GNSO COUNCIL REVIEW OF THE BARCELONA GAC COMMUNIQUE[1]

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. Two-Character Country Codes at the Second Level	a. The GAC advises the Board to: i. Explain in writing how and why it considers it is implementing GAC advice on the release of country codes at the second level and ii. Explain in writing whether its Resolution of 8 November 2016 and its change from the preexisting release process (indicated in specification 5. 2 of the Registry Agreement, sentence 1) to a new curative process (under sentence 2) are compatible with GAC advice on this topic, or whether it constitutes a rejection of GAC advice. The GAC advises the Board to set out its explanation in writing by 31 December 2018.	yes	yes	This topic has been a subject of a number of GNSO Council Reviews of prior GAC Communiques: ● Dublin (December 2015): pp.9-11 ● Helsinki (July 2016): pp.5-6 ● Hyderabad (December 2016): p.3 ● Copenhagen (April 2017): pp.7-8 ● Panama (July 2018): pp.6-8 While the GNSO Council is of the view that ICANN has fully implemented the GAC's Advice on this subject matter,

[1] Only of "Section V" 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.

	Previous GAC advice on this matter stands. iii. Ensure that its direction to the ICANN CEO to "engage with concerned governments to listen to their views and concerns and further explain the Board's decision making process" (Board Resolution 2017.06.12.01) is fully implemented including direct engagement with those governments in order to fully address their concerns. RATIONALE This advice is adopted to support and oversee implementation by the Board of existing GAC Advice on the matter, including calling upon the Board to work towards resolution of countries concerns relating to the release of country codes as a result of the withdrawal of the release process in 2016.			some GAC members continue to feel that their concerns have not been addressed. Thus, the Council supports the GAC's advice regarding ICANN Board's direction to ICANN CEO to "engage with concerned governments to listen to their views and concerns and further explain the Board's decision making process".
2. IGO Protections	a. The GAC advises the Board to: i. facilitate a substantive, solutions-oriented dialogue between the GNSO and the GAC in an effort to resolve the longstanding issue of IGO protections, on which it reaffirms	yes	Yes, the PDP on IGO-INGO Access to Curative Rights Protection Mechanisms completed and delivered its Final Report to the GNSO Council on 9 July 2018 and the Council has accepted the Final Report at the Council	This topic has been a subject of a number of GNSO Council Reviews of prior GAC Communiques: ● Buenos Aires (July 2015): pp.4-5 ● Dublin (December 2015): p.6

	its previous advice, notably with respect to the creation of a curative mechanism and maintenance of temporary protections. RATIONALE The GAC understands that the GNSO has decided at this stage to not vote on the final report for the PDP on IGO-INGO Access to Curative Rights Protection Mechanisms, which adopted recommendations in direct conflict with longstanding GAC advice. Noting the positive advancements achieved to bridge the gap between GNSO and GAC advice on identifiers for the Red Cross, the GAC remains optimistic that a substantive dialogue with the GSNO could help both sides better understand the issues at play and reach a lasting solution that can provide IGOs with GAC-advised protections for their acronyms while addressing the concerns of the GNSO.		meeting on 19 July 2018.	• Helsinki (July 2016): pp.7-8 • Hyderabad (December 2016): pp.4-6 • Copenhagen (April 2017): pp.2-5 • Johannesburg (July 2017): pp.1-4 • Abu Dhabi (November 2017): pp.1-7 • San Juan (May 2018): pp.7-8 • Panama (July 2018): pp.3-5 A special webinar (Q&A) was held on 9 October 2018 when the GNSO Council also discussed the following questions: 1. What questions/topics was the Working Group chartered to consider? 2. Did the Working Group consider those charter topics/questions, and did it do so in a legitimate way? 3. Has the Working Group followed due

				process? 4. What were the process issues (if any) encountered by the Working Group? 5. Did the Working Group address GAC advice on this topic? During ICANN63 on 21 October 2018, a letter from the GAC was received by the GNSO Council asking the Council to consider a deferral of its decision on the working group's final recommendations "until a dialogue between GAC and GNSO Council has been conducted". During the GAC/Council session on 21 October 2018, the Council sought further details or specific concerns from IGOs/the GAC on the working group's recommendations and, in response, WIPO provided some high level comments https://mm.icann.org/pipermail/council/2018-

				October/021933.html. In light of the various discussions that took place at ICANN63, the motion to approve the working group's Final Report at GNSO Council meeting on 24 October 2018 was withdrawn to enable the Council to continue discussions and consider options and appropriate next steps.