GAC Advice – Hyderabad Communiqué: Actions and Updates (3 February 2017)
Board Resolution 2017.02.03.14

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
§1.a.I, Future gTLDs Policies & Procedures: Process and Timing	**The GAC advises the ICANN Board:** I. The GAC reiterates its advice contained in the Helsinki Communiqué concerning process and timing with regard to development of future gTLD policies and procedures.	The Board understands that the GAC's objective and rationale remains as stated in its Helsinki Communique. The Board understands further that the GAC is concerned the last round of the New gTLD Program be assessed prior to a launch of another round.	The Board accepts this advice and confirms that it will continue to monitor the work of the community regarding reviews of the current round of the New gTLD Program and the policy development work for subsequent rounds of the New gTLD Program.
§2.a.I, Mitigation of Domain Name Abuse	**The GAC advises the ICANN Board that:** I. To provide written responses to the questions listed in Annex 1 to this Communique no later than five weeks before the ICANN 58 meeting in Copenhagen.	The Board understands that the GAC requests responses to the Annex 1 questions no later than five weeks prior to the ICANN 58 meeting in Copenhagen.	The Board directs the ICANN CEO to provide the requested responses.
§3.a.I, Two-letter country/territory codes at the second level	**The GAC advises the ICANN Board to:** I. Clearly indicate whether the actions taken by the Board as referred to in the resolution adopted on 8 November 2016 are fully consistent with the GAC advice given in the Helsinki Communiqué.	The Board understands that the GAC seeks to understand if the Board considers the resolution adopted on 8 November 2016 to be consistent with the GAC Advice of the Helsinki Communique.	As mentioned during the ICANN Board meeting at ICANN 57, the topic of two-character domain names corresponding to country codes had been thoroughly examined over the past two years; at least five public comment periods on the topic as well as discussions with the Governmental Advisory Committee (GAC). As mentioned at the meeting, the Board examined the issue with respect to ICANN's mission, commitments and core values, and commented that the Board shared the GAC's concern that use of two-character strings corresponding to country codes should not be done in a way to deceive or confuse consumers. The Board's position is that the adopted resolution is consistent with the GAC's advice on the topic.
§3.a.II, Two-letter country/territory codes at the second level	**The GAC advises the ICANN Board to:** II. Always communicate in future the position of the Board regarding GAC advice on any matter in due time before adopting any measure directly related to that advice.	The Board understands that the GAC requests the Board communicate its position regarding GAC Advice prior to adopting resolutions pertaining to GAC Advice.	The Board will be implementing a new process for consideration and processing of GAC advice, starting with the ICANN 58 Copenhagen Communique. This process is intended to support greater clarity and improve collaboration.

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§4.a.I, Protection of IGO Names and Acronyms	**The GAC advises the ICANN Board:** I. To take action and engage with all parties in order to facilitate, through a transparent and good faith dialogue, the resolution of outstanding inconsistencies between GAC advice and GNSO recommendations with regard to the protection of IGO acronyms in the DNS and to report on progress at ICANN 58.	The Board understands that the GAC wishes to engage in a facilitated dialogue with the GNSO, desires the Board to encourage the GNSO to engage in the process, and requests that an update be provided to the GAC at ICANN58.	Based on the Board's understanding, the Board accepts this advice. We note that at ICANN58 the Board proposed that the GAC and the GNSO engage in a facilitated, good faith discussion to attempt to resolve the outstanding inconsistencies. This suggestion reflects the Board's wish, as expressed in its response to the GAC's Helsinki Communique, to facilitate a procedural way forward for the reconciliation of GAC advice and GNSO policy prior to the Board formally considering the substantive policy recommendations. The Board acknowledges that any outcome of any dialogue between the affected parties is conditioned on, and will be reviewed according to, the GAC's and the GNSO's own internal processes.
§4.a.II, Protection of IGO Names and Acronyms	II. That a starting basis for resolution of differences between GAC Advice and existing GNSO Recommendations would be the small group compromise proposal set out in the October 4, 2016 letter from the ICANN Board Chair to the GNSO, namely that ICANN would establish all of the following, with respect to IGO acronyms at the second level: • a procedure to notify IGOs of third-party registration of their acronyms; • a dispute resolution mechanism modeled on but separate from the UDRP, which provides in particular for appeal to an arbitral tribunal instead of national courts, in conformity with relevant principles of international law; and • an emergency relief (e.g., 24-48 hours) domain name suspension mechanism to combat risk of imminent harm.		The Board thanks the participants in the IGO small group that worked to produce the October 2016 proposal, which is likely to provide useful points for consideration as the GAC and the GNSO continue to work to resolve the remaining differences between GAC advice and GNSO policy recommendations. The Board acknowledges the ongoing GNSO's Policy Development Process regarding curative rights protections for IGOs and other organizations, and urges all parties to work towards a practicable and timely resolution of the outstanding issues.

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§4.a.III, Protection of IGO Names and Acronyms	III. That, to facilitate the implementation of the above advice, the GAC invites the GNSO Working Group on Curative Rights Protection Mechanisms to take the small group proposal into account.		The Board accepts this advice and notes that the GNSO Council has confirmed that the GNSO Working Group in question has reviewed the proposal.
§4.a.IV, Protection of IGO Names and Acronyms	IV. That, until such measures are implemented, IGO acronyms on the GAC provided list remain reserved in two languages.		Pending completion of the facilitated dialogue, temporary protections continue to remain in place. New gTLD Registry Operators continue to be required to reserve the IGO names and acronyms as per the "IGOList dated 22/03/2013".
§5.a.I, Protection of Red Cross/ Red Crescent/ Red Crystal Identifiers and names of national committees	**The GAC hence advises the ICANN Board to, without further delay:** I. Request the GNSO Council, as a matter of urgency, to re-examine and revise its PDP recommendations pertaining to the protection of the names and identifiers of the respective international and national Red Cross and Red Crescent organizations which are not consistent with GAC advice; and in due course	The Board understands that the GAC believes a separate facilitated discussion with the GNSO on this issue is appropriate, and the Board should provide any clarifications that the GNSO needs to enable the GNSO to consider possible amendments to its adopted policies.	The Board notes that in June 2014 the Board's New gTLD Program Committee had provided the GNSO with an update on the Board's work on this topic, which highlighted the possibility of the GNSO's amending its adopted policy recommendations regarding these Red Cross names and identifiers. The Board will continue to engage with the GAC and the GNSO on this topic, and provide any guidance that it believes appropriate while respecting the community's processes and the parties' good faith attempts to reach a resolution of the issue.
§5.a.II, Protection of Red Cross/ Red Crescent/ Red Crystal Identifiers and names of national committees	**The GAC hence advises the ICANN Board to, without further delay:** II. Confirm the protections of the Red Cross and Red Crescent names and identifiers as permanent.	The Board understands that the GAC wishes the Board to confirm the existing protections for Red Cross and Red Crescent names and identifiers are permanent.	The Board notes that the Bylaws prescribe the mechanisms by which Consensus Policies are developed by the community as well as the Board's scope for actions based on the community's consensus. As a temporary measure, the Board required New gTLD registry operators to reserve from registration the following identifiers of the Red Cross/Red Crescent: Second level names of the Int'l Committee of the Red Cross and Int'l Federation of Red Cross Societies, names of the 189 national societies (in English and associated national language), and the acronyms ICRC, IFRC,

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			CICR, FICR (in UN6); as identified in the GAC Register of Advice (see 2014-03-27-RCRC).
§6.a.I., Underserved Regions	I. Take required action to enable implementation of GAC Underserved Regions activities, including but not limited to capacity building and participation in ICANN policy processes.	The Board understands that the GAC wishes the Board to support the implementation of initiatives to support Underserved Regions.	The ICANN organization is helping the GAC Under-served Region and Public Safety Working Groups in organizing workshops to support capacity-building for diverse and efficient participation at GAC and in ICANN policy development processes in general. These workshops started in Africa in January 2017 and will take place in other underserved regions as appropriate and following the Under-served Region Working Group work plan. The Board looks forward to receiving the GAC's recommendations in order to enable inclusiveness and diversity amongst all stakeholders, especially in underserved regions.
§7.a.I., String Similarity Review	**The GAC advises the ICANN Board that:** I. The Board should apply the views expressed by the GAC in the letter from the GAC Chair of 28 September 2016 to the ccNSO Chair concerning the Extended Process Similarity Review Panel Working Group proposed guidelines on the second string similarity review process.	The Board understands that the GAC's views expressed in its September 2016 letter to the ccNSO Chair are to be considered GAC advice to the Board.	The Board understands that the GAC has provided comments to the ccNSO's Extended Process Similarly Review Panel Working Group, and looks forward to reviewing the final report after it has been submitted.
§8.a.I., Enhancement of mutual cooperation and understanding	**The GAC advises the ICANN Board to:** I. Engage in enhanced and more regular communication with the GAC and Supporting Organisations with a view to fostering better mutual understanding of each other and of procedures in the ICANN framework.	The Board understands that the GAC believes that communication processes between and among the Board and the broader community needs to be further improved.	The Board accepts this advice and will continue to look for ways to engage in more regular communication to foster better mutual understanding with the GAC and Supporting Organizations.
§8.a.II., Enhancement of mutual cooperation and understanding	**The GAC advises the ICANN Board to:**	The Board understands that the GAC seeks to continue regular communications with the Board to foster mutual understanding, to provide the	The Board accepts this advice. The Board will continue the practice implemented with the Helsinki and Hyderabad communiques to hold a meeting between the Board and the GAC

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	II. Engage in enhanced and more regular communication with the GAC with a view to foster mutual understanding of the nature and purposes of the GAC's advice on issues of public policy and related to international and national law, and also with a view to better understand the GAC's expectations and the Board's deliberations related to the implementation of GAC advice.	Board with a clearer understanding of the GAC's expectations and for the GAC to better understand the Board's deliberations pertaining to the implementation of GAC Advice.	approximately four weeks after a Communique is issued to ensure that the Board has a clear understanding of the GAC advice issued.
§8.a.III., Enhancement of mutual cooperation and understanding	**The GAC advises the ICANN Board to:** III. Make it a regular practice to schedule a post-Communiqué Board-GAC meeting to ensure mutual understanding of its provisions, either at the relevant ICANN meeting or in a call four weeks of a Communiqué being issued.	The Board understands that the GAC wishes to continue the practice of holding Board-GAC meetings to discuss GAC communiques within a reasonable amount of time following the issuance of such Communique.	The Board accepts this advice and reiterates its intentions described in 8.a.II
§8.a.IV., Enhancement of mutual cooperation and understanding	**The GAC advises the ICANN Board to:** IV. Consider publicly posting draft resolutions in advance of Board Meetings	The Board understands that the GAC requests that the Board consider publicly posting draft resolutions in advance of Board Meetings.	The Board has considered this advice. The Board continues to examine various ways to improve transparency of its processes. The Board has instituted an ongoing dialogue with the GAC, via regular calls to discuss the GAC Communiques. It is also the intent of the Board to provide the GAC with a scorecard reflecting its consideration of GAC advice, in advance of upcoming ICANN meetings. However, after due considerations, the Board does not deem it feasible, at this time, to publicly post draft resolutions in advance of Board Meetings.