

GAC Advice – Copenhagen Communiqué: Actions and Updates (12 June 2017)

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
§1.a.i, Protection of the Red Cross and Red Crescent designations and identifiers	<p>The GAC advises the ICANN Board to:</p> <p>I. Request the GNSO without delay to re-examine its 2013 recommendations pertaining to the protections of Red Cross and Red Crescent names and identifiers (defined as “Scope 2” names in the GNSO process) which were inconsistent with GAC Advice.</p>	<p>The Board understands that the GAC wishes that the Board request that the GNSO reexamine its 2013 recommendations relating to the protections of the Red Cross and Red Crescent names and identifiers identified as “Scope 2 Identifiers” within the GNSO “Final Report on Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process.”¹</p>	<p>The Board accepts this advice and has requested that the GNSO Council consider possible modifications to its 2013 recommendations relating to the protections of Red Cross and Red Crescent names and identifiers identified as “Scope 2 Identifiers” within the GNSO “Final Report on Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process.”² 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.</p>
§2.a.i, IGO Protections	<p>The GAC advises the ICANN Board to:</p> <p>I. Pursue implementation of (i) a permanent system of notification to IGOs regarding second-level registration of strings that match their acronyms in up to two languages and (ii) a parallel system of notification to registrants for a more limited time period, in line</p>	<p>The Board understands that the GAC wishes ICANN to implement a permanent system of notifications to IGOs regarding second-level registration of strings that match their acronyms in up to two languages. The Board understands that the GAC also wishes ICANN to implement a parallel system of notification to registrants for a limited time period in line with the</p>	<p>The Board takes note of this advice and has directed the ICANN organization to investigate the feasibility of implementing a system of notification to IGOs regarding second-level registration of strings that match their acronyms. The Board also notes that the IGO-INGO Access to Curative Rights Protection Mechanisms Policy Development Process (PDP) is ongoing. The Board awaits the results of the PDP, and will consider the PDP results and the findings of the ICANN organization regarding feasibility of IGO notifications as it</p>

¹ ICANN Generic Names Support Organization. 10 November 2013. “Final Report on Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process.” Retrieved from: <https://gnso.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf>

² ICANN. 16 March 2017. Adopted Board Resolutions | Regular Meeting of the ICANN Board. “Protections for Red Cross/Red Crescent Movement Identifiers in gTLDs.” Retrieved from: <https://www.icann.org/resources/board-material/resolutions-2017-03-16-en#2.e.i>

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	with both previous GAC advice and GNSO recommendations;	GNSO’s policy recommendations for such a notification system.	considers whether implementation of such a mechanism will be appropriate in all circumstances.
§2.a.II, IGO Protections	II. Facilitate continued discussions in order to develop a resolution that will reflect (i) the fact that IGOs are in an objectively unique category of rights holders and (ii) a better understanding of relevant GAC Advice, particularly as it relates to IGO immunities recognized under international law as noted by IGO Legal Counsels; and	The Board understands that the GAC requests that the Board continue to facilitate discussions between the GAC and the GNSO on this subject. The Board understands that the GAC wishes that the resolution to the issue of IGO acronym protections should reflect that IGOs are in an objectively unique category of rights holders. The GAC also wishes that the resolution reflect a better understanding of relevant GAC Advice, particularly as it relates to IGO immunities recognized under international law.	The Board accepts this advice and will continue to facilitate discussions between the GAC and GNSO on the subject of appropriate protections for IGO acronyms.
§2.a.III, IGO Protections	III. Urge the Working Group for the ongoing PDP on IGO-INGO Access to Curative Rights Protection Mechanisms to take into account the GAC’s comments on the Initial Report.	The Board understands that the GAC requests that the Board urge the GNSO PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms to consider the GAC’s comments on the PDP Working Group’s Initial Report (https://forum.icann.org/lists/comments-igo-ingo-crp-access-initial-20jan17/msg00023.html).	The Board notes that the GNSO PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms is considering the comments on its Initial Report which were submitted by the GAC and a number of IGOs on this subject.
§3.a.I, Mitigation of Domain Name Abuse	The GAC advises the ICANN Board to: I. provide written responses to the questions listed in the Follow-up	The Board understands that the GAC requests responses to the questions listed in the follow-up scorecard attached to the ICANN Copenhagen Communiqué.	The Board has directed the ICANN CEO to respond to the additional questions and engage in a separate dialogue with interested GAC members including the GAC Public Safety Working Group. The ICANN organization’s draft response was sent

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	<p>Scorecard attached to this Communiqué, no later than 5 May 2017 for appropriate consideration by the GAC before the ICANN 59 meeting in Johannesburg, taking into account that the ICANN President and CEO will act as contact point for the GAC in this matter.</p>	<p>However, based on the conversations during the Board-GAC call on 27 April 2017, the Board understands that the GAC would be agreeable to the ICANN CEO engaging in a separate dialogue with interested members of the GAC including the GAC Public Safety Working Group to address the GAC’s questions on DNS abuse and ICANN’s processes.</p>	<p>to the GAC Chair on 30 May 2017 (https://www.icann.org/en/system/files/correspondence/marby-to-schneider-30may17-en.pdf). The ICANN organization will discuss the draft response with interested members of the GAC before finalizing the response.</p>
<p>§4.a.I - §4.a.IV, 2-Character Country/Territory Codes at the Second Level</p>	<p>The GAC advises the ICANN Board to:</p> <p>I. Take into account the serious concerns expressed by some GAC Members as contained in previous GAC Advice</p> <p>II. Engage with concerned governments by the next ICANN meeting to resolve those concerns.</p> <p>III. Immediately explore measures to find a satisfactory solution of the matter to meet the concerns of these countries before being further aggravated.</p> <p>IV. Provide clarification of the decision-making process and of the rationale for the November 2016 resolution, particularly in regard to consideration of the GAC advice,</p>	<p>I. The Board understands that some GAC members have expressed serious concern relating to ICANN’s implementation of advice relating to 2-character country/territory codes at the second level.</p> <p>II. The Board understands that the GAC wishes that the Board engage with the specific governments that expressed concerns relating to ICANN’s implementation of advice relating to 2-character country/territory codes at the second level, and that this engagement should occur before ICANN59 Johannesburg. The Board understands that the GAC will provide a comprehensive list of countries that wish to be included in this consultation. The Board notes that scheduling these consultations to occur before</p>	<p>The GAC, in its Helsinki Communiqué, reiterated the need to minimize the risk of confusion between country codes and 2-letter registrations at the second level in new gTLDs, but also conveyed the absence of consensus within the GAC on specific measures needed to address the potential for confusion. The GAC advised the Board to “urge the relevant Registry or the Registrar to engage with the relevant GAC members when a risk is identified in order to come to an agreement on how to manage it or to have a third-party assessment of the situation if the name is already registered.” In response, ICANN affirmatively required Registries/Registry Operators to take specific mandatory steps to avoid confusion with respect to the 2-character labels, and also identified several voluntary measures that Registry/Registry Operators could consider. Finally, in keeping with the GAC Advice, ICANN urged Registries/Registry Operators to the relevant Registry or the Registrar to engage with the relevant GAC members when a risk is identified in order to come to an agreement on</p>

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	<p>timing and level of support for this resolution.</p>	<p>ICANN59 will be challenging, but the ICANN org will attempt to meet this timeline to the extent possible.</p> <p>III. The Board understands that the GAC wishes that once ICANN has engaged with the specific countries that have expressed concerns (referred to in §4.a.II of the Copenhagen Communiqué), the Board should immediately explore ways to address the concerns of the governments.</p> <p>IV. The Board understands that the GAC wishes that the Board provide clarification surrounding the decision-making process and rationale of the November 2016 resolution relating to release of 2-character country/territory codes at the second level. The Board understands that the clarification provided should address the Board’s consideration of GAC Advice in the decision-making process, the timing of the Board’s resolution, and the level of support for the resolution.</p>	<p>how to manage it or to have a third-party assessment of the situation if the name is already registered.</p> <p>Although ICANN has fully implemented the GAC’s Advice on this matter, the Board understands that some GAC members continue to feel that their concerns have not been addressed. Accordingly, the Board has directed the CEO to engage with concerned governments to listen to their views and concerns and further explain the Board’s decision-making process.</p>