
BUENOS AIRES – GAC Plenary 6
Sunday, November 17, 2013 – 14:00 to 15:30
ICANN – Buenos Aires, Argentina

CHAIR DRYDEN: We do need to take time to discuss our module New gTLD agenda items. Okay. Great.

I hope everybody had a good lunch and got a bit of sun, a bit of fresh air. So we have a few sessions this afternoon. For this next hour we're going to take some time to talk about, in particular, category 3.1 -- sorry, 3.1 GAC advice which includes what we're now calling category 1 and 2 where we have received papers from the board new gTLD program committee.

And time permitting then we will talk about other issues. We have updates regarding four strings that are listed in the agenda. And then we have an exchange, after the break, with the GNSO. And then, at the end of today, we will have our meeting with the NGPC.

So, in terms of papers, you should have available to you in hard copy all of the materials that are referenced in the agenda. So you'll have both for this session now to talk about category 1 and 2 and other related issues and then as well the papers related to our joint meeting with the GNSO. And, if you're having difficulty finding those papers, then do come up and ask for some assistance with that.

Before I forget -- and I will try to remind us again at the end of the day, we do have the cocktail with the board. If we could have quiet, please. Thank you.

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We have a cocktail planned with the board on Monday. And there has needed to be a change to the time. So in our agenda it references a start time of 6:00. It is now going to be 6:45 when that begins. And that's because the board is engaged a bit later than they had anticipated. So, again, 6:45 tomorrow for that Board/GAC cocktail.

Okay.

So let's begin going through category 1 and 2, and then there may be other issues that we can get to in this hour.

But my sense is that we do need to spend a bit of time going over category 1 and 2. So I think the most recent correspondence of relevance to us is a reply coming from Steve Crocker. I can still hear quite a bit of talking in the room. If we could have quiet, please, so that we can focus our effort, thank you.

So we have a letter dated the 29th of October. And in this letter the board provides a reply to us on category one and category 2. And this is where I would like us to start in our discussions.

In terms of category 1, there is further information attached to the letter outlining how the board is proposing now to contend with the various groups of strings we gave them and the series of safeguards that were identified in category 1.

So I hope you all have the right paper in front of you and that you have had a chance to look at this.

And what I think we need to aim for in our exchange with the board is to give them a sense of where there might be any difficulties or further clarification needed in terms of what they are proposing to do. So what they have done is they've taken our advice. They've taken our safeguards. And they've worked from -- on the basis of wanting to accept the GAC's advice and then proposing a way to implement it to try and draw out further feedback from the GAC. When we discussed this in Durban, there were differing views about how to continue to exchange with the GAC on the board about this and the GAC not wanting to be drawn too, too much into implementation issues. So, as a result, the board has come up with this proposal.

So, with that, are there any comments at this point in terms of the proposal that we have from the NGPC on how to deal with the safeguards and the strings? Our heading in GAC's advice was consumer protection, regulated markets, and sensitive strings. So we have a proposal for discussion from the NGPC.

So we think it's perfect and -- all right. Australia and EU Commission, please.

AUSTRALIA:

Thank you, Chair.

Having reviewed the letters, I believe it came in two parts. There's a letter that covers category 1 and 2 and a separate letter that covers category 2. So, focusing on category one at the moment, in the broad, I think it's a very useful step forward. What we've -- on our analysis what

we've seen is that, essentially, all the safeguards the GAC put forward for category 1 have been picked up in some way in the board's -- in the NGPC proposal. Some of them have been modified slightly to be more appropriate for insertion in contracts. And that's entirely understandable. Some have been modified in other ways. And the board NGPC has provided rationales for those. Having considered them from the Australian perspective, we can understand why those changes have been made. We're encouraged that the board -- I think it's a very useful step that the board has taken this step of differentiating between the highly regulated sectors and the others, which the GAC did not do in its Beijing advice. It provided aliases and a substantive out list will require these safeguards. The board has taken a very useful step, I think, in having a go at identifying what those highly regulated sectors are.

So, from our point of view, I think this is a really useful, really constructive response to the GAC and, from our analysis, picks up the vast bulk of what the GAC was asking for.

I mean, at a very high level, it acknowledges exactly what the GAC asked for, some special protections for sensitive and highly regulated sectors and gTLD strings that are associated with highly regulated sectors. And for that reason alone is very encouraging. So our analysis is that we welcome this response. It's very positive development.

CHAIR DRYDEN:

Thank you very much, Australia. And I think that's a useful recap for us about how we arrived at safeguards that we did and the list of strings that we did and wanting to acknowledge that in some cases things where more heavily regulated or universally regulated. And then in other situations perhaps it was less clear what an operator could, in fact, implement for a particular string. And, of course, it relates to how it's going to be used as well. So there are a number of issues all tied together when coming up with this particular series of safeguards.

So, in essence, yes, the NGPC has come back to us and is proposing a way of applying safeguards 1 to 3 that we advised them about and then listing the strings that they believe should have safeguards 1 to 3 applied to them. And then, as well, they've provided a listing of strings where safeguards 1 through 8 that we advised about should apply. So, if we see difficulties with the listing and -- or the way that this has been reflected or the concerns that we have have been reflected, then this is an opportunity to raise those concerns before the NGPC proceeds.

I will say that when it comes to all of our module 3.1 advice -- the safeguards and also any possible consensus objections or communicating a range of views on strings that we have outstanding, we do need to be moving ahead and, as much as possible, to move these items off our agenda. Applicants are waiting.

And I believe, in each of the responses that we've had from the NGPC, they keep reminding us that their objective in dealing with the advice that we gave them in Beijing was to keep as many applications as possible moving through the process so that, for the more

straightforward applications, they're not being held up and that we're also addressing any remaining issues that have been identified.

And so I think we need to keep this in mind and do our best to work with what the NGPC has given us in order to keep things moving ahead and to be influencing what the NGPC ultimately decides to do. Okay.

So I had EU Commission next, right? Yes, please.

EUROPEAN COMMISSION: Thank you, Chair.

The European Commission is satisfied with the outcome of the implementation plan presented by the board. And we think it pays due account to the Beijing Communique. There are, however, a number of inconsistencies from our perspective. And I would like to sign out the one affecting health, healthcare, and doctor, especially when dentist is going to be given more safeguards than doctor. And also on financial services, because the bank and financial sectors are closely regulated, especially for consumer and investor protection. And we would like also to mention that at the international level --

CHAIR DRYDEN: Could you slow down, please. Thank you.

EUROPEAN COMMISSION: We also wanted to highlight that at the international level that is a law attached that that we can argue that there is a potential carve out in the

GAC's agreement that allows jurisdictions to take measures to protect financial instability and also enhance investors and consumers. So, from our perspective, it would be inconsistent with EU rules and international agreement, including G20, to allow free financial services.

CHAIR DRYDEN: Okay. So there were a few strings implicated -- yes -- in what you were saying? So what is the corresponding action that you're recommending --

EUROPEAN COMMISSION: We would like to put in the column to the right health, healthcare, and doctor and also finance and financial. We also thought that perhaps eco view and dot organic were not protected, but there is a reference in safeguard one related to applicable law. There is a specific reference to organic farming, so we can leave it at that. But we still consider that those strings -- health, healthcare, doctor, and finance and financial sectors are sensitive to us. Thank you.

CHAIR DRYDEN: Okay. So we have an indication that EU Commission would like to see health, healthcare, doctor, finance, and financial.

EUROPEAN COMMISSION: If I may, I would like to seek clarification from the board of what criteria has been used to put dentist heavily protected and doctor out of the

heavily protected part. It kind of doesn't make much sense. But, of course, it's -- we can discuss that.

CHAIR DRYDEN:

Okay, yes. I think that's a perfectly reasonable thing to raise when we meet with -- they must have done some analysis of each of these in order to come out with a list.

So I saw United States next.

UNITED STATES OF AMERICA:

Thank you, Madam Chair. And thanks to colleagues who have already spoken. We, too, think that -- very much appreciate the effort that the board and the staff have put in to this response. Extremely helpful in moving things along and sort of converting the advice into something implementable.

We have done some analyses ourselves and are happy to share just a bit of an overview with colleagues, if I may.

We do have some implementation questions, if you will. So it's not a challenge to what the board has shared with us. It's simply a set of questions that we would find very helpful should time permit this afternoon or -- I mean, I'm sorry, whenever we do meet with them -- apologies -- to be able to flag those concerns.

So a general concern with regard to category 1 is sort of the placement of the safeguards in the public interest commitments.

And perhaps we are simply a little bit fuzzy on the details ourselves. So, if so, apologies. But we're not entirely sure we have confidence that all the details have been ironed out as to whether the public interest commitments are actually mandatory or whether they can be amended and on what basis. So it would be helpful to better understand that.

We would expect that we would not be the only GAC member who would like some more detail on the public interest dispute resolution process. At the moment, I believe it's laid out as a proposed way forward but with not a lot of details for us to be able to digest and understand fully how that process will actually work in practice. So we think that's kind of an important thing to recommend.

There were a few omissions in the board's response, which, again, acknowledging that they've done yeoman's work in converting our advice into something that they can understand and implement there were a couple of, I guess, omissions that we want -- would like to flag. One is in terms of protecting sensitive health and financial data for example. The GAC had made reference to recognized industry standards. And the board came back and said it would be very difficult to identify what those standards might be.

At least in our context and our market, the term "recognize" typically indicates a certain threshold of acceptance by relevant market players. So we still think it's a valid concept.

Another activity, another sort of omission, if you -- if I may, the GAC proposed rather a more of a mandatory approach to if you are dealing

with certain more regulated or professional sectors, then you would need to have a working relationship with the relevant industry or self-regulatory bodies. And I think there the board seemed to be saying to us that that would be difficult to identify. We actually think there could be an enormous amount of self-identification that goes on. So we wouldn't like them to close the door on that option. I believe several applicants in certain sectors know full well who those self-regulatory bodies are. So I think it would just be useful if we can keep that door open for those applicants who feel they can meet that standard.

Along similar lines, we were a bit disappointed about weakening the GAC advice on the verification and validation of credentials, because for a number of these strings, there's a clear connection between the string itself and entities that might be registering at the second level.

We think our consumers would have a certain expectation. Anybody at the second level should have some connection, some professional credentialing in that field.

So we're a little bit disappointed that that has been softened, particularly because the ICANN community has long experience with verifying and validating credentials. Quite a few sTLDs do it right now.

So, for example, it's my understanding, please correct me, community, you're all in the back, if I'm wrong. Dot museum. If you're going to register in dot museum, you must actually be a museum, I believe.

So we did want to flag that we thought there was a bit too much of a retreat on the issue of verification and validation. So we're just flagging that as an issue.

On category 2 safeguards, I guess one of our concerns was the GAC's language in Beijing was actually quite good.

CHAIR DRYDEN: U.S., perhaps we could just stay with category 1 for a bit and then we'll move to category 2.

UNITED STATES OF AMERICA: Happy to do that.

CHAIR DRYDEN: I think we might just get confused if --

UNITED STATES OF AMERICA: Apologies. Thank you.

CHAIR DRYDEN: No; thank you.

All right. So we have some questions and some concerns flagged from the U.S., and some particular strings identified by the EU Commission that they would consider to be highly regulated sectors.

Are there any other comments, either in response to those points that have been raised or on the paper that we have from the NGPC?

Australia, please.

AUSTRALIA:

Thank you, Chair.

So thanks to colleagues from the E.C. and the U.S. for raising these points. I think they're all really excellent points.

So in terms of thinking how the Board may respond and having looked at the Board's rationale for these changes, I guess, in terms of some of the specific strings -- in particular, for example, health -- the safeguards that would be applied to dot health if it moved to the right-hand column would be essentially asking for some sort of credential to participate in that sector. And how I believe we've already discussed this one with the Board -- for example, health is a pretty broad sector; it includes health practitioners, but some unregulated sectors. It also includes, perhaps, lifestyle coaches, sellers of yoga mats, people who sell diet books, you know, gym memberships and so on. It goes into an unregulated space as well. And I think we've already heard from the Board their concerns about a couple of these.

So I think it's an interesting question where they've drawn the boundary exactly, particularly with dentist and doctor, which I think is a really interesting one.

But healthcare is -- healthcare is, I think, perhaps potentially more line bold (phonetic), but I expect we'll get pushed back pretty hard on health. But anyway, I think there are some good questions there.

In terms of the PIC DRP, I agree. I think one very particular question we can and should ask the Board is -- and the GAC has already asked this and raised this with the Board repeatedly in the past -- is the standing for governments to be able to raise concerns on behalf of constituents. And it's not clear to me in the current proposal that what the GAC asked for, and I thought we had got sort of an informal verbal assurance that it would be fine, has actually turned up.

So that if a government or a government regulatory body or a consumer protection body notices that a PIC is being breached, I'm not sure -- perhaps I've misread it but it's not clear to me whether that consumer body will be able to bring it up on behalf of a constituent. And I'd really like to know the answer to that one, in particular. And several other GAC members have brought it up in earlier meetings.

In terms of the point on verification and credentials, our analysis brought up this exact same point. And looking closely at the Board's response, I think my reading of it is that the Board feels it has responded to what the GAC asked for, sort of. And essentially if we want to say that one of the strings in the right-hand column that you need to do up-front verification as opposed to what has been offered, which is essentially a warrant from the registrant and then the ability to complain afterwards, if we want to go down the up-front verification, what we'll effectively be doing is having to define those sectors.

So we would have to, for example, for insurance, define who would be in and out. And given the range of national laws in those sectors, that might be quite a hard job.

I think that's what they're sort of pointing to. So this is just food for thought. I mean, we were trying to work through this. I don't have very definitive answers. But I think this is some of the thinking that's gone in behind it from the Board's point of view.

So I'd welcome the views from anyone else on whether we were looking to harden the line on those or whether the Board's rationale is sort of understandable.

Thank you.

CHAIR DRYDEN:

Thank you, Australia.

Okay. Are there any other requests to comment on this?

We're collecting questions and comments and such. So U.K., please.

UNITED KINGDOM:

Yes, thank you, chair.

I just want to raise my anxiety about child protection, the strings that are children orientated domains. And what I would like to do with the NGPC is just take stock of where we are and whether there is a sense from the Board side, from the ICANN side, that there is adequacy here.

We have seen some proposals in the support of enhancing child protection. For example, requirements relating to the collection and use of data, personal data, relating to children and so on, and respect for the rights of children.

So I just want to flag up that that is something I'd -- I want to get a better understanding of. What is the way forward with regard to safeguards in respect of those domains that are targeting children and clearly where there are particular risks? And we've highlighted that category in our advice.

I'm still unclear of where we are and what the status is of ICANN in terms of responding to that particular area of concern.

Thank you.

CHAIR DRYDEN:

Thank you, U.K. Okay.

So we can add child protection to our list for discussion.

Australia and then EU Commission.

AUSTRALIA:

Thank you, Chair.

I was reading with great interest the exchanges on the GAC list before this meeting on this very important issue, obviously. As you say, in the

Beijing communique, the GAC did identify this particular category and we drew out some strings and so on.

I anticipate what the Board's response will be that in doing that in Beijing, we actually recommended to the Board which safeguard should apply to those strings, and effectively the Board has accepted that, which is extremely encouraging, obviously.

What the GAC could potentially usefully do is potentially elaborate on that existing advice. So, for example, the first safeguard under the category 1 is that registry operators will include in its acceptable use policy that registrants comply with all applicable laws, including relating to privacy, data collection, et cetera, which goes to some of the issues that you have raised.

I note on the GAC list, there was reference to the U.N. convention, and potentially we could draw that to the Board's attention. We've already raised this issue. We've -- it's an existing category. There's an existing safeguard. And as part of that, we'd like to draw your attention to this convention, which is highly relevant.

So, potentially, I think it's probably, from my perspective, potentially already covered. I think there will be a great danger if we were, at this stage, seen to be raising a new issue or proposing a new safeguard, but I think this is already there.

As you say, we raise this category. There is a very broad provision to do with applicable law, privacy, data protection, et cetera, et cetera, and if there's something relevant we can draw the Board's attention to in

elaboration, like the U.N., the appropriate convention, I think that would be potentially a very useful thing to do.

And thanks to my U.K. colleague for bringing up this very important category.

CHAIR DRYDEN: Thank you. EU Commission.

EUROPEAN COMMISSION: Thank you, Chair. I would simply want to join the concerns of the U.K. related to child-related strings.

Thank you.

CHAIR DRYDEN: Thank you. Okay. And if we can reflect on the suggestion from Australia that we add a reference to further elaborate on the safeguard advice we've given to reference the U.N. convention that's been noted in some of the email exchanges, that may be something to point out to the NGPC as a possible action to be taken.

Okay.

I think we need to move to category 2, but we do have, I think, a reasonable list of questions and proposals to put to the NGPC on category 1.

Okay.

So moving to category 2, this concerns the advice that we provided in relation to exclusive registry access. And since our last meetings, the Board has reported further to us about the approach they have taken to dealing with the strings or generic terms that have been applied for that relate to this issue of exclusive or restricted registry access.

And they have come back to us to explain that, as far as the public interest commitment that was drafted and put to all the applicants for those generic terms, that currently 10 have indicated that they could not sign onto that public interest commitment. I don't have the precise language in front of me, but applicants were essentially asked whether they could agree to operate in an open, transparent manner, this kind of language.

And it turns out that most said they could; that they could sign a contract with that public interest commitment contained in it. And it appears that 10 have replied to say they would not.

And so the question now is how to contend with these remaining strings that are there. And if we look at the same letter from the 29th of October, we have an indication here that staff have requested the applicants to provide an explanation of how the proposed exclusive registry access serves a public interest goal. And you will recall that in our advice we referred to the importance of serving a public interest goal.

And the Board also notes to us that the responses coming from applicants will be conveyed both to the Board New gTLD Program Committee and to the GAC for further consideration.

It's quite possible that the NGPC will come to us and ask us for further guidance on a public interest goal. I have told them that it's also quite possible that the GAC will say that they would like to see the responses before going down the path of trying to define public interest goal.

So anyway, we can certainly talk to them.

If you have any questions or concerns about the process that they have followed so far, the public interest commitment that they've identified to address this category of advice, and as well, these remaining strings and thoughts on them.

So category 2. I know the United States has some comments from earlier. Can I turn to you, then, and then please let me know if others wish to comment as well.

UNITED STATES OF AMERICA: Certainly. Thank you. Madam Chair.

We just wanted to -- first of all, we're very grateful to have the updated report. It's useful to know where things are in the process. It's also useful to know that the process remains a process. It is not yet complete.

So we are hoping that this might provide an opportunity to correct what we see as a small imbalance in the translation from the GAC Beijing advice. In addition to the public interest sort of standard that we proposed we also proposed some really good language that said the registry operator should administer access in these kind of registries in a transparent way, that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars or registrants to an undue disadvantage.

I'm -- My sense is what the Board has provided us in referring to affiliates, the Board may think that that is responsive to the GAC's concerns about undue preferences or nondiscrimination. Our concern there is that may not be broad enough. So we would logic to resurface the concept of nondiscrimination and no undue preference, because we think there could be strings that were, frankly, not on the GAC's list. As we all know, we struggled mightily to develop the list and had to make it clear that it was not exhaustive.

Now, obviously, we did the best we could to give the Board material to work with. It strikes us that there could well be other strings that were not in our actual Beijing advice that might need to be reassessed from this particular angle as well.

So I did want to flag that, and to commend the work to date, but perhaps that suggest the work does need to remain underway until some of these loopholes could be closed.

Thank you.

CHAIR DRYDEN:

Thank you, United States. I was just having a little exchange with my colleague from Australia.

So as I recall, in the draft PIC spec that was circulated to us earlier and before they went out to talk to applicants, I believe they defined what constituted a generic term. And then on the basis of that definition, then they wrote to applicants. So I'm not sure how they used the list.

Okay. So we have a reference here saying that they did only write to the ones on the list. So all this to say we do need to clarify. And I'm not certain, myself, exactly on what basis they did right and invite responses from applicants.

Okay. So do we have additional comments on category 2?

Okay. All right.

So let's move further through our agenda, if we can. Yes.

All right. So these are all points that we will raise with the NGPC. And then for the sake of our own business regarding outstanding GAC advice, we have four strings that are identified in our agenda, and these are Guangzhou, Shenzhen, spa and yun.

As far as Guangzhou and Shenzhen, there might be spelling mistakes in those strings, but I think we should be able to feel confident which strings we are referring to in that case.

One update regarding yun is that it has been withdrawn. So this, I believe, should be able to come off our agenda.

So we will talk about three that we have. So let's start with Guangzhou and Shenzhen. And I think, China, if you could give us an update on those, please.

Thank you.

CHINA:

Thank you, Madam Chair.

I'd like to update the progress of application for Guangzhou and Shenzhen. I speak Chinese.

As for Guangzhou and Shenzhen gTLD application, for now they have been already included in the extended evaluation process. That's because the applicants' lack of the endorsement from the governments.

We have understand that the applicants of the Guangzhou and Shenzhen are communicating with the governments of Guangzhou and Shenzhen, and they have already gained a lot of progress.

On the basis of the consents of the governments of Guangzhou and Shenzhen, we will offer endorsements for these applicants. Meaning without the endorsements from the governments, from the Guangzhou and Shenzhen, so we cannot offer further endorsement for these two applicants.

We have noticed that for the gTLD, Guangzhou and Shenzhen application has already been included into the -- the application is in

line with the Applicant Guidebook. So we think this is very important for us, and we're satisfied with ICANN's decision.

Thank you.

CHAIR DRYDEN: So what is the specific action that you are recommending for the GAC in relation to those strings?

CHINA: Because the two applicants has been extended -- has been entered into the extended evaluation process, so I think it's in accordance with the ICANN rules.

So I do think we need to give another advice to ICANN.

CHAIR DRYDEN: And so if we are going to give advice, what advice are you seeking for these two strings? From the GAC.

CHINA: Yes, if we -- I think it's not necessary to give more advice to them.

Thank you.

CHAIR DRYDEN: Thank you. That's clear.

Okay.

So let's continue discussing the agenda, unless -- the next string, unless there are questions from colleagues.

Australia, please.

AUSTRALIA:

Thank you, Chair. And thank you for the update. It's extremely useful.

Just to clarify. So in terms of the not requiring additional advice, I just want to be very clear, does that mean that the government of China is comfortable with the strings, does not want anything further from the GAC, the GAC is finished here? Or is it staying on the GAC's agenda for - for further down the track? Because essentially what we have here is the two strings are potentially being held pending some final decision from the GAC. So I'm wondering, is that still the case or are we -- are we finished here?

I hope I'm clear.

CHINA:

As I understand, maybe we don't need to -- Yes, I agree, we will -- we can end up our advice to ICANN.

Thank you.

CHAIR DRYDEN:

Okay. Thank you.

All right.

Any other questions? Comments?

Okay.

All right. So the next string we have on the list is a dot spa, and I will look to Belgium, if you can brief us on that and maybe give us a bit of a reminder about some of the earlier advice or issues seeing as how there was more than one application for spa. Thank you.

BELGIUM:

Thank you, Madam Chair, and good afternoon, everybody.

We have sent you an email a few days ago to give you a state of place on the dot spa issue.

Following the GAC advice formulated in Beijing and then in Durban, the city of Spa has closed an agreement with one of the candidates, and the negotiations with the second one are still going on.

So the Belgium government has taken note of this agreement because I have to mention that according to the Belgium laws and federal system, the federal government has no competency to import things to the municipalities. So we decided to send this agreement to the GAC members a few days ago to -- in order to have much transparency as possible.

So we were not part, as I had mentioned as a member of the GAC, we were not part of this agreement between the city of Spa and one of the

candidates, even if we support it. And we are waiting for the negotiation with the second candidate. We're waiting for a solution between the city of Spa and the second applicants.

Thank you.

CHAIR DRYDEN:

Thank you for that update.

So what particular action for the GAC are you recommending as a result?

BELGIUM:

Well, we agreed to propose ICANN to delegate the dot spa, but we ask -
- we request the GAC to advise ICANN to taking into account the public interest as expressed by the city of Spa, as expressed by the local authorities.

CHAIR DRYDEN:

Okay. Are there any comments or any discussion about the dot spa string? I see United States.

UNITED STATES OF AMERICA:

Thank you, Madam Chair. And thank you, Belgium, for sort of refreshing our memories about the message you had sent.

Just to seek clarification, so you are not -- I'm not entirely sure, either, what you are asking the GAC to communicate to the Board. Simply to take into account the city of Spa's issues?

But then otherwise, we are going to leave the decision in the Board's hands? I'm a little confused as to what you are asking us to agree to.

Thank you.

BELGIUM:

If I may answer?

Just for clarification, our concern is to be sure that ICANN will take into account the public interest, and public interest is expressed by the local authorities or the federal government. So it's one of our concerns. So I will ask still for a sentence, a paragraph in the GAC communique on -- communique on that point.

And if I may, I will propose you a text for the communique on the GAC -- on the spa issue.

CHAIR DRYDEN:

Thank you.

United States.

UNITED STATES OF AMERICA: Thank you for that. And could I suggest, at least from my Capitol's perspective, we'd like a little more time to understand what that text is

and what we are being asked to do, because I will express some reservation as to whether we are being asked to select an applicant, choose between a winner and a loser. As we all know, the GAC has assiduously avoided doing that.

So I am a little bit anxious about treading too far down that road. So if we could just kind of reserve and not consider this discussion complete, I would be very gratified.

Thank you.

CHAIR DRYDEN:

Thank you, United States.

I'm looking through my papers, but I think it would help us as well to be reminded of what was the response from the NGPC on spa, and perhaps Shenzhen and Guangzhou as well.

I'm going by memory but I think they had said to us that they would not consider the consensus objections that were provided until they hear from us on both, or perhaps it was a time limit set. I just want us to be sure that we are aware of what that response says. So I'm looking in my papers for that. But in the meantime, I see EU Commission asking to speak.

EUROPEAN COMMISSION:

Thank you very much.

I just wanted to say that we -- the Europe Commission of course has -- this is not a European Union issue. It's geographical names.

That bearing in mind, though, I think that from the European side, we do support this type of language from Belgium, and we believe this is necessary to show the concerns from -- from public authorities, whether they are from the GAC members around the table or a town in one of our member states.

So we would very much support to have certain language on this in the communique.

And then, obviously, we hope that the town of Spa will accomplish and be able to negotiate a final agreement with both of them so that there is an understanding for both being given the same opportunity. One spa will be delegated.

Thank you.

CHAIR DRYDEN:

Thank you, EU Commission.

Okay. Are there any further comments on this? Any further discussion?

Australia.

AUSTRALIA:

Thank you, Chair. And again, just a clarification. I expect it will be much clearer when we see the draft text, so apologies.

I'm just thinking of the formulation that the GAC has used in Durban for these issues. I was just pulling up the text to see if I can see if this fits into one of those categories or a slight modification of.

So what I understand from both our Chinese colleague and from Belgium is not seeking a consensus objection. So it's not that formulation, I don't think.

The other formulation that we used is that the GAC does not object to them proceeding, which I think is what I've heard from China. It sounds like what we've got from Belgium is a slightly caveated version of that. Does not object to them proceeding so long as the Board's decision takes account of the public interest, or something to that effect.

I don't know if this helps clarify. I'm just trying to see how it fits into the framework that we've used before which, you know, will potentially provide us some useful guidance in figuring out how to go forward.

So please correct me if I've got it wrong, but I'm just trying to see where it fits.

CHINA: Yes, that's correct.

CHAIR DRYDEN: Thank you, Australia. Did you want to reply?

I did manage to find the reference in the letter that I was looking for. I don't know whether it is helpful to us, but maybe just as a reminder. In

the reply we received from the Board NGPC concerning spa, yun, Guangzhou and Shenzhen, which were grouped together in their reply, it says ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings subject to the parties having reached agreement or the GAC issuing final advice prior to the close of the ICANN public meeting in Buenos Aires.

Okay. So that just helps us be reminded of where the NGPC is currently on this issue. Belgium, please.

BELGIUM:

Yes, they're correct. So the difference between the Chinese demand, we are still waiting for something on the communique on the dot spa just to be sure there is no misunderstanding.

CHAIR DRYDEN:

Okay. So we will look forward to draft text being circulated. If you are able to do that, it will give colleagues time to reflect on that and comment.

Okay. So I think we can -- let's see. It's 3:00, and I think I have too many papers here. Okay.

So we start at 3:30 in our joint meeting with the GNSO. So we can have a coffee break for 30 minutes. But I see you, the EU Commission, asking to speak before we did that.

EUROPEAN COMMISSION: Thank you, Chair.

I didn't want to interrupt the discussions on the issues that were going to be discussed with the board. But I would like to ask for your permission to introduce to the rest of the GAC colleagues a proposal that I've received from two members of the community that are sitting behind us related to category 1. So I wanted to first wrap up with this session. May I please go ahead? Sitting behind us we have Ron Andruff and Phil Corwin. And I've shared this proposal with our vice chair and also with Olof Nordling. And I shared it also with the rest of the colleagues last week as -- about the implementation of a policy advisory board a means to enforce public interest commitments in category 1. And I would like to just flag a couple issues that might be interesting for all the colleagues like -- this policy advisory model is in line with -- is formed by different practitioners and in line with the multistakeholder model. And it supports the implementation of mechanism for GAC's sake where advised to protect public policy interest.

I think it's worth noting also that it managed to separate registry technical operations and policy development for new gTLD related issues. And, in particular, it addresses the eligibility restrictions that must be implemented as part of the policy and coupled with a dispute resolution process. It also addresses domain validation process, including verification of credentials. And it conducts registrant verification at the time of the registration. I think it's interesting to mention this because it can also come to replace the contact with regulatory and self-regulatory bodies, which is complicated, especially

when it comes to gathering the necessary expertise in order to develop policies and strategies to meet the GAC research on new gTLDs.

I know this proposal has been shared with ALAC, and it comes with their endorsement and is being also shared with the board. So I don't know if you consider that it's useful to share this approach with the board as a means to have some support when it comes to the implementation of these safeguards. Thank you.

CHAIR DRYDEN:

Well, certainly, it's something that a GAC member can raise when we talk to the board. I wonder whether the GAC colleagues are interested in discussing it among themselves or whether they have had a chance to look over this proposal.

I think a few days ago on the email list there was some traffic on this issue, but there hasn't been much discussion within the GAC. But it may be worth raising at least to see what the board thinks about the proposal. And that may be a way to deal with it. Okay.

All right. United States.

UNITED STATES OF AMERICA: Thank you, Madam Chair. Sorry to keep the room away from coffee for another minute. And I wanted to express appreciation to the commission for bringing it to our attention. Actually, we had been made aware of it ourselves quite some time ago. And we are aware there are many other kinds of models and business models and

approaches. So we have some great level of discomfort as a government in taking a position on any particular business model. So we would not be in a position to have any sort of GAC endorsement of a particular approach. We think there are a great number of excellent ideas scattered all throughout a large number of applications and think we would be best served as a government to avoid, again, choosing a particular approach that is best left to the marketplace. So I just wanted to put that out there that I would not be in a position to have any kind of GAC endorsement of a particular approach. Thank you.

CHAIR DRYDEN:

Okay. All right. At this point, I think we can take our coffee break. And back in 30 minutes.

We begin at 3:30 exactly to have our joint session with the GNSO. So see you in 30 minutes.

[COFFEE BREAK]