

ICANN | GAC

Governmental Advisory Committee

ICANN70 Virtual Community Forum, 25 March 2021

GAC Communiqué – ICANN70 Virtual Community Forum¹

The GAC ICANN70 Communiqué was drafted and agreed remotely during the ICANN70 Virtual Community Forum. The Communiqué was circulated to the GAC immediately after the meeting to provide an opportunity for all GAC Members and Observers to consider it before publication, bearing in mind the special circumstances of a virtual meeting. No objections were raised during the agreed timeframe before publication.

I. Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met via remote participation, from 22 to 25 March 2021. Per ICANN Board resolution² on 14 January 2021, in response to the public health emergency of international concern posed by the global outbreak of COVID-19, ICANN70 was transitioned from an in-person meeting in Cancún, Mexico, to a remote participation-only ICANN meeting.

Seventy two (72) GAC Members and five (5) Observers attended the meeting.

The GAC meeting was conducted as part of the ICANN70 Virtual Community Forum. All GAC plenary and working group sessions were conducted as open meetings.

¹ To access previous GAC Advice, whether on the same or other topics, past GAC communiqués are available at: <https://gac.icann.org/>

² See Resolutions 2021.01.14.02 – 2021.01.14.04 at <https://www.icann.org/resources/board-material/resolutions-2021-01-14-en#2.a>

II. Inter-Constituency Activities and Community Engagement

Meeting with the ICANN Board

The GAC met with the ICANN Board and discussed:

- Subsequent Rounds of New gTLDs
- DNS Abuse Mitigation, including related Recommendations from the Second Security, Stability and Resiliency of the DNS Review (SSR2)
- Registration Data/WHOIS

ICANN Board responses to the GAC's questions and statements presented during the meeting are available in the transcript of the GAC/ICANN Board meeting, in Annex. Some additional questions not discussed during the meeting have been provided to the ICANN Board in writing.

Meeting with the At-Large Advisory Committee (ALAC)

The GAC met with members of the ALAC and discussed:

- Expedited Policy Development Process (EPDP) on gTLD Registration Data
- Subsequent Rounds of New gTLDs
- Accountability and Transparency Review Recommendations (ATRT3)

Meeting with the Generic Names Supporting Organization (GNSO)

The GAC met with members of the GNSO Council and discussed:

- EPDP Phase 2A
- DNS Abuse Mitigation, including related SSR2 Recommendations
- GNSO Work Stream related to Accuracy of Registration Data
- Approval of the SSAD Recommendations that Lack Consensus

Cross Community Discussions

GAC Members participated in relevant cross-community sessions scheduled as part of ICANN70, including a session on Registry Voluntary Commitments.

ICANN org Finance and Planning Update

The GAC received a very informative update on Finance and Planning by the ICANN org, and conveys its appreciation to the organization for this presentation.

III. Internal Matters

1. GAC Membership

The GAC welcomed St. Vincent and the Grenadines as a Member. There are currently 179 GAC Member States and Territories and 38 Observer Organizations.

2. GAC Leadership

The GAC thanked its outgoing Vice-Chair, Ms. Luisa Paez (Canada) for her valuable support and contribution to the GAC during two one-year terms. The end of the ICANN70 meeting marks the start of a new term for the incoming GAC Chair/Vice Chair Team:

Manal Ismail (Egypt) (Chair)

Jorge Cancio (Switzerland) (Vice-Chair)

Jacques Rodrigue Guiguemde Ragnimpinda (Burkina Faso) (Vice-Chair)

Pua Hunter (Cook Islands) (Vice-Chair)

Pär Brumark (Niue) (Vice-Chair)

3. GAC Working Groups

- **GAC Public Safety Working Group (PSWG)**

The GAC PSWG led three sessions to update the GAC on PSWG activities and DNS Abuse including detailed review of the SSR2 recommendations. The GAC received an informative presentation by a panel of experts on DNS over HTTPS (DoH) that highlighted advantages in terms of DNS security and privacy. Some GAC members, however, noted possible public policy implications with use of this technology. As a result, the GAC intends to continue to follow-up on emerging technologies with an eye on the public interest.

The PSWG's recent activities include continued advocacy on the need for the community to work together to prevent, deter, and mitigate DNS Abuse. This work focuses on roles that different stakeholder groups may play in this effort including consumer/business education and proactive measures to prevent abuse. The PSWG highlighted the existing DNS Abuse definitions that the community and ICANN org have produced already, including those contained in the Registry and Registrar contracts, which should form a common foundation for future work. The PSWG also noted in its outreach to ICANN org and ICANN Community, the focus on DNS Abuse, discussing possible steps forward which include assessing how contract provisions may improve responses to DNS Abuse.

The PSWG continued its active participation to support the GAC Small Group towards the development of EPDP Phase 2A recommendations on the treatment of data from legal entities and

pseudonymized email addresses in gTLD Registration Data Services. The PSWG also signaled its intent to contribute to the scoping efforts on registration data accuracy and to support the GAC in ensuing policy development efforts. Members of the PSWG continue to support the GAC in the Implementation Review Team for Phase 1 of the EPDP.

During ICANN70, the PSWG held discussions with: ICANN org including representatives of the Office of the Chief Technology Officer, the Security Stability Resiliency team, Global Domains & Strategy, and Contractual Compliance; the Security and Stability Advisory Committee (SSAC); the At Large Advisory Committee (ALAC); Registry and Registrar Stakeholder Groups (RySG, RrSG); and the Intellectual Property and Business Constituencies of the GNSO (IPC and BC).

- **GAC Human Rights and International Law Working Group (HRILWG)**

The HRILWG Co-Chairs updated the GAC on the working group's assessment and implementation work regarding Work Stream 2 (WS2) recommendations on Diversity and the Human Rights Core Value. Members of ICANN org WS2 Cross-Functional Project Team provided an update to the GAC on the org's implementation planning, highlighting the priorities throughout FY21 and beyond.

Among the next steps relative to the recommendations implementation process, the HRILWG will be consulting with UNESCO to explore its "Universality Indicators for the Internet" issued in 2019 which measures how elements of diversity, disability, language, human rights, among others, are represented in the Internet environment in a given country. The HRILWG will continue reporting periodically to the GAC and its leadership through the GAC tracking tool.

The HRILWG co-chairs reiterated the call for GAC volunteers to participate in the WS2 implementation effort, whether by joining the HRILWG or contributing to the implementation of a different set of recommendations.

4. GAC Operational Matters

The GAC addressed and reviewed a number of matters designed to improve the effectiveness and efficiency of GAC operations including:

- Introduction of a modified Communiqué drafting process for ICANN70, which included additional opportunities prior to the meeting to identify topics and submit proposed text as well as an expanded post-meeting review period – extending the review period to 72 hours;
- Development of a new GAC Action/Decision Radar tool to help identify and track community obligations, work efforts and issues of importance to the committee; and
- Retirement of two GAC Working Groups:
 - The GAC Working Group to Examine the Protection of Geographic Names in Any Future Expansion of gTLDs
 - The GAC Working Group to Examine the GAC's Participation in NomCom.

IV. Issues of Importance to the GAC

1. DNS Abuse

DNS Abuse should be addressed in collaboration with the ICANN community and ICANN org prior to the launch of a second round of New gTLDs. The GAC supports the development of proposed contract provisions applicable to all gTLDs to improve responses to DNS Abuse. The GAC also emphasized the importance of taking measures to ensure that Registries, Registrars and Privacy/Proxy Services providers comply with the provisions in the contracts with ICANN, including audits. The GAC welcomes the recently-launched DNS Abuse Institute and encourages community efforts to cooperatively tackle DNS Abuse in a holistic manner.

2. Public Interest Commitments (PICs)

If a subsequent round of New gTLDs occurs, additional mandatory and voluntary PICs should remain possible in order to address emerging public policy concerns. ICANN's mandate clearly contemplates contract requirements such as voluntary and mandatory PICs, that promote the security, stability, reliability, and resiliency of the DNS.

3. Rights Protection Mechanisms

The GAC reviewed Phase 1 Final Report on the Rights Protection Mechanisms (RPMs) PDP and discussed preparation for providing early input to inform the initiation of the upcoming Phase 2 RPMs PDP set to review the Uniform Domain Name Dispute Resolution Policy (UDRP). The GAC also acknowledged the economic consequences caused by online piracy and the necessity of taking measures to comply with the contracts with ICANN, including disclosure of registration data.

4. Subsequent Procedures of new gTLDs

The GAC discussed Subsequent Rounds of New gTLDs, following the GNSO Council adoption of the Final Report of the New gTLD Subsequent Procedures Policy Development Process (SubPro PDP). GAC Vice-Chairs provided an overview to GAC members on priority topics to the GAC:

- Clarity and Predictability of Application Process
- Public Interest Commitment (PICs) and Global Public Interest
- Applicant Support and Participation of Underserved Regions
- Closed Generic TLDs
- GAC Early Warnings and GAC Advice
- Community Based Applications
- Auctions/Mechanisms of Last Resort

On predictability, some GAC members shared concerns relative to the implementation of the Standing Predictability Implementation Review Team (SPIRT) and the added layer it may create regarding GAC consensus advice. GAC members agreed that further clarification on the implementation of the SPIRT should be encouraged, as well as on the role the GAC will play in it, especially in light of Implementation Guidance 2.3 suggesting direct dialogue between the SPIRT, ICANN org and the ICANN Board on GAC Consensus Advice, in which the GAC expects to be included as well. Furthermore, GAC members emphasized the importance of the opportunity for equitable participation on an equal footing on the SPIRT by all interested ICANN communities.

On Public Interest Commitments (PICs), GAC members observed that any future PICs need to be enforceable through clear contractual obligations, and consequences for the failure to meet those obligations should be specified in the relevant agreements with Contracted Parties. Additional mandatory and voluntary PICs should remain possible in order to address emerging public policy concerns. GAC members noted that currently there are no policy recommendations on DNS Abuse Mitigation in the Final Report, which remains a high priority issue.

Relative to the Applicant Support Program, GAC members observed the importance of fostering gTLD applications from a diverse array of applicants from all regions and that every effort be made to increase the number of applications from underrepresented regions. In this connection, GAC members also reiterated the GAC's support to proposals to reduce or eliminate ongoing ICANN registry fees to expand financial support.

Regarding Closed Generic TLDs, GAC Members noted support for the proposed suspension of Closed Generic TLD applications until policy recommendations and/or a framework on the delegation of closed generics which serve a public interest are developed by consensus, as per the At-Large minority statement. GAC Members drew the attention of the Board and the community to the GAC consensus comment on the SubPro PDP Draft Final Report, which elaborates and adds substance to the Beijing GAC Advice on Closed Generic TLDs.

On GAC Early Warnings/GAC Advice, in regard to recommendation 30.6, some GAC Members proposed to recall the compromise language presented by the GAC, as it may not always be possible for an applicant to address a specific concern expressed in a GAC Early Warning.

Relative to Community Based Applications, some GAC Members expressed support for a GAC alignment to At-Large positions in the ALAC Minority Statement, especially relating to Community Priority Evaluations (CPE).

On Auctions/Mechanisms of Last Resort, some GAC Members supported the At-Large Minority Statement on disincentivizing auctions of last resort and that the use of a bona fide intent affirmation should supplement applications, not only those which fall into contention sets.

In addition, in light of the SubPro PDP Final Report, the GAC shares the concerns expressed by some parts of the community about the need to adequately assess the costs and benefits of any new round of New gTLDs and highlights the SSAC's observation in its Comments on the GNSO New gTLD

Subsequent Procedures Draft Final Report that the “*fundamental tension*” between “*challenges to security, stability, and resiliency of the DNS*”, on the one hand, and “*safeguards and other protective measures,*” on the other, has not been adequately addressed.

GAC members discussed potential next steps for the GAC to consider, including:

- Review of advice envisaged by At-Large for ICANN70, which could provide a basis for a GAC consensus comment in the forthcoming Public Comment proceeding;
- A potential intersessional statement from the GAC to the ICANN Board (separately or jointly with the ALAC); and
- Potential GAC Consensus Advice to the ICANN Board before it votes on the SubPro PDP Final Report.

5. Domain Name Registration Data

EPDP Phase 2a

EPDP Phase 2a discusses important issues relevant to a functioning Domain Name System. For example, data suggests that only around 11.5% of domains may belong to natural persons who are subject to GDPR, while contact data from 57.3% of all domains was redacted. These data suggest that a much larger set of registration data was redacted as compared to what is required by relevant data protection laws.

The GAC reiterates, in line with the San Juan Communiqué, that the data of legal and natural persons should be distinguished from one another, and that public access to non-personal registration data of legal entities should be restored. The GAC is of the view that this would help restore the utility of the Registration Directory Service (RDS) by rendering accessible a larger set of non-personal registration data.

Considering the above, the GAC strongly supports the continuation of EPDP Phase 2A, with a view in particular to address the issue of distinguishing between natural and legal entities.

Accuracy

The GAC remains concerned about the absence of any Recommendations on the vital topic of accuracy in the EPDP Phase 2 Final Report.

The GAC reiterates, in line with its Minority Statement to the Phase 2 EPDP registration data recommendations and the ICANN69 Communiqué, that “*[t]he accuracy of domain name registration data is fundamental to both the GDPR and the goal of maintaining a secure and resilient DNS. The GDPR, as well as other data protection regimes and ICANN’s Registrar Accreditation Agreement, require data accuracy and such accuracy is critical to ICANN’s mandate of ensuring the security, stability, reliability, and resiliency of the DNS.*”

Accuracy of registration data is also an essential tool to mitigate DNS abuse. The recent SSR2 report recommends monitoring the enforcement of registry and registrar contractual obligations to

improve data accuracy. The GAC notes the ICANN org briefing on accuracy issued on 26 February and looks forward to follow-up by GNSO Council. The GAC looks forward to contributing to the scoping work on accuracy which is essential to further consideration of the issue. The GAC emphasizes that in the interim, pending the launch of the scoping exercise and possible subsequent policy work, ICANN Contract Compliance should ensure enforcement of the existing contract provisions relevant to the accuracy of domain name registration data.

Policy Implementation

The GAC notes its previous advice within the Montréal Communiqué with regard to Phase 1 of the EPDP on gTLD Registration Data and the request for *“a detailed work plan identifying an updated realistic schedule to complete its work.”* The GAC observes with concern that the Phase 1 Implementation Review Team (IRT) continues without a current published schedule or milestones. The GAC also notes the continued work amongst the different phases of this EPDP including the Operational Design Phase (ODP) and, as expressed during the meeting with the Board, requests that an updated and current schedule is created and published for those elements that are under ICANN org’s control.

V. GAC Consensus Advice to ICANN Board

The following items of advice from the GAC to the Board have been reached on the basis of consensus as defined in the ICANN Bylaws³:

1. EPDP Phase 2 Final Report

Phase 2 EPDP is a step forward but the GAC has serious concerns relating to certain Recommendations and gaps in the Final Report of Phase 2 of the EPDP on gTLD Registration Data, as set forth in the GAC Minority Statement of 24 August 2020 (in Annex).

a. The GAC advises the Board:

- i. to consider the GAC Minority Statement and available options to address the public policy concerns expressed therein, and take necessary action, as appropriate.

RATIONALE

In its GAC Minority Statement, the GAC provides input on its public policy concerns regarding the ways that the Recommendations contained in the Final Report of Phase 2 of the EPDP on gTLD Registration Data:

- 1) currently conclude with a fragmented rather than centralized disclosure system;
- 2) do not currently contain enforceable standards to review disclosure decisions;
- 3) do not sufficiently address consumer protection and consumer trust concerns;
- 4) do not currently contain reliable mechanisms for the System for Standardized Access/Disclosure (SSAD) to evolve in response to increased legal clarity; and
- 5) may impose financial conditions that risk an SSAD that calls for disproportionate costs for its users including those that detect and act on cyber security threats.

The GAC is of the view that certain key recommendations and unaddressed topics in the Final Report of Phase 2 of the EPDP on gTLD Registration Data require further work and that the Board should assess how best to address them.

³ Bylaws section.12.2.(a)(x) The advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the Board determines to take an action that is not consistent with Governmental Advisory Committee advice, it shall so inform the Governmental Advisory Committee and state the reasons why it decided not to follow that advice. Any Governmental Advisory Committee advice approved by a full Governmental Advisory Committee consensus, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection (“GAC Consensus Advice”), may only be rejected by a vote of no less than 60% of the Board, and the Governmental Advisory Committee and the Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution. The Governmental Advisory Committee will state whether any advice it gives to the Board is GAC Consensus Advice.

The GAC is also of the opinion that the Operational Design Phase (ODP) can focus the Board on some of the practical implementation challenges especially those involving cost apportionment.

The GAC looks forward to continued engagement with the Board and the community on these important issues.

VI. Follow-up on Previous Advice

The following items reflect matters related to previous consensus advice provided to the Board.

1. CCT Review and Subsequent Rounds of New gTLDs

The GAC is seeking a coordinated approach on the implementation of the specified Recommendations from the CCT Review ahead of the potential launch of a new round of gTLDs.

Pursuant to GAC advice issued in Montréal (ICANN66), related correspondence with the ICANN Board and subsequent discussions, the latest on 23rd March during ICANN70, the GAC looks forward to be periodically updated on the ongoing consideration of the above mentioned advice, and, in particular, the Recommendations marked as "prerequisite" or "high priority", namely: 1, 5, 7, 9, 11, 12, 14, 15, 16, 17, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35; for example through a tracking tool that identifies the status of each Recommendation in terms of who is taking it forward, how it will be implemented and when it is expected to be completed, particularly in regard to Recommendations attributed to the Organisation and the ICANN Community (in addition to the Board).

The GAC also recalls its advice to the Board in the Helsinki Communiqué that "*An objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round.*" Such analysis has yet to take place. In this regard, the GAC notes that the Operational Design Phase may provide the opportunity for this analysis to assist the Board as it considers whether a second round of New gTLDs is in the interest of the community as a whole.

2. IGO Identifiers

While the GAC welcomes the new GNSO Work Track on Curative Rights, the GAC recalls prior GAC Advice (e.g., from Johannesburg and Panama) and ICANN agreement on a moratorium for new registrations of IGO acronyms ahead of a final resolution of this issue.

VII. Next Meeting

The GAC is scheduled to meet next during the ICANN71 Virtual Policy Forum⁴ on 14-17 June 2021.

⁴ See ICANN Board Resolutions 2021.03.11.01 – 2021.03.11.04 at <https://www.icann.org/resources/board-material/resolutions-2021-03-11-en>

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Governmental Advisory Committee

Status	Final
Distribution	Public
Date	24 August 2020

Governmental Advisory Committee Minority Statement on the Final Report of Phase 2 of the EPDP on gTLD Registration Data

Note: *The At-Large Advisory Committee (ALAC), Business Constituency (BC), and Intellectual Property Constituency (IPC) support the views expressed in this comment.*

Introduction

The GAC sincerely appreciates the efforts of the entire EPDP team, its dedicated Chairs, and ICANN support staff over the past 23 months and acknowledges the considerable time and commitment expended to develop these complex and important policy recommendations regarding access and disclosure of domain name registration data (formerly known as WHOIS). ICANN's Bylaws recognize that WHOIS data is necessary for "the legitimate needs of law enforcement" and for "promoting consumer trust."¹ The GAC has also repeatedly recognized these important purposes, noting that WHOIS data is used for a number of legitimate activities including: assisting law enforcement authorities in investigations; assisting businesses in combatting fraud and the misuse of intellectual property, safeguarding the interests of the public; and contributing to user confidence in the Internet as a reliable means of information and communication.²

Recognizing these crucial purposes, ICANN's Temporary Specification for gTLD Registration Data aimed to "ensure the continued availability of WHOIS to the greatest extent possible while maintaining the security and stability of the Internet's system of unique identifiers."³ The Final Recommendations contain useful elements that are an improvement over the current Temporary Specification governing access to Domain Name Registration data. Nevertheless, the GAC must withhold support for certain Recommendations which in their current form do not strike the appropriate balance between protecting the rights of those providing data to registries and registrars, and protecting the public from harms associated with bad actors seeking to exploit the domain name system.⁴ In

¹ [ICANN Bylaws](#), Registration Directory Services Review, §4.6(e).

² See e.g., [GAC Abu Dhabi Communiqué](#), Section VII.3 p.11 and [2007 GAC Principles Regarding WHOIS Services](#).

³ See [ICANN Data Protection/Privacy Issues](#) webpage: <https://www.icann.org/dataprotectionprivacy>

⁴ The GAC (along with other stakeholder groups) objected to the following Recommendations: 5 - Response Requirements; 6 - Priority Levels; 8 - Contracted Party Authorization; 14 - Financial Sustainability; 18 - Review of Implementation of Policy

this regard, the GAC highlights that the domain name system is a global public resource that must serve the needs of all its users, including consumers, businesses, registrants, and governments.

In this Minority Statement, the GAC provides input on its public policy concerns regarding the ways that the Final Recommendations:

- 1) currently conclude with a fragmented rather than centralized disclosure system,
- 2) do not currently contain enforceable standards to review disclosure decisions,
- 3) do not sufficiently address consumer protection and consumer trust concerns;
- 4) do not currently contain reliable mechanisms for the System for Standardized Access/Disclosure (SSAD) to evolve in response to increased legal clarity; and
- 5) may impose financial conditions that risk an SSAD that calls for disproportionate costs for its users including those that detect and act on cyber security threats.

In addition, as highlighted in our [GAC Comment on the Addendum to the Phase 2 EPDP Initial Report](#), the Final Report does not currently address certain key issues (most notably data accuracy, the masking of data from legal entities not protected under the GDPR, and the use of anonymised emails). The model would also benefit from further clarifying the status and role of each of the data controllers and processors. The GAC requests the GNSO Council to ensure that these important issues are promptly addressed in this EPDP as a next and final Phase 3.

Fragmented Disclosure System

Although the Final Recommendations provide a centralized system to submit requests, it lacks such centralization with regard to disclosing data. The current recommendations create a fragmented system that could lead to inadequate access to registration data and may delay law enforcement, intellectual property, and cyber security investigations. The GAC cautioned against creating “a fragmented system for providing access consisting of potentially thousands of distinct policies depending upon the registrar involved” noting that the “lack of consistent policies to access non-public information causes delays” which may impede investigations and may permit potentially injurious conduct to continue to harm the public.⁵ In the GAC’s view, this result is not consistent with the GAC’s expectation for “a stable, predictable, and workable access mechanisms for non-public WHOIS information.”⁶ Notably, the Belgian Data Protection Authority acknowledged the potential benefits of a centralized model and explicitly recognized that the GDPR does not prohibit the automation of various functions in a disclosure model.⁷

Nevertheless, the disclosure recommendations:

- rely almost entirely upon the individual assessments and decisions of the more than 2000 ICANN accredited registrars;⁸
- insufficiently address the role of automation and provide for only two categories of automated responses;⁹ and

Recommendations Concerning SSAD using a GNSO Standing Committee. See Consensus Designations at Annex D to [EPDP Phase 2 Final Report](#).

⁵ [GAC Barcelona Communiqué](#) (Section IV.2 Other Issues – in reference to Temporary Specification, p.6).

⁶ GAC Panama Communiqué, see Rationale of GAC Consensus Advice to ICANN Board (Section V.1, p. 7)

⁷ <https://www.icann.org/news/blog/icann-meets-with-belgian-data-protection-authority>

⁸ Recommendation (Rec.) 8

⁹ Rec. 9.41 and 9.42

- insufficiently address reliable mechanisms to expand the categories of requests appropriate for automated disclosures in response to future legal guidance or even changes in applicable privacy law.¹⁰

The currently fragmented system for disclosures combined with a relatively uncertain framework to consider and recommend future centralization, may impede the stability and predictability of the SSAD.

Lack of Enforceable Standards to Review Disclosure Decisions

The GAC acknowledges that under applicable data protection rules, including the GDPR, contracted Parties will likely remain responsible for the decision whether to disclose domain name registration data, and may face certain liability risks related to that decision. The GAC understands that contracted Parties have therefore sought to maintain control over the decision whether to disclose domain name registration data. The GAC notes, however, that those decentralized decisions whether to disclose data are largely exempt from challenge and enforcement action, notably via ICANN Compliance.¹¹

Registration data is important for the security and stability of the DNS and there is a real concern that contracted parties may inadvertently or purposely not properly weigh the public interest for the requestor to obtain such data. ICANN’s CEO recently conveyed this very concern to the European Data Protection Board, pointing out that “[d]ue to a lack of legal certainty, registrars, as controllers, are likely to evaluate privacy and data protection in absolute terms, without considering other rights and legitimate interests, to avoid possible regulatory sanctions or a judgment against them.”¹² Denials of legitimate requests for access to domain name registration data have real consequences. The GAC noted in its Barcelona Communiqué that surveys and studies indicated that the implementation of the Temporary Specification in response to the GDPR had a negative effect on law enforcement and cyber-security professionals’ ability to investigate and mitigate crime using information that was once publicly available in the WHOIS system.¹³

The current recommendations do not provide a mechanism for the review of disclosure decisions. The proposed system does not include at this stage a role for ICANN Compliance to review substantive challenges to disclosure decisions. Instead, ICANN Compliance plays a limited role to review complaints regarding failure to abide by the *procedural* requirements or systemic abuse.¹⁴ As a result, the SSAD Recommendations promote a system that risks encouraging a conservative approach to disclosure decisions to reduce liability risks and does not adequately provide for a robust review of disclosure decisions within ICANN’s enforcement mechanisms. Granting contracted

¹⁰ Rec. 8.17 and 18

¹¹ Rec. 8, Rec. 5.3 and 5.4. **See also** May 22, 2020 letter from ICANN CEO to European Data Protection Board, <https://www.icann.org/en/system/files/correspondence/marby-to-jelinek-22may20-en.pdf>.

¹² See May 22, 2020 letter from ICANN CEO to European Data Protection Board, <https://www.icann.org/en/system/files/correspondence/marby-to-jelinek-22may20-en.pdf> (“The uncertainty about how to balance legitimate interests in access to data with the interests of the data subject leaves much to the subjective judgment and discretion of the registrar, as the controller receiving an access request, on whether to grant or refuse access to the non-public gTLD registration data.”).

¹³ See also section 5.2.1 in the [Final Report of the Registration Directory Services 2 Review Team](#) (3 September 2019) and [joint survey](#) from Anti-Phishing and Messaging Malware and Mobile Anti-Abuse Working Groups (18 October 2018).

¹⁴ Rec. 5.3-5.5. Moreover, the implementation guidance does not even require contracted parties to adjust their analysis regarding disclosure decisions “to address applicable case law interpreting GDPR, guidelines issued by the EDPB or revisions to GDPR or other applicable privacy laws that may occur in the future.” See Rec. 8.17. The Guidance uses the word “SHOULD” rather than “MUST” and hence is not enforceable (see 19 December 2019 [email to the EPDP Team](#) from ICANN representatives discussing enforceability of “SHOULD” and “MUST”).

parties full discretion in reviewing disclosure requests may undermine the obligation to ensure the continued viability of domain registration data as a tool to vindicate the rights and interests of the public, agencies tasked with protecting the public, and commercial and intellectual property constituencies. The GAC believes that this current proposed approach may impede the stability and predictability of the SSAD.

Prioritize Requests that Raise Consumer Protection Concerns

The GAC is concerned about the inadequate prioritization for consumer protection requests (raising issues related to phishing, malware and fraud)¹⁵ which raise important public concerns that often require immediate action.¹⁶ The current recommendations place consumer protection requests in the lowest of three priority levels. Moreover, the corresponding service level requirements that govern response times to Priority 3 requests provide for lengthy response times: within five-days during the first six months of implementation and then the response time doubles to 10-days thereafter.¹⁷ This lack of prioritization and long response times could lead to significant harms that frauds and cyber-attacks can quickly cause. The GAC would recommend designating consumer protection requests to Priority 2.

Even if one accepted the current Priority 3 designation, the suggested operation of Recommendation 6 causes concern. The GAC welcomes the fact that the Recommendation requires the requestor's ability to flag requests that raise consumer protection concerns ("Requestors MUST have the ability to indicate that the disclosure request concerns a consumer protection issue. . .").¹⁸ However, the Recommendation does not include a similarly enforceable requirement for the contracted parties to prioritize the consumer protection related requests over others at the same priority level. Rather than using the word "MUST", the Recommendations state that contracted parties "SHOULD" prioritize these requests.¹⁹ However, ICANN Compliance expressly informed the EPDP team that the use of the word "SHOULD" does not create an enforceable obligation²⁰. Hence, this Recommendation is internally inconsistent in that it requires the ability to identify consumer protection issues but fails to require the contracted parties to act on this designation. EPDP team discussions on this issue reflected that this goal could be accomplished simply by using a sorting mechanism. Consumer protection related requests raise issues that affect the overall security of the DNS and hence the GAC recommends making this prioritization mandatory rather than permissive.

Reliable Mechanisms for SSAD to Improve

The SSAD, like any new system, would face challenges in its implementation and application and would need to respond in a timely manner. Mechanisms may require adjustment, demands from data requesters may ebb and flow, and new and unanticipated uses for the data may emerge, especially in the realm of cybersecurity. As a result, the potential for the SSAD to improve over time, adjust to new obstacles, and respond to new legal guidance is crucial.

¹⁵ The GAC also notes that the proposed definition of consumer protection requests seems unduly restrictive and requests that the proposed parenthetical be interpreted as illustrative rather than comprehensive.

¹⁶ See [SSAC Comment on the Initial Report of the Temporary Specification for gTLD Registration Data Phase 2 Expedited Policy Development Process](#) (SAC 111) at pp. 9-10.

¹⁷ Rec. 6.2 and Rec. 10.4 and 10.11.

¹⁸ Rec. 6.2.

¹⁹ Rec. 6.2

²⁰ See footnote 14 above

On the topic of automation, the Final Recommendation on Automated Disclosure Decisions requires automation for any categories of requests for which automation is determined “to be technically and commercially feasible and legally permissible.”²¹ Although the EPDP team considered a range of use cases for automation, it was able to agree upon only two to include in the Final Report.²² Some stakeholder groups, including the GAC, had anticipated an SSAD that included more automation and centralization because, as recognized by representatives from the Belgian Data Protection Authority, a centralized model “seems to be a better, ‘common sense’ option in terms of security and for data subjects.”²³ Nevertheless, the GAC and some other stakeholder groups agreed to this “hybrid” rather than centralized model so long as the final recommendations included a mechanism that provided the flexibility for the SSAD to evolve and change without having to engage in a new PDP effort for each adjustment that was consistent with the Final Report.

Recommendation 18 creates a Standing Committee to be composed of representatives of all the stakeholder groups that participated in the EPDP to grapple with these decisions. However, the GAC believes that Recommendation 18, which provides for review of implementation of the policy recommendations, does not seem to meet the goal of providing for an efficient mechanism for the SSAD to evolve. In particular, there is insufficient clarity regarding whether new use cases for automation comprise new policy or implementation of existing policy. The GAC observes that if every new use case is deemed new policy requiring a new PDP, it is not clear at this stage that the SSAD would effectively evolve and in particular move towards more centralization. Under this scenario, the SSAD could remain fragmented with all the concerns that go along with such fragmentation. Hence, the GAC requests that the GNSO ensure that the EPDP recommendations provide enough certainty in this regard, allowing automation of further elements whenever the “technically and commercially feasible and legally permissible” test is met.

Other requirements for even proposing a change include not only consensus by the Standing Committee but also approval by the contracted parties. The recommendations would then need approval by the GNSO Council (which lacks representation from the Advisory Committees) before they could become adopted. This “evolution” process could become complex and lengthy and is not suited to dealing with implementation issues that require quick and decisive action.

Financial Sustainability

The Recommendations could create a system that is too expensive for the users for which it is intended, including SSAD users that investigate and combat cyber security threats. The Recommendations state that “Data subjects MUST NOT bear the costs for having data disclosed to third parties; Requestors of the SSAD data should primarily bear the costs of maintaining this system.”²⁴ While the GAC recognizes the appeal of not charging registrants when others wish to access their data, the GAC also notes that registrants assume the costs of domain registration services as a whole when they register a domain name. As the SSAC recently noted:

Such costs should include disclosures to third parties with rights to obtain redacted data in order to fulfill legitimate security, stability and resiliency (SSR) activities and potentially other legal activities (e.g., rights protections) that fall outside SSAC’s scope of activities. The overall SSR of the DNS requires the ability to access such data to

²¹ Rec. 9.3.

²² See Rec. 9.41 and 9.42 (9.43 and 9.44 relate to the narrow categories of requests only for the city field or records that do not contain personal data).

²³ <https://www.icann.org/news/blog/icann-meets-with-belgian-data-protection-authority>

²⁴ Rec. 14.2.

enable communications with the owners of compromised resources, as well as the determination of fraudulent and malicious activities that enable the suspension of registration services obtained by criminal actors.²⁵

Additionally, the GAC notes that much of the expense of the SSAD relates to its pervasive use of manual (versus automated) processing, an approach with inherently limited scalability and intrinsically high cost. The financial sustainability of SSAD cannot be separated from its reliance on manual processing. Reducing manual processing to the extent possible will contribute to the financial sustainability of the SSAD.²⁶ Taken as a whole, the Recommendations relating to financing the SSAD could be difficult to implement and raise more questions than they answer, notably, 1) to what extent may ICANN help subsidize the system; 2) to what extent may registrars pass on the costs of the SSAD to their customers; 3) what role would requestors have in setting and approving fees for the system, etc. The GAC believes that “a formal assessment of user impacts and the security and stability impacts” is advisable.²⁷

Issues not Addressed in EPDP Phase 2 Final Report

Data Accuracy

The Charter for the EPDP tasked the team with assessing “framework(s) for disclosure [...] to address (i) issues involving abuse of domain name registrations, including but not limited to consumer protection, investigation of cybercrime, DNS abuse and intellectual property protection, [and] (ii) addressing appropriate law enforcement needs . . .” The effectiveness of Domain Name Registration data for these purposes (indeed for any purpose, including the ability of contracted parties to reach their customers) is contingent upon the data’s accuracy. Moreover, the accuracy of the registration data is an essential requirement of GDPR and the EPDP Phase 1 Final Report stated, “*the topic of accuracy as related to GDPR compliance is expected to be considered further . . .*” Hence, the GAC is concerned about the absence of any Recommendations on this vital topic in the Final Report.

As the GAC has previously emphasized:

The accuracy of domain name registration data is fundamental to both the GDPR and the goal of maintaining a secure and resilient DNS. The GDPR, as well as other data protection regimes and ICANN’s Registrar Accreditation Agreement, require data accuracy and such accuracy is critical to ICANN’s mandate of ensuring the security, stability, reliability, and resiliency of the DNS. As stated in the European Commission’s letter to ICANN of 7 February 2018: “*[a]s stipulated by the EU data protection legal framework and in line with the obligations of contracted parties under their contracts with ICANN, personal data shall be accurate and kept up to date. Every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay [...]. To comply with the data quality principle, reasonable steps should be taken to ensure the accuracy of any personal data obtained.*”²⁸

²⁵ SAC 111.

²⁶ Another topic that would encourage less manual processing would be to explore what legally permissible mechanisms contracted parties could implement to permit data subjects to provide either freely given consent or objection to disclosure of their data at the time of domain name registration. This would facilitate maintenance of databases of protected versus non-protected information, opening non-protected databases to lower-cost automated processing.

²⁷ See SAC 111.

²⁸ [GAC Comment on Addendum to Phase 2](#).

Consistent with the GDPR, it is essential that data accuracy and quality is ensured in relation “to the purpose for which they [the data] are processed.”²⁹ Disclosure of inaccurate data would defeat the purpose of SSAD and would risk violating data protection rules. Accuracy is a core data protection principle in most data protection laws across the globe. In particular, the accuracy requirement is mandated by Article 5 of the GDPR.

The effectiveness of the current contract requirements in place to promote WHOIS accuracy seems to be uncertain. Recent review team reports raise questions about the effectiveness of the verification procedures, such as the RDS Review Team and the CCT Review Team reports, both of which the GAC endorsed.³⁰ Moreover, since 2014, WHOIS accuracy comprises the single largest complaint category among complaints reported to ICANN Compliance regarding Registrars.³¹

The GAC therefore calls on the GNSO Council to request the current EPDP with addressing this issue so that data accuracy is included as an integral component of the SSAD.

Natural/Legal

In the [GAC ICANN68 Communiqué](#) of 27 June 2020, the GAC had sought an update from the GNSO, as soon as possible, on its progress towards developing a specific plan to continue the policy development process to address the unresolved issue related to distinguishing between natural and legal entities. This issue is important because personal data protection regulations, including the GDPR, only apply to and protect the processing of personal data of natural persons.³² Information concerning legal persons is not considered personal data under personal data protection regulations, including the GDPR, if it does not allow the identification of individuals. Therefore, the contracted parties could make such data publicly available without triggering data protection concerns. Nevertheless, as reflected in the Final Report, Registrars and Registry Operators continue to be *permitted* but not *obligated* to differentiate between registrations of legal and natural persons.³³ This practice does not “ensure the continued availability of WHOIS to the greatest extent possible”³⁴ and the Final Report’s lack of recommended procedures applicable to this distinction fails to meet the express directive of the Phase 1 EPDP team and EPDP team Charter.³⁵

²⁹ See GDPR Art. 5(1)(d). See also United Kingdom’s Information Commission Office’s Guide to the GDPR, Guidance For Organizations, <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/accuracy/>.

³⁰ See, e.g., [Registration Directory Services WHOIS 2 Review Final Report](#) at pp. 49-61 (noting that WHOIS inaccuracy rates continue to be high and are likely under-reported); [Governmental Advisory Committee Comments on the Final Report of the RDS-WHOIS2 Review Team](#), dated 23 December 2019 at pp. 5-7; [Competition, Consumer Trust and Consumer Choice Review Team Final Report](#) at pp. 103-06. See also [WHOIS Review Team Report](#) (11 May 2012) at pp. 11-13 (“low level of accurate WHOIS data is unacceptable, and decreases consumer trust in WHOIS, in the industry which ICANN provides rules for and coordinates, and therefore in ICANN itself”).

³¹ See ICANN Contract Compliance Annual Reports, Report Details regarding Registrars, 2014-2019, <https://features.icann.org/compliance/dashboard/report-list>.

³² The GDPR does not cover the processing of personal data which concerns legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person (Recital (14) GDPR. “While the contact details of a legal person are outside the scope of the GDPR, the contact details concerning natural persons are within the scope of the GDPR, as well as any other information relating to an identified or identifiable natural person” (See [EDPB letter to ICANN](#) of 5 July 2018).

³³ See Section 2.3 of the EPDP Phase 2 Final Report, Priority 1 and Priority 2 Topics.

³⁴ See ICANN Data Protection/Privacy Issues webpage: <https://www.icann.org/dataprotectionprivacy>

³⁵ See EPDP Team Charter: <https://gns0.icann.org/sites/default/files/file/field-file-attach/temp-spec-gtld-rd-epdp-19jul18-en.pdf> (included directions for team to consider whether contracted parties should be allowed or required to treat legal and natural persons differently, and what mechanism is needed to ensure reliable determination of status).

The effect of masking data that is legally permitted to remain available to the public is significant because of the large number of domains registered to legal entities. A 2013 ICANN-commissioned study indicated that **legal entities comprised the highest percentage category of domain name registrants**.³⁶ One method for the public to assess the legitimacy of a website and for law enforcement authorities to find out what entities are behind it, is to consult the publicly available domain name registration information, which should include the data of legal entities.

Significantly, the EPDP team received legal guidance that suggested several steps to reduce the risk of liability.³⁷ The implication of this guidance is that there could be a variety of measures to ensure that registrants accurately designate themselves as legal entities. It is to be noted that certain ccTLDs (including EU-based ccTLDs) already make certain registrant data of legal entities publicly available, demonstrating that such distinction is both legally permissible and feasible.³⁸

Distinguishing the treatment of the data from legal versus natural persons is also closely related to the matter of automated processing. As noted above, legal persons are not protected by the GDPR. Thus, distinguishing legal from natural persons during the registration process could include assigning legal persons into the category of persons whose data should be automatically processed.³⁹

The GAC believes that resolving the legal versus natural issue is critical for the entire SSAD model to meet its purpose and, at the same time, be compliant with applicable data protection laws. The GAC therefore requests the GNSO Council to make every practicable effort to address this issue. In that regard, the GAC reiterates its request that the EPDP team focus upon the legal guidance provided to develop reasonable policies to permit the information of legal entities to remain public.

Anonymized Email Address

The use of anonymized emails may be a solution to protect the registrant's identity while serving some of the legitimate domain name registration data access seekers' purposes. The Final Report lists among the Priority 2 items the "feasibility of unique contacts to have a uniform anonymized email address."⁴⁰ The EPDP team received legal guidance that anonymization as well as pseudonymization is "a useful Privacy Enhancing Technique/privacy by design measure."⁴¹ As recognised by the same legal guidance, the GAC would like to note that anonymized

³⁶ See *WHOIS Registrant Identification Study*: https://gns0.icann.org/sites/default/files/filefield_39861/registrant-identification-summary-23may13-en.pdf (Based on our analysis of the WHOIS records retrieved from a random sample of 1,600 domains from the top five gTLDs,

- 39 percent (± 2.4 percent) appear to be registered by legal persons
- 33 percent (± 2.3 percent) appear to be registered by natural persons
- 20 percent (± 2.0 percent) were registered using a privacy or proxy service.
- We were unable to classify the remaining 8 percent (± 1.4 percent) using data available from WHOIS.

³⁷ See [Advice on liability in connection with a registrant's self-identification as a natural or non-natural person pursuant to the General Data Protection Regulation \(Regulation \(EU\) 2016/679\) \("GDPR"\)](#) from Bird & Bird (advised methods included developing clear notification language so that registrants avoid mistakes; ensuring that registrants understand the consequences of registering as a legal entity; and verifying that the contact information does not contain personal data).

³⁸ See e.g., Belgium (.BE), European Union (.EU), Estonia (.EE), Finland (.FI), France (.FR), Norway (.NO), etc.

³⁹ As a safeguard, persons with heightened legal protections could be assigned to non-automated query groups. This could include legal persons protected by national law (such as banking secrecy laws), natural persons with specific legal protections such as court protective orders, a data subject's vulnerable status (e.g., children, asylum seekers, other protected classes), and entire national populations in jurisdictions affording an affirmative right to personal privacy by default.

⁴⁰ Phase 2 EPDP Final Report at p. 3.

⁴¹ Bird & Bird [Legal Advice, "'Batch 2" of GDPR questions regarding a System for Standardized Access/Disclosure \("SSAD"\), Privacy/Proxy and Pseudonymized Emails,](#)" (February 4, 2020).

information falls outside the scope of the GDPR.⁴² While the GAC acknowledges the possibility that a link could be created between the anonymous information and the personal data, it agrees with the legal advice that anonymization is a useful privacy enhancing technique and, as such, it should be further examined.

In light of the above, the GAC considers that further feasibility analysis is needed to better understand the benefits and risks of this option, rather than dismissing it without further examination.

Controllership

The possible joint controllership between the contracted parties and ICANN org is mentioned in the Final Report. Yet the GAC would expect more clarity on the status and role of each of the data controllers and processors in the SSAD model. In particular, having concrete data processing agreements in place would demonstrate more clearly how responsibility would be distributed between the contracted parties and ICANN org for the different data processing operations. The GAC would call on the GNSO Council to ask the EPDP to further address this issue.

Conclusion

The GAC applauds the good faith efforts of the stakeholders, staff and EPDP Chairs participating in Phase 2 of the EPDP for their sustained dedication to engaging on these important public policy matters. There are many commendable aspects of the Final Report. However, the GAC is of the view that certain key recommendations and unaddressed topics require further work and that, consequently, the GNSO Council should request the EPDP to finalize work on them consistent with the points raised in this Minority Statement. The GAC looks forward to continued engagement with our colleagues on these important issues.

⁴² See Recital 26 to the GDPR.

ICANN70 | Virtual Community Forum - GAC Meeting with the ICANN Board
Tuesday, March 23, 2021 - 13:00 to 14:00 EST

MANAL ISMAIL, GAC CHAIR: Welcome, everyone, to our GAC meeting with the Board, and good morning, good afternoon, and good evening, this is the bilateral between GAC and the Board scheduled for an hour. We have many things to discuss today but before we get started, allow me first to welcome all Board members in the GAC Zoom room and to ask if there are any opening remarks from the Board's side.

MAARTEN BOTTERMAN: Hi, Manal, this is Maarten, Chair of the Board, and it's a pleasure as always to use this hour to have a good dialogue with the GAC. As you know, this is not the only interaction with the GAC. There is a bylaw [indiscernible] that we carefully cherish and take care of and next the interaction with the [indiscernible] a term invented by the gentleman from Iran, that stands for Board [indiscernible] interaction group. And most of you know that I have deep respect for your ability to deal with the [indiscernible] that you have in the way not so much of new countries but new colleagues joining. So we have this channel co-chaired by Manal and Becky Burr from our side on the best possible interaction because that is important to us. So the coming hour we really

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look forward to discussing any issues you may have, and, yeah, Manal, please take it away.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten, and thank you for spending your birthday with us today [chuckling] so happy birthday to you and to Göran, I understand yesterday, so the Chairman and CEO celebrating their birthdays during ICANN week.

So we had a very long list of questions, I'm sure you have received this initially. We had some like 16 questions, and we tried to work yesterday with the help of our amazing support staff to reduce them to five under three main themes. So I hope we can go through the questions and then maybe we can follow up later on the remaining questions, and we can see how we can do this better.

First, we have the new gTLD subsequent procedures, the registration data WHOIS, and the third theme is the DNS abuse mitigation. On new gTLDs subsequent procedures first on clarity and predictability of the application process, GAC members retain reservations on the functioning of the standing predictability implementation review team, SPIRT, specifically

regarding implementation guidance 2.3: Once the SPIRT has been formed, the ICANN Board and ICANN org should engage in dialogue with the SPIRT to determine the process required to consider future GAC consensus advice on new gTLDs where such GAC consensus advice could potentially have impact on any applications or the program in general.

So GAC members expect that the bylaws' treatment of GAC advice to the Board will be preserved and implementation guidance section 2.3 -- because implementation guidance section 2.3 could be interpreted to suggest that GAC consensus advice on new gTLDs adopted after the launch would need to be forwarded to the SPIRT without prior discussion between the GAC and the ICANN Board which would of course undermine the bylaws' treatment of GAC advice. Furthermore, GAC members note the importance of the opportunity for equitable and equal participation on the SPIRT by all interested ICANN communities.

I will stop here and just to pose the question, does the ICANN Board foresee an interaction between ICANN Board and ICANN org and the GAC in parallel to its consultation with the SPIRT on relevant GAC consensus advice?

MAARTEN BOTTERMAN: Yes, thank you for that, various [indiscernible] final phase to be adopted by the GNSO Council on Thursday, I think. We have been preparing very much on this, and the caucus is following this in the Board led by Avri, and can you go into this, please.

AVRI DORIA: Sure, I can go into it a little bit. Yes, this is Avri, speaking. And following on what you said, we have been preparing, we have been spending the last year with the assistance of the org sort of doing medium dives into each of these issues, now, so anything I say is very much preliminary, at any time a decision of the caucus, not yet the decision of the Board. We don't have the recommendations yet but I don't see anything in there personally that would change the bylaws Vis-a-vis GAC advice. What I understand this as being, is adding something that A, gives the GAC yet another place to take an issue and as there may be issues you don't agree on making it advice, and yet it is still important enough to say something and try to have an effect.

I can also see cases where the Board after getting the advice and discussing GAC preliminarily might say hey, we need to take this to a SPIRT to see how it fits in with changes and its affect on the

AGB and applications before coming back with an answer. So I see it as yet another tool, venue, to take discussions and to have the discussions with broader community instead of just the Board. But I do not see this as being any sort of diminution, decrease, in the power of the GAC bylaws for its consensus advice and as GAC consensus advice, remains what it is. Thanks.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Maarten and Avri, and thank you for the assurances, and just checking if there are any follow-ups from my GAC colleagues. I already see Kavouss' hand up, please, go ahead.

IRAN: Thank you, distinguished Board members, Maarten and Avri. In my personal view, we create a new layer between GAC and ICANN Board. For GAC consensus advice, that layer is not necessary.

Nothing prevents the board to consult any entity of any issue raised by GAC in an informal manner, but we don't want to have that layer to have a formal status. You can consult anyone that you wish before you are deciding on something, so I think we should not go to that path.

In addition, not advice, the conclusion or the opinion of that SPIRT may influence indirectly the Board members or may mislead you in one way or the other. You don't need that, you are 20 wise people, you don't need anything. You have been elected, and you have been agreed on by the community. We don't know the composition of the SPIRT, we don't know the degree of participation of GAC and so on, so forth, and we don't want to override it by the others' influential conclusion of that which may impact the Board orientations.

So we suggest that if you want to do it, do it informally, in whatever way you want, but we don't want our GAC advice to be sent before going to the Board to the SPIRT. And in my view, it is not in line with the bylaw, because our own line of action is GAC and Board, that's all, we don't send our advice to GNSO, to GNSO one day from our GAC communique comments on the five, six, ten pages, but we don't send it to anyone at all and we don't want to send it to the SPIRT. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. And I think it's not mandated, obviously, it's an additional venue as Avri highlighted, but I also see Vincent's hand up, France. Please, go ahead.

FRANCE: Yes, thank you very much, Manal. This is Vincent Guillard from France, for the record. Thank you very much Maarten and Avri, and happy birthday, Maarten, of course. Thank you Avri for your opinion on this issue.

There is just an aspect that I would like to insist on. It is the readiness of -- or not -- of the Board to include the GAC in the dialogue that is recommended in implementation guidance 2.3 which says, as Manal has already described, that there would be a dialogue between the Board, the ICANN org, and the SPIRT but without the GAC on the matter that is at the center of the GAC's prerogatives. So I personally believe in France, and I think in the GAC several, many of us, have this interrogation of would the GAC be associated with part of this dialogue, be it of the very same dialogue or a parallel dialogue on this issue? Thank you very much.

AVRI DORIA: Could I take that, Maarten?

MAARTEN BOTTERMAN: Sure, please.

AVRI DORIA: And I can't imagine us talking about the GAC without the GAC being in the room -- so again, it's me speaking personally and the Board hasn't taken a position. I find it inconceivable that we would leave the GAC out of that conversation, and I think you having made a point of it and making a point of it, you know, just reinforces that. I just can't see the Board actually taking a path that leaves the GAC out of the room when the GAC is being discussed.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Avri, for the reassurances, and this is exactly what concerned the GAC and what brought up the whole issue. So I think with that, we are good to move on. Maarten, could we move on to the following question?

MAARTEN BOTTERMAN: Yes, of course.

MANAL ISMAIL, GAC CHAIR: Okay. So the next question, again, under subsequent procedures but on public interest commitments or registry voluntary commitments, GAC members continue to harbor serious

concerns as per previous GAC positions on the lack of policy recommendations on DNS abuse mitigation with the SubPro PDP Working Group final report. Enforceability for PICS and registry voluntary commitments remains an open question since this is not addressed within the SubPro PDP Working Group final report, in light of GAC advice in the GAC Montreal communique and its rationale in particular where it reads: It is particularly important that a new round of gTLDs shouldn't be launched until the successful implementation of those recommendations identified by the review team as necessary prior to any subsequent rounds of new gTLDs.

It has been suggested that although some of the recommendations are for the Board to implement, other recommendations are for other parts of the community to implement. It would be helpful for the Board to monitor progress on all of the recommendations and support other parts of the community to implement the recommendations that are addressed to them.

The GAC recognizes that a number of the recommendations may have been taken forward in the work of the organization, the Board, or the community. We would note that ICANN 70 would be

an appropriate juncture for such discussion and update in light of the adoption by the GNSO of the report on subsequent procedures.

So a question is, what are the ICANN Board's thoughts on next steps for DNS abuse mitigation, particularly on triggering the holistic method mentioned within the SubPro PDP Working Group final report and more broadly. In relation to the DNS abuse and other related issues, we would specifically like to ask the Board whether they could kindly update the GAC on their ongoing consideration and implementation of the GAC advice, Montreal ICANN 66 on the CCT rt recommendations marked as prerequisite or high priority, namely the listed recommendations, and I won't get to the numbers but will stop here.

MAARTEN BOTTERMAN: Thank you for that, indeed. On CCT recommendations, we would not have to [indiscernible] compel the GNSO to adopt those recommendations, nor can we make unilateral policy decisions. And in that regard, we thank you for providing clarification on the topics on the Montreal communique and the correspondence we have had since, and we agree there should be a clear shared

understanding of the roles and responsibilities of the community.
So as for the SubPro recommendations, Avri, is that you?

AVRI DORIA: It's either Becky or me, and I can start or Becky can, your choice.

BECKY BURR: Go ahead.

AVRI DORIA: So when looking at the issues such as the registry voluntary commitments and those discussions and sort of the Board's ability to -- I think that is the question here, right -- and the Board's ability to enforce contracts. And basically since the conditions are very different now than they were at the last round, basically it is something that we're going to have to take a look at in terms of how that would work and what makes an RVC enforceable, and it is enforceable and it is possible to get contracts when we get to DNS abuse, is it possible to do contracts that are outside the mission? We think that answer is no but what exactly does it mean on some of these issues in terms of are they within or without, and what does that totally entail?

So there will definitely be on all these issues, issues that have to do with what can be in a contract, issues specifically to do with the RVCs, there is going to need to be further legal analysis on that because we do have to be careful not to contract out or to take on obligations that we cannot enforce. And that has become sort of the baseline in a lot of this discussion is it in mission, and can we find a way to enforce compliance? Thanks.

MAARTEN BOTTERMAN: Becky, can you complement on that?

BECKY BURR: Yes, and I think Avri's points are exactly right. We want to be sure that we have an objective way to enforce any of the commitments that registries make with respect to operating the region registry and obviously want to be sure it is within ICANN's remit and the voluntary commitments are designed to be implementable within ICANN's mission. So to the extent that the Board asks the subsequent procedures PDP to contemplate this issue, we were very much looking for input on ways to make sure that the commitments that were made in registry voluntary commitments were in fact fully enforceable within ICANN's remit so that everybody -- the expectations of all concerned can be met.

With respect to the other CCT recommendations, I think as Maarten said, there were a large number of them that were policy recommendations that were referred to the GNSO because the GNSO has authority with respect policy development the Board does not. There were a number of other items that the Board -- or that the GAC indicated they were concerned about completion prior to the next round of new gTLDs, and two things to say about that. The first is, as we have discussed as the Board, the GAC group discussed, the notion of completion can be very difficult to pin down. But the other thing is, there is a lot of work to be done and a lot of way to go before we come to the point of a new gTLD round. So there is time for continuing to work on those CCT recommendations.

The Board has taken steps on a number of the CCT recommendations, accepted six of them, including number 1 regarding data collection, 17, 21, 22, and 31. We understand that ICANN, that org has completed implementation of 17 and implementation is in progress for the other accepted recommendations, and we do understand that the GAC has some concerns about whether additional policy development is needed to fully implement number 17, and that is under

discussion between the public safety Working Group and ICANN and org.

For those that require additional resourcing to implement, they will be subject to the prioritization and planning process that the Board is adopting, and that I think you had a very good session with [indiscernible] on that process yesterday so we will be sort of moving forward on how to organize resources to do this work.

The Board has subsequently accepted another 11 recommendations moving these out of pending status, including a number of items on the GAC list, and then the remaining recommendations highlighted by the GAC in number 9, 12, 16, 25, 27, 29, and 32-35, as Maarten indicated, these were passed to the GNSO for policy development.

We have received the GNSO Council's recommendations on rights protections mechanisms. We do expect to receive the SubPro recommendations shortly, and we will be assessing -- once we do receive them, we will assess how these community groups assessed the relevance of the CCT recommendations.

There are three recommendations that were noted by the GAC that do remain in pending status. Number 5, relating to the collection of secondary market data, and number 14 and 15 relating to negotiating and amending ICANN's contracts relating to anti abuse measures, and the Board -- we understand that there is continuing work going on with number 5, including all of the data collection recommendations.

With respect to numbers 14 and 15 in particular, we have asked org to facilitate community efforts to develop an accepted definition of the kind of DNS abuse that falls within ICANN's remit -- we are following the community's discussion on abuse very closely and working very hard through org, through DAAR and a number of other efforts, to make sure that the community has the information it needs to understand the status of these various abuse streams and to understand the work going on in the community.

We have had a couple of efforts from the contracted party's house in this regard and I think a very good and helpful paper from [indiscernible] through the DAAR report to understand sort of the status and the level of the abuse activity underway, and I know that we will be spending much more time talking about these.

And as I said, with respect the GAC input from Montreal, we have a fair amount of way to go on implementation of the subsequent procedure's recommendations and the like, and we will be pursuing that deliberately and transparently and in full consultation with the GAC.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Becky, for this thorough response. I see UK and Switzerland in the queue, so allow me to give them the floor so that we can proceed. We still have three questions to cover. So UK, please.

UNITED KINGDOM: Yes, and good evening, Nigel Hickson, UK GAC, and thank you very much, Becky, and Maarten, for this comprehensive overview, and Maarten, happy birthday, I think I missed that earlier.

So Becky, in particular, this was enormously helpful, and we will certainly look at your response very carefully. As you rightly concluded, there were a whole range of recommendations, some of which are relating to policy and some to org and other issues. And as you know, the GNSO in their comprehensive report on SubPro obviously picked up a number of issues but did not

necessarily conclude some of these recommendations and will be looking very carefully at that. Clearly in the spirit of the GAC advice, I don't think there is anything specific to say that these implementations should be implemented between one piece of policy implementation or another piece of policy implementation; indeed, one has to take a pragmatic and holistic view on this.

But in terms of moving forward, all I would say, at some point I think it would be very useful to have some sort of table, some sort of reference document that we can work on together to track where the different recommendations are and how they're being taken forward. But thank you very much, indeed, for the comprehensive addressing of this question. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel. Switzerland, Jorge.

SWITZERLAND: Thank you so much, Manal. Hello everyone. Happy birthday, Maarten, and belated happy birthday to Goran. Good to be here together, although only virtually. I think Nigel stole my fire, so I will just restate that it would be very useful for us to have a

common, shared tracking document of all the CCT recommendations which fall under this prerequisite or high priority categories so that we can have an overview of who is dealing with what and to what extent every and each of the recommendations have been fulfilled, be it with ICANN org or with GNSO or other parts of the community, the responsibility of taking them forward so we would have a common picture, and this would allow us to assess to what extent the Montreal advice is being heeded by the community as a whole. So I hope this is doable and thank you very much.

BECKY BURR: Thank you, Jorge and Nigel. Let me say, there is documentation, but I think it makes sense for us to pass the GAC's request for a kind of comprehensive centralized documentation on to org.

GORAN MARBY: May I make a comment, please.

MANAL ISMAIL, GAC CHAIR: Please.

GORAN MARBY:

I want to go back to the fact that we received the GAC Montreal advice and asked questions about that and we did receive answers back on those questions to the -- and that was part of the Board's deliberation of handling this, and in those letters the GAC by themselves recognized that some of those things report belonging to the Board but to other parts of the ICANN community and in the deliberation of the CCT reviews where we did earlier on which some of you probably knew because you followed that process, we were very careful of going through, which we do all the time with different recommendations, and many of those recommendations in the CCT review was deferred to the PDP.

And the definition of abuse, which is not a community supported one, belongs to the GNSO. So I just want to remind the GAC and maybe for new GAC members, if you only [indiscernible] local advice, that might bring you to one conclusion. But if you look at the clarification that the GAC gave the Board, you will get answers to some of the questions.

Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Goran, and in the -- all the information will be made available specifically for the benefit of new GAC colleagues, of course.

And if there are no further requests for the floor, maybe we can move on to the following theme, which is DNS abuse, so not any easier. And the question -- and I apologize for going through the background information, but yesterday when we reworked the questions, we pushed a few messages in the background information, so I am obliged to read it to ensure everything we agreed has been conveyed.

So the SSR2 report highlights the lack of substantive progress made on mitigating DNS abuse. Many of the recommendations contained in the report, if effectively implemented, may well help in reinforcing the security, stability, and resilience of the DNS.

The SSR2 report calls, amongst others, for improved risk management, which is recommendation 4, and improved business continuity and disaster recovery, recommendation 7, enhanced monitoring and compliance, recommendation 8 -- and

increased transparency and accountability of abuse complaint reporting, recommendation 13.

The question is, what is the view of the Board on the conclusions of the SSR2 report on DNS abuse generally, and particularly on the possibility to swiftly implement recommendations 4, 7, 9, and 13 which seem to be in line with standard cyber security practice?

MAARTEN BOTTERMAN: Thank you for the question, Manal. We have two liaisons.

Danko?

DANKO JEVTOVIC: My name is Danko Jevtovic, I am one of the liaisons and co-chair of the [indiscernible] focus group on the SSR2, and I will try to be brief in the interest of time, and of course you may ask some additional questions.

So the Board welcomes very much the SSR2 report because it is a long running report. We had as you probably know some challenges in the history, but now we do have the report and we are thankful for that and very thankful for community members

who did the hard work and created that important document. So the report has numerous recommendations, I believe there are 63 of them, and that adds to the great number of community recommendations we already have.

First of all, the public comment period is still open, I believe until the 8th of April due to the request of GAC, and the Board welcomes GAC in the public comment process, so as we receive that, we will look into all the details of this SSR2 report and try to -- not try, but act on the bylaws mandated by the 25th of July this year.

Looking at the report, there are a great number of recommendations. We can group them. Some are all outlined, and we agreed they are very important ones. Some of the recommendations are rather specific in the way that they are going with the way the recommendation formulated they are going against the bylaws' mandated bottom-up process. So we have to observe the bylaws and the Board's role is not to create policy but to accept policy recommendations by a policy-creating body. So we will have to engage with the GNSO with some recommendations and observe the definition we have in bylaws

about policy development process and the role of voluntary negotiation with contracted parties.

So I don't know if there are any specific questions on the SSR2 part, and I believe Becky already mentioned some of the DNS abuse related aspects that are also present in the report. So we believe the report recommendations will help the community discussions also about general DNS abuse problem.

MAARTEN BOTTERMAN: Manal, back to you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Danko, and just checking if there are any follow-up comments from my GAC colleagues. Otherwise, I think we are good to move to the following topic.

Sorry, I have Olivier from the European Commission. Go ahead.

EUROPEAN COMMISSION: Sorry, hello, Olivier Bringer, just a short follow-up question on what Danko explained. So if I understood well, you will follow up on the recommendations from the SSR2 report, on one level you

will go back to the GNSO for future development process, and on another level you would engage with the contracted parties on a voluntary basis to see if certain of the recommendations can be implemented. And I guess the recommendations that you cover in this second level are recommendations related to contractual enforcement. Is my understanding correct? Thank you.

DANKO JEVTOVIC:

Generally, I would say yes, these are two levels of how the Board can act. We didn't -- at this moment we still go into details of all the recommendations because the org stream is preparing that analysis document for the Board. And it's a rather complicated process also, because of the long running time of the review some of the effects have actually changed during the review process. So for example, one of the items that was mentioned in GAC's question is about improved risk management. So we have significantly improved the risk management system, on top of that is the Board risk committee, and there is risk function and the way how risk is handled inside ICANN org, and the ICANN ecosystem is now a bit different than envisioned by the problem statement in the SSR2 report.

So we will also by analyzing the recommendations find concrete ways to act on them, to instruct the Board to act, but I have to note that the actions and the recommendations will have to go through the further prioritization process, because so much work in front of us so we will try to find a way to find priorities and act on them with the community's process outline by the [indiscernible]

GORAN MARBY:

The ICANN contracted parties as a whole has a wide space, and the only way we can fill that hole is if it goes through a community-led process, starts with the bylaws within the GNSO responsible for making policy through a multi stakeholder model, that is where it sort of gets enforceable through the contracted parties. They have accepted this hole as long as it goes through the multi-stakeholder model. And it is such an ingrained part of the model, yes -- it's GNSO Council, because it's you having been a part of deciding that and important to remember.

The second thing, there is a lot of discussion about the SSR2 report, the Board in constant getting information from the different parts of community, a lot of opinions about the quality of report, content of the report, and proposals about this one, and

I think it's important to think -- i listen to all those opinions before the Board goes forward, and this also contains some things -- definitely contains some things that should be part of the ICANN community processes because the multi-stakeholder model -- when it comes to things of like definition of abuse, we have a very strict definition, and I learned that in other sessions but I think it's good for individual GAC members to go back and check the actual law, some things that come out actually not in conflict with local laws, trademarks, free speech -- this is very complicated material. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Goran, Danko, and everyone. So we still have two questions, but I can see Kavouss' hand up. So if you can keep it brief, please, go ahead.

IRAN: Yes, very brief. As I mentioned when the issue was presented to GAC, we need to be very careful about the time frame of this, the implementation of the recommendation, and also after that we need to make sure that has been properly implemented and there should be some entity or measures or some arrangement to see whether they have been properly implemented and whether

during the implementation a need to have some sort of, I would say, adjustment, amendment, so sort of the rules to apply that not having a sort of, I would say, implementation oversight entity to see whether they have been properly implemented. This is what I mentioned at the meeting, and I wish to raise it to our distinguished Board members. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. Sorry, Maarten, you wanted --

MAARTEN BOTTERMAN: Thank you, Kavouss, for your remarks.

MANAL ISMAIL, GAC CHAIR: And just bringing to the attention Jeff's comments in the chat as well, but meanwhile let's move to the following section and following question. And this is under registration data and WHOIS, and the GAC reiterates its position expressed in the GAC minority statement on EPDP Phase 2 final report that WHOIS data used for a number of legitimate activities including assisting law enforcement authorities in investigations, assists businesses in combating fraud and the misuse of intellectual property, safeguarding interests of the public and contributing to user

confidence in the Internet as a reliable means of information and communication.

The community has been discussing the WHOIS policy reform for several years. There is a need to conclude the process and establish a functioning SSAD without delay for the reasons set out above. So how is the Board going to ensure a swift implementation of the SSAD?

GORAN MARBY:

Thank you, and also for EPDP, we have three liaisons, and Becky, the WHOIS system was completely open under the GDPR -- came around. We engaged with the data protection authorities in Europe to make most of it open continuously and have some information retracted and been trying to figure out different ways of having easier access to the retracted data. The WHOIS database is not one database, it is several, all contracted parties - - but not one thing that is important, it's not for commercial usage. The actual registrant, the buyer -- it comes from the register. The reason is because we have a policy that says the registrant has to do this, but it is up to them to ensure it is right information. What happens when we realize that it is not, we contact the contracted parties and either we make sure that the

information is there or there are other things we can do, but it's important -- this is not used for billing, any other services, it is a telephone book, and it was opened.

So our original propose of ICANN org was to make ICANN org legally responsible for doing what is called the balancing test. Didn't receive answers from the European Commission or the data protection authorities, the only thing the community -- was coming up was a tick the system. According to the law -- it is the contracted parties who does the active balancing test and has the legal responsible for that.

With that said, no one has done this before. No one has built any system like this, because talking about a system that might be having people from law enforcement in 190 plus countries around the world and in a safe way according to GDPR, [indiscernible] not legal or illegal in the sense we have to take into account some GDPR legislation, some things, but as long as the balancing test is done by the [indiscernible] party it doesn't make decisions in that sense.

But I tell you, it's going to take time to design, to build, we decided to do that in a design phase before the Board actually makes the decision. I hope this helps, and I would ask Becky to add to it.

BECKY BURR:

Thank you, Goran. This is Becky Burr, for the record. So as Goran indicated, the final days of the comment period on the recommendations from Phase 2, including the SSAD -- and we have all acknowledged that this is very complex project and that in order to the Board to do its job, which is to determine whether a policy recommendation is in the best interest of the community and ICANN, we need additional information, we will need additional information.

We know now some of the additional information that we will need and we will no doubt learn from the community from comments, other parts of it, and indeed the GNSO has asked for some important information in order to understand the cost and benefits of this process. So it is -- we anticipate proceeding, asking org to initiate the operational design phase to collect the kinds of information that we need to make a determination and to effectively act on any recommendations that the Board accepts.

In the meanwhile, and mindful of the GAC's advice and desire to have something -- some improvements in the meanwhile, org has been in discussions with the contracted parties regarding improvements that can be made. As you know, the registrars, for example, have produced some papers on effective requests, and org is continuing to work with the contracted parties to capture any kinds of efficiencies that we can capture and implement in the meanwhile as the operational design phase is underway and as the Board -- as org is collecting the information that the Board needs to move forward on this.

So of course we are -- so I think that answer is -- the ODP is designed to provide the kind of information that we need to implement quickly. It will take time to do that because of the complexity of this, but in the meanwhile org is working with contracted parties to enhance the functionality that exists through the [indiscernible] spec in Phase 1.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Becky and Goran. Kavouss, is this a new hand?

IRAN: Yes, a simple question, either to Becky or to Goran or everyone. What time frame are we looking for the implementation of SSAD? Approximately? Thank you.

MAARTEN BOTTERMAN: Goran?

GORAN MARBY: I don't want to answer that question before we start the work of deciding it. When the GNSO Council has decided to do a policy, our job is to make it happen. So it's not like we -- it's going to be a major investment, a lot of work, but I would rather come back with that when we are a little bit more deeper into the actual design phase.

I mean, you have to think about it: How do you identify the user the first time without meeting them? How do we know this person is actually Kavouss talking and not an avatar? I think it's you, Kavouss, but how do we actually know that? So that is one of the complexities with it.

IRAN: That is exactly the question that I had. So I think you may come back at ICANN 71 or 72 and let us know the time frame -- I hope 71 or 72 you have some answers. Do you have that answer by that time? Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss and Göran. We still have one more question to cover and only six minutes remaining. So if we go to our last question, also on registration data and WHOIS. Accessibility and accuracy of domain name registration data important for DNS abuse mitigation. This data been a key investigative tool for law enforcement and their cyber security partners in generating investigative leads, attributing crime and identifying victims of cyber crime.

Does the Board envisage short term measures, for example in terms of contractual enforcement to help improve the accuracy of domain name registration data?

MAARTEN BOTTERMAN: Becky?

BECKY BURR:

The Board is regularly updated and briefed by ICANN compliance on their contractual enforcement. As you know, there was -- a registry audit and a registrar audit is underway, and we check in with compliance very, very frequently to understand how compliance is working, whether it has the tools it needs for compliance and the like.

I think the data about the kinds of complaints that compliance gets including complaints about accuracy is publicly available, the public report on it. There are complaints about accuracy and we do know that that is something that the compliance division is pursuing and follows up on all the time.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Becky. Goran?

GORAN MARBY:

I want to reinforce the facts of the WHOIS system, the data comes from the registrant of the owner of the domain name and not from the contracted parties. Sometimes in the discussions it feels like this is a system created by the contracted party, which it is not, it is a telephone book. Sometimes -- European Commission, if they

could rename the [indiscernible] to telephone directory, and we wouldn't be under a GDPR. Because in a telephone directory you can see who has a telephone number, available online. But that was me.

But we have provided how we do things and how we handle things, and somehow we still get back ICANN doesn't do anything. We look into [indiscernible] if we have the right rules and tools and the accuracy of data of WHOIS is something we receive complaints about and work a lot with. And I want to keep that in mind. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Goran. Kavouss, I am assuming this is an old hand.

IRAN: No, a new hand. Sorry, thank you very much. When we say accuracy, could the Board or Goran mention currently what is the accuracy that we have? 84 percent? And what is the threshold that we are looking to have in the future in percentage? Could you have that answer? Thank you.

GORAN MARBY:

Also, we are talking about 2500 -- no, a couple of thousand different databases covering all countries around the world, with more than 215 million domain names. It's not a centralized system, not owned by anyone in that sense and was never intended to be that, an interesting discussion for the GAC, as well.

It's not like a trademark database. In Europe, for instance the trademark database is under EU institution and therefore doesn't have any GDPR, so it's a very different thing. But I don't have the answer, I will check if we have any views on that from the [indistinct] perspective. It was a good question. And we all believe that accuracy is important in the WHOIS databases. That is why we put it as one of the things that a registrant has to fulfill coming into it.

I think in another setting I provided you with a link of the responsibilities of the right of a registrant, and one is to have to put in the correct WHOIS data.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Goran. We are just at the hour. So any final remarks from anyone before we conclude? If not, then let me

thank you all very much. Thanks to the Board members for their time and thorough responses to our questions, and thank you to my GAC colleagues for their active engagement. So we will be revisiting the rest of our questions, and we can agree later how to communicate the rest of the questions and get maybe [indiscernible] responses or otherwise.

Meanwhile, to my GAC colleagues, we have a long break now, as the cross community panel session has been canceled. So please be back in the GAC Zoom room at 1630 Cancun time, 2130 UTC, for our meeting with the ALAC. So please be prompt and thank you, everyone. The meeting is adjourned.

MAARTEN BOTTERMAN: Thank you, Manal. Thank you, everybody.

[END OF TRANSCRIPT]