
ICANN67 | Virtual Community Forum – GAC: ICANN67 Communique Drafting (2)
Thursday, March 12, 2020 – 13:00 to 13:45 CUN

GULTEN TEPE:

Hello, everyone. Good morning, good afternoon, and good evening. Welcome to the ICANN 67 virtual meetings last day. This is the communique drafting session being held on Thursday, 12 March 2020, at 18:00 UTC.

The Zoom room audio is in English. In order to access the French or Spanish audio, please join the streaming links that have been shared main ICANN 67 website GAC agenda page under each session as well as on the calendar invite sent to you.

We will not be doing a roll call today for the sake of time, but GAC member attendance will be noted and available in the annex of ICANN 67 GAC Communique and the GAC minutes.

Recognizing that these are public sessions and that other members of the ICANN community may be in attendance, the GAC leadership and staff encourage all of you who are GAC representatives and observers to update your participant name in the Zoom room by adding (GAC) after your name. This will help us to identify GAC session attendees, keep accurate GAC attendance records, and facilitate the queue for participants' comments and questions during this session.

If you would like to ask a question or make a comment in English, French, or Spanish, please type it in the chat by starting and ending

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your sentence with Question or Comment and please keep them short if possible. French or Spanish questions will be translated into English and read out loud by our remote participation manager Julia Charvolen. Staff will put periodic reminders of this process in the Zoom room chat.

If you're in the Zoom room and wish to speak, you may also raise your hand and we will manage the queue. A kind reminder to please state your names when you speak not only for transcription purposes but also for the interpreters to identify you on the audio streaming. Please also speak clearly and at a reasonable speed to allow for accurate interpretation.

Finally, this session like all other ICANN activities is governed by the ICANN expected standards of behavior. I will put a link in the chat to those standards for your reference.

So without further ado, I will hand the floor to GAC chair Manal Ismail. Manal?

MANAL ISMAIL:

Thank you very much, Gulden. Good morning, good afternoon, and good evening, everyone, and welcome to our last communique drafting session scheduled for 45 minutes. I hope you are all back fresh and ready to finalize the remaining parts of our communique.

I can see the communique is already on the screen. If we can start scrolling down slowly and maybe highlighting parts that have been

changed since yesterday. And then we can start discussing the text we parked from yesterday.

FABIEN BETREMIEUX: Manal, if I may?

MANAL ISMAIL: Yes, please, Fabien, go ahead.

FABIEN BETREMIEUX: I just want to highlight a number of changes we've seen since yesterday. We do have Acquisition of PIR in Section IV: Issues of Importance to the GAC. So that hasn't changed although there was a suggestion this morning from [inaudible] which we reflected in comments.

We have some edits in Section 2: Subsequent Rounds of New gTLDs where some adjustments were made to the text per yesterday's discussion. And I understand that those edits, if we can scroll down to the second subsection here on the Subsequent Rounds of New gTLDs, we have some edits suggested by staff and I understand [agreed with the topic leads] Jorge Cancio and Luisa Paez. So you can see them scattered through in particular in connection with the topics of GAC Early Warnings/GAC Advice, Applicant Support Program, and Community Applications.

And then in Subsection 3: Domain Name Registration Directory Service and Data Protection, we still have those changes introduced yesterday that we weren't able to get to.

And finally, I just want to mention we still have one sentence that is left unconfirmed in the letter. It's on the Google document at the very bottom after the wiki text where I'm not sure we've reached a conclusion. It might have been our missing the action of resolving that change.

So I'll let you decide, Manal, where you would like to start. Thank you.

MANAL ISMAIL:

So if we can start from the letter because we concluded on this we decided to delete prior to ICANN's final decision as has been suggested.

FABIEN BETREMIEUX:

All right.

MANAL ISMAIL:

Because everyone agreed it's implicit. If you would like to continue our dialogue, this means we would like to do this before a decision is taken. So, yes, thank you for accepting the track changes here. And then if we can go quickly to the sub—do we have anything before the sub other than the subsequent procedures and .org and the WHOIS? I mean anything apart from Section IV?

FABIEN BETREMIEUX: No, nothing apart from Section IV.

MANAL ISMAIL: Okay, so I think the subsequent procedures, subsequent rounds is straightforward. Let's get this out of our way and then continue our discussions.

So as we agreed yesterday to thank the co-chairs of the New gTLD Subsequent Procedures PDP Working Group, we have introduced this sentence: "The GAC wishes to warmly thank the GNSO New gTLD Subsequent Procedures PDP Working Group Co-Chairs for their participation and engagement in GAC sessions on this topic."

Any objections? Fabien, is this a new hand?

FABIEN BETREMIEUX: I apologize. It's an old hand.

MANAL ISMAIL: Okay. So I see no objections, so let's accept this text. Thank you. If we can scroll down, please. This is the GAC Early Warning/GAC Advice. I believe this has been updated in light of the new developments. So let's read this very quickly.

"The GAC notes that the current Subsequent Procedures Working Group recommendations contrast to some extent from GAC input on the Initial Report, inter alia, since it is considering removing in future

editions of the Applicant Guidebook that GAC Consensus Advice on an application ‘will create a strong presumption for the ICANN Board that the application should not be approved.’ Additionally, GAC Members expressed the need for further discussion on the PDP draft recommendations relative to the scope of the rationale for GAC Advice and the draft PDP recommendation proposing that ‘GAC Advice issued after the application period has begun must apply to individual strings only, based on the merits and details of the applications for that string, not on groups or classes of applications.’”

Any comments on this paragraph? Okay, if not—yes, Kavouss, please.

KAVOUSS ARASTEH:

Remember what I said the other day and repeated in the subsequent procedures today the same discussion that the language needs to be modified. We don’t agree with this language. We don’t agree that because [Jeff] mentioned that it is not intended as it is written and also Jorge commented on that. So I don’t think that we should keep it as it is. We could say that ongoing discussion is intended to modify this language in a fair and balanced manner in order not to exclude the GAC early warning [and that]. I think that was discussed at the meeting that would be changed so we have to say that, as I mentioned. Or we have to say instead of that at the end, however this issue is under discussion and there are proposals to modify that to make it more balanced to take care of the concerns or the rights of the GAC. So we have to put that one, I think. Those people attended in the

subsequent they remember about half an hour ago or one hour ago what we discussed. Thank you.

MANAL ISMAIL:

Thank you, Kavouss. So let me read also the following paragraph, and just let me know whether this addresses your point. “PDP working group discussions on this topic noted that alternative language will be drafted and might be shared with GAC for review, possibly referring recommendations back to the new ICANN Bylaws. The GAC noted the need for further discussion within the GAC and with the PDP working group.”

Does this address your point? Kavouss, please go ahead.

KAVOUSS ARASTEH:

Yes, I think I have heard that, but what [Jeff] mentioned that modify that in a positive manner to remove the concern expressed by some GAC members attending the PDP meeting. So we have to mention this and also we have to say in a fair and balanced manner because for the time being it is one-sided. So the other part of we say that modified in a fair and balanced manner and in a positive direction as was indicated at the meeting. So I leave it to you to add something around the line of that. Thank you.

MANAL ISMAIL:

So let’s try to reflect what you’re saying immediately because I don’t think we have other time. So PDP working group discussions on the

topic noted that alternative language addressing GAC concerns maybe? I'm not—I need someone who was....

KAVOUSS ARASTEH: Addressing the concerns addressed at the level of the meeting of the group in a positive manner. Positive and fair and balanced manner to meet the concerns expressed in GAC meeting or by GAC or by GAC participants. I think that myself and Jorge in different ways have expressed our concerns about this. So [there is the] alternative [to then say] we should also put in consultation or something. Put more element on the GAC that they should not modify that unilaterally. Thank you.

MANAL ISMAIL: Thank you, Kavouss.

GULTEN TEPE: Manal? I'm sorry to interrupt.

MANAL ISMAIL: No, no, no. Go ahead.

GULTEN TEPE: We also have Benedetta in the queue.

MANAL ISMAIL: Okay, thank you. Benedetta, please go ahead.

BENEDETTA ROSSI: Thank you very much, Manal. This is just in reference to Kavouss' point. Obviously, Kavouss' point is correct. That's what was reflected in the PDP discussion. I believe that the exact language that they used was collaboratively. So I was just wondering if that would be helpful in terms of the language because I think that's what the PDP was utilizing during the discussion. Thank you.

KAVOUSS ARASTEH: Maybe close collaboration with GAC. Thank you.

MANAL ISMAIL: Okay, thank you, Benedetta, and thank you, Kavouss. So the GAC noted that—okay, PDP working group discussions on this topic noted that alternative language addressing, I think, addressing GAC concerns. I'm lost here. Just a second. Do we need will be drafted collaboratively? Is this where we—does this accurately reflect what has been agreed? But if it will be drafted collaboratively, then it doesn't make sense and might be shared with GAC for review. I need someone who was closely following to fine tune this. Jorge, please?

JORGE CANCIO: [inaudible], Manal. While I agree with Kavouss on the spirit of his intervention, I thought that as nothing has been settled in any [agreed] minutes of the meeting it would be good to say at a descriptive level and try to not put too many words into the mouth or

into the intentions of what was discussed. So that's why in the changes we proposed in describing the discussions of today we were careful in planning to be as descriptive as possible and not getting into approaches that perhaps are not 100% agreed by all the parties. And at least as to collaboratively, my impression is that might be the spirit but that the PDP working group will continue its work and will try to address the concerns expressed by GAC members. But I don't see any collaborative effort being established. That is different to PDP working group.

MANAL ISMAIL:

So, Jorge and Kavouss, would this be accurate? The PDP working group discussions on this topic noted that alternative text considering or taking into consideration or taking into account the concerns expressed by gad participants will be drafted and might be shared...and so on.

GULTEN TEPE:

Manal?

MANAL ISMAIL:

So it's taking into consideration without preempting the end result. Yes, Gulden? I'm sorry, go ahead.

GULTEN TEPE: I'm so sorry, but Kavouss just disconnected and connected back right now. So would you mind repeating your sentence please? He might have missed that.

MANAL ISMAIL: Okay, I will. I was asking Jorge and Kavouss whether it would be accurate if we can say the PDP working group discussions on this topic noted that alternative language taking into account concerns expressed by GAC participants will be drafted and might be shared with GAC for review.

KAVOUSS ARASTEH: Would be shared, not might be. It would be shared. Thank you.

MANAL ISMAIL: So they confirm that it will be shared?

KAVOUSS ARASTEH: This is [inaudible] requested. Thank you.

MANAL ISMAIL: We need to be cautious, Kavouss. I know we're requesting this, but I'm just asking you whether this has been accepted and concluded at the end.

KAVOUSS ARASTEH: Yeah, we could say in a collaborative manner. I don't think prevent us to say collaborative manner. So everything in a collaborative manner. Because in positively, positive means collaborative manner. Or maybe in a positive manner. Thank you. It was mentioned positive by [Jeff].

MANAL ISMAIL: I mean if we say that they will take the concerns into consideration, doesn't this mean positive? Jorge, I saw your hand up. Was this an old hand.

UNIDENTIFIED FEMALE: He just confirmed in the chat saying [inaudible].

KAVOUSS ARASTEH: I suggest you add in a positive manner. Thank you.

MANAL ISMAIL: Where exactly, Kavouss?

KAVOUSS ARASTEH: So it is mentioned here taking into account the concerns expressed by the GAC participants will be drafted in a positive manner possibly shared with GAC for review. If you want to put that or not to put that, I don't mind to delete that and will be shared with. Delete that one. In a positive manner. Will be drafted in a positive manner.

MANAL ISMAIL: I'm more in favor of would be drafted taking into consideration GAC concerns. But again, Jorge, please go ahead. I didn't expect us to take so much time on this part. So, Jorge, please?

JORGE CANCIO: Yes, thank you very much, Manal. And sorry for taking so long on this which was intended to be just [descriptive]. I would suggest that we use the following language. PDP working group discussions on this topic noted that alternative language will be drafted with the intention of addressing the concerns expressed by GAC participants. Full stop.

MANAL ISMAIL: Thank you, Jorge. Would this be okay, Kavouss?

KAVOUSS ARASTEH: Take into account is better than take into consideration. Take into account, yeah, the concerns expressed by GAC participants. Take into account the concerns expressed by GAC participants. And that's sufficient. Thanks, Jorge.

MANAL ISMAIL: Okay, thank you, Jorge, and thank you very much, Kavouss. I really thank Jorge, Kavouss, Paul, and everyone who participated to the PDP working group and voiced GAC views during their discussions. So thank you very much for this. Then I think we're done with the part on

GAC Early Warning. We can accept GAC Early Warning/GAC Advice. We can accept the track changes.

And then moving on to the Applicant Support. Just one sentence has been introduced. It reads, “It is envisaged that the GAC Underserved Regions Working Group will submit further input on current draft final recommendations on this matter to the PDP working group.”

Jorge, is this a new hand? Okay, any comments? Then let’s accept the text and move on to the Community Applications. Kavouss, please?

KAVOUSS ARASTEH:

I have no problem to retain the word “will,” but I want assurance that the working group will do that. If they will do that, this is a deterministic word. That means they determine to do that. Could they kindly announce that they will do that? Thank you.

MANAL ISMAIL:

Thank you, Kavouss. So do we have co-chairs of the Underserved Regions Working Group on the call? I see Pua in the chat confirming, Kavouss, that they commit to do that. So thank you very much, Kavouss, for raising this and Pua for your confirmation.

Let’s move on now to the Community Applications. A sentence at the beginning was introduced reading, “This topic was discussed in GAC sessions but was not addressed due to time constraints in the SubPro PDP Subsequent Procedures sessions at ICANN67.”

So this is a factual statement that we discussed here, but it hasn't been discussed in the PDP working group. And there are a few tweaks later in the paragraph, but I see EBU's hand up so, Giacomo, please go ahead. I'm sorry, Giacomo, we cannot hear you. If you're speaking, you may be on mute.

GIACOMO MAZZONE: Okay, now can you hear me?

MANAL ISMAIL: Yes, Giacomo.

GIACOMO MAZZONE: Oh, sorry. I was muted. I said that my point is in the phrase after. So if you are reading line-by-line, I will come in a moment.

MANAL ISMAIL: Okay, so I can hear myself again, but let me try to continue. "The GAC supported the proposals in the draft Initial Report for subsequent rounds of new gTLDs PDP working group on procedures for dealing with community-based applications as being consistent with previous GAC advice. Additionally, the GAC notes that current text in the draft final recommendations from the PDP working group supports the GAC's opinion that evaluators should have additional resources at their disposal to gather information about a CPE application and any opposition to that application. It was further noted that...."

GIACOMO MAZZONE: It is here.

MANAL ISMAIL: Yes?

GIACOMO MAZZONE: It is here that I would like to make an addition. Because when we discussed the other day that the problem we had with the evaluators was that the evaluators have no clue at all what the community is. So I would suggesting that we say and also an expertise in the field of communities before and have additional resources at their disposal. It is not a matter of resources if they don't have the expertise.

MANAL ISMAIL: So additional resources and expertise at their disposal?

GIACOMO MAZZONE: Before the resources, I would put expertise.

MANAL ISMAIL: Okay.

GIACOMO MAZZONE: Evaluators should have also an expertise in the field of communities and have additional resources at their disposal. In the field of communities and have additional resources. Because the main

problem we had was that they don't understand what they were trying to measure. So if there is no expertise, then we will have again problems.

MANAL ISMAIL: Sorry, I was speaking while on mute. So let me try just to read it again. So maybe we can say that evaluators should also have?

GIACOMO MAZZONE: An expertise in the field of communities or in communities field.

MANAL ISMAIL: Mm-hmm.

GIACOMO MAZZONE: I think that what [Damon] wrote is fine. If we stick to that, for me, is fine.

MANAL ISMAIL: Okay, so language-wise is it okay to say an expertise or shall we say to have expertise or an expert? I'm deferring to....

GIACOMO MAZZONE: I'll leave it to English speakers.

MANAL ISMAIL: Same here. I'm asking native speakers here. Kavouss, is this a new hand?

KAVOUSS ARASTEH: Thank you, Manal. I don't claim that [there are] native speakers, but an expertise does not seem to be quite correct. Perhaps to say have necessary expertise because you would not say [inaudible].

MANAL ISMAIL: Okay, so let's make it.

KAVOUSS ARASTEH: The necessary expertise, yeah. Thank you. That is more general. Thank you.

MANAL ISMAIL: Okay, so any further comments or enhancements? Thank you very much, Giacomo and Kavouss. Then let's accept the track changes in this section. So anything else under Subsequent Procedures?

GIACOMO MAZZONE: That's it, Manal. Sorry, on community I have another point. Before you are go to the next, if I can say something else on the community. Can I?

MANAL ISMAIL: Yes, sure, go ahead.

GIACOMO MAZZONE: Yes, at the end of the phrase on community, I would like to stress the point that we discussed the other day. There is a need for assistance for the communities. If we look at what happened in the previous round, we have seen that some community applicants even if they come from supposedly rich countries, they are poor because they are nonprofit and they don't have the resources to afford the procedures as they are for everybody.

So if the principle is that as a community we want to support those that are in need, I think that we have to introduce that this has to be extended also to nonprofit community-based applications.

So my suggestion of wording would be that we recommend also to support nonprofit community-based applications. Do you want me to put in the chat?

MANAL ISMAIL: So if you can please check what's on the screen right now. And if not, yes, please put it in the chat.

GIACOMO MAZZONE: Yes.

MANAL ISMAIL: Is this okay?

GIACOMO MAZZONE: Yes, it to me is okay. Yes, it is fine.

MANAL ISMAIL: Okay, excellent. Any other comments? Kavouss, is this a new hand?

KAVOUSS ARASTEH: It is a new hand. [If I read the] sentence it says that the GAC recommends support for nonprofit community-based applications. That is not quite clear. I understand Giacomo what he wants that some assistance will be given. I think that perhaps one says GAC recommends that consideration be given to provide support for and then continue. Consideration should be given to provide support for them. I hope Giacomo accepts this. Thank you.

GIACOMO MAZZONE: It's fine for me. The concept is there. It's simply that if they really need, then it is the duty of the GAC to stress this point. Yes, fine.

MANAL ISMAIL: Thank you very much, Giacomo, for flagging this and Kavouss, again, for the enhancement. So thank you both. Let's now accept this and move on.

FABIEN BETREMIEUX: Manal, if I may?

MANAL ISMAIL: Please, Fabien, go ahead.

FABIEN BETREMIEUX: On this section if we can show just the title of this subsection which is Domain Name Registration Directory Service and Data Protection. Again, as a reminder, we had two paragraphs, those two we see right now on the screen, that we discussed yesterday. And if we scroll down to the rest of the text, we have a piece of text that is in brackets that's composed of two lines plus the paragraph that follows. And then we have a new paragraph underneath that is meant to replace everything that's bracketed. So I understand the proposal of the editors of that text is for this last paragraph not bracketed to replace everything that's bracketed, and that was discussed yesterday. I hope this is clear.

MANAL ISMAIL: Thank you very much, Fabien, for the reminder. Yes, clear. And before reading this, Kavouss, this is an old hand, right, or not?

KAVOUSS ARASTEH: [inaudible] so I can't have commented yet, but please let me know when you have reached that point. Thank you.

MANAL ISMAIL: Okay, thank you, Kavouss. Vernita, is this on the text on the screen?

VERNITA HARRIS: No, you were too fast for me. It was on the previous text, sorry.

MANAL ISMAIL: I'm sorry.

VERNITA HARRIS: It was just a comment that I had. Hello?

MANAL ISMAIL: Yes, Vernita, we can hear you.

VERNITA HARRIS: It was on the previous paragraph, the previous text at the end. So my question, I just don't recall the new sentence that was added. Fabien, if you could go down a little bit, please. No, it's the previous section.

MANAL ISMAIL: The section on subsequent procedures?

VERNITA HARRIS: Yes, so the sentence that was just added, the GAC recommends the consideration be given to providing support for nonprofit community-based applications, I'm not opposing. I just don't recall us having that level of detail and if GAC is making a recommendation. So I'm wondering should GAC consider, further discuss this at its next meeting instead of making a recommendation here.

GIACOMO MAZZONE: Can I just give an additional explanation?

MANAL ISMAIL: Yes, Giacomo, please go ahead and then Kavouss.

GIACOMO MAZZONE: Yes, of course, we can further discuss. Simply based on the experience we had in the previous round, we have seen that in some cases there was a total disproportion between some community applications that were not able to, just were able to get the money to raise the funds for providing the application. And then they were with no money to go through all the next steps that were [not] expected to happen. And so many of them retired, withdrew simply because they don't have anymore the money to go ahead. You remember that as GAC we [stigmatized] that the cost of application, especially for application going in contentions, raised to three or four hundred times the original amount of money planned. So only people with deep pockets could go ahead. This in the case of community killed many community-based applications. As EBU we were lucky because we have some resources to devote to that, but many others had to stop and run and this was a pity and a loss for the community [effort].

MANAL ISMAIL: Thank you, Giacomo. The point is clear. Kavouss and then I'll go back to Vernita again.

KAVOUSS ARASTEH: Yes, Manal, at this late hour perhaps I suggest that we replace recommends by notes that. Nothing wrong with recommends, but I don't want to get into the discussion with Vernita and so on and so forth. I am sure that she is in support of assistance to the nonprofit, but at this late hour I think it is better just notes that. Yeah, and nothing wrong that we note something. So I hope that would satisfy everybody.

MANAL ISMAIL: Is this okay, Vernita?

VERNITA HARRIS: Yes. It wasn't necessarily an objection. It was just merely that the communique was more of a summary of our discussions, and it just seems like we were making recommendations. So it's fine. Thank you.

MANAL ISMAIL: Thank you. I see a comment from Luisa in the chat regarding process. "Suggest we only include GAC consensus views or previous GAC advice in this communique section and take note of what issues the GAC needs to further discuss." Thank you, Luisa, noted.

So can we move on to the domain name registration directory service? We have one last paragraph that would replace the two paragraphs above it which is the one in black and the one in pink as well. So let me read this first and see if we agree to it. Then we can safely delete the other two.

“The GAC emphasizes that the creation of a standard form is the best way to ensure consistent access to non-public data for parties with a legitimate interest. Reasonable access to this information is essential to allow public authorities and other relevant entities to serve objectives, such as law enforcement, cybersecurity, consumer protection or the protection of intellectual property. Such access remains a high priority for the GAC, especially in this interim period before a final system is implemented—a period which may take several years to complete. The GAC emphasizes that there already appears to be widespread consensus on what information requesters should provide. Consequently, the GAC strongly encourages the”—and we have to decide here whether it’s Contracted Parties or the Board to direct ICANN Org—“to make every possible effort as quickly as possible to ensure the creation and adoption of a standard form across all Registrars and Registries based on the EPDP Phase 2 Recommendation 3 and the work of the Registrar Stakeholder Group, for use by those requesting access to non-public domain name registration data. In this process, consultation with the GAC is recommended.”

So is everyone okay with this paragraph as is and okay with it replacing the above paragraph and two sentences before? Vernita, is this a new hand?

VERNITA HARRIS:

I don’t need the floor, thank you.

MANAL ISMAIL: Thank you. Kavouss, is this an old hand or a new one?

KAVOUSS ARASTEH: Yes, Manal, no difficulty with the red paragraph to replace the previous paragraph. First, I suggest that in the first line we replace best by the most efficient way because [inaudible] best and worst and so on and so forth. We are talking of efficiency, the most efficient way. So I think the European Commission and others behind that would be happy with that, most efficient way.

And then at the [inaudible] you have still a square bracket. We have to rectify that. I think ICANN Board mentioned that they could not push the contracted parties to do something. And we do not have, usually we do not communicate directly with the contracted parties. But if everybody agrees that we will encourage contracted parties to make every possible effort and delete ICANN Board. So I am just asking that we have to resolve the issue of the square bracket.

MANAL ISMAIL: Thank you.

KAVOUSS ARASTEH: I think there is nothing wrong to say that encourages the contracted parties to make every possible effort to quickly, as quickly as possible. So if we can do that and not referring to the Board to direct the ICANN Org because ICANN Org cannot have the form. The form is provided by someone else. Thank you.

MANAL ISMAIL: Thank you very much, Kavouss. Your point is well noted, and Georgios has already in the chat agreed with the replacement of best by efficient. I see Georgios' hand is up as well so, Georgios, please?

GEORGIOS TSELENTIS: I think I agree with both points of Kavouss. I made I think in the previous conversation when Vernita suggested to address our communique to the contracted parties, I think first that since we are encouraging the contracted parties this will undermine the efficiency that we are seeking because we want to standardize and we are addressing this to 2,400 contracted parties. So I think it's better to address our wording toward the Board. So I agree with both points made by Kavouss, but I didn't understand whether he wants to delete contracted parties and keep the Board and delete also the direct ICANN Org. is this your suggestion, Kavouss?

KAVOUSS ARASTEH: My suggestion is that we retain contracted parties because I know there are so many but at least the point for us is important contracted parties. I think usually it was previously registry and registrar and so on and so forth to have that form at the previous paragraph we replaced. I don't know whether we should like to come back or European Commission wants to come back to the registry and registrar. It might be better that contracted parties. But in fact, that is that. Contracted parties mainly are the registries and registrars.

So if you want to also put ICANN Org/Board or ICANN, I have no problems to have that on as well. But we could not say instruct or direct, we could not ask the ICANN Board to direct the registries and registrars. So I retain that we encourage the registries and the registrars or contracted parties to do that. And if you want to add the Board, we add another paragraph saying that in this connection the Board facilitating or requested to facilitate the preparation of this form. They can do that, but they cannot push the registries and the registrars for the form.

So I'll leave it to Georgios to see how they want to involve the Board or ICANN Org. As a facilitator I have no problem, but they don't have any other means. Thank you.

MANAL ISMAIL:

Thank you, Kavouss. So, Georgios, any preferences?

GEORGIOS TSELENTIS:

Kavouss, again, I'm lost. Can you make a word proposition that I can comment on this?

KAVOUSS ARASTEH:

Thank you, Georgios. My proposition is to delete Board to direct ICANN Org and just leave it encourage the contracted parties. Whether you want to say contracted parties or you want to say registries and registrars, I have no problem. But let's take the Board out of this as well. But if you want to retain the Board, put in a different paragraph

after that in this connection the Board's [inaudible] this course of action is highly appreciated.

MANAL ISMAIL:

No, I would suggest...thank you, Kavouss. I would suggest that we refrain from adding more text now. But let's discuss your proposal to delete Board to direct ICANN Org. I see Jorge also in the chat agreeing with Kavouss. Georgios, is this acceptable?

GEORGIOS TSELENTIS:

Yes.

MANAL ISMAIL:

Okay, great. Thank you, Kavouss. Thank you, Jorge. And thank you very much, Georgios. So we are good to accept this paragraph and delete the previous two. I see no objection. So please if we can delete the highlighted part and accept this, thank you.

Unfortunately, we have reached—and please, there is—yes, Fabien, if we delete best and leave most efficient. So we have reached the end of this session. I would propose if we stay until the hour just to go quickly over the .org topic. I hope we can finalize it in those 15 minutes. And if we need a little bit more time, we can do this from the wrap-up session. So any objection? I see none, so let's go to the .org.

Yesterday we agreed on the text, the indented text, which comes from the already agreed letter to ICANN Board, and we're now discussing the three paragraphs above and the bullets afterwards. There was a

suggestion to delete the first two paragraphs and just start with “In the course of its discussion the GAC has reached an understanding on sending this letter to the chair of the ICANN Board.”

Vincent, please go ahead.

VINCENT GOUILLART: Yes, thank you, Manal. Can you hear me? Can you hear me okay?

MANAL ISMAIL: Yes, Vincent, loud and clear.

VINCENT GOUILLART: Okay, great. To use an interesting English military expression I heard in the new gTLD SubPro session on Tuesday, this is not a hill I’m going to die on. Even if I did die on it, I’m afraid it would make only a little difference. I may have overestimated the concerns and wishes from colleagues about the sale of .org. I thought many would like to see additional non-consensus opinions be expressed in Part IV, but apparently that was not the case. And noting this, I see no more reasons to keep the points I proposed to write before and after the letter. So we may strike them altogether. I’m sorry to have made you lose time and to have kept you working on the .org yesterday late, but I think it was worth trying to see if there were indeed additional opinions and issues that some colleagues would want to be raised at the sale of the .org registry. I believe, and I think we can all agree on this, that the variety of opinions within the GAC is a gift rather than a

hindrance, the ground upon which to build interesting and fruitful debate, and that we should try as a general rule to express this variety in our communiques. That was the philosophy behind my proposal for Section IV that I made yesterday evening, but obviously there was [less] variety on this issue than I initially thought. So I would not insist. We can drop this. And I would like to thank you all for working together on the letter to the Board on the sale of PIR. We in France are happy that we could reach an agreement on this. So thank you all for the [constructive] spirit, a spirit that is worthy if I dare say of the longstanding spirit of the .org registry that we are trying to preserve. So thank you all.

MANAL ISMAIL:

Thank you very much, Vincent, for [your flexibility] and it was of interest to many GAC members and that's why we allocated some time on the agenda for this topic based on the feedback we received from GAC members. So thank you for the efforts, and thank you for the flexibility.

Kavouss and then Olivier. Kavouss, please.

KAVOUSS ARASTEH:

Yes, I have no problem with the position. In fact, shorter is better. But I suggest that perhaps in the paragraph highlighted instead of in the course of its discussion we say as a result of discussions and then the GAC has reached the following. Instead of in the course of discussion, as a result of discussion. And the shorter is better. [inaudible]

suggestion, it does not have any impact on the substance. As a result of discussions the GAC has reached the understanding. Why we say reached an understanding on sending? The GAC agreed to send. Why we try to turn it around, has reached an understanding? [We] reached an understanding and then decided or are agreed to send a letter, and nobody disagreed with this letter after all of this massaging back and forth. So my comment is as a result of discussions GAC or the GAC agreed to send the following letter to the ICANN Board. Thank you.

MANAL ISMAIL:

Thank you very much, Kavouss. I see a great appreciation to Vincent from Switzerland, from U.K., and from Australia in the chat and also Jorge agreeing to tweaks proposed by Kavouss. So the text now should read I think the proposal is to start directly with the GAC. The GAC has agreed on sending this letter to the chair....

KAVOUSS ARASTEH:

I suggested that as a result of discussions on the above subject the GAC agreed to send and then continue. Thank you.

MANAL ISMAIL:

Okay, thank you, Kavouss. I don't think we need on the above subject. We're already under the title of .org. So maybe as a result of its discussion the GAC. Any objections to this before we—Olivier, do you want to intervene on this same part?

[OLIVIER]: Yes, I want to intervene on this part. Can you hear me? Hello?

MANAL ISMAIL: I assume everyone can—I'm having a little bit of trouble with my audio, but I can understand what's being said. Go ahead.

OLIVIER BRINGER: Okay, I would simply ask if it would be possible to add a reference to the conversation we had with the Board in this introductory sentence because I think the Board made a number of important points during the discussion which informed the letter that we have decided to send to them, such as they confirmed that they will take into account the public interest at a broad level, that all options are open in their assessment, that they're engaged with the .org community, that they will set up a public consultation in case of contractual changes.

So there are a number of important elements which were conveyed by the Board, and I think it would be good to just have a small mention in this introductory sentence to the interaction we had with the Board. Thank you.

MANAL ISMAIL: Thank you, Olivier. I see Fabien already trying to reflect this on the screen. And meanwhile, can we also hear from Kavouss?

KAVOUSS ARASTEH: Yes, by now you know my position. I have always tried to find a solution. I suggest to Olivier, my distinguished close friend, not to directly refer to the ICANN Board but [out] of discussions during the ICANN 67. It includes the discussion with the Board, but not saying that this letter is a result of discussions with the Board because it is not true [inaudible]. So could Olivier kindly agree with that saying that as a result of discussions during the ICANN 67 the GAC agreed to? Would it be possible? Make it more general. Thank you.

MANAL ISMAIL: Thank you, Kavouss. Olivier, any reactions to Kavouss' proposal?

OLIVIER BRINGER: Thank you, Manal. Thank you, Kavouss, also for the distinguished colleague. No, I don't want to be difficult at this stage of the drafting process. So it's not exactly what I would like, but it's fine. Let's have a reference to ICANN 67. And, indeed, in the communique we see that we have discussed with the Board. Thank you.

MANAL ISMAIL: Thank you, Olivier, and I appreciate your flexibility as well. So as a result of its discussions, the GAC agreed on sending this letter to the chair of the ICANN Board. I believe this is the final language. I have Kavouss and then Olivier. Kavouss, please?

KAVOUSS ARASTEH: I think what I said and I believe Olivier agreed to add that as a result of discussions during the ICANN 67. That is what Olivier reluctantly agreed with that. So it is better to refer to the ICANN 67. And it's also good that our letter referred to our discussion in ICANN 67 but not other ICANN meetings. So that is [inaudible] during ICANN 67. Thank you.

MANAL ISMAIL: Right. Thank you, Kavouss. And I believe Olivier also was going to make the same point when he raised his hand and he confirmed also in the chat. So if we can delete the text that is strikethrough now and remove the square brackets—yes, please—then we can accept this part till the end of the letter. So, Kavouss, is this a new hand?

Now on the part, I can see Jorge in the chat, “Anyway the letter itself already refers to those changes between [quotations] as a follow-up to the GAC and ICANN Board exchange so far on the .org matter [inaudible].” So true.

Hello? Can you hear me?

UNIDENTIFIED FEMALE: Manal, you were breaking. Manal, did we lose you?

FABIEN BETREMIEUX: It sounds like we've lost Manal. So in the meantime, Jorge, you were referencing a paragraph of the letter, the introductory paragraph of the letter, which we had not actually inserted in this section. Do you

mean that this be inserted? I've just put it provisionally in the text right now. Can we scroll up a little bit? So we had not included that specific sentence. I'm not sure this is what you would like to do. I'm just putting it here as a suggestion. And I believe Manal may be back with us. Manal, can you hear me? So please bear with us as we work to reconnect Manal.

KAVOUSS ARASTEH: Could you say where this sentence comes from? This draft sentence. Who has drafted?

FABIEN BETREMIEUX: So the sentence that is bracketed right now on the screen is actually part of the letter. So if you scroll down, all the way down, all the way to the end of this document, you'll see that the text of the letter starts with this paragraph. The letter reads: "Dear Maarten, As a follow-up to the GAC and ICANN Board exchanges so far on the .org matter," etc. So I was just wondering whether Jorge's comment was in reference this and [inaudible] the text. I read in the chat that Jorge is commenting, "I don't think this intro is necessary here but no strong views. Just mentioning that the letter is self-explanatory." Does that answer your question?

KAVOUSS ARASTEH: Fabio, I'm sorry. I could suggest something until the time we get our chair. I think we don't need this [inaudible] sentence. However, [nothing to prevent] the chair of the GAC to put this sentence as an

introductory before as a result of discussions. This is an [authority] of the chair GAC to say on behalf of the GAC and so on and so forth. So I suggest that.

It doesn't mean that it's not right. It is right, but it may generate further discussions and disagreement. So I suggest that we leave it to the chair of the GAC to put any introductory that "Dear Maarten, On behalf of the GAC I would like to" and so on and so forth. So that is something we leave it to the authority of the chair of the GAC and not discussing.

But I think we could mandate her if she so wishes add something just totally neutral as an introductory paragraph to that. But I suggest not to re-discuss that because we have to go to this red paragraph at the end [inaudible] and try to resolve that. Sorry, I have no intention but just to find some solution. Thank you.

FABIEN BETREMIEUX: Thank you, Kavouss. And, Manal, as you were joining again, we were just discussing....

MANAL ISMAIL: Yes, please, Fabien. Let me know where we stopped.

FABIEN BETREMIEUX: We were where we left it. We had just discussed a comment by Jorge about the context, and I was wondering whether there was an intention to insert in the section of the communique the very first

paragraph of the letter which was an introductory paragraph. Jorge and Kavouss indicated that this was not needed. So we are back where I think you left us.

MANAL ISMAIL: What is it that is not needed? I'm sorry.

FABIEN BETREMIEUX: The very first paragraph of the letter, the introductory paragraph of the letter.

MANAL ISMAIL: Oh, okay. It's not needed?

FABIEN BETREMIEUX: Yes, that's correct. So there was a suggestion to move to discussing the last part of that section. So if we can scroll down maybe a little bit so that we show the entirety of the text after the—the text of the letter—there we go. Manal, back to you.

MANAL ISMAIL: Thank you very much, Fabien. Apologies, everyone, for dropping off. I see Kavouss' hand up and Olivier as well. So, Kavouss, please?

KAVOUSS ARASTEH: Manal, I'm sorry. In your absence from the virtual meeting, I said that we don't need to add anything to that. However, after that

introductory one and a half lines, Fabien, could you go scroll up to see that paragraph as a result of? You may add something yourself. Could you please scroll up to have that part, the first part of the letter? Yeah, a little bit more. At the very, very top of the letter. When it starts as a result of, yes. This is what we have agreed. But, Manal, I think you as the chair could add after that saying that, therefore on behalf of the GAC I submit the following letter to you. You can add that one. We don't need to agree with that. This is your authority, this is your sovereignty, and this is your prerogative. So we don't want to [inaudible] everything to you. We have elected you and we have [inaudible]. So you may add something to make the sentence a little bit more narrative and saying that after the Board put this stuff and then, therefore I—that means Manal—on behalf of the GAC would like to submit the following letter to you or convey the following letter to you. You can add something, but we don't need to agree on this here. We leave it to you to add a sentence to that. Thank you.

MANAL ISMAIL:

So, frankly Kavouss, I don't want to reopen the issue again. If everyone is okay with this text until the very end, let's focus now on the last bullets and try to wrap this, have a short break, and start our wrap-up session. So is this okay, Kavouss?

KAVOUSS ARASTEH:

I was okay. It was okay for me because I was not in favor of adding a sentence to that. What I've agreed to, just keep it. And now go to the last paragraph. If you allow me, I want to propose something that I

think in the internal discussion with the [GAC] to perhaps resolve the issue of these several red sentences. If you allow me, I can proceed.

MANAL ISMAIL: Please, go ahead.

KAVOUSS ARASTEH: Yes, I think this [inaudible] does not help us at all rather than giving some polarizations or polarized idea, I suggest a sentence which is now highlighted in yellow saying that during the discussions on the above issues additional views were expressed which are reflected in the transcript and included in the record. And after that we put full stop and add the following. Fabien, please kindly if possible [inaudible] after that. The main points of these concerns....

MANAL ISMAIL: So, Kavouss, let me just ask you for....

KAVOUSS ARASTEH: The main points of these concerns are contained in an annex to this communique for information purposes. And then you add part of the two paragraph with [inaudible] and that will be only for information. And when you do that, you delete the part that I suggested yesterday to be deleted. So if you agree with this principle, I can come back to see what was the annex. But the annex is for information only. Why I propose that? Not to lose sight of the concerns, main point of the

concerns. Not to direct the people just to the transcripts and to the records, but give a very brief summary of what was said. Thank you.

MANAL ISMAIL:

So at this stage, if this is okay with everyone, we can keep it. If this would trigger a whole new discussion, then let's try to benefit from— because I understood that Vincent generously offered to delete the text, right? Or have I misunderstood? I see proposals in the chat to delete and I see confirmation from Vincent as well. So, Kavouss, if it's okay let's then delete this.

KAVOUSS ARASTEH:

Yeah, Manal, for me okay Vincent kindly agreed to delete all these red paragraphs. I don't need the red paragraph added at the end of the highlighted in yellow. We just leave the yellow one, that's all. During the discussions on the above issue additional views were expressed which are reflected in the transcript and included in the record. Which is fact. It is factual. Everything they said is there. So we don't need this one. And that was the end of the [business], so we would be happy.

MANAL ISMAIL:

Excellent.

KAVOUSS ARASTEH:

Thank you.

MANAL ISMAIL: Great, thank you. So is everyone okay with deleting the text that is already strikethrough? Okay, can we please delete the text?

KAVOUSS ARASTEH: Manal, we don't delete the GAC. [It] remains forever. Thank you.

MANAL ISMAIL: Vernita, please go ahead.

VERNITA HARRIS: Thank You, Manal. I want to thank Vincent for his proposal to remove the text as well. I just don't know if we need the new text. The we have agreed to. I just don't think we need to additional text that was just added. I think that the transcripts speak for themselves and we don't need to mention them in our communique. Thanks.

MANAL ISMAIL: Thank you, Vernita. So there's a proposal to delete the reference to the transcripts. Is this okay?

KAVOUSS ARASTEH: Excuse me, Manal. Is this the intention of Vernita to delete the word, the text? [inaudible]

MANAL ISMAIL: The proposal is to....

KAVOUSS ARASTEH: Okay, I'm happy with that. During the discussions on the above issue additional views were expressed. Okay, if Vincent is agreed to that, I agree with that. Thank you.

MANAL ISMAIL: So is this okay?

VERNITA HARRIS: Manal?

MANAL ISMAIL: Yes, Vernita?

VERNITA HARRIS: I think that there's a misunderstanding. My understanding is that....

MANAL ISMAIL: You are proposing to delete the whole thing?

VERNITA HARRIS: Yes, deleting all the text, not just—we agreed to just keep the letter, the first part of the intro paragraph, the letter, and that's it. That was my understanding of where....

MANAL ISMAIL: So the proposal....

VERNITA HARRIS: Yes, thank you.

MANAL ISMAIL: I'm sorry to keep interrupting everyone. It's the delay. I'm very sorry. So the proposal is to delete the whole text that comes after the letter. Is this accepted? I'm asking again. I'm sorry. Kavouss, is this an old hand?

KAVOUSS ARASTEH: It is an old and new hand. I have no problem if we delete everything over there provided that we don't add anything else and we don't have further discussions. I am for a shorter document. So please those people if they have concerns. And if they kindly agree with everything, perhaps it would continue the consensus agreement and that would be an example for other people that always try to push for their point. Thanks to Vincent and thanks to Germany and others that they agree and the European Commission several times, and that is a good way of collaboration. Everybody should learn from them. Thank you.

MANAL ISMAIL: Thank you, Kavouss. Indeed, thanks to all who have shown flexibility. I see Jorge is also flexible and [inaudible] agreeing to delete. So any objections to just keeping the first sentence and then the text of the letter? Okay, seeing no objections, then I think we are done with the communique. Anything else pending? Fabien, do we have any?

FABIEN BETREMIEUX: Manal, I was scrolling through the text and I don't see any pending item for discussion. I believe the draft is now complete.

MANAL ISMAIL: Okay, so thank you very, very much, everyone. This concludes our communique drafting. I thank you all very much for your active participation and flexibility and cooperative spirit in finalizing our communique. And [inaudible] this version will be circulated over email on the GAC mailing list for everyone to review in their own time zone until Friday 13th end of day, again in all time zones, and it will then be posted on Monday, March 16th.

So we have now a well-deserved 15-minute break. Let's meet again at 35 past, okay? See you in 15 minutes. Bye.

[END OF TRANSCRIPTION]