

ICANN77 Readout – Highlights & Take-Aways from the Policy Forum: A Short Summary

On 12 July 2023, eco – Association of the Internet Industry and ICANN – Internet Corporation for Assigned Names and Numbers held a joint ICANN77 readout to summarise and discuss selected topics from the ICANN77 Policy Forum, which took place in The Washington D.C. from 12 to 15 June 2022. Speakers from different constituencies of the ICANN community provided an overview of the highlights and key takeaways of the ICANN77 meeting from their perspectives.

The ICANN77 readout was moderated by **Lars Steffen**, Director eco International, and was hosted by **Christopher Mondini**, Vice President, Stakeholder Engagement & Managing Director, Europe ICANN Org, and **Thomas Rickert**, Director Names & Numbers at the eco Association.

Reports from the constituencies were provided by:

- **Jordan Carter**, Vice Chair (Asia Pacific) of the ccNSO Council;
- **Sebastien Ducos**, Chair of the GNSO Council;
- **Philippe Fouquart**, Chair of the ISPCP (CSG);
- **Joanna Kulesza**, ALAC Vice Chair, At-Large Advisory Committee (ALAC) Leadership Team Member Poland, EURALO;
- **Rudy Nolde**, GAC, Representative of Germany

In commencing the readout, **Christopher Mondini**, representing the ICANN Org in Brussels, began by giving an overview of the recent ICANN meeting in Washington, DC. The event attracted over 1,100 on-site participants and 600 online participants from 108 countries or territories. Mondini highlighted the condensed format of the meeting, which focused on direct policy work rather than ceremonial aspects. The presence of past ICANN participants added to the positive atmosphere, particularly at the Community Networking Reception. Donna Austin received the Stakeholder Excellence Award for her significant contributions. Mondini also mentioned the ongoing search for an ICANN Chief Executive Officer, emphasising the complexity of the role and the possibility that the timeline could extend to 2024. Community input is being considered to ensure a thorough selection process.

Mondini concluded by expressing his enthusiasm for the upcoming presentations by community leaders and offered to answer any questions or provide additional information.

Thomas Rickert began by sharing some sad news about the loss of three active community members: Bill Graham, Cherie Stubbs and Pam Little. The Council passed a resolution in honour of Pam Little, and during an award ceremony for Donna Austin, Foley played traditional African songs dedicated to the lost friends, creating a touching moment.

Jordan Carter provided updates on various topics during the meeting. First, he discussed the progress of two Policy Development Processes (PDPs) in the ccNSO. The first PDP focused on addressing the issue of ccTLD retirement when a country ceases to exist or is removed from the ISO 3166 list. The second PDP dealt with appeals mechanisms for decisions taken by the IANA functions operator in order to preserve the independence of the ccTLDs. The appeals mechanism has been finalised and submitted to the Board for approval.

Next, Carter mentioned the ongoing work on IDN ccTLDs, which involves string selection, variant management, confusing similarity deselection, and review mechanisms. This work replaces the older Fast Track IDN ccTLD process. The group has almost completed its work and will seek support from the membership once finalised. He then turned to the issue of DNS abuse and the efforts of the ccNSO's DNS Abuse Standing Committee. They have created a knowledge base/repository for sharing information, best practices and comments related to DNS abuse within the cc community. In addition, a survey of ccTLD managers was conducted to gain insight into how they deal with abuse, although the response rate was lower than expected. Finally, Carter mentioned the ccNSO's Internet Governance Liaison Committee (IGLC), which organised a session focusing on cybersecurity legislation faced by registries in different jurisdictions. Presentations were made by registries from Canada, Vanuatu, Mozambique, Costa Rica and Slovenia. Carter concluded by noting the satisfactory attendance at the meeting and the re-election of the ccNSO officers, Alejandra Reynoso as Chair and Adebisi Oladipo as Vice-Chair, indicating that things are going well.

Sebastien Ducos provided updates on various topics during the discussion. He mentioned that the ccNSO and GNSO share a birthday and may be planning a joint party in Hamburg. He also discussed the collaboration between the two organisations on the IDN PDP (Internationalised Domain Name Policy Development Process) and efforts to align technical policies for different scripts. The ccNSO had resolved issues with the Greek script of .eu by considering it in parallel with the Latin script under the same registry operator, and they are exploring the possibility of applying a similar rule to the GNSO.

Regarding the Subsequent Procedures (SubPro), the Council was working with the Board on resolving 38 recommendations. Sebastien Ducos mentioned the importance of having a firm date for the next round of SubPro announced by the Board this year, allowing for better preparation and market outreach. The Council was also engaged in discussions related to DNS abuse, including contract amendments, and exploring the possibility of defining best practices through contracts. The topic of bulk registration was deferred to other forums due to time constraints. He also highlighted ongoing work on the Registration Data Access Protocol (RDAP) and the Request for Data Disclosure (RDRS) system. The RDRS was being simplified through a ticketed system, and the tool is under development, expected to be released to registrars in September or October. The goal was to encourage maximum participation and gather feedback on the system's functionality and effectiveness.

Overall, Sebastien Ducos expressed his appreciation for the support received from the policy team and ICANN leadership and emphasised the importance of early community engagement and information sharing.

Rudy Nolde, representing the Governmental Advisory Committee (GAC), shared the committee's perspective on various topics, including SubPro, contract amendments, facilitated dialogue on close generics, privacy and proxy services, registration data accuracy, data protection agreements, the registration data access system, and the registration data consensus policy. The primary role of the GAC is to provide advice to the Board from a government perspective. Nolde discussed the GAC's advice on the following issues:

1. **Predictability Framework:** The GAC advised the Board to ensure equitable participation in the proposed Standing Predictability Implementation Review Team, involving all interested ICANN communities on an equal basis. They emphasised the GAC's role in the process and advocated direct dialogue between the GAC, ICANN Org and the ICANN Board on GAC consensus advice.

2. **Registry Voluntary Commitments:** The GAC advised the Board to enforce clear contractual obligations for future commitments and to specify the consequences of failing to meet those obligations. They expressed concern about the risk of weak implementation and the lack of clarity in dispute resolution mechanisms, particularly in highly regulated sectors.
3. **Applicant Support:** The GAC recommended that ICANN specify plans to expand financial support and engagement with stakeholders in underrepresented or underserved regions prior to ICANN78. They also suggested that application fees and ongoing ICANN registry fees be substantially reduced or eliminated to support applicants from such regions, with the aim of achieving significant global diversification in the new gTLD programme.
4. **Auctions and Mechanisms of Last Resort:** The GAC advised the Board to avoid the use of auctions as a last resort in disputes between commercial and non-commercial applications. They suggested exploring alternative means of resolution, such as drawing lots, and strongly discouraging private monetary means of resolving disputes, including private auctions.

With regard to **DNS abuse** and contract negotiations, the GAC expressed its appreciation for the efforts of ICANN and the Contractual Parties to negotiate clear and enforceable contract amendments. They welcomed the information and clarity provided during the DNS abuse session at ICANN77, particularly regarding the consequences of non-compliance. The GAC found ICANN's guidance on DNS abuse helpful and encouraged registrars to be proactive in combating DNS abuse.

Nolde also mentioned the GAC's interest in a facilitated dialogue on closed generics. The GAC expressed doubts about compelling case studies and use cases for **closed generic TLDs** and the lack of operational definitions of concepts such as public interest. However, the GAC emphasised that no policy option, including the prohibition of closed generic gTLDs, should be taken off the table. They intend to elaborate on their position during the comment period and future processes.

In addition, the GAC discussed privacy and proxy services, emphasising **the prioritisation of accreditation issues and policy recommendations**. They requested regular updates on the status of these activities. The GAC also discussed the accuracy of registration data for law enforcement, cybersecurity investigations and other legitimate third-party interests. They remained committed to the work of the Accuracy Scoping Team and welcomed an update on plans to resume the work of the team. The GAC expressed its support for ICANN and the contracted parties in finalising data protection agreements, as these are critical to the progress of the scoping team and to obtaining feedback from European data protection authorities.

The GAC welcomed the upcoming launch of the **Registration Data Request Service (RDRS)** and stressed the importance of generating sufficient usage data during the test period. They highlighted the need for voluntary participation, effective outreach measures, and potential incentives. Regarding the registration data consensus policy, the GAC supported reducing the timeline for urgent requests to 24 hours but noted that certain public policy concerns remained unaddressed, such as the collection and availability of legal persons' data and the necessity of collecting and publishing reseller data.

Philippe Fouquart provided an update on the activities of the **Internet Service Provider Constituency (ISPCP)**. Discussions focused on ongoing policy activities within the Council, including the **revision of the Constituency Charter**, which is currently open for public comment. Fouquart encouraged

interested individuals to become members of the constituency, highlighting the opportunity to network with interesting people.

Fouquart also mentioned a **discussion with the Office of the CTO (OCTO)** about how ISPs can collaborate on technical work, particularly in areas such as DNS resolvers. They explored ways to improve collaboration without disrupting the process. Other topics discussed included the rebalancing of the NomCom, where the **composition of the Nominating Committee** is being revised based on input from various constituencies. Fouquart also mentioned an upcoming outreach event in Hamburg and ongoing efforts to appoint a director for the NCPH, which is part of the GNSO.

Turning to **closed generics**, Fouquart explained that these are TLDs with exclusive access to second-level domain names. He highlighted that after the first round of applications in 2012, which were initially required to be open, they were re-qualified as community applications. Last year, the Board approached the GNSO and GAC to address this issue. A small group worked for six months and developed a framework that was discussed at ICANN77. There is now a comment period for feedback on the framework, which focuses on application evaluation, delegation and fulfilment of commitments. The framework aims to be consistent with the existing programme, while incorporating specific elements for close generics. Fouquart emphasised the need for practical considerations in the evaluation and enforcement of commitments.

Fouquart concluded by expressing his **gratitude for the contributions made by ALAC and GAC** in a spirit of cooperation, even when disagreements arose. He stressed the importance of this positive approach for future endeavours.

Joanna Kulesza reported that the ALAC continues to be actively involved in policy development, prioritising applicant support, addressing DNS abuse, advocating for the end-user perspective, and seeking collaboration with other communities to enhance their outreach and coordination efforts.

During the intersessional period, the ALAC (At-Large Advisory Committee) actively participated in policy development and valued the opportunity to have their voices heard and engage with other communities. SubPro, the new round of applications, dominated discussions, with a particular focus on end-user perspectives. Applicant support, especially outreach to underserved regions, remained a top priority for the At-Large community. They discussed initiatives such as a pro bono programme and expressed consensus on the need for targeted outreach and support in these regions.

The ALAC also welcomed the introduction of **DNS abuse as a component of registry agreements** and had been engaged in related discussions. They expressed support for the proposed amendment and planned to submit a comment by the deadline. While they viewed DNS abuse as crucial for ensuring safe entry, they did not consider it a prerequisite for the new round of registrations.

With regard to **SubPro**, the ALAC held sessions focusing on the individual perspective and expressed concerns about private auctions. They felt that private auctions should be reconsidered and discussed the issue in dedicated sessions, with recordings available online. They also explored outreach and capacity building for redress mechanisms, with a view to coordinating actions with other communities, in particular the Public Safety Working Group.

The ALAC also looked at coordination between rallies and held a meeting on rail coordination with a focus on the upcoming Hamburg meeting. They looked for ways to synergise with different

communities to share the journey and lessons of the past 25 years leading up to the Hamburg meeting where At-Large will celebrate its anniversary.

Overall, the ALAC remained actively involved in policy development, prioritising applicant support, addressing DNS abuse, advocating for end-user perspectives, and seeking collaboration with other communities to enhance their outreach and coordination efforts.

In wrapping up the readout, **Thomas Rickert** noted that the public comment period for the treaty changes is still open, and Joanna was the last person to support these changes. Others are encouraged to submit public comments in favour of the amendments as they may seem small but will have a significant impact. The amendments aim to strengthen ICANN's ability to tackle DNS abuse and hold rogue players to account. In addition, eco is preparing for ICANN78 by organising various meetings, workshops and webinars, including a dedicated event on NIS2. Confirmation of participation has been sought from the European Commission and Finn Peterson, Chair of the GAC Coordination Group. Sponsorship opportunities are available, and it is hoped that everyone will come back to Hamburg for these events. The meeting concluded with thanks to the ICANN Community Panel and the technical support provided by Lars Steffen.