

11 November 2021

## Submission of GNSO Council Review of ICANN72 GAC Communiqué

Philippe Fouquart, GNSO Chair

To: Maarten Botterman, Chair of ICANN Board  
Cc: Manal Ismail, Chair of the GAC

Dear Maarten and members of the ICANN Board,

On behalf of the GNSO Council, I am hereby transmitting to you the review by the GNSO Council of the ICANN72 GAC Communiqué, which was unanimously adopted by the Council during its meeting on 18 November 2021.

The GNSO Council's review of each GAC Communiqué is an effort to provide feedback to you, in your capacity as members of the ICANN Board, as you consider issues referenced in the Communiqué that we believe relate to policies governing generic Top-Level Domains. Our intent is to inform you and the broader community of gTLD policy activities, either existing or planned, that may directly or indirectly relate to advice provided by the GAC.

In addition to feedback included in the attached review document, the GNSO Council would like to provide the following input regarding specific items in the GAC Communiqué:

- In reference to GAC Advice V.1.a.i,<sup>1</sup> The GNSO Council is aware of the [Board](#) Scorecard on SSR2 and agrees with the GAC that the ICANN Board's support of the community, including the GNSO as it actions the items in the Scorecard which fall under the GNSO's remit, is vital.
- In reference to Follow up to Previous GAC Advice VI.1,<sup>2</sup> to the extent that the information requested by the GAC is provided, the GNSO Council encourages the ICANN Board to make the information available to the broader ICANN community.

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<sup>1</sup> "The GAC advises the Board to: Undertake as a matter of priority the follow-up actions needed to support the swift implementation of the Board's scorecard on the Final SSR2 Review Team Report, and to inform the GAC accordingly, including about the corresponding timeline."

<sup>2</sup> "In response to the GAC Montreal Communiqué, the Board accepted the GAC's advice to:

"Instruct the ICANN organization to ensure that the current system that requires 'reasonable access' to non-public domain name registration is operating effectively. This should include:

- educating key stakeholder groups, including governments, that there is a process to request non-public data;
- actively making available a standard request form that can be used by stakeholders to request access based upon the current consensus policy; and
- actively making available links to registrar and registry information and points of contact on this topic."

The GAC would welcome the Board providing an update on these three efforts. In particular, the GAC observes that information on how to make a request for non-public data does not appear to be prominently located or easy to find on ICANN's website. The GAC also recognizes that the contracted parties have developed guidance on the Minimum Required Information for Whois Data Requests and notes that relevant stakeholders would also benefit from the prominent display of this information in the relevant section of ICANN's website."

The GNSO Council hopes that the input provided through its review of the GAC Communiqué will enhance co-ordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.

On behalf of the GNSO Council,

*Philippe Fouquart*

GNSO COUNCIL REVIEW OF [ICANN72 GAC COMMUNIQUE](#)<sup>3</sup>

GAC Advice - Topic	GAC Advice Details	Does the advice concern an issue that can be considered within the remit <sup>4</sup> of the GNSO (yes/no)	<i>If yes, is it subject to existing policy recommendations, implementation action or ongoing GNSO policy development work?</i>	<i>How has this issue been/is being/will be dealt with by the GNSO</i>
<p><b>1. Board Scorecard on SSR2 Review Final Report</b></p>	<p>a. The GAC advises the Board to:</p> <p>i. Undertake as a matter of priority the follow-up actions needed to support the swift implementation of the Board’s scorecard on the Final SSR2 Review Team Report, and to inform the GAC accordingly, including about the corresponding timeline.</p> <p><u>RATIONALE</u></p> <p>This advice aims to support the effective follow-up action on the Board’s tasks set in the Board Scorecard on the Final SSR2 Review Team Final Report. Noting the need expressed by the Board for further analysis and consultation, and given the importance of the SSR2 recommendations to 9 address cybersecurity and DNS Abuse, the GAC encourages the Board to proceed with the necessary action plan in a timely manner. The Board</p>	<p>Yes, in part.</p>	<p>The GNSO is “responsible for developing and recommending to the Board substantive policies relating to generic top-level domains...” ICANN Bylaws Section 11.1.</p>	<p>N/A</p>

<sup>3</sup> Focused only the following sections of the Communiqué: Section V: GAC Advice to the ICANN Board and Section VI: Follow-up on Previous Advice

<sup>4</sup> As per the ICANN Bylaws: ‘There shall be a policy-development body known as the Generic Names Supporting Organization (GNSO), which shall be responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.

	Scorecard identifies which action the Board expects from which entity (ICANN org, SSR2 Review Team Implementation Shepherds, and others), which is a very useful starting tool. The Board is expected to prioritize the different actions in the scorecard and accompany the proposed follow-up action plan by a clear timeline. This would help ICANN’s constitutive bodies to actively deliver on the Board Scorecard, while allowing issues prioritization and appropriate mobilization of the ICANN community.			
<b>1. Board Scorecard on SSR2 Review Final Report</b>	<p>b. The GAC advises the Board to:</p> <p>i. Provide further information on the diverging interpretation by the Board and SSR2 Review Team of the level of implementation of certain recommendations.</p> <p><u>RATIONALE</u> The GAC believes that additional information would be helpful for the GAC to gain a deeper understanding of the diverging interpretations. This advice would allow ICANN and the ICANN community to gain a shared understanding of the issues effectively requiring further action.</p>	Yes, in part.	The GNSO is “responsible for developing and recommending to the Board substantive policies relating to generic top-level domains...” ICANN Bylaws Section 11.1.	Although the GNSO Council does not have a position at this time, the GNSO Council will follow this discussion and provide a perspective if necessary and appropriate.
<b>1. Domain Name Registration Directory Service and Data Protection</b>	In response to the GAC Montreal Communiqué, the Board accepted the GAC’s advice to: “Instruct the ICANN organization to ensure that the current system that requires	No		

<p><i>(Follow-up on Previous Advice)</i></p>	<p>‘reasonable access’ to non-public domain name registration is operating effectively. This should include: – educating key stakeholder groups, including governments, that there is a process to request non-public data; – actively making available a standard request form that can be used by stakeholders to request access based upon the current consensus policy; and – actively making available links to registrar and registry information and points of contact on this topic.” The GAC would welcome the Board providing an update on these three efforts. In particular, the GAC observes that information on how to make a request for non-public data does not appear to be prominently located or easy to find on ICANN’s website. The GAC also recognizes that the contracted parties have developed guidance on the Minimum Required Information for Whois Data Requests and notes that relevant stakeholders would also benefit from the prominent display of this information in the relevant section of ICANN’s website.</p>			
<p><b>2. EPDP Phase 1 Policy Implementation</b>  <i>(Follow-up on Previous Advice)</i></p>	<p>The GAC notes its previous advice within the ICANN66 Montréal Communiqué and the follow-up on previous advice in the ICANN70 and 71 Communiqués with regard to Phase 1 of the EPDP on gTLD Registration Data and the request for</p>	<p>Yes</p>	<p>Subject to ongoing implementation of the EPDP Phase 1 policy recommendations.</p>	<p>Policy implementation activities are managed by ICANN org. According to the PDP Manual, the Implementation Review Team, as agent of the GNSO Council, is to ensure that implementation conforms to the intent of policy</p>

	<p>“a detailed work plan identifying an updated realistic schedule to complete its work.” The GAC highlights with “continued concern that the Phase 1 Implementation Review Team (IRT) lacks a current published implementation timeline.”</p>			<p>recommendations. The GNSO Council is also closely monitoring the implementation of the EPDP Phase 1 policy recommendations to ensure that the Implementation Review Team (IRT) can complete its work in a timely manner. The GNSO Council maintains trust in the implementation process.</p> <p>The GNSO Council is in receipt of the Board's <a href="#">recent communication</a> regarding Recommendation 12 and is in the process of formulating its response. Additionally, the Council, via its EPDP Phase 1 IRT liaison, will keep the Council informed of updates related to Recommendation 7.</p>
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