



## Governmental Advisory Committee

Durban, 18 July 2013

### **GAC Communiqué – Durban, South Africa<sup>1</sup>**

#### **I. Introduction**

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Durban, South Africa during the week of 13 July 2013. 59 GAC Members and 4 Observers attended the meetings. The GAC expresses warm thanks to the local host, .zadna, for their support.

#### **II. Inter-constituency Activities**

##### **1. Briefing from the Geo TLD Registry Group**

The GAC met with the Geo TLD Registry Group and received information on the organization's origins, values, missions and current concerns.

##### **2. Meeting with the Accountability and Transparency Review Team 2 (ATRT 2)**

The GAC met with the ATRT 2 and discussed expectations and priorities. The GAC encouraged the ATRT2 to give advice on improving the accountability and transparency in ICANN's financial operations reporting. The ATRT2 was invited to advise on how to improve outreach and active participation, especially from developing countries. Broad participation of stakeholders from all regions is vital for the legitimacy of ICANN and the multi-stakeholder model. The GAC also invited the ATRT2 to give advice on how to improve the GAC and the transparency of GAC meetings, and to better explain and provide rationales for the advice of the GAC. The ATRT2 invited individual GAC members to provide further written inputs to the Review Team.

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<sup>1</sup> To access previous GAC advice, whether on the same or other topics, past GAC communiqués are available at: <https://gacweb.icann.org/display/gacweb/GAC+Recent+Meetings> and older GAC communiqués are available at: <https://gacweb.icann.org/display/gacweb/GAC+Meetings+Archive>.

### **3. Meeting with the Generic Names Supporting Organization (GNSO)**

The GAC met with the GNSO and exchanged views on key policy development work in the GNSO, including an ongoing Policy Development Process (PDP) regarding protection of IGO and INGO names and acronyms. An exchange focused on the opportunities for the GAC to engage early in GNSO Policy Development Processes.

### **4. Meeting with the Security and Stability Advisory Committee (SSAC)**

The GAC met with the SSAC and received an update on recent SSAC work regarding namespace collisions, internal name certificates and dotless domains, and exchanged views on ensuing concerns.

### **5. Meeting with the Country Code Names Supporting Organization (ccNSO)**

The GAC met with the ccNSO and received information about the recently concluded policy development regarding IDN ccTLDs, the modification of the IDN Fast Track process with creation of a second panel and the Framework of Interpretation work. The GAC and the ccNSO also discussed how to further improve the future dialogue between the GAC and the ccNSO.

### **6. Meeting with the At-Large Advisory Committee (ALAC)**

The GAC met with the ALAC and received an introduction to ALAC's organization, bottom-up processes and output, including formal ALAC objections to certain new gTLD applications. The ALAC voiced concerns regarding issues on dot-less domains and domain name collisions and expressed support for recent SSAC statements. The ALAC also expressed concerns over the high threshold in the dispute resolution procedure for Public Interest Commitments (PIC) in particular in relation to the measurable harm standard required to file a complaint and the enforcement of these.

### **7. Briefing from the Domain Name Association (DNA)**

The GAC met with the Domain Name Association and received information on its structure and objectives.

### **8. Meeting with the Expert Working Group on gTLD Directory Services (EWG)**

The GAC met with the EWG and exchanged views on the model proposed by the EWG for the next generation directory service as a successor to the WHOIS service.

The GAC referenced its WHOIS principles from 2007 and its Beijing advice regarding the WHOIS Review Team recommendations, which both have served as input for the work of the EWG. The GAC expressed its concerns about the risks associated with centralized storage of data in one repository in one jurisdiction, and raised a series of issues relating to the proposed data repository structure and access including security, data accuracy, consistency with national law, accreditation of database users, and privacy governance. The GAC looks forward to further discussion of these issues as the working group progresses.

## **9. Briefing from Architelos**

The GAC received a briefing on the TLD market and its development from Architelos, a consultancy focused on the domain name industry.

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The GAC warmly thanks the GNSO, the SSAC, the ccNSO and the ALAC, as well as all those among the ICANN community who have contributed to the dialogue with the GAC in Durban.

## **III. Internal Matters**

1. The GAC held its second capacity building session for new and existing members on 13 July, which included an update to the GAC on internationalization and the ICANN's strategy for engagement in the Africa region.
2. The GAC welcomed Madagascar, Namibia, São Tomé and Príncipe, Swaziland, and Zambia to the GAC as members.
3. The chair and vice chairs provided an update in Durban on progress with regard to ACIG providing secretariat support to the GAC.

## **IV. GAC Advice to the Board<sup>2</sup>**

### **1. New gTLDs**

#### **1. GAC Objections to Specific Applications (ref. Beijing Communiqué 1.c.)**

##### **a. The GAC Advises the ICANN Board that:**

- i. The GAC has reached consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following applications:<sup>3</sup>

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<sup>2</sup> To track the history and progress of GAC Advice to the Board, please visit the GAC Advice Online Register available at: <https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice>

<sup>3</sup> Module 3.1: "The GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved.

1. The application for .amazon (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5591)
2. The application for .thai (application number 1-2112-4478)

**b. guangzhou (IDN in Chinese), shenzhen (IDN in Chinese), .spa and .yun**

- i. The GAC agrees to leave the applications below for further consideration and **advises the ICANN Board**:
  - i. Not to proceed beyond initial evaluation until the agreements between the relevant parties are reached.
    1. The applications for .spa (application number 1-1309-12524 and 1-1619-92115)
    2. The application for .yun (application number 1-1318-12524)
    3. The application for .guangzhou (IDN in Chinese - application number 1-1121-22691)
    4. The application for .shenzhen (IDN in Chinese - application number 1-1121-82863)

**2. .wine and .vin (ref. Beijing Communiqué 1.c.)**

- a. **The GAC advises the ICANN Board that:**
  - i. The GAC considered the two strings .vin and .wine and due to the complexity of the matter was unable to conclude at this meeting. As a result the GAC agreed to take thirty days additional time with a view to conclude on the matter.

**3. .date and .persiangulf (ref. Beijing Communiqué 1.c.)**

- a. **The GAC has finalised its consideration of the following strings, and does not object to them proceeding:**
  - i. .date (application number 1-1247-30301)
  - ii. .persiangulf (application number 1-2128-55439)

**4. .indians and .ram**

- a. **The GAC Advises the ICANN Board that:**
  - i. The GAC has noted the concerns expressed by the Government of India not to proceed with the applications for .indians and .ram.

**5. Protection of IGO Acronyms**

- a. The GAC reaffirms its previous advice from the Toronto and Beijing Meetings that IGOs are in an objectively different category to other rights holders thus warranting special protection by ICANN. IGOs perform important global public missions with public funds and as such, their identifiers (both their names and their acronyms) need preventative protection in an expanded DNS.
- b. The GAC understands that the ICANN Board, further to its previous assurances, is prepared to fully implement GAC advice; an outstanding matter to be finalized is the practical and effective implementation of the permanent preventative protection of IGO acronyms at the second level.
- c. **The GAC advises the ICANN Board that:**
  - i. The GAC is interested to work with the IGOs and the NGPC on a complementary cost-neutral mechanism that would:
    - a. provide notification to an IGO if a potential registrant seeks to register a domain name matching the acronym of an IGO at the second level, giving the IGO a reasonable opportunity to express concerns, if any; and
    - b. allow for an independent third party to review any such registration request, in the event of a disagreement between an IGO and potential registrant.
  - ii. The initial protections for IGO acronyms confirmed by the NGPC at its meeting of 2 July 2013 should remain in place until the dialogue between the GAC, NGPC, and IGO representatives ensuring the implementation of preventative protection for IGO acronyms at the second level is completed.

## **5. Protection of Red Cross/Red Crescent Acronyms**

### **a. The GAC advises the ICANN Board that**

- i. The same complementary cost neutral mechanisms to be worked out (as above in 4.c.i.) for the protection of acronyms of IGOs be used to also protect the acronyms of the International Committee

of the Red Cross (ICRC/CICR) and the International Federation of Red Cross and Red Crescent Societies (IFRC/FICR).

## **6. Category 1 Safeguard Advice**

- i. The GAC has met with the NGPC to discuss the Committee's response to GAC advice contained in the Beijing Communique on safeguards that should apply to Category 1 new gTLDs. **The GAC Advises the ICANN Board that:**
  - 1. The GAC will continue the dialogue with the NGPC on this issue.

## **7. Geographic Names and Community Applications**

### **a. Geographic Names**

- i. The GAC recommends that ICANN collaborate with the GAC in refining, for future rounds, the Applicant Guidebook with regard to the protection of terms with national, cultural, geographic and religious significance, in accordance with the 2007 GAC Principles on New gTLDs.

### **b. Community Applications**

- i. The GAC reiterates its advice from the Beijing Communiqué regarding preferential treatment for all applications which have demonstrable community support, while noting community concerns over the high costs for pursuing a Community Objection process as well as over the high threshold for passing Community Priority Evaluation.
- ii. **Therefore the GAC advises the ICANN Board to:**
  - a. Consider to take better account of community views, and improve outcomes for communities, within the existing framework, independent of whether those communities have utilized ICANN's formal community processes to date.

## **8. DNS Security and Stability**

- a. The GAC shares the security and stability concerns expressed by the SSAC regarding Internal Name Certificates and Dotless Domains. The GAC requests the ICANN Board to provide a written briefing about:
  - i. how ICANN considers this SSAC advice with a view to implementation as soon as possible. The GAC believes that all such stability and security analysis should be made publicly available prior to the delegation of new gTLDs.
  - ii. **The GAC Advises the ICANN Board to:**

- a. As a matter of urgency consider the recommendations contained in the SSAC Report on Dotless Domains (SAC053) and Internal Name Certificates (SAC057).

#### **9. Registry and Registrar Agreements and Conflicts with Law**

- a. It was noted that there are provisions in the Registry Agreement and Registrar Accreditation Agreement that may conflict with applicable law in certain countries, in particular privacy and data retention, collection and processing law. The importance of having adequate procedures to avoid these conflicts was highlighted.

### **V. Next Meeting**

The GAC will meet during the 48<sup>th</sup> ICANN meeting in Buenos Aires, Argentina.