
ICANN67 | Virtual Community Forum – GAC: Communique Drafting
Wednesday, March 11, 2020 – 11:00 to 12:15 CUN

MANAL ISMAIL: Yes, please. Let's go directly to the topics.

FABIEN BETREMIEUX: So, if we do section four of the draft ICANN 67 Communique, you have here the list of topics that were identified for potential language in the Communique. Number one was acquisition of PIR, DotOrg. The second one was [second rounds] of new gTLDs. Number three is Domain Name Registration Directory Service [inaudible]. Number four, from this morning, it was discussed in the GAC update this morning—or earlier today, sorry—it is the CCWG Accountability Work Stream 2 implementation. This was a topic suggested by [inaudible] and there were also Goran's suggestion on that.

In terms of text provided, I understand that we do have [inaudible] on acquisition of PIRs. It was inserted in the advice part of the Communique. I understand that there is work ongoing to finalize a text regarding some [second rounds] of new gTLDs. I believe there is work ongoing on the Domain Name Registration Directory Service as well. And I'm not aware of any update on text regarding the fourth topic, CCWG Accountability Work Stream 2 implementation.

So, I'll give the floor back to you, Manal, for how you'd like to proceed.

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MANAL ISMAIL: So, if we can ... Do we have any of the text ready that we can go through and finalize? I mean ready on the screen?

FABIEN BETREMIEUX: We do. We have acquisition of PIR [goal] and [inaudible].

MANAL ISMAIL: Okay. So, let us start by the acquisition of PIR and the DotOrg proposed language. So, the text reads: The GAC advises the Board to and we agree to discuss the text and then see whether it's going to be presented as a GAC advice or not. One conduct, a comprehensive review of the transaction, taking into account the impact on the public interest, the interests of the DotOrg community and any criteria deemed relevant by the Board.

Two, keep engaging with the ICANN community in a meaningful manner and to ensure that the view of the community, and first and foremost, the DotOrg community are properly taken into account in the review of the transaction.

Three, ensure through PICs or any other mechanism that clear and enforceable safeguards are put in place by Ethos Capital to protect the public interest and the interest of the DotOrg community in line with the 2002 requirements on the DotOrg operator to “promote the registry’s operation in a manner that is responsive to the needs, concerns, and views of the non-commercial Internet user community.”

Although going in the right direction, the GAC does not deem the PIC proposed by Ethos on February 21st as giving sufficient assurance, especially in terms of independence and power of the proposed stewardship council.

Number four, reject the transaction if it considers that Ethos Capital has failed to propose clear, sufficient, and enforceable safeguards.

So, I'll stop here. Is this the end of the text? Anything else?

FABIEN BETREMIEUX:

Manal, there is a rationale. Be sure to keep scrolling a little bit. I think it's adjoined to the other page.

MANAL ISMAIL:

So, would you like us to read everything one time and then start discussing or we can discuss the text first and then see the rationale, as it will depend on the text? I'm not sure.

So, let's make one quick read because I'm not sure everyone had the chance to read the text before our meeting, so let's make one quick read and then we will go back and discuss bullet by bullet of the suggested advice.

So, the rationale reads: The GAC wishes to raise the issue of the change of control of PIR on the occasion of ICANN 67 as the new deadline for the Board's approval or rejection [inaudible] having been set on March 20th after the latest postponement.

Given the nature of the organizations that [rely] on DotOrg domain names (governmental bodies, international organizations, NGOs, etc.) many of which, like ICANN itself, serve the public interest and the 2002 requirements on the DotOrg operator to “promote the registry’s operation in a manner that is responsive to the needs, concerns, and views of the non-commercial Internet users community”. The GAC believes that the review of the transfer of property of PIR by ICANN should thoroughly assess the impact of the transaction on the public interest and the interest of the DotOrg community. To this end, it is essential to engage and gather the input of the community—first and foremost, the DotOrg community.

The GAC welcomes the proactive attitude of Ethos Capital in proposing a voluntary PIC covering the DotOrg prices, freedom of speech, and the protection of the personal data of the DotOrg registrants but notes that many aspects of the PIC need to be further clarified. In particular, as concerns, the independence and powers of the proposed stewardship council.

The GAC considers that further efforts are needed to [assure] the PIC’s capacity to safeguard the public interest and the interest of the DotOrg community hereby understood in terms of affordability of DotOrg domain names, protection of freedom of speech, and privacy of the end users and continued development of the DotOrg and the services pertaining to it.

The GAC wishes to note that in the absence of sufficient safeguards, the transaction should be rejected. This should not rule out a possible resubmission based on enhanced safeguards. Any more text?

The GAC [commends] the Board’s vision that the sale of PIR is not a purely technical issue, but one whose [reasonableness] needs to be evaluated in respect to public interest, the interest of the DotOrg community and the totality of circumstances deemed relevant by the Board. The GAC commends the efforts of the Board to engage with the community on the issue, including the GAC and its individual members before and during ICANN 67 with a view to informing its final decision.

So, let’s go back to the text itself. First, I see Kavouss’s hand up. So, Kavouss, please. Kavouss, I’m sorry, I cannot hear you if you’re speaking. We still cannot hear you.

So, until we solve the technical glitch, can I move on to Vernita? Vernita, please go ahead.

VERNITA HARRIS:

Thank you, Manal, and thank you for the text on DotPR. I do think that before we can discuss the text, we need to figure out where this is going to be placed. I have concerns with, as I stated, with having GAC advice coming out of this meeting, this remote participation meeting, because not everyone is allowed to participate and I’m just really concerned that we don’t have the ability to go back and forth and try and discuss in person with the proponents of the text. This would go

for the entire GAC Communique, not just for the PIR and DotOrg advice to the Board.

As for the text itself, the US would not—we would not agree that these represent our views. We understand that some GAC members have concerns and I do think that we can find a way to address those concerns, just not in the section that advises the Board. Thanks.

MANAL ISMAIL: Thank you very much, Vernita. So, any objection to moving the text under a different title and then discuss the text first and then agree?

KAVOUSS ARASTEH: Hello, Manal. I have been following with the Internet [inaudible] connections. Can you hear me?

MANAL ISMAIL: I can hear you now, Kavouss.

KAVOUSS ARASTEH: Yeah. Okay. Sorry. Between last night and today, I have reflections on the issue what we call this. Yesterday, I proposed to call them views or opinions. But now after some more reflection, may I suggest that we call them preliminary actions from GAC with respect to. This is our reactions. Whether you call them preliminary or not, that is another issue. But it is an action. It is not yet advice as they have mentioned because many [inaudible] yet to be studied and to be clarified. This is

point one. I suggest that. Instead of opinion or [inaudible] the action. Whether they call them preliminary action or reaction, that is another issue. It may be future GAC advice but not now.

The second point is that in the main text and in the rationale, there is one area we say that if these are not met, reject that without any possibility to resubmission. That also isn't a strong action. Perhaps we could say that if the conditions are not met, the situation must be put on hold until the conditions are met. But not to be rejected without any possibility of resubmission.

What about the case that we raise the concerns and the concerns are properly met and resubmitted? Do we still want to reject, so we are not engaged any particular application or request. We are expressing are concerns, the interest of the Internet community, the interests of the DotOrg community, and so on and so forth. So, we should not put again sort of the yes and no approach. So, I suggest that, in summary, to call them GAC reaction to [inaudible] subject, and then when we say that [they reject that], we modify the text to put some other softer words saying that reconsider or put it on hold until the concerns are met and the [inaudible] saying that, without any possibility of resubmission.

This is for this stage. Maybe at later stage, we change the initial language proposed in the text. But for the time being, perhaps we should take precautionary action. Thank you.

MANAL ISMAIL: Thank you very much, Kavouss. Vernita, this is an old hand, right? Or is it a new one?

VERNITA HARRIS: It's a new one.

MANAL ISMAIL: Okay, please go ahead.

VERNITA HARRIS: So, my question. Do we have a standard format for the GAC Communique? Are we changing that, our templates that we agreed to? That's my question. And [inaudible] we can go from there. Thanks.

MANAL ISMAIL: Thank you, Vernita. I had the same question whether we are proposing a new section or is it the same section with other important topics to the GAC? But again let me first hear from Vincent and then we can open the discussion. So, Vincent, please go ahead.

VINCENT GOUILLART: Thank you very much, Manal. Can you hear me properly?

MANAL ISMAIL: Yes, Vincent. Loud and clear.

VINCENT GOUILLART:

Okay, great. This is Vincent Guillard from France, for the record. I would just like to make a few [inaudible], especially I would not like that this text proposal sounds like we are overly harsh. Kavouss, thank you very much for your comments, but I think there is something that we must clarify.

In the rationale proposal, we did not write that if the transaction were rejected, it would be rejected forever. I think that's quite the opposite. We try to encourage to [inaudible] strengthen its safeguards if the transaction were to be rejected. We are not aiming to close the door forever. I think that's quite the opposite.

Also, in general it's true that there is some strong language inside this proposal, but in general the aim is also to commend the Board efforts and [inaudible] shown lately and to encourage it to continue in this way.

The Board has shown great efforts of communication and engagement with the community and also the Board has shown that, in its eyes, this issue is not a purely technical one. The Board and its legal advice have several times expressed the opinions in the last few weeks about the criteria that will be used to assess the reasonableness of the transaction would be larger than the purely technical considerations and we would like to show our approval of such an approach. So, that's in order to clarify the philosophy of the text. It is not only to encourage some rejection or anything [inaudible]. I think that one of our main objectives when we drafted this text was

to commend the Board’s attitude and to encourage it to keep in this way.

But I would also like to profit from my having the mic to go back to something that was underscored by Paul yesterday at the end of the day. I would sincerely like to apologize to representatives from countries from underserved regions or from Asia-Pacific or countries whose participation in ICANN 67 is especially complicated. And as you may feel that they don’t have the proper means to participate in the drafting of the GAC Communique and you might feel that adopting consensus advice would be tantamount to adopting it without them. That’s absolutely not our aim.

As I said yesterday, the calendar unfortunately is rushing us and we [in France] think that we cannot miss this window of opportunity before March the 20th to express [somewhat] to take some strong position on the sale of PIR.

And our aim by trying to adopt consensus advice is not to provoke an appeal or to bother the Board or anything. It is quite the contrary. Our aim is to show support to the Board by taking a strong GAC position. The Board has taken up the subject very actively and we think that it’s highly commendable and some GAC advice seems the strongest way to express this. That’s what I had to say for now. Thank you very much.

MANAL ISMAIL:

Thank you very much, Vincent. Kavouss?

KAVOUSS ARASTEH: Yes. Do you hear me, Manal?

MANAL ISMAIL: Yes, Kavouss. Loud and clear.

KAVOUSS ARASTEH: Sorry. First of all, thank you very much, Vincent, for what you said. For the same reason you mentioned that some of our Asia-Pacific people do not have the possibility, therefore it could not be advice because advice means that everybody has the opportunity to participate in the discussion, either oppose or agree and so on and so forth.

So, from the scope, it could not be a preliminary discussion as an advice, so [inaudible] something else. Anything else I said put in [the action] of the GAC on that and so on and so forth. That is one point.

Whether you put it under this item or whether you have a separate item, other considerations, other important issues, that is [also] possible.

The problem is that we should go by a step-by-step principle. First, raising the concerns, asking clarification, providing the difficulties, problems that in view of some people—France, Germany, and many others maybe also as well—these are the difficulties [inaudible] and encourage or provoke or invoke discussions and verification, assessment, and so on and so forth.

So, what I suggest is this one. We should take this approach. This is the first time that we're getting together. Unfortunately, this time it's

virtual meeting. It's not a physical. Not everybody is able to attend. So, that is what I suggest. I have no particular position in this phase or the other case, and more or less I will take a neutral position, but I think we should take this approach, not to say that categorically we are opposing [inaudible] DotOrg under ISOC and now DotOrg to some other issue. That is not a personalized or enterprise-wide motivation. It's the substance of the issue. So, [inaudible] suggest that.

So, in conclusion, you could put it under this item. You could put it on any other title. It is not the GAC advice for several reasons, including those mentioned by Vincent and also [inaudible] language from the very beginning. Thank you.

MANAL ISMAIL:

Thank you very much, Kavouss. So, I see no further requests for the floor but I'm trying to catch up with the chat. Just a second. [inaudible] agree that four should be removed and we should avoid the PIR text being placed in the advice part. Germany supports France, advises the best way to say that we, the governments, have concerns and want ICANN to assess this issue carefully. And Jorge is suggesting that after these initial discussions, interested GAC members exchange by e-mail and see what solutions are possible and come back at 18:15 UTC. So, it's more of our face-to-face [inaudible]. Thank you, Jorge.

So, let me first hear from Olivier. Kavouss, this is an old hand, right. So, I'm going to Olivier.

KAVOUSS ARASTEH: I want to say that, yes, I think we could put it elsewhere. It's not advice. We'll put it elsewhere. Where we put it, that is important. I have no problem having new name of that—concerns. GAC concerns. GAC actions or [inaudible] concerns, with respect to this element. So, we should put another name, another [inaudible], at this stage. Thank you.

MANAL ISMAIL: Thank you, Kavouss. Olivier, please. European Commission.

OLIVIER BRINGER: Thank you, Manal. Hello, everyone. First, I agree with Vincent that these are relatively general points and should [inaudible] some of these points made by the Board, for example, or they acted upon. We had this discussion on Monday in the public forum, for example. And this is mainly meant to encourage the Board to assess the transaction very thoroughly.

Now, to reply to Kavouss, I think we are in a special situation here because that would be a decision of the Board, possibly on the 20th of March. So, how do we ... Of course, we cannot come with advice or encouragement after the decision has been made. That would not be logical. So we have to take that into account. But if there are alternatives to be able to pass our message to the Board before it takes a decision, I would be very happy to hear them. But I think this is not a process, like recurring process, like the new gTLDs or the WHOIS

policy reform. There is a deadline and we have to take that into account.

So, what is the alternative if we do not provide advice to the Board at this point in time? I heard, for example, the idea of [inaudible] yesterday to have a written procedure for advice, but I guess then it would be next week because the 20th of March is in ten days. So I would be really interested to hear how those who do not want to have an advice in this Communique see the next steps. Thank you.

MANAL ISMAIL:

Thank you very much, Olivier. Kavouss and then Paul.

KAVOUSS ARASTEH:

Yes, Manal. If you hear me, I think there might be some solution. I fully agree with Olivier that 20th of March is a very tight deadline, and if we don't do something, we will be [inaudible]. Sorry, the train is gone and you left it. So we have to do something.

What about, Manal, you check with distinguished GAC fellow persons? Whether at least we could ask postponement of decisions. There have been previous cases [inaudible] two or three here in the last two years that there was a particular date to decide and GAC asked for delaying the decisions. This is not on the substance but it is on the subject, saying that, yes, there is a very tight time and the GAC usually, during the sessions, either virtual or physical, would be in a position. And in particular, this is a new thing, at least for many of the GAC. What about that we consider whether it ask a postponement of the decision? It is

possible. I don't think that ... Unless there is some disagreement. I don't know who would disagree with that but I think that is [inaudible], without saying [inaudible] express the concerns but not very [inaudible] objections or GAC rejection of [the thing]. But we're saying that, because of these concerns, because of the need for clarification, because of this and this and this, we need more time and that more time requires that the decision be postponed.

Then the question is that whether you want to postpone it ... Sorry, for how long you want to postpone it. That is the secondary decisions. The first [inaudible] that do we agree to [inaudible] postponement of the issue? Thank you.

MANAL ISMAIL:

Thank you, Kavouss. I don't think anyone would object to an extension, including the Board itself. So, let me assure you that the Board is trying to press for an extension. They have requested an extension from ISOC or the other party. But unfortunately, so far they haven't been granted. So, they asked for an extension at the beginning. They got an extension, not as long as they asked for and this is the 20th and now they are trying to ask for further extension, but it's difficult to tell now whether the extension would be granted or not. So, it's not a matter in the hands of the Board that we request an extension from them and they do extend the deadline, unfortunately.

So, this is the difficulty with the extension but everyone is pushing for an extension. So, Paul, please and then maybe I can try to suggest a way forward. So, Paul, please.

[PAUL BLAKER]:

Thank you. Yes. I was going to ask about that also. I think we need to take into account what the Board’s role is, what the Board has the ability to do. And my understanding from Monday was that any extension must be mutually agreed.

But I was going to say that I agree with Kavouss and with others that this shouldn’t be in the advice section but I think we can make points very clearly, either in section four or in a letter from the chair. Actually, some of this text is not advice to the Board. It’s giving our views about Ethos Capital, giving our views about the currently proposed PICs. And that’s the kind of comments that we can make in section four or in a letter from the chair of the GAC. That’s the approach that we would prefer. Thank you.

MANAL ISMAIL:

Thank you very much, Paul. And this is exactly what I was going to suggest as a way forward. So, let me share my understanding now. Those who don’t want this in the advice section feels that not everyone is able to participate. The difficulty that we have for this remote meeting, we don’t have the face-to-face option. We don’t have our usual [inaudible] to discuss together and work around our difficulties and our diversions in views. So I can see the difficulty reaching a consensus advice here, but also the concerns of those who would like to see this in the advice section, first because of their interest and the impact of the topic, and most importantly because of the pressing that line which is the 20th which can be extended but we

cannot be sure at this point in time. So we have to act as if the 20th is a firm deadline.

The problem with moving this text from the advice part is that it may not take the necessary attention and might not receive a response to this.

So I was going to suggest along the lines that Paul said that maybe a letter from the GAC chair and it will also be testing the waters of this as a potential advice later, but again, along what Kavouss said, that we can try it without putting it as GAC advice up front.

So, I think a letter from the GAC chair could serve the purpose, first on the importance of the topic but second also on the need for a response without any pressure by triggering the bylaws and so on, because again, we are just ... And we can send them as reactions from discussions or GAC concerns following discussions at ICANN 67 and request a response and I can try to follow up on this.

So, let me pause here. Paul, this is an old hand?

[PAUL BALKER]: Yes, I'm sorry.

MANAL ISMAIL: No worries. Then I have Kavouss and I have a comment from Jorge. Excuse me, Kavouss. Just a second. Paul sounds quite reasonable. We could build on the questions we shared yesterday with the Board and fame it as a follow up to the letters exchanged so far. Thank you,

Jorge. Sounds sensible. Kavouss, please go ahead. Sorry to keep you waiting.

KAVOUSS ARASTEH:

Yes. I think that if we could put it in several places—we could already put it in the discussions with the Board. It is already there. We could put it under some other topics, GAC concerns or GAC reactions to this subject and also put it in the letter. So, it appears [inaudible] but it would be important to appear in the community but not under GAC advice because it's not yet advisable the way it was written, [as you mentioned].

Another most important reason that [inaudible] that maybe we have nobody pay attention to that. In difficult situation of GAC advice, the physical meeting helps negotiations. This time, negotiation is not possible because we are remotely participating. We could not look at the face-to-face, eye-to-exactly each other and try to [inaudible]. So, that is not [advised].

But I think we could put it in three places—one place in the Board discussions. And second, in another area where there are other considerations, other subjects, GAC concerns, GAC reactions and also appears in the letter [inaudible] that the text will be prepared. Perhaps either we give all the [responsibility] to you or you wanted to ask somebody to take a look at that and get approval of everybody that [inaudible] on behalf of the empowered GAC but not only GAC chair because it changes. Sometimes it could [be a letter]. Sometimes we authorize you to do that part, like the community empowerment that

the GAC authorizes the chair to access. So, these are the three things we could do.

But I have another question. Reply maybe no or yes. What about we have an advice for the extension? If there is a consensus among us for extension—and I don't think that anybody would have objection as you mentioned—the Board could not reject that because for rejection they have to apply the bylaw. They need to have 60% of the members eligible to vote to reject that idea. Is it not possible? I'm just asking the question. This is [inaudible] have to [test] everything. Thank you.

MANAL ISMAIL:

I'm afraid it's not possible. I can see Hisham from Egypt also saying "plus one Kavouss" but I'm afraid it's not possible because it's not in the hands of the Board. I mean, they want an extension. They are [inaudible]. as mentioned earlier, this has to be mutually accepted. So it cannot be only from one party. I don't have all the legal background and the legal expressions. I can dig the exact reasons and get back to you but I understand that there is something contractual that says that there should be mutual agreement to any extension. So it's out of the hands of the Board. I see Vernita and Hisham. So, US, please go ahead.

VERNITA HARIS:

Hi, Manal. So, [inaudible] the approach of not including it under GAC advice. It's a good one and we would recommend section four. We've done that in previous communiques. And after we decide on where to

place it, I do think that whatever text that we agree to cannot be [inaudible] as it appears to be GAC advice. It's just not in the GAC advice in that section.

I would agree to ... I'd delete number four. I don't think that that one is appropriate. I do have some concerns with the wording of number three. So, we would want to see some modifications there and we're happy to work with colleagues on that section as well.

As for the GAC letter, we would really need to see what it says. Again, we wouldn't want the letter to come from the GAC chair to be [posed] as advice as to what ICANN should be doing.

I would note that nothing prevents an individual government from sending a letter to ICANN or even to comment directly with the PIR in their open comment process, which is I think they have more of an impact there. So, that's some of our concerns.

We mentioned when we first had this discussion on Monday that we thought that having some text in the summary part, recognizing that the community has raised many concerns with the proposed transactions, perhaps we suggest that lessons learned from these events in order to avoid these issues, and in the future, be something that we can put in our summary as well.

In short, we like the direction of moving this to section four. We would recommend deleting number four and we would have some edits to one, two, and three. Thanks.

MANAL ISMAIL: Thank you, Vernita. I have Hisham next. Egypt, please.

HISHAM ABOULYAZAD: Thank you, Manal. Can you hear me all right?

MANAL ISMAIL: Yes, Hisham.

HISHAM ABOULYAZAD: Thank you. I actually wanted to [inaudible] the last comment from Kavouss and explicitly to [inaudible] the option of putting an advice to the Board that would help the efforts in extending the time required to study this transaction, as we have listened and others have participated as well in the public form on Monday. I think this particular topic is of great importance to the community, not just [inaudible] governments.

So, I would think that, despite the limitations of an online-only meeting, I think it is still possible that we take a stab at putting an advice that would focus on helping the Board to extend the 20th of March deadline, especially where that the GAC advice is a document that is well-respected and well-thought-through by other communities as well, not just inside GAC, including communities outside of ICANN.

So, I think it would help the GAC—it would help, actually, the Board, excuse me—in their effort in reaching a mutually agreed deadline for the decision. The GAC [inaudible] such an advice.

I want to add something as well that is not [inaudible] perhaps to the PIR discussion, but generally to the procedure or to the stability of having an advice in the online and perhaps through email as well. Putting an advice in this way is not the first time, as we have learned yesterday in the discussion. So we have the means to do that as GAC and we should realize that [inaudible]. Especially that we are still in a position that we are not sure if ICANN 68 will be conducted in the regular face-to-face mans. So we don't want to see the GAC again challenged by these conditions in waiting for a third meeting to [inaudible] advice. We cannot afford to wait all this time. Thank you, Manal.

MANAL ISMAIL:

Thank you, Hisham. Again, very frankly, I fail to understand how our advice would help the Board. I mean, if we request an extension from ISOC, this might help the Board. But otherwise ... I mean, the Board is already requesting an extension from ISOC, so requesting it from the Board, how would this help? Again, I might be mistaken. I'm happy to consult if this is what the GAC is requesting. I'm happy to consult with the Board whether a request or an advice from the GAC to the Board regarding an extension would help by any means the Board's request.

Again, very frankly, I'm not convinced, but again let's see how we conclude. I'm not sure ... I have Kavouss, Vernita, and Jorge. Any old hands?

KAVOUSS ARASTEH: No, it's a new hand, if you will allow me.

MANAL ISMAIL: Okay. Please go ahead.

KAVOUSS ARASTEH: Let me turn to my distinguished friend who mentioned that nothing prevent any other government [inaudible] should not advocate that. We have been working together for years since '98 and we continue to work with that. This type of statement which is coming from ITU does not help, saying that any government could [inaudible]. We are not doing that. We are working together and we continue to work together. So I don't understand that statement at all, nothing prevent any government to [inaudible]. This is the divisions and we don't want to divide ourselves. We want to work together.

Writing a letter ... Sorry. Putting an advice of extension, although it may not be directly helping but it would enforce the position of ICANN Board and we may ask if we write a letter also to say that, "Please convey this letter to ISOC," or whoever. So, that enforces the position of the Board that one category of the society is having concerns about this. So, we should not be silent. We should be voiced and we should be heard.

So, I don't understand with some people ... Maybe they have different views than us. This is allowed. No problem. Everyone has different views. That we should work together, continue. So, I suggest that [inaudible] be possible. Examine the extension, request for extension.

If everybody could agree and maybe ask Vernita or others to kindly also join the others if possible for that extension.

Extension means just more time for discussions. And then that helps ICANN to convey that to the ISOC. And also in the letter we wrote or will write to ICANN, we also say, “Please can we convey this message?” Because we don’t have a direct communication with ISOC as far as the process of the ICANN issue is concerned or Internet [inaudible] is concerned. So, please, can we consider not [inaudible] different ways. We should not reject that. Unless somebody has a position, be silent, don’t say anything. Let the things go. [inaudible] and we were faced with similar things in 2016, that on the two characters. Everything is finished. And whatever you do, sorry, we can’t go back. That’s all. So, we should avoid that. We should really avoid that. This is a sincere request for distinguished colleagues to try to work together. Thank you.

MANAL ISMAIL:

Thank you very much, Kavouss. I see also Hisham in the chat suggesting some language, something along the lines, advises the Board to exert every effort to reach a mutually agreed timeline that would enable the required comprehensive review. So, thank you, Hisham. I have Jorge and then Vernita. Jorge, please. Switzerland. I’m sorry, Jorge, your hand disappeared. Was it an old hand?

JORGE CANCIO:

Sorry. Can you hear me now?

MANAL ISMAIL: Yes, I can hear you.

JORGE CANCIO: I am so sorry.

MANAL ISMAIL: No, no.

JORGE CANCIO: I didn't unmute on the computer. As I said these last days, I was really flexible on the question of advice or not, but I understand the concerns expressed by many colleagues. So I think that we also have to take that very much into account. And in the end, if we look at the goal of this proposal of advice and if we look at what we have exchanged with the Board so far, in the end what we want to do is to make sure that the public interest and the communities involved and that we highlight the interest and the [sight] of the GAC on this.

I think that after yesterday's exchange with the Board, we can also be in agreement that we may want to support the steps taken by the Board and it's a quite thorough investigation on the case.

So, I think that on substance, really if we look at the text proposed by France and also the questions we had yesterday with the Board and to look at it from this more encouraging angle, we could submit it as a letter from you, Manal, which could build on these texts and take a

more encouraging language instead of an advising or a recommending or a prescriptive language.

So, I think with some time, perhaps during the meeting with ALAC and the break, we can come up with some suitable text and discuss it later on this evening [European] time. I'm of course available if I can help on that. Thank you.

MANAL ISMAIL:

Thank you very much, Jorge. I was also thinking that maybe after the meeting with the ALAC we can take a little bit longer break, not only 15 minutes. We can make it a little bit longer to allow discussions over email and trying to reach an agreed text if this would help. So, just let me know. If we need a longer break, we can do this. Vernita, please.

VERNITA HARRIS:

Thank you. Can we confirm have we decided [to the text to section four]?

MANAL ISMAIL:

I think the current decision is putting the text in a letter. I'm not sure whether this is in addition to section four. I mean, it's a good question. If we're going to agree on a letter, does this mean the topic will not appear in the communique or would appear in section four? This needs to be clarified, of course. But in principle, do you agree to the idea of sending a letter?

VERNITA HARRIS: We can agree with lesser text as long as it doesn't appear as GAC advice. And from our perspective, even requesting an extension is GAC advice. So that is something that we will have difficulty supporting. So, we are happy to look at text in the lesser sections and we'll work [inaudible] to do that. Thanks.

MANAL ISMAIL: Thank you, Vernita. So, you don't want to see text requesting extension in the GAC advice or in general?

VERNITA HARRIS: If GAC sends the signal that we want them to give an extension to us, that's a GAC advice [and that's not] supported. Thanks.

MANAL ISMAIL: Thank you, Vernita. I have Lina and then Kavouss. Lina, please. Lithuania.

LINA RAINIENE: Thank you, Manal. Can you hear me well?

MANAL ISMAIL: Yes, Lina.

LINA ISMAIL: Hello, everyone. So, just to keep this discussion brief, first of all I would like to mention that we should keep the issue on DotOrg in

Communique. So, if we are going to move the major request into the letter of communication, I would support strongly to keep the reference to the DotOrg issue in the Communique. It might be [under reference to the mail] communication as such.

Another point on the supporting [board to seek the extension], I think it might work. It depends how we would put the text. If we would put the text simply asking for the expansion of the process, it might be weaker. But if we would stress as it is basically stressed now in the text, in the draft communique proposed by the penholders, that [inaudible] the concerns of the community are not met. So, basically, today, the [inaudible] has no goal point. So, if the situation has no goal point, [inaudible] possibility to develop it further towards the positive direction by the means of extending the process.

The question is whether the GAC communicates it only to the Board or another party—another contracted party—will be able to see this. So, all text which is in communique, it's basically directed to everyone. It is only by a [inaudible] communication between Board and the GAC, I am not sure. Maybe colleagues more experienced here could elaborate on that. But the GAC could also address, as you Manal mentioned, another party as well just to keep them aware of the position of the GAC. So I would, in a nutshell, propose to keep the text in the Communique. While advice would be perfect, but if we will not be able to reach it, so at least to the fourth section of the Communique. Then, in addition to [that] maybe this letter of communication. Thank you.

MANAL ISMAIL: Thank you very much, Lina. I see also a proposal from Jorge in the chat that we can attach the letters to the Communique work with support from [inaudible] as well. So, I have Kavouss next.

KAVOUSS ARASTEH: I'm sorry, Manal. I perhaps [inaudible] we don't want just attach a letter to Communique. We want that the issue will be explained or included in the Communique under some title, then some section, whether section four, whether other section.

And in addition to that, we send a letter, and more or less [inaudible] maybe even more. But [we now] mentioned that absolutely correct because the letter will not be seen by everybody, but the Communique will be seen by everybody. So, we want to put it in two places. One place in the Communique and under some chapters and so on, and the other in letter. And in both of them, we could also say that GAC is of the [inaudible] opinion that the extension should be given in order to provide time for study for reflections, for so on and so forth.

So, people may disagree with the GAC advice. That is another issue. I come to that later on because I don't want anyone putting a veto on something. We are many countries and we don't want the veto at all, so we should avoid that. But for the time being, let's work together and avoid this in future, that we are not talking about some vetoing and we are working together. So, put it in the letter. Put it in the GAC Communique. And in both of them, [ask that the] GAC is of the same

view as the first step to extend the time limit to some other time. I don't know. We have to see how many days, how many weeks, how many months we want to extend this one, if people do not want to have an advice. At least these are the minimum and we have to [continue to do that]. Thank you.

MANAL ISMAIL:

Thank you very much, Kavouss. I agree with you. Regarding the extension, I don't think we should put a specific date or time, but maybe just say push for an extension that would allow the Board to have a thorough study of the situation or what have you.

But anyway, the proposal now and then I'll give the floor to Olivier [inaudible] the text in a letter. The letter could be attached to the Communique and still we have something in section four on the topic that may also reference the attached letter.

Let me now go to European Commission, please. Olivier?

OLIVIER BRINGER:

Yes. Thank you, Manal. A few remarks following the very interesting discussion taking place. First of all, I agree with Kavouss that it is the very mandate of the GAC to work together and to try to arrive at consensual text, consensual advice possibly. And that is of course superior to having individual ... I mean, of course individual states can share their views, but I think having a joint consensual input from the group of governments is very important in the way ICANN works. So, I fully agree with that point.

On the point of where to cover the acquisition of PIR, I think like Lina and Kavouss said, I think it should appear in the Communique. This has been one of the main points of discussion during these virtual meetings. We have to cover it in the Communique.

I would just like to understand you better. Maybe you would conclude that way. Your proposal to put it in a letter and understand how it would serve our purpose. How will it allow to pass the message to the Board and the message be taken into account by the Board? So maybe you could explain that in your conclusion how you see that a letter will allow us to reach our purpose. Thank you.

MANAL ISMAIL: Thank you, European Commission. Mainly, I thought the letter would invoke a response, even if it's not [inaudible].

UNIDENTIFIED FEMALE: Manal, this is [inaudible] speaking. I'm not sure if that's only me, but your connection is not stable at the moment. Can we please dial out to you?

MANAL ISMAIL: Hello? Can you hear me?

UNIDENTIFIED FEMALE: Hello, Manal. Welcome back.

MANAL ISMAIL: So, I can hear you breaking, [inaudible]. Can you hear me well?

UNIDENTIFIED FEMALE: Manal, we can barely hear you.

MANAL ISMAIL: Is it better now?

UNIDENTIFIED FEMALE: It is better now.

MANAL ISMAIL: Okay. I'm sorry I got disconnected all of a sudden. Very sorry to everyone. I was just trying to see whether my response answered your question, Olivier. Yes, please, Olivier.

OLIVIER BRINGER: Can you hear me?

MANAL ISMAIL: Yes. Now we can hear you.

OLIVIER BRINGER: Yes. In fact, I couldn't hear at all your reply.

MANAL ISMAIL: Okay, I'm sorry. So, let me give the floor to Kavouss, Lina, and then I will repeat my reply again. Very sorry for this. Kavouss, please. Sorry to keep you waiting. Go ahead.

KAVOUSS ARASTEH: Yeah. Thank you very much, Manal. I think I explained to my distinguished colleagues, Olivier, that the situation, as I mentioned, is the following. We describe the situation in an appropriate manner in the Communique under some title, section four or other section. In addition, [inaudible] we write a letter to the ICANN Board signed by Manal explaining the situation, maybe further elaborating the matter. Both places, we express that is the strong views of the GAC that the time limit should be extended.

As [inaudible] Manal, we could not say how much, how many days which is difficult. It should be extended. That would at least, at a minimum, what we can do. And we maintain the solidarity of all GAC members together. I know that. Different interests, different backgrounds, different cultures, different so on and so forth. But at least we are working together and we have been working together and will continue to work together. So, [this is two places] and so on and so forth.

And then in the discussion with the Board, that was mentioned yesterday. I hope the reply the Board will be giving also will be there. So, it will be three places. One place under the Board discussions with the GAC, second in the Communique in section four or any other

section, and third in a letter. That is clear cut. I hope Olivier agrees with that. Thank you.

MANAL ISMAIL:

Thank you very much, Kavouss. So, we have five minutes remaining. I'll reiterate my answer very quickly because I would like us to have a couple of minutes before we start our ALAC section.

Olivier, the letter. I was saying the letter would trigger a response, whereas if we just have it in the Communique under section four it would give the needed visibility but without triggering a response. So we will not see a response from the Board on this section titled "Other Issues." They normally respond to GAC advice to the Board and follow-up on GAC advice to the Board. Olivier, please go ahead. We cannot hear you, Olivier. And Kavouss, I assume this is an old hand, right?

OLIVER BRINGER:

Can you hear me now?

MANAL ISMAIL:

Yes.

OLIVIER BRINGER:

Okay. I was saying now I understand better thanks to your explanation and the explanation of Kavouss. So the approach would be fine with me. Thank you.

MANAL ISMAIL:

Okay, excellent. So, thank you, everyone. Let us stop here and we will continue our discussion. We have our meeting with ALAC in three minutes, so I would like everyone to have the chance to stretch and be back in the Zoom room at quarter past, so that we can start the meeting with the ALAC. And just let me know after the ALAC meeting if we need a break more than 15 minutes we can agree at the time. Thank you, everyone.

[END OF TRANSCRIPTION]