ICANN79 | CF – Joint Session: ICANN Board and GAC
Tuesday, March 5, 2024 – 3:00 to 4:00 SJU

GULTEN TEPE:

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session is being recorded and all materials will be made available on the ICANN 79 meetings page. With that, I would like to leave the floor to GAC Chair Nicholas Caballero. Over to you, Nico.

NICOLAS CABALLERO: Thank you very much for that, Gulten. Welcome, everyone. Please take your seats. And if you mind closing the door, if somebody can close the door, otherwise we will have issues with the air conditioning. Believe me, we did have some. Thank you so much for that. Thank you. So welcome to the board. Welcome, Alan, Danko, Sara, Tripti, Sally, Becky, Jim. It's a pleasure, as usual, to have you here. We'll be talking about some very, very interesting and pressing issues, depending on how you see it. We'll have an active session mainly based in good communication. We'll be reviewing some topics and questions that were shared in advance with the board. And then we'll have an AOB session for Q&A as well. We're going to be reviewing the GNSO statements of interest, urgent requests for registration data, next round of new gTLDs, Name Collision Analysis Project Study, and some additional topics, you know, as GAC issues of importance. And at this point, I'm going to speak in Spanish, given the fact that we're in Puerto Rico and Spanish is one of the official languages here. So I'll go ahead in Spanish.

So as I was saying, we will be covering several topics of interest, not only to the board, but also to the GAC and the wider ICANN community. We plan to allocate enough time for the Q&A segment so that this session is truly interactive and we can make the most of it, because the board's time is highly valuable and the GAC's time is highly valuable. So we want

to make the most of our time together. That's why we sent the questions in advance. And we received your questions in advance as well, so as to make the most of this interactive session together.

I wanted to take the opportunity to speak in Spanish. I want to welcome my highly esteemed colleagues from the board. And with that, I will give the floor to Tripti Sinha, ICANN board chair. So welcome once again, please. I hope you feel yourselves at home and I wish you a productive discussion. Tripti, you have the floor.

TRIPTI SINHA: Thank you, Nico. Thank you very much. We're delighted to be here. This is an extremely important meeting, our exchange of ideas, and to receive the GAC's input on the topics that are under discussion inside of ICANN are very important in particular from the public policy perspective. So thank you very much for this. And I will now turn it back to you.

NICOLAS CABALLERO: Thank you so much for that, Tripti. As a matter of fact, let me give the floor to Sally Costerton, ICANN CEO. Please go ahead for any remarks you would like to give Sally.

SALLY COSTERTON: Thank you. Thank you very much, Nico. This is an important meeting. And when I saw you in Hamburg in the same meeting, you asked me a lot of questions, one of which was about what we call CEO Goal 6, which is the internet governance work, particularly with a focus on the

WSIS+20 review at the end of next year and the work that's going on at the United Nations this year. So I don't think we have this necessarily specifically on the agenda today, but I just wanted to let the GAC know that this Thursday in the main ballroom at lunchtime at 1:15, there will be a briefing session for the whole community on how we are handling that. And I wanted to thank the GAC for the input you've given many of you separately to me, but also following on from that Hamburg meeting. It's been really instrumental. It's much valued. We're now ready with that, what we call in the WSIS outreach network. And please do come to that meeting if you can, if you can't. And you'd like a separate briefing on this from any of my colleagues, either separately or in a group, just please let me know because it's a very important topic. Thank you, Nico.

NICOLAS CABALLERO: Thank you very much for that, Sally. So at this point, let me see if Danko, you know, the vice chair of the ICANN board of directors would like to give any initial remarks on this point.

DANKO JEVTOVIC: Thank you, Nico. I wasn't planning on any initial remarks, but thank you for recognizing. And it's great to be here with you.

NICOLAS CABALLERO: Thank you so very much. So let's dive into the topics and questions. As a matter of fact, we have 10 topics. You actually, you see five numbers, but there's ABC and then AB. So, you know, from a mathematical point of view, we have 10 topics in 60 minutes, which makes up more or less

six minutes per topic or question. So without further ado, let's begin with the first topic, which is GNSO statements of interest. And before I go on, let me give the floor to Switzerland. I saw your hand up or was that an old hand? No? We're good? Okay, okay.

So question one reads, in view of recent concerns that the GAC has expressed to the board regarding GNSO operating procedures that permit participants to refrain from disclosing the individuals or entities that they represent at ICANN, the GAC asks the board to consider what actions may be taken to ensure that all of ICANN's constituent bodies, including the GNSO, are expected to require such disclosures in policy development and operational activities. And for that, I'll give the floor to Tripti. Go ahead, please, Tripti.

TRIPTI SINHA: Thank you, Nico. This is a very important topic, and I'm glad that there's the kind of attention focused on it. So first, let me say that for the board, it's extremely important to ensure ethics and accountability within our environment. And we appreciate this interest. And to not disclose who you work for, who you represent, runs counter to our principles of transparency and accountability. And so we take this matter very seriously, and we are a policymaking body, and the policies need to be held to account. And when developing policies, it actually serves a very good purpose if people inform the infrastructure surrounding them, who they are and what they're representing. It informs the policymaking process, and you will actually arrive at a better product if you are fully transparent as to who you represent.

So we, the board, have also started a discussion on the need for a much broader ethics policy that covers SOIs and disclosure requirements. So I would say that I would encourage the community to move in this direction. It's important to know the provenance and the genesis of opinions and who's bringing that to bear. So stay tuned. We fully support full disclosure, and it lends itself to a more ethical environment. And also, it helps all our accountability measures. So thank you.

NICOLAS CABALLERO: Thank you for that, Tripti. Switzerland, was that an all-in? Would you like to go ahead now or, yeah, go ahead, please, Switzerland.

JORGE CANCIO: Yes. Thank you very much, Jorge Cancio, Switzerland for the record. Thanks very much for that response, Tripti, and looking forward very much to your next steps. I just was thinking about the possibility of perhaps devoting some public session to the matter in one of the forthcoming meetings, because it's really something we should put under the sunlight that, according to Brandeis, is the best disinfectant to see what are the real reasons if there are any to not going forward with this. So just looking forward to how you are going to go about it. Thank you.

TRIPTI SINHA: Thank you very much for that input, and we'll certainly take that back and have a session dedicated to this. Thank you.

NICOLAS CABALLERO: Thank you very much, Switzerland. Thank you, Tripti. I have Iran. Please go ahead.

KAVOUSS ARASTEH: Thank you very much. I am very pleased to hear from the chairman of the board that they are fully supporting this situation. However, does GNSO fully implement that? That is the question. We knew that the board is fully in favor, not fully, in favor of this, but we don't know what are the obstacles that could not be implemented by GNSO in the expected manner. Is there any obstacle? Is there any exemption? Is there anything that does not permit the GNSO not to do that? Even with 0.0 percent, 0.03 percent. Thank you.

TRIPTI SINHA: Thank you, Kavouss, for your comments. We can certainly conjecture on what someone could not do and could do, but I say let's move forward in good faith. We will be having conversations with the community members. The board is looking at this very closely with a potential policy as well. So I'm an optimist, and I hope that we will have some good dialogues with the community and get to be where we need to be in terms of full disclosure. Thank you.

NICOLAS CABALLERO: Thank you, Iran, for the question. Thank you, Tripti. Thank you, Tripti. Any other feedback, any other comment or question to the board in this regard? I don't see any hand in the room. I don't see any hand online. So let's move to the next topic, which is topic number two, urgent requests for registration data. And the question reads—it's a comment,

it's not a question. The GAC welcomes the board's views on expected next steps for reaching an appropriate timeline for responses to urgent requests under the new consensus policy. Any reactions, any feedback to that? Becky, would you like to go ahead?

BECKY BURR: Thank you, Nico. Yes, thank you very much. As the GAC wrote to us some time ago indicating that it was the GAC's view that the timeline that had been agreed on in the implementation review team to respond to requests where the information was necessary to respond to circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure, or child exploitation. The GAC's comment was that the timeline is not fit for purpose. And the board looked at that and the board agreed the timeline is not fit for purpose. With the urging of the GAC, we proceeded to issue the remainder of the policy to start on the implementation, and we agreed to take another look at this policy.

We have had a conversation with the GNSO and we are in the process of establishing a sort of structure for, under which we can discuss this issue and what the next step should be with the GNSO. We are treating this as an important matter. I know that people heard me say in the board GAC interactive group call and maybe in the board GAC call itself that there are some critical issues related to authentication of law enforcement that we need to address in order to have a timeline that is remotely close enough to being responsive in these kinds of situations. So that is something that needs to be in the mix and on the table, but

we expect to proceed in the near term to begin the conversation with the GNSO.

Having said that, the reason I wanted to point to the authentication issue is that is something that I think the GAC will want to be involved in that conversation and we will certainly need the GAC's help to address that.

NICOLAS CABALLERO: Thank you very much for that. Becky, let me open the floor for questions, comments, or any feedback from my esteemed GAC colleagues. And I see Iran again. Please go ahead.

KAVOUSS ARASTEH: Thank you very much, Becky, for your explanation. I think this issue of authentication was discussed several years ago and I think there are sufficient background on that. However, do you have any anticipated timeline to give some, I would say, acceptable results on that? Do you have some anticipation timeline? Thank you.

BECKY BURR: So we want to address this as quickly as possible. We are aware that generally in circumstances like this, there are relationships between registrars and registries and law enforcement in jurisdictions where the registrars and registries do business. But there may be circumstances where those relationships don't exist and it is possible, although I think it's possible that this information could be needed on an urgent basis. So we want to address this as quickly as possible.

Even though we did address the authentication issue a couple of years ago, I don't think that we have a solution for authenticating law enforcement globally. And I don't want to get ahead of the GNSO or the board, but it seems to me we're likely to need the assistance of global law enforcement to set something like that up.

NICOLAS CABALLERO: Thank you for that. Becky, I have the European Commission next.

MARTINA BARBERO: Thank you very much, Chair. This is Martina Barbero, European Commission for the Record. And thank you very much to the board for being here today and responding to this question. It is my understanding that, in fact, there was no agreement reached this summer. There were different views on how this final meeting of the IRT went and whether an agreement was reached or not. But in any event, I think the GAC was really much involved in those discussions. So I think we really would welcome the same level of involvement of the GAC in any future discussion that would take place on this topic, because that would be very, very important, I believe. Thank you very much.

BECKY BURR: Thanks. I probably misspoke a little bit. There was a conversation with the working group. Many people believed that they had reached an agreement, but it was clear afterwards that the GAC participants had not settled on that agreement. So agreement was the wrong word to use. But I do want to say that we did have a lot of involvement from members of the PSWG in that. And of course, we not only would

welcome but very much need that participation in order to address this issue.

NICOLAS CABALLERO: Thank you, Becky. Thank you, European Commission. I have the USA next. Please go ahead.

SUSAN CHALMERS: Thank you, Chair, and thank you, Becky, for the update. Just a quick note to say we appreciate this update. We appreciate the news and very much look forward to engaging in this conversation, which we hope will commence sooner than later. Thanks.

NICOLAS CABALLERO: Thank you for that, USA. Any further questions from the floor at this point? I don't see any hand up online, which means we're okay to move on. So let's move on to the next topic, which is the next round of new gTLDs. A, applications for top-level names that are culturally sensitive to countries and government. And the question reads, how does ICANN plan to handle applications for new gTLDs in the next round with regard to the protection of terms with national, cultural, geographic, and religious significance? Consistent with the GAC principles regarding new gTLDs, March 2007, particularly principle 2.1b, will there be any specific measures in place beyond those recommended in the final report of the new gTLDs subsequent procedures policy development process to ensure these gTLDs do not infringe upon the sovereignty and cultural identity of the countries with which they are associated? And

sorry for the long question and for the long acronyms, but that's the way the question reads. Becky, please go ahead.

BECKY BURR: Thank you. I get all the fun ones. So thank you very much for that question. As you know, the question of treatment of country or territory names was the topic for a special group. The SubPro PDP had difficulty reaching a conclusion on this. And so a group was put together to work on the possibility of additional protections. And after quite a lot of time, there was no consensus as to changes that needed to be made in the 2012 policy. So the policy recommendation will remain the same, which is to say that like every application, a geo name application will be reviewed for the requirements noted in the geo name section, which requires a substantial amount of government support for a TLD string that corresponds to one of the protected names. And there will be a geographic names panel which will determine whether the application, the string corresponds to one of those names. And if the sufficient level of government support, local government support is not available, the application won't proceed.

But the definition of what's a geo name includes approximately 5,000 names. But, of course, it does not cover all possible geo names in the world. It does correspond to geo names that are generally protected in international law. And that is something that ICANN, of course, strives and must do. We must provide the same kind of protections that are afforded in international law. It's very difficult to go beyond those when expert bodies, expert multilateral bodies set those rules.

With respect to the measures related to strings that might infringe on sovereignty and cultural identity, the same rules will apply. The applicant is responsible to identify whether the TLD string falls into those categories and is responsible for reaching out to the local government authorities to discuss that. The guidebook strongly stresses the need for that and says flatly, it's in the applicant's interest to consult with the relevant government.

If we receive early warning messages, those are sent to the applicant and the applicant then needs to address the concern or not. And if the applicant doesn't address the concern to the satisfaction of the relevant government, then the board has to determine, as it does in all of these cases, whether delegation of the string is in the global public interest.

Of course, if the GAC provides advice with respect to one of those strings, then the bylaws specifically spell out that the ICANN board cannot proceed without a consultation and effort to find a mutually acceptable solution. And there are heightened standards required for the board to act in a way that rejects GAC advice. So those applications are in place.

And then finally, there is an objection process that allows governments, private parties, the ALAC, and an independent objector to file objections on a number of grounds. And I think we have seen that happen in the past. So there are tools in place, but there was not consensus on changing those. So those tools will remain the tools that are in place. And I hope we have all learned how to use those tools. And hopefully, we've learned how to use those tools better as we move into the next round.

NICOLAS CABALLERO: Thank you very much for that detailed answer, Becky. Thank you so much. Any reactions, any feedback in the room from—I see my distinguished board member Edmon Chung. Please go ahead.

EDMON CHUNG: Yeah, Edmon here. Edmon here. So adding to what Becky said, actually, I think the discussion around the RVCs, the registry voluntary commitments, will be relevant in this area as well. So there is one, well, not yet, but potentially one additional tool in this round for this type of situation.

NICOLAS CABALLERO: Thank you for that, Edmon. I have Iran, and then Brazil, and then Indonesia. Please try to be brief and to the point. Go ahead, please.

KAVOUSS ARASTEH: Yes, I try. I have always been on the point, and I remain on the point. This is very critical issue. Our distinguished college, Olga Cavalli, tried to have a consensus, but it was not possible. I don't think that the cultural, religious, and geographical significance could be dealt with under public interest. Because interest of the people, different religion, different culture, and different geographic are not the same. So I am not in favor of giving the situation to have public interest, interest of those who [will] comment.

Second, I think we should be very careful not to put any political motivation to this geographical name. This has happened,

unfortunately, during the first round, political, totally political, which was not relevant at all. And we should avoid that. I don't believe that the panel could discuss these issues, for instance, something has the cultural significance of a country. A panel could resolve that. So I think we should look for something that bilateral or mutual agreement. If mutual agreement is not reached, the threat should not be delivered. This is very, very important. There are many countries with thousands of years of culture and very strong religious and cultural and geographical. So this is very serious issue. I request the board to take it much more serious than they explain now to us.

NICOLAS CABALLERO: Thank you for that, Iran. Well noted, I have Brazil.

BRAZIL: Well, thank you, Nico. As our colleague from Iran mentioned, I think that is a critical issue for all of us. And thank you very much for the detailed information explanation that was given on this topic. I think we wanted to know if there is, because what would be important to us when we move forward, is to be able to follow the requests in order to be able to assess how sensitive they are or they are not. I was just wondering what tools might be available in that direction. If there's something that every country would have to be proactive in looking for this, if there's a more open and easier way to make sure this happens, if the board or ICANN would take a more proactive role in this, in pointing to situations where a certain risk might arise, because I think timely information on this topic would be critical to have, let's say, a productive and positive

handling of those situations that I'm sure will come in the future. Thank you.

BECKY BURR: So just to be clear, once the window opens, and we are talking about, at the beginning of this, a window where applications will come in in a bunch and they will be processed and the window will close at some point, as soon as that happens, all of the applied force strings will be published, along with information about what the string is intended to be used for. So there will be total transparency from day one about what strings are in play.

At that point, to the extent that there is concern by any government, the government is free to use the early warning system and we certainly encourage that to happen as quickly as possible. And once that happens, the process, it will be pretty easy to follow the process all the way along, because the government is highly likely to be in the middle of the discussions about whether there is a way to address the early warning. So I don't think we've contemplated the need for an additional tool, but once the applications are up there, there is usually tracking about where they are in the process, including whether early warnings have been filed. So we can take a look at that to make sure it is as clear and easy to use as possible.

NICOLAS CABALLERO: Thank you very much for that. Brazil, Iran, Becky, thank you for the answers. I have Indonesia.

INDONESIA: Thank you for the description on the name, crucial name of gTLDs. It has been, we have already a lot of experiences because of crucial names on several things, like many others.

Now, what I want to know is there may be, there are a lot of critical names, which is considered critical in several countries. Yesterday or the day before yesterday, I mentioned this to the GNSO discussion. For example, [inaudible] is a critical name for Indonesia, Malaysia, and perhaps Singapore.

So if there is a dispute of this critical names between countries, will ICANN also do so the so-called going for to solve a dispute or you let the countries you discuss yourself for dispute and settle it down? That's number one.

The second question is, it may happen that a particular name is not a critical name today, so we agree with that name. But because of the changing of ethnical, changing of culture and so on and so on, perhaps in a year time, for example, the word become critical in a particular countries. It will be possible for the country to tell, "ICANN, look, it becomes critical in our country, causing a lot of demonstration and so on. Can you take it out and stop the name, the operator using that particular name?" Thank you.

BECKY BURR: So with respect to your first question, I think ICANN would be loath to insert itself in a dispute between two governments and would look to those two governments to resolve a dispute. ICANN is not in a position

to do that. We are not a place for resolving political disputes, and we're very clear on that.

With respect to the second name, if you're talking—it's never easy to take registration out of circulation because even if it's a second level registration, somebody has invested in it, somebody's built up intellectual property in it, somebody's whatever. I think that's particularly difficult when you're talking about a top level domain that has gone into the root. So we're sort of riffing on this and I'm not in a position to tell you what the ICANN board's view on it is, but I wouldn't want to give you false expectations that taking a top-level domain out of the route would be an easy thing for ICANN to do. ICANN would need to find that the registry operator had violated its contractual obligations under the registry agreement.

NICOLAS CABALLERO: Thank you, Indonesia. Thank you, Becky. I have Iran again. Please go ahead.

KAVOUSS ARASTEH: Thank you very much. I would like to inform my distinguished colleague from Indonesia. In the interest of stability, because that's something which has been delivered or given today and five years later because of some event, we try to upside down everything. No, that does not conform with the degree and the requirement of stability. Thank you.

NICOLAS CABALLERO: Thank you for that, Iran. And I have a queue again. So I have a board member, Edmon, and then I have the UK. Edmon, go ahead, please.

EDMON CHUNG: Yeah, just quickly on the previous question. I guess there is the public interest commitment dispute resolution policy that potentially can take a TLD out afterwards. But as Becky mentioned, the bar is pretty high to do that. But I guess that relates a little bit to the PICs and RVC discussions as well, whether the PIC DRP will eventually also cover those type of situations where there is a breach when certain commitments are not enforced.

BECKY BURR: Right. And that would be a finding that there's a violation of the registry operator's contractual obligations. But it could be a violation of their registry voluntary commitments made to address an objection from a government.

NICOLAS CABALLERO: Thank you, Edmon. Thank you, Becky. I have the UK. Nigel, please go ahead.

NIGEL HICKSON: Yes, thank you, Mr. Chairman. I'll be very brief. Nigel Hickson, UK, just to say that notwithstanding the immense sort of political interest in here and the political with a small P and the clearly the sensitivity of this issue, we would just really like to say that, you know, this innovation to be able to have geo top level domains has been something that's been

very beneficial in the UK. Certainly to be able to have dot London and dot Wales and dot Scott has enabled those communities to have an identity. I know from experience also the success of dot Berlin, enabling many new parties to come to the table and perhaps engage in the domain name system that might not have done under existing names. So I think subject to the safeguards that are being discussed, this is an amazing positive way of moving forward.

NICOLAS CABALLERO: Thank you for that, UK. I don't see any other hand. I don't see any other requests for the floor, which means that we can move on to the next topic, which is applicant support program. Question number four reads, how will the board ensure that the applicant support program is sufficiently funded and resourced so that it is globally inclusive and representative, ensuring that underserved regions are prioritized as part of the program?

BECKY BURR: Thanks. So the applicant support program is extremely important. It is a very high priority of the board. Org is currently working on a number of ideas for expanding the applicant support program and making sure it's adequately funded and resourced so that it really is a valuable tool and can assist entities that don't have the financial wherewithal but have a really good idea to get a top-level domain. There's a list of ideas that Org has published that goes from reduced or eliminated application fees all the way to reduced ongoing fees once the name is in the root. So we're looking at this holistically.

Sally's team, Sally's engagement team, is already extremely busy getting the word out in underserved parts of the world. The communication plan is focused right now on making sure that information about this opportunity and educational resources and like are there.

There is nothing in the applicant support program or the applicant guidebook or the policy that prioritizes one region over another. But our goal is to make sure that we have a very diverse and very inclusive group of applicants who have the resources and support that they need to make a go of a new gTLD.

NICOLAS CABALLERO: Thank you very much, Becky. Any reactions? Any comments? Any questions in the room? I don't see any hand up. Let me check online. And I have Iran and the UK. Iran, go ahead.

KAVOUSS ARASTEH: Thank you very much. In several meetings I have mentioned that the term, inverted comma, underrepresented, so on and so forth is not yet defined. The only documented issue is the United Nations that categorizes the country in various aspects and so on and so forth. That is one point.

And the other point is applicant support will be technical, advocacy, procedural, and financial. What I want to say that financial support for that in our views is not sufficient. Just is not sufficient to provide its actions. Thank you.

BECKY BURR: Can I just indicate we absolutely agree with you, Kavouss?

NICOLAS CABALLERO: Thank you for that, Iran. Thank you, Becky. I have the UK.

ROSALIND KENNYBIRCH: Thank you, Chair. Roz Kennybirch, UK. And just to really express agreement with our colleague from Iran, I think that point about the applicant support program needing to be a holistic program, looking at both non-financial and financial support is critical. So really just to agree with our colleague there. And to thank the board for their feedback on the GAC's ICANN 78 Issues of Importance text, particularly regarding the communications plan and appreciated that referral to the implementation plan in that regard.

However, we have discussed as a GAC throughout the week the importance of global outreach and ensuring that the focus of this applicant support program is indeed global. And it would be really important, I think, to see a comprehensive communications and outreach plan with specific milestones, key performance indicators, etc., included so that we're more easily able to see how progress on this communication of this program is taking place. So I'll leave my comments there for now. But thank you to the board for engaging on this really critical issue for the GAC. It definitely is a high priority. Thank you.

SALLY COSTERTON: Thank you very much for the comments. And I echo Becky's sentiments that we absolutely agree. But to your specific point about the global outreach. Yes, you're absolutely right. This is essential and we are resourcing to do that. So what I'm taking away from this is a clear, I will take that back into the team to come back to the GAC with a clear dialogue, a clear understanding as to how that will be communicated out as we go along, which I think is what the question is. Yes. Good. I'm seeing a head nodding. Great. Okay. Thanks, Nico.

NICOLAS CABALLERO: Thank you, UK. Yeah, go ahead, go ahead.

ROSALIND KENNYBIRCH: Thank you so much for that clarification. And just to follow up on that point as well. Another point raised in conversation this week in particular in the GAC's bilateral with the ALAC is the importance of adequate financial resource in order to support that communications and outreach plan as well. So just wanted to make that point as well. Thank you.

NICOLAS CABALLERO: Thank you very much again, UK. Sally, thank you for the answers. Becky as well. Any other comments? Any other feedback in the room online? I don't see any hands up. So we're okay to move on to the third topic, which is next round of new gTLDs, C, cost and benefits of a next round of the new gTLD program. Question five reads, GAC members have reviewed the overview of analysis related to cost and benefits of a next round of the new gTLD program produced by ICANN and included in the

ICANN board scorecard for the GAC ICANN 78 communique 21st January, for which the GAC thanks the board.

Upon review, however, the GAC notes that the materials and content do not appear to satisfy the GAC's request for an objective and independent analysis of the costs and benefits of a new gTLD next round. Such an analysis should, in the GAC's view, include an attempt to quantify all significant advantages and disadvantages from a global perspective.

As presented, the overview report seems to be an assessment of individual matters, an assessment of competition and consumer choice issues, and some considerations about DNS abuse. No quantification of advantages, disadvantages appear to have been sought, nor a listing of them.

Moreover, all inputs to the present document have been prepared by ICANN stakeholders or the ICANN Org itself, all of whom in one way or another have a stake in the previous gTLD round or the next round of gTLDs, and therefore cannot be considered as either objective or independent. So that's the question and some sort of background there. Danko, please go ahead.

DANKO JEVTOVIC: Thank you, Nico. So the question is long to read and contains part of the current situation, but if you allowed me, I would just like to summarize about this document. So this analysis is high level and identifies cost and benefit based on the three reports related to the program. Competition, consumer trust, and consumer choice review, final

reports that parts of those recommendations are still in process of being implemented, final report on the SubPro, and operational design assessment.

Document includes background summary and key findings for each of those documents and whereas executive summaries. And this document identifies the list of resources that might be used for additional analysis on the new gTLD program DNS marketplace. The rationale for the board is provided in the document that said that ICANN board has concluded that there is no economic basis that would justify stopping the new gTLD program next round from proceeding and no further economic analysis will prove to be any more informative in that regard than those that will have already been conducted.

And the document recalls the GAC its rationale in the March 2023 decision that the board anticipates the overall impact of the new gTLD program on the community to be positive.

So having said that, I think you will allow me just to go back to the beginning. It was ICANN 56 in Helsinki that says that objective and independent analysis of cost and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round. And this analysis asks for independent global analysis. So I think that this is maybe a point in time where we should ask ourselves the question, is it really fit for purpose now to go into this anymore? And the cost to conduct global independent analysis is questionable given that it will draw significant financial resources. But the current investment of the community policy development work and developing of the new gTLD program is such that with the board's conclusion that I quoted

that board anticipates the overall impact of the new program to be positive. It's something that I think clearly shows that there is no real purpose to go back and put ourselves into ICANN 56 shoes to think should we go into this program that we are already into.

NICOLAS CABALLERO: Thank you so much for that. Danko. Any reactions? Any feedback? I see Denmark and then Iran. Denmark, please go ahead.

FINN PETERSEN: Thank you, Danko, for these remarks and the overview there. No matter what, when one look at the advice, and it is many, many years ago when we ask it, we have expected or at least I had expected that ICANN would have conducted that analysis on that stage using a professional company, independent company to look through it, and took all costs and all benefits looking at the horizontal level as a basis for a discussion on the next round. And if the disadvantages was greater than the advantages, one could think about possible remedies, not that such an analysis necessarily should stop the next round. But we think what is on the table in no way, in my view, can be looked at as a cost-benefit analysis. And you are welcome to ask a professional company and give their indication whether that is the case. Nor is it independent and objectives as many part of the community or the Org have been there.

That said, we are now six, seven years from that time, and I acknowledge that the board have taken a decision to go on. The community have worked hard to make recommendations. Those recommendations have been implemented. But I must conclude that

the GAC advice, in my view, haven't been fulfilled in a way. I'm not there going to stop the process, but only urge the board very much in the future to be more active looking at the GAC advice, follow it to the door and inform GAC in the early stage on the result and not give in fragmented documents to be found, whether we can then assess whether it's delivered after that.

So this is, I would think from my point of view, at this point, a government issue which should be corrected. Thank you.

DANKO JEVTOVIC: If I may just say thank you for your comments. In no way I disagree with you, so you're right, and there is no need for objective evaluation. This report is not what you laid out, but here we are in 2024.

NICOLAS CABALLERO: Thank you very much, Denmark. Thank you, Danko. I have Iran and then Switzerland. Please bear in mind we have seven more minutes. So try to be brief and straight to the point. So I have Iran and then Switzerland. Please go ahead.

KAVOUSS ARASTEH: Thank you very much. Colleagues referred to expectation, but expectation is far from the reality. And this issue was discussed at length during the PDP, many, many sessions, and the PDP asked that GAC should provide the criteria. The criteria of the cost analysis and criteria of benefit analysis.

Cost analysis may be a little bit more simple, but benefit analysis, who could have a result of that new gTLD would have X or Y or Z benefits? It is impossible. We have not yet started to implement that. So I think we should go back to what we did in ICANN 56, to see whether we were right to raise this question. But I think this is impossible mission. We can't do that because cost is one time cost, progressive cost, annual cost, and so on and so forth. And benefit, we don't know what is the benefit.

And if the cost and benefit analysis result is not acceptable, what do we do? We stop the second round? I don't believe so. After 13 years of waiting, we should do that because cost and benefit analysis for which there is no criteria. And criteria should be accepted by entire community, but not only by GAC. Thank you.

NICOLAS CABALLERO: Thank you, Iran, for your comments. Well noted, I have Switzerland.

JORGE CANCIO: Thank you, Nico. Just to support what Finn said before, and thank you very much for being so candid. The thing here is that in the future, we avoid similar situations where you have accepted GAC advice, but you don't really deliver on what we asked for. So that we take GAC advice as seriously as we all should. Thank you.

DANKO JEVTOVIC: If I may just reply, as you know, we take GAC advice extremely seriously, but this was also a product of back and forth in trying to really understand what kind of study should be and also how to capture the

NICOLAS CABALLERO: Thank you, Switzerland. Thank you, Danko. And at this point, given the fact that we only have three more minutes, my proposal would be to defer the remaining topics for an intersessional call. If you would agree, Sally, Tripti, Danko, would that be okay? Because there's no way we'll have time to address the rest of the issues in actually two minutes. So would that be okay? So let me give the floor then to Sally Costerton, interim CEO, for any final words or comments. And then to Tripti. Please go ahead, Sally.

SALLY COSTERTON: Thank you, Nico, and thank you, esteemed GAC colleagues. Very interesting and important discussion. And as you say, Nico, we'll make sure that we have all the relevant points for you in an informational call to finish the questions that were raised. Thank you.

NICOLAS CABALLERO: Thank you very much, Sally. Any final words, Tripti, Danko?

TRIPTI SINHA: Thank you, Nico, and thank you, members of the GAC, for your input. We've treaded some tough waters and there are some difficult situations, but we've always appreciated your insight. We do take your advice seriously. And as Nico just said, there are some topics we didn't

get to. We will certainly hold an information call to continue those discussions. So once again, thank you very much for your candid input.

NICOLAS CABALLERO: Thank you, Tripti. Danko, no need for any final words? That means that we're at the end of the session. Thank you so much again, Alan, Danko, Sarah, Tripti, Sally, Becky, Jim, Martin, Sajid, Harald, Katrina, Catherine, Edmon, Chris, Patricio, and Leon. Thank you so much for your time. It's always a pleasure to have these meetings. So enjoy your coffee. We'll reconvene in 15 minutes. Thank you.

[END OF TRANSCRIPTION]