



Governmental Advisory Committee

GAC Communiqué – Seoul

I. INTRODUCTION

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Seoul, during 25 – 28 October, 2009.

58 members, including 2 remotely, 3 observers and one invited country, Russia, participated in the meeting.

The Governmental Advisory Committee expresses warm thanks to the Korean Internet & Security Agency and the Korean Communication Commission for hosting the meeting in Seoul and ICANN for supporting the GAC meeting.

II. IDN ccTLDs

The GAC takes note of the latest version of the Draft Implementation Plan prepared by ICANN staff and welcomes the progress made towards resolving a number of outstanding issues, raised by the GAC in previous meetings. The GAC also appreciates the briefings provided by ICANN staff both during and before the Seoul meeting.

The GAC welcomes the confirmation provided by ICANN staff that the delegation of IDN ccTLDs will not be contingent: upon any agreement between ICANN and the IDN ccTLD operator regarding the payment of fees for the processing of the application or annual cost contribution fees and that discussion on reaching agreement on fees expected by ICANN will, if necessary, continue after the delegation of the TLD.

The GAC also notes that the possibility of allowing for single character IDN ccTLDs and the treatment of variants are still two issues that have to be resolved, and would encourage ICANN to address these issues as a matter of urgency.

The GAC intended to adopt Principles on IDN ccTLDs but has been asked by members of the ccNSO to delay adoption to allow time for the ccNSO to offer comments. The Draft Principles are attached to this Communiqué (Annex A). The GAC invites the whole of the ICANN community to provide comments on the document ahead of the next meeting.

The GAC intends to adopt a final version during its next meeting.

III. New gTLDs

The GAC provided ICANN with extensive comments on the DAG version 2 in its letter to the Board dated 18th August. The GAC appreciates the reply provided by the Chairman of the Board on 22nd September. Following discussions in Seoul however, both between GAC members and with other stakeholders, the GAC feels that many of its concerns remain outstanding, related in particular to:

- the need to take full account of the security, stability and resiliency issues including those identified in the recent root scaling reports. These concerned the potential cumulative effects of changes resulting from the introduction and implementation of DNSSEC, IDNs, new gTLDs and IPv6;
- the importance of further economic studies to improve the community's understanding of all the costs, benefits and market impacts;
- the need for more effective protection of intellectual property rights;
- the ongoing discussions within the community regarding structural separation between registries and registrars, price caps and the potential impacts on competition in the DNS market;
- the need to explore track differentiation between categories;
- the need to respect national public interests and sovereign rights regarding strings with geographical meaning;
- the need to assist developing countries which would otherwise be constrained by their limited access to financial and technical resources.

In the expectation that a new draft of the Applicant Guidebook will be issued, the GAC does not intend to comment at this stage in detail on version 3.

The GAC therefore intends to provide more comprehensive comments to the Board before the next meeting in Nairobi.

IV. Affirmation of Commitments

The GAC welcomes the Affirmation of Commitments (AoC) as a positive step in the development and future of the DNS and its management.

The GAC endorses the focus of the AoC on the commitments, by ICANN, to ensure that decisions made related to the global technical coordination of the DNS are made in the public interest. That is in particular that they are transparent and accountable to the global community; preserve the security, stability and resiliency of the DNS; promote competition, consumer trust, and consumer choice in the DNS marketplace; and facilitate international participation in DNS technical coordination.

The GAC recognizes that it has a key role under the new agreement, not least given the emphasis in that agreement on the need for ICANN to act in the public interest, but also specifically in terms of the GAC's role in the formation of the review teams.

The GAC feels that the review process will be an important means to confirm that these commitments are being met. The GAC will also be following the implementation of these commitments closely.

The GAC notes the very tight timetable of the first review process and looks forward to an early engagement in the discussion on the methodology. The GAC has had an initial exchange of views and has not yet come to any conclusion as to the format of the review teams or this methodology. The GAC will provide its views in due course.

V. The ICANN Board / Governmental Advisory Committee (GAC) Joint Working Group (JWG) on the Review of the role of the GAC

The JWG held its first face-to-face meeting in Seoul. The JWG reviewed and agreed on its terms of reference (attached as Annex B). JWG members also began an exchange on several of the issues and priorities for consideration by the JWG. The next face-to-face meeting will be held at the ICANN Nairobi meeting.

VI. Briefings from SSAC and RSSAC

The GAC welcomes the detailed briefings from the SSAC, RSSAC and VeriSign on DNSSEC and the signing of the root, the Root Zone Scaling Study and SSAC advisory on the problems associated with the use of wildcards.

The GAC regrets that an assessment of the impact of changes to the root zone file was not made much earlier in the launching of initiatives such as new gTLDs, IDNs, IPv6 and DNSSEC. This has regrettably created a high degree of uncertainty. Moreover, many stakeholders have already made significant investments in respect to these initiatives. They have a legitimate right to expect a more predictable environment in which to make important investment and operational decisions which is not helped by the current uncertainty.

VII. Law enforcement briefings

The GAC received a briefing from representatives of law enforcement on domain name abuse by criminals. They provided a summary of their due diligence recommendations for ICANN to adopt in accrediting registries and registrars, which the GAC will consider.

VIII. Work Program 2010

The GAC identified the following priorities for 2010:

- implementation of the Affirmation of Commitments
- security, stability and resiliency of the DNS,
- the ICANN Board / Governmental Advisory Committee (GAC) Joint Working Group (JWG) on the Review of the role of the GAC
- follow-up to IDN ccTLD introduction under the fast track procedure and contribution to the IDN ccPDP,
- introduction of new gTLD,
- IPv4 depletion and deployment of IPv6

The work program is subject to review and will be adjusted as challenges arise.

IX. ICANN Meeting Preparation

As a result of difficulties experienced by the GAC in its efforts to coordinate contributions from law enforcement representatives with ICANN sessions on "Abuse of the DNS" in Seoul, the GAC urges ICANN to adopt a more streamlined approach to the planning process for each ICANN meeting. Specifically, the GAC recommends that ICANN adopt new procedures to facilitate coordination and early input from the Supporting Organizations and Advisory Committees in determining priority issues for discussion and for the scheduling of sessions, particularly those for broad Community participation, that meet the needs of the SOs and ACs. A mechanism should be created with deadlines for initial contributions from the SOs and ACs, with subsequent deadlines for any necessary amendments, that

would permit staff to develop a draft proposed composite agenda for review at least 6 weeks prior to each meeting. The GAC recommends that agendas be finalized 30 days prior to each meeting to permit all interested stakeholders to effectively prepare for their participation. GAC members undertake extensive consultations in national capitals, consistent with their obligations to promote and protect the public interest, which requires a longer lead time for meeting preparations.

X. Elections

Mr. Jayantha Fernando from Sri Lanka was re-elected to the position of Vice Chair. Ms. Maimouna Diop Diagne from Senegal and Ms. Heather Dryden from Canada were elected to the positions of Vice Chairs.

The decision is effective from the end of the first meeting of 2010.

The GAC thanks Mr. Bertrand de La Chapelle, from France and Ms. Manal Ismail, from Egypt, for their service in capacity of Vice Chairs and their outstanding contribution to the work of the GAC.

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The GAC warmly thanks all those inside and outside the ICANN community who have also contributed to the dialogue with the GAC in Seoul.

The next GAC meeting will be during the period of the ICANN meeting in Nairobi, Kenya.

Seoul, 28 October 2009

Draft GAC Principles on IDN ccTLDs

[FINAL VERSION 28 October 2009]

1. **General Principles** The main provisions of the GAC ccTLDs principles: "[*Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains*](#)" apply also for IDN ccTLDs. The current principles are intended to supplement the aforementioned principles insofar as non-ASCII ccTLDs are concerned.
2. The introduction and operation of IDN ccTLDs should not undermine the security and stability of the DNS. To this end, all actors, including TLD operators, ICANN and the relevant government should work together to ensure that the highest standards of TLD operation are achieved, taking account of best practices and internationally accepted technical standards where they exist.
3. All countries and distinct economies, listed in the International Standard ISO 3166-1¹ have equal rights to creating IDN ccTLDs that reflect their languages and scripts.
4. Ultimate public policy authority over the IDN ccTLD(s) of a country or distinct economy rests with the government or relevant public authority. How this authority is exercised, is determined by applicable law.
5. On receipt of an IDN ccTLD application, ICANN should ensure that either the proposal has the support of the Government or relevant public authority or that the Government or relevant public authority raises no objections to the application. In the event that such confirmation is not obtainable, ICANN should desist from the introduction of the proposed IDN ccTLD until such confirmation is obtained.
6. The number of IDN strings per territory should reflect the cultural and linguistic characteristics of the community concerned. A limit on the number of IDN strings per territory may only be considered if there are reasons to believe that some form of limitation on the

¹ Codes for the representation of names and countries and their subdivisions – Part 1: Country Codes. The exception to this requirement is the additional eligibility of the European Union, which has an exceptionally reserved code designated by the ISO 3166 Maintenance Agency
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overall size of the root zone file is necessary to preserve the stability of the DNS. If a limit is to be introduced, this should be done in agreement with the government or relevant public authority of the territory concerned, and adequate justification for such a limit should be made clear beforehand in order for territories to establish their priorities properly.

7. It is anticipated in most cases that the Government or relevant public authority will decide that one IDN ccTLD per script will be sufficient, but it should also be borne in mind that within some countries and distinct economies different scripts are in use and, in some cases, the same script is used in a number of widely used languages. In these cases the Government or relevant public authority may determine that more than one IDN ccTLD is necessary.

IDN ccTLDs Strings

8. It is anticipated that an IDN ccTLD string will normally:
 - be shortest meaningful representation of the name of the territory
 - not be restricted to a fixed length, its maximum length being set by the prevailing technical standards with stability, security, integrity and usability in mind
9. Given the different form that IDN ccTLDs will take and the absence of an equivalent of the ISO 3166-1 list used for ASCII ccTLDs, the experience of relevant international organizations² should be taken into account.
10. Only the Government or the relevant public authority of the country or distinct economy concerned, representing all relevant stakeholders within its jurisdiction, can provide authoritative advice to ICANN on the legitimacy of any application for an IDN ccTLD.
11. An IDN ccTLD string that refers to a specific country or distinct economy, even if unapplied for, should be reserved for it.

IDN ccTLDs Scripts

12. Nobody has property rights over a script. Some scripts are commonly used to write more than one language and should be available to be used for IDN ccTLD purposes in each of those languages.
13. It is recommended that each language community develop one language table for its script. Language tables, after elaboration,

² Example, UN Conference on the Standardization of Geographic Names, UNESCO and ITU GAC Communiqué—Seoul

should be deposited with IANA and posted for public use by any registry with no restriction in any sense.

14. The latest available version of Unicode in use should be complete, including all scripts, and constantly upgraded with newer versions to help include maximum character sets of any language and ensure a strong and dynamic variant table to handle security issues.

Stakeholders

15. Relevant actors for international coordination include:
 - Concerned governments
 - Relevant international organizations within their respective mandates
 - Standardization bodies
 - Language experts
 - Language communities and local users
 - ICANN SOs/ACs
 - ISOC (chapters)
 - IETF
 - Unicode consortium
16. All relevant actors should participate in a public and inclusive consultation process, at the international level, and work towards evolving a consensus for IDN ccTLDs formulation from the point of view of technical and operational stability, security as well as addressing public-policy issues.

Introduction and Delegation of IDN ccTLDs

17. Procedure for delegation of an IDN ccTLD should follow GAC ccTLDs principles: [*"Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains"*](#).
18. A mandated list / reference table of strings representing the IDN ccTLDs of countries and distinct economies, as listed in the ISO 3166-1³, would facilitate management and would ensure predictability of the IDN ccTLD system.
19. Competing or confusingly similar requests should be dealt with on a case by case basis and resolved in consultation with all concerned stakeholders.

³ Codes for the representation of names and countries and their subdivisions – Part 1: Country Codes. The exception to this requirement is the additional eligibility of the European Union, which has an exceptionally reserved code designated by the ISO 3166 Maintenance Agency
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20. Policies for dealing with multiple applications, objections to applications or disputes that are currently applied for ASCII ccTLDs should be equally applied to IDN ccTLDs.
21. The decision regarding whether an existing ASCII ccTLD manager should also be the operator of a corresponding IDN ccTLD is a matter to be decided by the national/local Internet community, including the government or relevant public authority, subject to applicable legislation. In cases of dispute, ICANN should seek authoritative advice from the government or relevant public authority.
22. There should be some form of transparent communication as appropriate between ICANN and any IDN ccTLD registry to define their respective roles and responsibilities.

Annex B

Terms of Reference Joint Working Group (JWG) on the Review of the Role of the GAC

This joint working group was established to conduct a review of the role of the GAC within ICANN, in accordance with the ICANN Board of Directors resolution at its 26 June 2009 meeting in Sydney, Australia (Annex B.1), and the GAC Communiqué from the GAC meeting in Sydney in June 2009 (Annex B.2). This action was prompted by the report of the President's Strategy Committee in March 2009 and Annex A of the Affirmation of Responsibilities, *Joint Project Agreement (JPA)*, item 7 (Annex B.3).

Membership of the JWG

1. ICANN Board. The ICANN Board has appointed the following Board Members to the JWG, and has named a Board co-chair:

Raimundo Beca
Ram Mohan
Ray Plzak, co-chair
Jean-Jacques Subrenat
Katim Touray

2. GAC. The GAC will participate in an open-ended manner and has named a GAC co-chair: Heather Dryden, Canadian GAC representative

Background

The Governmental Advisory Committee was established by Section 2, paragraph 1 of Article XI of the ICANN bylaws. Specific activities of the GAC are described in sub-paragraphs a and f through k and the GAC Operating Principles, dated 5 April 2005

Meetings

The JWG shall hold open face-to-face meetings and provide an opportunity for community input. Intersessional teleconferences will also be held, so that the JWG can accomplish its objectives.

Engagement with the ICANN community

The joint working group shall ensure that the ICANN community is engaged in a fully consultative process, including via open joint working group face-to-face meetings, providing an opportunity for community input and shall determine any additional measures in such a manner and time in order to support its ability to complete its other objectives by their established completion dates

Objectives

The JWG shall produce a final report on the review of the role of the GAC containing analysis as well as recommendations, as appropriate, to the ICANN Board, no later than the Brussels meeting in June 2010, on the objectives listed below.

The JWG shall maintain the flexibility to produce analysis and/or recommendations on particular items, as appropriate, to the ICANN Board ahead the final report.

Objective 1 GAC advice to the Board

ICANN Bylaws Article XI, Section 2, Paragraphs 1i through 1k provide for the interaction between the Board and the GAC regarding advice. The GAC Operating Principles provide implementation details that have been adopted by the GAC regarding advice to the ICANN board.

The joint working group shall:

identify any GAC and/or Board processes that exist to accomplish this task, the nature of each process, the effectiveness of each, and whether improvements shall be made to any of these processes, or if any should be discontinued, or if any should be established.

Objective 2 GAC liaisons to the ICANN Board and Nominating Committee

ICANN Bylaws Article XI, Section 2, Paragraph 1f provides for the establishment of a liaison from the GAC to the ICANN Board and the ICANN Nominating Committee.

The joint working group shall:

analyze the mode of operation of these liaisons, including in comparison to other liaison arrangements, as well as the effectiveness of their operation, and whether improvements can or should be made...

Objective 3 GAC liaisons to the ICANN Supporting Organizations and Advisory Committees

ICANN Bylaws Article XI, Section 2, Paragraph 1g provides for the establishment of liaisons from the GAC to ICANN Supporting Organizations and other ICANN Advisory Committees.

The continued evolution of ICANN and its policy development processes has further led to an increased focus on the nature of GAC interaction with other parts of the ICANN community.

The joint working group shall:

identify each of the liaisons, analyze the mode of operation of each of these liaisons, the effectiveness of their operation, and whether improvements can or should be made to facilitate GAC work with ICANN Supporting Organizations and other ICANN Advisory Committees.

examine the effectiveness of GAC interaction with other parts of the community, particularly related to ICANN's policy development processes, and whether improvements can be made to these arrangements.

Objective 4 Support of GAC activities

The ICANN board asks the group to consider measures to enhance support of the GAC's work including interpretation of meetings, translation of documents, and extension of travel support for GAC members from the Least Developed Countries, and remote participation at GAC meetings

The joint working group shall:

consider the role of ICANN staff in supporting the current and future needs of the GAC (including briefings, access to third party advice, collaboration tools, facilitation of face-to-face meetings) as a priority. Experience with regard to the support provided by ICANN to other advisory committees and supporting organizations shall be drawn upon.

identify measures that could enhance the support of the GAC's work, taking into account cost factors for the measures, identify implementation parameters, and identify any operating processes or procedures that would be required to implement the measures.

Objective 5 Ways for governments to be informed about ICANN

The ICANN board asks the group to propose better ways for governments to be informed about ICANN.

The joint working group shall:

identify measures and means that improve the ways for governments to be informed about ICANN, particularly those governments currently not participating in the GAC, and identify any operating processes or procedures that would be required to implement the measures.

Objective 6 GAC interaction with the ICANN Board and community

The ICANN board asks the group to propose better ways for enhanced opportunities for the GAC to interact with the ICANN Board and community.

The joint working group shall:

identify exemplar means and methods for GAC to interact with the ICANN Board and community and to contribute at the earliest opportunity to the Policy Development Processes.

Annex B.1

EXTRACT of the resolution by the ICANN Board of Directors regarding the creation of the Joint Board-GAC working group, at its meeting in Sydney, June 2009

“8. President's Strategy Committee's Recommendations on Improving Institutional Confidence: The Way Forward

Whereas, the President's Strategy Committee ("PSC") was established in 2006 to advise the President and the Board on strategic issues facing ICANN.

Whereas, during the Midterm Review by the National Telecommunications and Information Administration in February 2008 of the Joint Project Agreement, the PSC was identified by ICANN's Chairman, Peter Dengate Thrush, as the group to facilitate discussions with the community about the issues raised regarding ICANN's planned transition to the private sector.

Whereas, the PSC was asked to outline a plan for developing a transition framework.

Whereas, the PSC conducted several public meetings around the world and ran two online consultations on successive drafts of its documents.

Whereas, the PSC delivered a draft Implementation Plan on Improving Institutional Confidence to the Board at ICANN's Mexico City meeting in March 2009.

Whereas, at the Board meeting on 6 March 2009, the Board thanked the PSC for its work and posted the report for public comment for 60 days.

Whereas, the Board resolution also directed staff to evaluate implementation of the proposals and report its findings to the Board.

Whereas, "Improving Institutional Confidence: The Way Forward," a set of proposed staff implementation recommendations was published on 1 June 2009 <<http://www.icann.org/en/announcements/announcement-2-01jun09-en.htm>> for community review.

Whereas, a range of community feedback has been received throughout the Sydney ICANN meeting.

Whereas, the Governmental Advisory Committee has proposed a joint Board-GAC working group to initiate a process to consider the role of the GAC within ICANN.

Whereas, the Board has reviewed the recommendations mentioned below from the PSC and considered the public input offered on the recommendations, the

consequent staff recommendations and the GAC communiqué of the Sydney meeting.

Resolved (2009.06.26.23), the Board resolves to:

1. Establish a Board-GAC joint working group to review the GAC's role within ICANN and ask this working group to also engage the ICANN community in a fully consultative process on GAC's role within ICANN. ("Improving Institutional Confidence: The Way Forward," Appendix A, Recommendation 1.6) Invite the GAC to nominate a Co-Chair of the joint working group, and request the BGC to nominate five directors, one of whom to serve as Co-Chair, to serve on the joint working group by 31 July 2009.

2. Request the Board-GAC joint working group to consider measures to enhance support of the GAC's work, including interpretation of meetings, translation of documents, extension of travel support for GAC members from the Least Developed Countries, and remote participation at GAC meetings. (1.6.1, 1.6.3)

3. Request the Board-GAC joint working group to propose better ways for governments to be informed about ICANN and for enhanced opportunities for the GAC to meet with the ICANN Board and community. (1.6.2)”

END OF EXTRACT

Annex B.2

EXTRACT from the GAC Communiqué from its Sydney Meeting in June 2009.

“IV. Role of the GAC

The GAC has held productive discussions during the Sydney meeting on its role, and looks forward to an early opportunity to initiate a joint process with the Board on this important topic in accordance with the Board’s commitment in the Affirmation of Responsibilities in the Joint Project Agreement. The GAC proposes a joint working group for this purpose.”

END OF EXTRACT

Annex B.3

EXTRACT From Annex A: Affirmation of Responsibilities, *Joint Project Agreement (JPA)*, item 7:

“7. Role of Governments: ICANN shall work with the Government Advisory Committee Members to review the GAC’s role within ICANN so as to facilitate effective consideration of GAC advice on the public policy aspects of the technical coordination of the Internet.”

END OF EXTRACT