Annex 1 - Board Resolution 2016.02.03.15

GAC Advice – Dublin Communiqué (21 October 2015): Actions and Updates
As of 3 February 2016

	GAC Register #	GAC Advice		Action/Update
1. SAFEGUARDS	2015-10-21 gTLD Safeguards : Current Round	The GAC advises and urges the Board to develop and adopt a harmonized methodology for reporting to the ICANN community the levels and persistence of abusive conduct (e.g., malware, botnets, phishing, pharming, piracy, trademark and/or copyright infringement, counterfeiting, fraudulent or deceptive practices and other illegal conduct) that have occurred in the rollout of the new gTLD program.		The Board accepts this advice and notes the ongoing work of the community, including the GAC, on developing a framework to help guide Registry Operators as they implement the requirement in the New gTLD Registry Agreement to "periodically conduct a technical analysis to assess whether domains in the TLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. Registry Operator will maintain statistical reports on the number of security threats identified and the actions taken as a result of the periodic security checks. Registry Operator will maintain these reports for the term of the Agreement unless a shorter period is required by law or approved by ICANN, and will provide them to ICANN upon request." To this end, a Framework Drafting Team was formed in July 2015. It is composed of 44 representatives from the GAC PSWG (9), Registries (30) and Registrars (5). The Registries and Registrars produced the first draft of a best practices Framework for the Drafting Team to review and provide feedback. In the spirit of mutual agreement, the group is working collaboratively together to with the view to ultimately publish a final draft Framework for public comment. The next steps are for the Drafting Team to discuss feedback, and once provided, and it is anticipated the Drafting Team will have an in person meeting during ICANN 55.

				Additionally, in the 18 October 2015 iteration of the GAC-NGPC Scorecard, the NGPC noted that the ICANN community is considering the issue of abusive domain names as part of the current exercise of assessing the New gTLD Program. The Scorecard lists the various reviews and metrics where this matter is being analyzed.
2. FUTURE ROUNDS	2015-10-21 Future gTLD Rounds	The GAC advises the Board that before defining the modalities for future rounds, a rigorous assessment of all public policy related aspects of the current round should be undertaken, taking into account the advice given by the GAC on this subject since the beginning of the New gTLD process, including advice relating to community-wide engagement on the issues of communication to and access by developing countries and regions; and advice regarding past policy decisions taken by the Board to reserve the Red Cross and Red Crescent designations and names. In this regard, the GAC expects that those elements of the current framework for new gTLDs that are considered appropriate by the GAC will remain and that the elements that are not considered satisfactory will be improved for subsequent rounds.		The Board accepts this advice and acknowledges that as part of the reviews and activities related to evaluating the New gTLD Program, there is an opportunity for rigorous assessment of the public policy related aspects of the current round of the Program. There are a number of reviews currently underway including, but not limited to, Rights Protection reviews, Program Implementation reviews, and Economic studies. Additionally, on 23 December 2015, ICANN announced the individuals selected to serve on the team that will review the New gTLD Program in relation to competition, consumer trust and consumer choice (CCT) as called for by ICANN's Affirmation of Commitments signed with the U.S. Department of Commerce. While there is a not a separate Public Policy review contemplated as part of the New gTLD Program reviews, the Board notes that public policy matters often arise in the discussion and analysis of specific topics, and are therefore considered an analyzed in the reports. The current status of all of the ongoing reviews is available here. The Board stands ready to receive input and advice from the GAC on public policy related aspects matters of Program reviews, in particular, as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or

				where they may affect public policy issues (see [ICANN Bylaws Art. XI, Sec. 2.1.a](#)).
3. IGO PROTECTIONS	[2015-10-21 Protection for IGOs](#)	The GAC advises the Board to facilitate the timely conclusion of discussions of the "small group" and the NGPC in an effort to resolve the issue of IGO protections.		On 16 July 2015, the "small group" of representatives of IGOs, the GAC and the NGPC met and outlined a draft proposal for dealing with the protection of IGO acronyms (the "Proposal"). The Proposal is under review and will be circulated to the GAC and the GNSO for review and consideration. As previously discussed, on 30 April 2014 the Board took action requesting additional time to consider certain GNSO consensus policy recommendations that differ from advice from the GAC to the Board with respect to protections for IGO names and acronyms, among other things. Subject to additional input received from the relevant parties about the Proposal, it is anticipated that the Board will need to consider whether or not to adopt the Proposal and to address any remaining open consensus policy recommendations from the GNSO on the topic.
4. COMMUNITY PRIORITY EVALUATION	[2015-10-21 Community Priority Evaluation](#)	The GAC advises the Board that: i. the GAC reiterates previously expressed concerns that the Community Priority Evaluation (CPE) process has not met the expectations of applicants and notes that all the successful applications are currently the subject of dispute resolution procedures; ii. the GAC expects the current specific problems faced by individual applicants to be resolved without any unreasonable delay, and in a manner in which justified community interests are best served; iii. the GAC notes possibly unforeseen consequences for community applicants of recourse by competing applicants to other		The Board acknowledges that the GAC continues to keep under review the community application process for new gTLDs. At the 20 January 2015 meeting of the ICANN Board Governance Committee (BGC), the BGC authorized the Ombudsman to proceed with his "own motion" investigation regarding issues of fairness around the transparency of the Community Priority Evaluation (CPE) process and applicants' ability to provide materials to the panel conducting the CPE process. The Ombudsman published his report on 13 October 2015, which is available for review at the following: https://omblog.icann.org/. Additionally, the Board notes that it previously provided input to the GNSO on suggested areas for

		accountability mechanisms; and the specific challenges faced by some community applicants in auctions when in competition with commercial applicants; iv. the GAC will take into account the final report of the ICANN Ombudsman on this issue when preparing the GAC's input into the GNSO's review of issues for improving procedures relating to community-based applications in the next gTLD round; and the Competition, Trust and Consumer Choice Review (CCT) under the Affirmation of Commitments.		possible policy development for subsequent rounds of the New gTLD Program. In its 24 November 2014 letter to the GNSO, the Board identified CPE and community applications as a topic that the Board believes would be appropriate for discussion in an evaluation of the current gTLD application around and for possible adjustments for subsequent application procedures. The Board notes that the Preliminary Issue Report on New gTLD Subsequent Procedures (31 August 2015) includes a discussion of community applications, taking note of the concerns raised by the GAC in various Communiqués. The Preliminary Issue Report is a precursor to the GNSO considering whether or not to undertake a policy development process. (See Section 4.4.5 of the Preliminary Issues Report). At its 17 December 2015 meeting, the GNSO Council adopted a resolution to initiate a PDP to consider and analyze issues discussed in the Final Issue Report on New gTLD Subsequent Procedures.
5. TWO-CHARACTER LABELS	2015-10-21 Use of 2-letter Country Codes and Country Names at the Second Level	The GAC notes that the process for considering comments for two-character letter/letter labels launched on the 6th October 2015 is not consistent with GAC advice which recommended that governments' comments be fully considered. That advice was accepted by Board resolution 2015.02.12.16. GAC Members have now been asked to clarify which specific TLDs their comments pertain to, and to explain how the release of the two-letter label will cause confusion with their corresponding country code. The GAC reiterates its advice on this issue and a. advises the Board that:		The Board has concerns with the GAC advice noting that the two-character comments consideration process launched on 6 October "is not consistent with GAC advice which recommended that governments' comments be fully considered." The process for evaluating comments states, "Comments will be reviewed and considered by ICANN in determining whether to authorize the release of requested Letter/Letter Two-Character ASCII Labels. ICANN will evaluate comments in light of the standard in the registry agreement…." Since the standard established in the registry agreement is confusion with the corresponding country code, comments will be evaluated against such standard. Comments not pertaining to confusion

		i. comments submitted by the relevant Governments be fully considered regardless of the grounds for objection.
		
		b. The GAC further advises the Board to:
		    i. be mindful of governments' capacity limitations and asks the Board to facilitate simplification of the process for providing comments to address their concerns.
		
		c. With respect to new requests for release, the GAC advises the Board to:
		    i. task ICANN to work with the GAC Secretariat to address the technical issues with comment forms and in the interim
		    ii. offer alternative means for comments.
			might be directed to other recourse mechanisms outside of the Authorization Process, such as the registry Abuse Point of Contact.
			
			The Board would like to clarify that all comments from relevant governments are fully considered under the current process. The Board has also taken into consideration input from the Registry Stakeholder Group expressed in its 9 November 2015 letter to the Board. As part of ICANN's consideration of submitted comments, staff has performed outreach to governments to seek clarification of comments previously submitted. This further demonstrates ICANN's ongoing consideration of comments received, regardless of the grounds for the comment. The Board stands ready to hear from the GAC if it has a different understanding or specific concerns about comments being "fully considered".
			
			With respect to governments' capacity limitations and working with the GAC Secretariat to address the technical issues with comment forms, the Board notes that staff held multiple webinars with members of the GAC to work through these issues and governments are continuing to submit comments via the Authorization Process.