# Governmental Advisory Committee

Singapore, 23 June 2011

**GAC Communiqué – Singapore**

## I. Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Singapore, during June 18 - 23, 2011. Forty nine Governments participated in the meeting: 47 present and 2 by remote participation. The GAC expresses warm thanks to the Infocomm Development Authority of Singapore for hosting the meeting and ICANN for supporting the GAC meeting.

## II. New gTLDs

The GAC notes the Board's 20 June decision to launch the new gTLD programme.

The GAC appreciates the potentially beneficial opportunities provided by new gTLDs. However, the GAC is concerned that several elements of its advice on important public policy issues, including issues set out in the GAC's letter to the Board on 18th June (annexed), were not followed by the Board prior to the approval of the gTLD programme. The GAC acknowledges, however, that other advice was followed, and that the Board has provided a draft rationale for its decision to reject GAC advice.

The GAC has the expectation that the implementation of the new gTLD programme will respect applicable law in order to avoid detrimental consequences to parties involved, in particular to applicants.

The GAC expresses its willingness to continue to work constructively with the whole ICANN community on the new gTLD programme. The GAC also notes the commitment of the Board to reply in writing to the European Commission and the US government on the recent letters they have sent to ICANN related to competition issues.

## III. GAC-Board Joint Working Group

The GAC-Board Joint Working Group (JWG) on the Role of the GAC within ICANN reviewed amendments to its draft report that address the recommendations from the Accountability and Transparency Review Team pertaining to the GAC (ATRT Recommendations #9-14). The JWG agreed to finalize the report for public comment, after which the GAC expects to collaborate with the Board to implement the recommendations included in the JWG report.

The GAC also re-states its strong support for the timely implementation by the Board of all of the ATRT Recommendations. The GAC will monitor the development of the implementation closely.

## IV. Advancing Law Enforcement Objectives to Mitigate DNS Abuse

The GAC, together with representatives of law enforcement agencies (LEAs) from several GAC members, engaged with the Generic Names Supporting Organization (GNSO) Registrar Stakeholder Group on the status of LEA efforts to advance a "code of conduct" or "agreed best practices", and reinforced the critical importance of demonstrating concrete and effective support for LEA objectives to include a timetable of implementable actions. The GAC welcomes the registrars' offer to identify any substantive implementation issues with any unresolved LEA recommendations, for further dialogue with the GAC.

The GAC recalls its endorsement of LEA recommendations for due diligence and amendments to the Registrar Accreditation Agreement in June 2010, and urges the Board to support actions necessary to implement those recommendations as a matter of urgency.

## V. Meeting with the At-Large Advisory Committee

The GAC met with the At-Large Advisory Committee (ALAC) on 19 June to further advance cooperation, and particularly to discuss how the two Committees could support the work of the Joint Applicant Support (JAS) Working Group. The GAC is encouraged by the reference to the ongoing work of JAS-WG in the resolution of the ICANN Board in the launch of this new round of gTLD expansion.

The GAC advises ICANN to provide the necessary resources required to evolve the JAS work towards implementation, including provision for legal, logistical, and authoring timely support of a universally accessible "Needs-Assessed Applicant Guidebook".

## VI. Meeting with Security and Stability Advisory Committee

The GAC held an informative and valuable meeting with the Security and Stability Advisory Committee (SSAC) that focused on the SSAC's recently released report on the effects of blocking of top-level domains on the security and stability of the DNS system.

The GAC was particularly interested in the possibility of determining and developing means to identify and measure the specific harm of blocking of top level domains and possible incremental increase in harm when multiple top level domains are blocked on a wide scale. The GAC expressed its interest for more research and analysis into these issues. It also suggested having the SSAC report published in languages other than English in order to raise awareness across the wider Internet community. The GAC expressed its interest in further dialogue with the SSAC.

## VII. GAC-Country Code Names Supporting Organization joint session

The GAC exchanged views with the Country Code Names Supporting Organization (ccNSO) on the following issues: the value of identifying shared priorities; the ccNSO's perspectives on the ICANN operating plan and budget; the Framework of Interpretation Working Group (FoI WG) dealing with delegation and redelegation; an update on the Names of Countries and Territories Study Group; an update from the ccNSO on ICANN security and stability; and the impact of new territory or geographic TLDs on ccTLDs. The GAC indicated its strong interest in participating in the FoI WG,

which will hold its first face to face meeting on June 23 and looks forward to receiving a more detailed project timeline from the ccNSO regarding specific issues for the GAC's attention.

## VIII. Meeting with the WHOIS Review Team

The WHOIS Review Team provided the GAC with a summary of the review's progress. The GAC identified and discussed:

- concerns about privacy and proxy services;
- the potential benefits of WHOIS data validation; and
- the need for effective compliance activities, noting that legitimate users of WHOIS data are negatively affected by non-compliance.

The GAC strongly supports the WHOIS Review Team's efforts, and looks forward to continued constructive engagement as the review progresses.

## IX. Meeting with Security, Stability and Resiliency Review Team

The GAC met with the Security Stability and Resiliency (SSR) Review Team. In acknowledging the Team's mandate and scope of work, the GAC noted that the SSR Review is an opportunity to describe shortfalls in current plans, compliance and preparedness to address potential and actual threats. The GAC supports the Review Team proposal to review areas within the scope of ICANN's technical mission, while aiming to strike a balance to ensure that ICANN's SSR related activities are taken seriously and also recommending whether the criteria would need to be modified as the Internet evolves.

The GAC looks forward to continued engagement with the SSR-RT.

## X. Meeting with the Number Resource Organization

The GAC met with the Number Resource Organization (NRO), who provided useful insights into the position of the numbering space following the final allocation of the /8 IPv4 address blocks.

The GAC discussed with the NRO about the IPv4 exhaustion, legacy space, competition concerns, IPv6 allocation and actions to facilitate the transition to IPv6.

The GAC noted the need to develop national initiatives to promote the technological update of the systems to ensure the communications infrastructure, public services and applications of the governments are compatible with IPv6, and to ensure that content is accessible from both IPv4 and IPv6 networks.

*** 

The GAC warmly thanks all those among the ICANN community who have contributed to the dialogue with the GAC in Singapore.

The GAC will meet during the period of the 42nd ICANN meeting in Dakar, Senegal.

# Governmental Advisory Committee

Singapore, 18 June 2011.

Mr. Peter Dengate Thrush

Chairman of the Board of Directors

ICANN

RE: GAC communication on new gTLDs and Applicant Guidebook

Dear Mr. Dengate Thrush,

The GAC recognises that the most recent version of the Draft Applicant guidebook includes several changes which address some of the GAC's outstanding concerns but notes that there remain several substantive issues which require resolution before the launch of the new gTLD application process. These include:

> - competition concerns, in particular those resulting from changes to registry-registrar cross-ownership rules;
>
> - the demonstration of use requirement for trademark holders wishing to avail themselves of the propose trademark protection mechanisms; and
>
> - removal of references in the gTLD Guidebook that attempt to specify that future GAC early warnings and advice must contain particular information or take a specified form, as these references are inconsistent  with the GAC operating principles and the ICANN Bylaws.

The GAC would advise the Board that these issues involve important public policy objectives and, until resolved, also risk gTLD applications being made that conflict with applicable law. The GAC is of the view that the potential for this conflict with applicable law would operate to the detriment of gTLD applicants. Accordingly, the gTLD Guidebook should be amended to reflect these outstanding concerns.

The GAC  draws the Board's attention to previous advice :

> ⚖ on appropriate and timely support that should be provided to developing countries in implementing the new gTLD process;

✍ on appropriate protections that should be offered to the Olympic, Olympiad and Red Crescent/Red Cross names

✍ contained in the 26 May letter conveying the GAC's comments on the April 15 version of the Applicant Guidebook.

The GAC awaits the ICANN Board's response to this advice, and an explanation of how the advice will be considered before any decision on new gTLD Applicant Guidebook.

The GAC advises the Board that where the gTLD Guidebook attempts to specify that future GAC advice must contain particular information or take a specified form, these references should be deleted as they are inconsistent with GAC operating principles and the Bylaws.

To this end, and notwithstanding the GAC's wish to avoid any further delay in the new gTLD process, the GAC would advise the Board to ensure that all remaining public policy concerns are properly addressed and adequately respected before the new gTLD application procedure is finalised.

The GAC regards the ICANN Board's willingness and ability to respond to the GAC's views and to provide a rationale for its decisions is an important demonstration of the effectiveness of the ICANN multistakeholder model.

Sincerely,

Heather Dryden

Chair, Governmental Advisory Committee

Senior Advisor to the Government of Canada