

14 January 2019

GNSO Council Leadership Team's Reply to GAC Chair's Letter of 21 October 2018

Ms. Manal Ismail
Chair, Governmental Advisory Committee (GAC)
Internet Corporation for Assigned Names & Numbers (ICANN)

Dear Manal,

Thank you for your 21 October 2018 letter to Heather Forrest, Donna Austin and Rafik Dammak, the leadership team of the 2017-2018 GNSO Council. We are responding on behalf of the 2018-2019 GNSO Council, which is continuing deliberations over the Final Report that was submitted in July 2018 by the IGO-INGO Access to Curative Rights Mechanisms Policy Development Process (PDP) Working Group.

The Council welcomes the Governmental Advisory Committee's (GAC's) expressed desire to engage in an open and constructive dialogue with the GNSO in an effort to reach an appropriate solution on the topic of curative rights protections for International Governmental Organizations (IGOs). As you know, a motion to vote on the Final Report was withdrawn during the ICANN63 meeting in Barcelona in October 2018 following initial discussions within the community, including at the GNSO Council, between the GNSO Council and the GAC, and in the GNSO's various Stakeholder Groups and Constituencies. The Council is currently discussing a number of options that are available to us under the relevant Bylaws and GNSO procedures with respect to moving forward in the decision-making process. In the meantime, the topic remains as a discussion item on the Council's meeting agendas.

Given the longstanding nature of the issues and the concerns that have been raised around the Final Report, the Council wishes to ensure that it is fully informed in its understanding of the topic and the implications of the various possible courses of action, prior to voting on the Final Report. In this regard, we appreciate the GAC's highlighting one of the recommendations from the GAC-GNSO Consultation Group -- encouraging dialogue in instances where there may be a conflict between PDP recommendations and GAC advice. We note also that, during the GAC-GNSO joint meeting at ICANN63, Heather as the then-GNSO Chair mentioned that specific concerns had been raised in Barcelona and requested that any additional specific concerns be conveyed to the Council as it continues its discussions. The present Council supports that request and will appreciate the opportunity to better understand the GAC's specific concerns on this topic. In particular, given the GAC's request to the ICANN Board in the Barcelona Communique for the Board to facilitate a substantive, solutions-oriented dialogue between the GAC and the GNSO, we are hopeful that our being able to more fully understand the GAC's concerns will be very helpful as the Council considers the various options we have.

Please let us know what you and the GAC believe may be the best way to move forward with additional dialogue at this time and if the GAC wishes to provide the GNSO with any additional information in the

meantime. Thank you again for your letter and for your and the GAC's continued willingness to engage with the GNSO.

Yours sincerely,

Keith Drazek (GNSO Chair)

Pam Little (GNSO Council Vice-Chair, Contracted Parties House)

Rafik Dammak (GNSO Council Vice-Chair, Non-Contracted Parties House)