GNSO REVIEW OF THE GAC COMMUNIQUE[1] - GAC Buenos Aires 2015 Communique

GAC Advice - Topic	GAC Advice Details	Does the advice concern an issue that can be considered within the remit[2] of the GNSO (yes/no) *If yes, is it subject to existing policy recommendations, implementation action or ongoing GNSO policy development work?*	*How has this issue been/is being/will be dealt with by the GNSO*
1. gTLD Safeguards	1. The GAC recommends that the NGPC: Create a list of commended public interest commitment (PIC) examples related to verification and validation of credentials for domains in highly regulated sectors to serve as a model. These public interest commitments could demonstrate a best practice for other gTLD registry operators. For example the PIC for .bank appears to have taken steps to provide confidence to consumers that they can rely on the *bona fide* of the Registrants listed. Relevant stakeholders should be identified and encouraged to devise a set of	Yes Existing: new gTLD Policy (see http://gnso.icann.org/en/group-activities/inactive/2007/new-gtld-intro) New gTLD Subsequent Rounds Preliminary Issue Report (see http://gnso.icann.org/en/council/resolutions#20150624-4)	The GNSO Council requested a Preliminary Issue Report on new gTLD Subsequent Rounds which is the first step in a GNSO Policy Development Process. The Preliminary Issue Report is expected to analyze subjects that may lead to changes or adjustments for subsequent New gTLD Procedures. Questions related to the PICs that were identified by the GNSO Discussion Group on new gTLD subsequent rounds as needing to be addressed are: • Base contract: Perform comprehensive review of the base contract, including investigating how and why it was amended after program launch, whether a single base contract is appropriate, whether Public Interest Commitments (PICs) are the right mechanism to protect the public interest, etc. • Global public interest: Existing policy advice does not define the application of "Public Interest"

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1 Only "Section VI of the Communiqué: GAC Advice to the ICANN Board"

[2] As per the ICANN Bylaws: 'There shall be a policy-development body known as the Generic Names Supporting Organization (GNSO), which shall be responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.

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	PICs that work well for the protection of public interests in each of the new gTLDs related to highly regulated sectors.		analysis as a guideline for evaluation determinations. Consider issues identified in GAC Advice on safeguards, public interest commitments (PICs), and associated questions of contractual commitment and enforcement. The global public interest should be constrained to the context of ICANN's limited technical coordination role, mission and core values.
	The GAC additionally recommends: i. that the ICANN community creates a harmonised methodology to assess the number of abusive domain names within the current exercise of assessment of the new gTLD program. ii. that the NGPC clarifies its acceptance or rejection of Safeguard advice. It would be useful to develop a straightforward scorecard on all elements of GAC Safeguard advice since the Beijing 2013 GAC Communiqué in order to	Yes (in relation to i) Existing: new gTLD Policy (see http://gnso.icann.org/en/group-activities/inactive/2007/new-gtld-intro) New gTLD Subsequent Rounds Preliminary Issue Report (see http://gnso.icann.org/en/council/resolutions#20150624-4)	The GNSO Council requested a Preliminary Issue Report on new gTLD Subsequent Rounds which is the first step in a GNSO Policy Development Process. The Preliminary Issue Report is expected to analyze subjects that may lead to changes or adjustments for subsequent New gTLD Procedures. One of the questions that the Preliminary Issue Report is expected to address is: Competition, consumer trust, and consumer choice: Did the implementation meet or discourage these goals?

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	clarify what elements of GAC advice have been implemented, what remains a work in progress, and what has not been accepted for Implementation. In any instances of complete or partial rejection of the Advice, the GAC urges the NGPC to clarify the milestones intended to be followed in order to seek a potentially "mutually acceptable solution" as mandated by ICANN's Bylaws.		

| 2. Protection for Inter‑‑‑Governmental Organisations (IGOs) | Consistent with previous GAC advice in previous Communiqués regarding protection for IGO names and acronyms at the top and second levels, the GAC takes note of the progress made by the informal "small group" towards developing mechanisms in line with previous GAC advice, and calls upon the small group to meet in the near term with a view towards developing a concrete proposal for these mechanisms before the next ICANN meetings in Dublin; and welcomes the preventative protections that remain in place until the implementation of permanent mechanisms for protection of IGO names and acronyms at the top and second levels. | Yes

Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process (see http://gnso.icann.org/en/group-activities/active/igo-ingo)

IGO-INGO Access to Curative Rights Protection Mechanisms Policy Development Process (http://gnso.icann.org/en/group-activities/active/igo-ingo-crp-access) | The GNSO Council unanimously approved the IGO-INGO Identifiers in all gTLDs PDP WG's consensus recommendations at its 20 Nov 2013 meeting. As requested by the Board, the NGPC developed a proposal taking into account the GNSO's recommendations and GAC advice in March 2014. In April 2014 the Board voted to adopt those of the GNSO's recommendations that are not inconsistent with GAC advice received on the topic.

On 18 June 2014 the NGPC sent a letter to the GNSO Council requesting that the GNSO contemplate initiating a process to consider possible modifications to its remaining recommendations, per the PDP Manual. The GNSO Council held a discussion with Chris Disspain at its 5 September 2014 meeting and sent a letter on 7 Oct 2014 to the NGPC seeking confirmation and input about the most appropriate forms of protection for IGO acronyms and Red Cross Society names. At the ICANN51 meeting in LA the NGPC adopted a resolution to temporarily reserve the RCRC National Society identifiers until the differences between the GNSO Recommendations and the GAC Advice have been reconciled. Staff is currently working on implementing this resolution, with assistance from the Red Cross. A response from the NGPC to the Council's letter was received on 15 January 2015 noting that discussions are ongoing. The Council is likely to await further and more definite information from the NGPC before taking any further action on this point. |

			In relation to curative rights, based on the recommendation of the IGO-INGO PDP Working Group, the GNSO Council resolved to initiate a PDP and chartered a WG in June 2014. The WG has made considerable progress in its Work Plan and is focusing its attention on IGOs, as it has preliminarily determined that INGOs do not appear to require additional protections. The WG has reached a preliminary conclusion on the issue of standing and is currently discussing immunity for IGOs within the construct of rights protection mechanisms. Via Mason Cole (GAC-GNSO liaison) and with the approval of the GNSO Council, the WG sent a set of proposed questions stemming from the GAC's Los Angeles communiqué to the GAC, to facilitate further GAC early engagement in this PDP. Similarly, a set of questions for IGOs was also sent in December 2014. A response from the IGOs was received in mid-January, which the WG has reviewed. The WG received feedback from the GAC in late April. The GNSO Council approved an amendment to the WG charter in April, to facilitate greater flexibility in developing substantive eligibility criteria for IGO protections. The WG has sent a follow up set of questions to the IGOs on the issue of IGO immunity, and hopes that further engagement with the GAC and IGOs will help facilitate its concluding its work by the Dublin meeting.

3. Accountability and Transparency Review Team 2 (ATRT2)	The GAC confirmed the status of its implementation of GAC---related ATRT2 recommendations as conveyed to the Board in its letter of 8 May 2015, noting that work in several areas is ongoing as a process of continuous improvement. With regard to recommendation 6.8, the GAC agreed on guidelines for engaging governments and for coordination between the GAC and the ICANN Global Stakeholder Engagement staff.	No	

| 4. Community Priority Evaluation | The GAC continues to keep under review the community application process for new gTLDs, noting that it does not appear to have met applicant expectations. The GAC looks forward to seeing the report of the ICANN Ombudsman on this matter following his current inquiry and will review the situation at its meeting in Dublin. | Yes

Existing: new gTLD Policy (see http://gnso.icann.org/en/group-activities/inactive/2007/new-gtld-intro)

New gTLD Subsequent Rounds Preliminary Issue Report (see http://gnso.icann.org/en/council/resolutions#20150624-4) | The GNSO Council requested a Preliminary Issue Report on new gTLD Subsequent Rounds which is the first step in a GNSO Policy Development Process. The Preliminary Issue Report is expected to analyze subjects that may lead to changes or adjustments for subsequent New gTLD Procedures. A questions related to the Community Priority Evaulation that were identified by the GNSO Discussion Group on new gTLD subsequent rounds as needing to be addressed is:
• Community applications: Was the overall approach to communities consistent with recommendations and implementation guidance? Did the Community Priority Evaluation process achieve its purpose and result in anticipated outcomes? Were the recommendations adequate for community protection? |