. That final proposal will need to be approved (or at least not objected to) by its chartering organisations. These include the ccNSO and the GAC. It is essential and urgent that the ccTLD community starts working towards a common position. This needs to happen in the ccNSO, but the Regional Organisations will need to support that effort, otherwise no broad support across the whole ccTLD community can be achieved.

The ICANN accountability working group will continue developing its improved accountability mechanisms while prioritising on those that are essential to the IANA Stewardship Transition.

An important issue yet to be resolved is how exactly the ccNSO will need to sign off on the final proposal. It is unclear whether that will be the ccNSO council or the ccNSO membership and what mechanisms they will need to use

(unanimity, majority vote or consensus).

Analysis

These two processes are now linked tighter than ever before. The ICANN Accountability process has gained significantly in importance over the last week. Strong leadership and participation has led them on an almost flawless trajectory. However, the biggest boost for them was the juxtaposition of the internal and external models presented by the IANA Stewardship Transition team. The verdict on which of these models will prevail is pending on the outcome of essential legal advice (currently being requested by the working group and expected in a few weeks) and the outcome of the work of the accountability strand.

It is clear that without ICANN accountability reforms, an ICANN internal solution for IANA stewardship will not receive support from some of the stakeholders, in particular the GAC.

In addition, the legal advice is crucial to understand if the proposed models would even work under Californian law. A concrete example is the question whether it is legally possible to have a mechanism that can overrule a Board decision.

Expectations

The fact that the ccNSO (as chartering organisation of the CWG) will have to approve the final model is significant. As underlined by Chris Disspain – speaking in his capacity as a ccTLD CEO – an ICANN external solution risks annihilating the decade-long efforts by the ccNSO to have a strong voice in the ICANN community. According to some, an ICANN external solution would likely have a negative impact on the ccNSO and on the participation rate of ccTLDs in ICANN. Concrete examples include the limited number of ccTLD volunteers that would be spread across 4 external groups and the financial impact of running an external oversight mechanism. In addition to being a platform for global policies affecting the ccTLDs, performance oversight of the IANA operator is an almost existential reason for the ccNSO.

While still too early to tell, it seems that the ccTLD community might be gravitating towards an ICANN internal solution. The same trend is developing in the GNSO Registry Stakeholder Group, making it consistent across the IANA customers.

With the proper accountability mechanisms in place and after positive legal advice that is not necessarily a bad thing, but it should be underlined these are two rather high threshold requirements. Martin Boyle gave a good [overview](#) of the work and plans of the ICG, including timelines.

ICANN Board meeting with the ccNSO

On the Framework of Interpretation (Fol) Working Group report

The ccNSO is seeking GAC approval – for more details see the GAC report below – and there seems to be some dissent from the GAC. The ccNSO will also forward the report to both the CWG on the IANA Stewardship Transition and the CCWG on accountability. Steve Crocker, chair of the Board, seemed to suggest that RFC 1591 might need an update. Asked by Nigel Roberts, Chris Disspain stated that the Board would not do its own research of the correctness of the Fol WG's interpretation, but would simply accept it. The ccNSO has conditionally approved the Fol WG report to give the GAC the opportunity to do the same.

On the IANA Stewardship Transition and Accountability

The ICANN Board made very clear that it believes that stability and the least amount of disruption are the most important things; accountability mechanisms by the CCWG (if accepted by the community) should be sufficient to remedy the concerns that are currently addressed by a complex structure in the CWG proposal. As such, the Board takes – rather unsurprisingly – a strong position in favour of the internal to ICANN models.

Mathieu Weill called on the Board to not undermine the co-chairs and their work, to give clear guidance about what the Board will do with outcome of the CCWG Accountability (and not to make up any new rules from then on) and finally to be accountable for messed up timing.

Mike Silber (ICANN Board member) and Lise Fuhr called for a constructive approach and avoid being caught in a lawyer's stand-off.

On the work of the strategic and operational planning (SOP) working group

Giovanni Seppia (EURid) reminded that the SOP WG has been shaping ICANN strategic planning over the last decade and the current plans are a significant improvement as a result. On the latest plan for 2016-2020 he stated that the feedback was quite constructive, the plan is very well structured but still lacking a sufficient number of KPIs and that the SOP WG is looking forward to more definitions and additional financial data.

For those who have been following the work of this group it is a relief that the years of hard work from chairs Byron Holland, Roelof Meijer and Giovanni Seppia, as well as more than a dozen volunteers from the ccNSO is finally paying off.

The IANA update

The IANA staff gave an overview of current projects and performance metrics. Major work is being undertaken on the new authoriser contact model. This is an operational enhancement project and received excellent feedback so far. The specifications will be circulated shortly for public review. This is not a policy change but an operational change that requires customer input and goes hand-in-hand with two-factor authentication.

IANA is also working on publishing delegation/redelegation requests. Answering a question from CENTR they confirmed that they understand the need to build in a threshold and to make sure it is set right. They will call on ccTLDs to advise and ask for volunteers. All performance metrics are well within the green.

Kim's presentation can be found [here](#).

Legal session

Rubens et al v. Islamic Republic of Iran

Following a 1997 Jerusalem bombing – families of injured American victims sought to enforce \$109 million by attaching Iranian property in the US (Iran had claimed responsibility). Initially, they failed to attach Persian artefacts on loan to the University of Chicago, but then sought to attach .ir (as well as .sy and .kp).

ICANN was asked to hand over 'the property' but argued that ccTLDs are not property. The Federal Court held that ccTLDs are not subject to attachment on narrow grounds. They might be property but they are bound with the services (and database), one can't take over contract rights in this case: 'ccTLDs cannot be conceptualised apart from the service (name resolution)'. Plaintiffs have appealed with respect to .ir and dropped .sy and .kp. The foreign sovereignty immunities act would need the 'property' to be governmental. Appeal by plaintiffs are to be expected.

Marketing session

On Tuesday 10 February, the ccNSO held a marketing session, which included presentations from Giovanni Seppia (.eu), Dina Beer (.il) and Ondrej Filip (.cz).

Giovanni discussed EURid's social media revolution, which took the form of a comprehensive social media strategy. The goal of this strategy was to expand the registry's communication channels. After assessing its situation, EURid maximise the potential of social media networks to meet the .eu current and new stakeholders' needs and expectations. Results speak for themselves: 66,200,00 impressions on Facebook, 32,800 stories created, more than 400 likes on their 'Domain names for dummies' post and more than 2,300 followers on Twitter.

Giovanni's presentation can be found [here](#).

Due to a sharp decline of .il registrations between 2011 and 2013 and a negative perception of the association's activities in the Israeli community, ISOC-IL decided to launch a promotional campaign based on community leadership. Dina's presentation focused on the successful results of this campaign, which helped improve their relationship with the registrars, government bodies, transparency and emphasis on the community.

Dina's presentation can be found [here](#).

In his presentation, Ondrej gave an introduction to the key marketing activities of the .cz registry, focusing on the project 'How to use Internet' (<http://www.jaknainternat.cz>). The project consists of a series of more or less 50 short TV episodes on the basics of internet and how best to use it, which were first produced in 2012 and re-run in 2013 and 2014. The campaign received a lot of coverage and episodes are now also used in schools for educational purposes.

Ondrej's presentation can be found [here](#).

ccTLD updates session

Lise Fuhr presented on the consequences of the Danish Domain Name Act on the responsibility for the accuracy of WHOIS data. In 2014 a new Domain Name Act was introduced in Denmark. Among the changes in the new Act there are two that have major implications on DK Hostmaster: First a demand for better WHOIS data; and second a demand for synchronization of registrant's data with the Danish Civil Registration Number Database – CPR, in order to ensure citizens who become anonymous in the CPR becomes anonymous in the WHOIS database simultaneously.

Presentation will be made available [here](#).

Simon McCalla from Nominet presented on the Internet of Things and why it is one of the possible new business project for any ccTLD. With low tech tools they succeeded to build a flood monitoring system for the Oxford region that after testing ends will be of enormous help to the local community. DNS is – due to the power of redirection – often a much stronger tool than for instance IPv6.

Presentation will be made available [here](#).

gNSO report

IANA Stewardship Transition

Given the structural nature of the GNSO, there was limited substantial discussion to the work of the CWG at the level of the GNSO council (although the council will likely put out a supportive statement to the CWG IANA and CCWG Accountability).

Most of the substantial discussion on this topic took place within the Registry Stakeholder Group (RySG). Selected points from discussions lead by Donna Austin (ARI registries/GNSO) are listed below

- State of the Net speech (Larry Strickling) is being interpreted as putting the CWG on notice as to the path it was taking – this was taken to mean that the external to ICANN option may not be acceptable.
- A message from the speech was that the NTIA role is administrative/clerical and that there is concern that the community may build an overly complex structure.
- It's felt that registry endorsement on a proposal is critical – registries are primary customers.
- For an internal to ICANN option to be tenable, it must contain mechanisms to remove the IANA function from ICANN if needed – this would be achieved via the golden bylaw proposal. That mechanism would be considered as a last resort option and sufficient opportunity to remedies would be available prior to its use.
- General good support of an internal to ICANN model with the notion of separability built in.
- Why the need for separability when we have an accountability track? Response to this (and referring to ccTLD arguments) was that there is already separability in that NTIA can rebid the IANA function. This is just maintaining the status quo.
- So far, too much time was spent on the notion of separability, which is important, but the operations need to be addressed more.
- CWG has not dealt with authorisation. IANA doesn't make decisions as to what goes into the root, they do what is approved by NTIA. Should that authorisation function be replaced?
- Not long ago, routine request to IANA were being held up (e.g., ICANN asked to sign a ccTLD contract or some other policy). Structural separation is important so the operational work is never held hostage by policy.
- RySG may consider bringing in registrars into their discussions more often on this topic.

WHOIS: Board-GNSO EWG Process PSP

The task for the GNSO is to work out how to incorporate the work of the Expert Working Group (EWG) into a GNSO PDP. A group was formed at ICANN51 (LA) made up of GNSO and Board members and a preliminary issue report from staff is expected in April/May 2015.

The group recommends a 3-phase PDP (policy requirements, functional design and implementation guidance),

although some in the GNSO council believe that given the workload (one councillor stated it could take up to 5 years) the work should be broken into several PDPs. The 3-phase approach would cover the following areas: user/purpose, gated access, data accuracy, data elements, privacy, compliance, system model, cost model, benefit analysis (moving away from current WHOIS) and risk assessment.

Questions still remain on how the work of this group will interact with the multiple other streams of work on WHOIS as well as linked topics on privacy/proxy and data protection.

[Presentation slides](#)

New gTLD Program Status Update

A session was held providing the community with updates related to the status and progress of the new gTLD program. Selected elements are listed below:

- As at 6 February 2015, there are 500+ new gTLDs delegated (251 come from North America) with 798 contracts signed in total.
- Process to delegation (on-boarding, pre-delegation testing, etc.) is taking longer than expected.
- Of 233 contention sets, 70% have been resolved.
- 10 contention sets have been resolved via ICANN auctions, resulting in almost \$33 million in net proceeds (see below on 'new gTLD auction proceeds' for more detail).
- Customer service – new technologies, phone support and the customer support team are to expand to registrars in FY2016 and ICANN is hiring customer support staff in Singapore.
- By ICANN53, there will be business support available from the Istanbul location.
- Several reviews are being planned covering topics such as program implementation, root stability, rights protection, competition and consumer trust/choice (CCT). As part of the CCT review, there will be an economic study and a consumer (global) survey to assess perceptions of consumer trust/choice. The survey will be followed-up in 1 year with another of the same survey to measure trends. The economic study will assess pricing, competition and innovation in new gTLDs.

[Presentation slides](#)

New gTLD Subsequent Rounds

A discussion group was formed during ICANN50 (London) and is reviewing the first round of the new gTLD program reflecting on experiences. The group has compiled a set of issues from the first round of the new gTLDs including: community considerations, special cases, rights protection at 2nd level, string similarity, registry agreements, public interest, applicant support, name collision and IGO/INGO. Points from the session are listed below:

- GNSO wants to take a holistic approach to new gTLDs
- Comment: considering other important work in ICANN (such as the IANA Stewardship Transition) and the current rollout of new gTLDs, GNSO should take a deep breath before jumping off this cliff. Response: these are baby steps, and these discussions will take a long time.
- Comment: a new gTLD round is not expected before 2019.
- There is a wide range of issues and there is plenty of time.
- There are resolutions that there will be a second round (baked in process) – GNSO should be involved.
- The conclusion is limited to this topic. The general feeling is that current work in the discussion group is reasonable; however, consideration should be taken before launching any major action on a second round of new gTLDs.

New gTLD Auction Proceeds

Proceeds from ICANN new gTLD auctions have resulted in almost \$33 million in net proceeds. A discussion has commenced recently on the topic of how to deal with these funds. In the GNSO, there is generally support for some cross-community work in this area and they will likely send out an invite to other SO/ACs interested to initiate a cross-working group. It was mentioned that the ccNSO has a good record of ICANN on financial matters (e.g., ccNSO finance WG). In a session with the ICANN Board, Steve Crocker stated that he welcomes community-driven work in this area. The funds have been segregated and accounted for in the finances. Expect more on this topic in the coming months.

Geo-TLD Registries Interest Group

Peter Vergote gave an overview of this new interest group to the Registry Stakeholder Group (RySG). The group (which is formed within the RySG) aims to provide a platform for discussions and collaborations between geo-TLD operators (e.g., .brussels, .alsace) on issues of common interest. It was noted that there are 3 categories of geo-TLDs in the group: city names, region names and broader geographic indication (e.g., .scot). The group is now in the process of formalisation (agreeing on a charter) and are working out budgets and annual fees.

Deferral of 2-letter strings (including countries) requests at second level

The Registry Stakeholder Group (RySG) have been applying pressure on the Board and GDD who initiated a deferral of pending requests for 2-character labels at second level in gTLDs. The deferral came about as a result of correspondence from the GAC, which meant there are now around 350 requests for release of 2-letter domains on hold. The Registry SG wrote to GDD requesting to start approving the requests which passed through the comment process, also stating it's not a sovereignty issue and that the decision is affecting business planning. The RySG also highlighted that predictability of process is very important and one that is being compromised in this case and others on a semi regular basis.

It is reported that some governments had concerns that the use of their country code at the second level would cause confusion. In their Communiqué, the GAC advised the Board to amend the process of requests for these 2-letter domains so governments can be alerted as the requests are initiated. They also request an extension to a 60-day comment period after the requests as well as mentioning that their advice should be implemented before proceeding with any pending request (as outlined above).

New ICANN Meeting Structure

The GNSO briefly discussed the approved new meeting structure due to take effect in the middle of 2016. ICANN staff also gave some updates as to the guidance principles of how they arrived at what is now an accepted format for future ICANN meetings. What remains unclear to the GNSO is how they will incorporate their work into the new structure, particularly the 4-day Meeting B (SO/AC-focused policy meeting). Coordination between council, stakeholder groups and other SO/ACs will have to be taken into account for a new drafting team, which should be concluded before 2016.

[Presentation slides](#)

Volunteer participation issues

The meeting between the GNSO and ICANN CEO Fadi Chehadé focused mainly on the topic of volunteer burnout and attracting participants to the working groups whom may not necessarily receive an income from domain names. Fadi seemed very aware of the issue mentioning it's not sustainable and also mentioning it has been a priority topic in discussions with SO/AC leaders. He noted some ongoing work within ICANN staff on the topic and increased staff support that would not cross the line in policy development input. Reference to SSAC was made stating that they have an effective way of dealing with workload: they clearly state their capacity on what they can deliver and stick to it (e.g., we can publish x many reports this year, if you have an issue, tell us now). In summary, Fadi was supportive of increased support to working groups, also mentioning the 4.4% of ICANN budget dedicated to policy would hopefully be increased. He also mentioned a set of KPIs which would act as a baseline to measure ICANN performance and help track trends and evolution.

Board engagement with GNSO

At a session between the GNSO and ICANN Board the topic of Board engagement dominated the floor. They mentioned that they 'missed' seeing Board members attend their working sessions and that the perceived diminished engagement would or is already having effects on work and conflicts in the community. Selected points from this discussion are listed below:

New meeting structure (particularly meeting B), could be an opportunity to improve the situation.

Board members have a time challenge in getting to the various groups within ICANN and noted many sessions are duplicated presentations – this is not always a good use of the time.

Fadi accepted that the community (at least GNSO) feels the Board is more distant. He proposes innovative thinking on how to overcome this.

Translation and Transliteration Working Group

Questions in the charter for this group were whether it is desirable to translate or transliterate (transform) contact information to a single common language, and who should decide on who should bear the burden of transforming contact information. The main recommendations include;

No mandatory recommendations – The Working Group recommends that it is not desirable to make transformation of contact information mandatory. Any party requiring transformation is free to do it on an *ad hoc* basis outside the Domain Name Relay Daemon.

New RDS and tagged data fields: the Working Group recommends that any new Registration Directory Service database should be capable of receiving input in the form of non-Latin script contact information. All data fields should be tagged in ASCII to allow easy identification of what the different data entries represent and what language/script has been used by the registered name holder.

Submitting data in language/script used by Registrar: the Working Group recommends that registered name holders enter their contact information data in the language or script that the registrar operates in.

Registrar verifications: registrar and registry must ensure that data fields are consistent, that the entered contact information is verified and fields are correctly tagged to facilitate transformation if needed.

[Presentation slides](#)

Privacy & Proxy Services Accreditation Issues

This group gave an update to the GNSO council mentioning they intend to produce their initial report after ICANN52 and final report by ICANN53.

[Presentation slides](#)

IGO-INGO access to curative rights PDP

Background: WG Charter (June 2014) – Whether existing curative rights mechanisms (UDRP & URS) should be modified to address specific needs of IGOs and INGOs; and if so, how; or whether new, narrowly tailored dispute resolution procedure modeled on UDRP/URS should be developed.

Phil Corwin provided an update to the council noting good progress had been made. A preliminary decision to exclude INGOs from further consideration received no objections from any other group in ICANN. Points from the presentation are listed below:

- The GAC Communiqué from ICANN51 in LA advised the ICANN Board that: The UDRP (and URS) should not be amended and Curative Rights Protection Mechanism(s) should be at no or nominal cost to IGOs. The WG will remain in their commitment to their charter from the GNSO.
- Council is currently discussing 'standing' to file complaint under a dispute resolution proceeding (whether UDRP, URS or other) – WG reviewed existing treaty scope (e.g., Paris convention)
- IGO coalition's input sought on standing & sovereign immunity
- Concerns were raised on low participation from GAC
- Aim to produce preliminary recommendations by ICANN53

[Presentation slides](#)

Policy and Implementation WG - Presentation of Initial Report

Background: Increased focus on which topics call for policy and which call for implementation work, including which processes should be used, at what time and how diverging opinions should be acted upon. A final report is due in June 2015. Selected recommendations from [initial report](#) are listed below:

- Experience shows that diverging opinions may arise during implementation policy recommendations that may or may not involve policy issues. Defining such issues as either 'policy' or implementation was not as important as developing standardised mechanisms for addressing the issues efficiently regardless of characterisation. The WG proposes 3 standardised processes:

- GNSO input process – non-binding advice similar to public comment
- GNSO guidance process – binding advice to ICANN Board – not expected to result in new contractual obligations and typically involves existing gTLD policy recommendations
- Expedited PDP – develop recommendations resulting in new contractual obligations
- WG recommends implementation review team be mandatory

[Presentation slides](#)

GNSO and GAC interactions

The GNSO/GAC consultation group published recommendations regarding scoping of a PDP in January 2015. Core to the recommendations from the consultation group is a 'quick look' mechanism whereby the GAC would have early indications in the PDP in any area of potential interest.

[Consultation group recommendations](#)

GNSO Policy Implementation Updates

The GNSO received an update from the Global Domains Division (GDD) which included an overview on the status of many GNSO policies currently being implemented. Selected points are listed below:

- IRTP WG B Recommendation 9 that deals with locking/unlocking domain names – incorporated into section 5 of IRTP, effective to all ICANN-accredited Registrars as of 31 January 2015.
- IRTP WG B Recommendation 8 which is the standardisation of EPP status codes incorporated into the additional WHOIS information policy (effective date TBA).
- UDRP locking – ICANN accredited registrars required to comply with updated rules by 31 July 2015
- IRTP WG C Recommendation 1 which is change of registrant policy – draft policy language still under review by the implementation review team
- IRTP WG C Recommendation 2 is the time limiting of FOAs – updated text will be included in the updated inter-registrar transfer policy when it goes out for public comment
- Implementation of thick WHOIS is ongoing. Note that there are 3 elements to the policy: all gTLDs are required to have thick WHOIS, all gTLD registries required to have consistent labelling and display of WHOIS output using the specification from 2013 Registrar Accreditation Agreement, and there should be a legal review of laws applicable to the transition from thin to thick (this process is taking longer than initially thought)
- IGO INGO protections – progress on building lists of all identifiers to be protected.

Cyrus from the GDD mentioned also that they are putting together a policy implementation calendar.

GAC report

The GAC Communiqué can be downloaded [here](#).

Framework of Interpretation Working Group (Fol WG) report

From its meeting with the ccNSO (10 February 2015), it appeared that it was difficult for the GAC to endorse the report of the Fol WG, as in the report, the supremacy of national regulations seemed to be questioned. The Fol WG (Keith Davidson, Becky Burr) underlined that it did not intend to constrain applicable law with regards to the administration of a ccTLD and the GAC would retain their authority on public policy related to their national ccTLD. The GAC members had different reactions, e.g. the UK saw no problem but Norway asked for more alignment with the GAC principles of 2005. Keith stated that RFC 1591 and GAC principles only took a narrow look at revocation and misbehaviour where IANA would or could step in (threat to security and stability). Becky underlined that the Fol report and GAC principles could clearly be reconciled and outlined the three relevant phases, i.e. delegation (under agreement of significantly interested parties, including governments), transfer in the absence of national law (RFC 1951), and revocation (where IANA steps in but governments would still act under applicable law). According to the US GAC, a 'peaceful coexistence of our respective perspectives' was possible (and one GAC member even suggested that the GAC principles of 2005 might require review).

In their Communiqué, the GAC welcomes the Fol WG's recognition that the ultimate authority on public policy issues relating to ccTLDs lies with the relevant government, which is consistent with the GAC principles of 2005. Worried about a misinterpretation of what they said previously, the GAC stressed that nothing should be read into the Fol WG that could suggest a limitation or constraint of applicable law, governmental decisions or IANA's ability to act in line with a government's request.

Country names, geographic names and 2-character codes at second level

Release of 2-letter codes and country names at second level:

The GAC issued the following advice to the ICANN Board: 1) to establish a notification mechanism to alert governments as requests are initiated; and 2) to extend the comment period to 60 days (to be implemented before proceeding with pending and future requests). The GAC will publish a list of members who intend to agree with all requests and do not require notification.

Country and territory names at second level: The GAC advises the Board to create a public database to streamline the release process outlined in Specification 5 ([Registry Agreement](#), Section 4, Specification 5). It will contain information about whether GAC members 1) intend to agree to all requests; 2) review on a case-by-case basis; and 3) do not agree to any. Absence of input does not mean agreement.

Protection of geographic names in future rounds

The GAC Working Group on Protection of Geographic Names in Future Rounds will continue its work and GAC will get involved with the CCWG on Use of Country and Territory Names as TLDs.

At the GAC meetings, there was general confusion around the terms (codes, names, labels), and discussions fused over 2-letter codes and country codes, which are both part of Specification 5. The latter stipulates that all 2-character labels be withheld from registration or allocation at the second level – except when there is agreement from the relevant government of that country. In addition, no country or territory name contained in, e.g. the ISO 3166-1 list, may be released at any level unless there is agreement with the relevant government.

This has led to a situation where some countries do allow the use of either 2-character labels and/or country/territory names (as country names are not excluded from registration as trademarks, e.g. .patagonia) and others don't. The GAC also noted, however, that some cases occur in countries that are not part of the GAC (and hence have no voice at the ICANN meetings).

This is why registries have called for a procedure approved by ICANN that would no longer require them to ask for approval by each and every government. Most of these requests so far have come from companies, brand names and names of registries that have Specification 13 in their registry agreement (allowing the exclusive use of that TLD, i.e. for the purpose of that company, and not for anyone). Despite the GAC's initial statement specified that it had no major concerns, all processes are currently on hold, as this referred only to brand owners seeking approval. Consequently, the GAC saw further need for discussion (see a list of exchanges [here](#)).

A [CWG](#) on the use of country/territory names as TLDs also met at ICANN52 (co-chairs: Annebeth Lange, .no; Paul Szyndler, .au) and talked about its draft straw man proposal. The GAC will review this proposal and background material by the next ICANN meeting. It has come up with a [progress report](#) in September 2014. Background material can be found [here](#).

gTLD safeguards

The largest section of the GAC's communiqué focuses on safeguard advice application to all new gTLDs and Category 1 and Category 2 strings. The GAC particularly addressed the work of the New gTLD Programme Committee ([NGPC](#)), both welcoming its efforts and criticising shortcomings, including: NGPC does not require Registries to verify and validate the credentials of registrants for domain names in regulated and highly regulated industry, as this would pose cross-jurisdictional challenges for registries and registrars. The GAC, however, wants affirmative requirements for verification at the time of registration (rather than after-the-fact complaint). It also pointed out that some registries and applicants voluntarily committed to the GAC advice (see below). The GAC therefore sent the following messages to the NGPC:

- Public recognition of these commitments as best practices: all registries involved in such strings should strive to meet them.
- Registries without such commitments (i.e., in the process or with signed contracts) should review means and ways to introduce them.
- Clarify and refine the Public Interest Commitments Dispute Resolution Procedure (PICDRP), which the GAC considers lengthy, complex and ambiguous. It was, however, happy to learn that this process provides a potential alternative mechanisms for seeking remedy and does not 'preclude or limit' ICANN's normal contractual compliance process and time table. In addition, the GAC suggests a 'fast track' process for public actors to work with ICANN contract compliance in case of risk of public harm.
- Clarify the redress mechanism that apply if registrants believe to have been unduly discriminated against.

Background: gTLD safeguards refer to certain strings that the GAC has defined to have an impact on the public interest (see [Beijing Communiqué](#), April 2013). Category 1 strings are linked to regulated or professional sectors (kids, gambling, financial, education...) and include, e.g., .kids, .game, .bio, .diet, .broker, .finance, .cash, .insurance, .bank, .care, .free, .theater, .dentist, .lawyer, .gmbh, .city. As they are associated to a certain risk of consumer harm, the GAC wants to make sure that these strings operate in consistency with applicable law related to privacy, data collection and consumer protection. Category 2 pertains to restricted registration policies for particular (generic) strings under category 1 and require a registry not to give undue preference to any registrar or registrants. Any exclusive registry access should serve a public interest goal (e.g., .antivirus, .app, .baby, .book, .insurance, .hotels, .news, .music).

In 2012, the ICANN Board set up a group to make decisions regarding the New gTLD Programme, called the NCGP. In 2014, it adopted an [implementation framework](#) for GAC Category 1 Safeguard Advice, each requiring one of three levels of safeguards (regulated sectors/open entry, highly regulated sectors/closed entry, special safeguards). This allowed applicants subject to category 1 to proceed in the New gTLD Programme once other eligibility criteria have been met.

Meanwhile, the GAC expressed in a letter to Steve Crocker ([9 December 2014](#)) its concerns regarding (among others) category 2 safeguards, as outlined in the LA Communiqué (i.e., ensuring non-discriminatory registration policies, Specification 11, [PIC specifications](#), and PIC Dispute Resolution Process, PICDRP). In his reply ([22 January 2015](#)), Steve Crocker explained (at length) PICS were embodied in Specification 11 of the New gTLD Registry Agreement and are fully binding and enforceable – they are part of the contract between ICANN and the Registry Operator. In time for the Singapore meeting, fTLD (the Registry service that submitted applications to ICANN for .bank and .insurance), laid out in a [letter](#) its concerns with regards to communications between ALAC, the BC and the ICANN Board regarding the GAC Advice on Category 1, explaining that they had followed the GAC advice, yet now are faced with the threat by ALAC to 'freeze' the contracting and delegation of all 28 strings identified by GAC for enhanced safeguards (including

.bank and .insurance).

The GAC generally lamented that ICANN had not adequately taken into account its advice. The US GAC welcomed that some applicants (such as fTLD) have volunteered to follow the GAC advice, yet pointed out the risk of creating an uneven playing field where some applicants with completed contractual negotiations are in the root (subject to public commitment obligations) and other applicants (under new gTLDs) would not. The public interest should be served by all gTLDs, it might even be useful to go through all gTLDs one by one (and follow status via a dash board, a proposal by The Netherlands). The European Commission put forward a moratorium, i.e., the stop of entry of contract of gTLDs in highly regulated areas. This, however, was not sustained by all GAC members. The Communiqué therefore asks the NGPC for clarification and remedies.

WHOIS

The GAC comparatively spent little time on WHOIS, yet acknowledged having received a comprehensive briefing provided by the Board on the wide range of WHOIS-related activities currently underway across ICANN and the community.

Internet Governance

The GAC seemed to feel a bit uninformed (and uninvited?) about what was going on in the [CCWG on Internet Governance](#) (who is part of it, what is being discussed). Yet, two GAC representatives currently go to the meetings and historically, the GAC Chair used to be part of the group on an *ad hoc* basis. Nevertheless, the question was raised whether the Secretariat could not follow the WG. The CCWG representatives informed about the [charter](#), which has now been finalised (Version 5) and to which many SOs and ACs have signed up to. The GAC will have a look at it and intend to formally adopt it at the next meeting.

Briefing on domain name industry involvement (Architelos)

At the last GAC session of ICANN52, Architelos was invited to speak about domain name abuse and best practices for mitigating it. Alexa addressed abuses, such as phishing, botnets, spam – their differences and commonalities (they all start with a domain name registration). Certain profiles (closed v. open generic, different distribution channels) of registries make them more or less attractive to abuse and create different risk profiles of TLDs. She explained that abuse does not mean that there is mismanagement at the registry, as every TLD has at least some abuse. It is, however, important to see how registries mitigate it. TLDs that do not mitigate clearly put their reputation at risk, which would make legitimate use, registrations and renewals suffer – and harm the revenue stream. Effective mitigation should happen as close to the source as possible, a key variable is the time to harm. Best practices include consistent policies and procedures, continuous monitoring, multiple data sources, quick mitigation. Means to detect, analyse and prioritise and effectively communicate must be in place. Enforcement (from suspension to deletion) as well as documentation (both for reasons of compliance and measurement of effectiveness) are crucial. A good abuse system has principles (e.g., safety for end users) that translate into policies; processes and procedures that help carry mitigation out in a consistent way, and related workflows (with exceptions and escalation paths).