

04 August 2021

RE: Status of GAC Advice in the Action Request Register (ARR)

Manal Ismail  
Chair, Governmental Advisory Committee (GAC)

Dear Manal,

In follow-up to the 1 June 2021 Board-GAC Interactions Group (BGIG) meeting, the Board is issuing the latest report of the status of advice issued by the GAC as it appears in the Action Request Register (ARR). The Board has previously issued such reports on [10 September 2019](#) and [8 June 2020](#).

Additionally, on 12 May 2021, the Board [considered](#) the ICANN70 GAC Virtual Community Forum Communiqué and adopted the [scorecard](#) titled "GAC ICANN70 Virtual Community Forum Communiqué: Actions and Updates (25 March 2021)".

The Board has also received the [ICANN71 Virtual Policy Forum Communiqué](#) and acknowledged the Communiqué in a [letter](#) dated 30 June 2021.

Below is a table reflecting the status of GAC advice in the ARR. Detailed status on the items can be found in the [appendix](#) of this letter, including notations for any changes in an item's phase or actions taken on the advice (highlighted in yellow). Please also find information on the status of GAC advice on the ARR webpage here: <https://features.icann.org/board-advice/gac>. The webpage contains a report with details on all GAC advice items: <https://www.icann.org/board-gac-advice-status-current.xlsx>.

**Table 1. Breakdown of GAC Advice in ARR Phases**

| Phase   | Consensus Advice Items | Follow-up Items |
|---|------------------------|-----------------|
| Phase 1   Receive & Publish                       | 1                      | 3               |
| Phase 2   Understand                              | —                      | —               |
| <a href="#">Phase 3   Evaluate &amp; Consider</a> | 17                     | —               |
| <a href="#">Phase 4   Implement</a>               | 5                      | —               |
| <a href="#">Phase 5   Close Request</a>           | 4                      | —               |
| <a href="#">Closed since Last Update</a>          | 6                      | 3               |
| <i>Previously Closed</i> <sup>1</sup>             | <b>29</b>              | <b>4</b>        |
| <i>Total Items in the ARR</i> <sup>2</sup>        | <b>199</b>             | <b>30</b>       |

<sup>1</sup> These were the items noted as closed in the [08 June 2020](#) GAC Advice status letter.

<sup>2</sup> The ARR tracks all GAC advice items since ICANN46 | Beijing. See: <https://www.icann.org/board-gac-advice-status-current.xlsx>.

Thank you again for your attention to this information. I would also like to reiterate the Board's satisfaction with the BGIG calls, which serve as a mechanism for collaborative work and continuous improvement of Board-GAC interactions. The Board also appreciates the efforts of the BGIG co-chairs, Manal Ismail and Becky Burr, in leading this group. The Board looks forward to its next meeting with the GAC.

Sincerely,



Maarten Botterman  
Chair, ICANN Board of Directors

## **Appendix: Inventory and Status of GAC Advice Items**

### **The ARR Phases**

The ARR is a five-phase framework used to consistently process formal requests to the Board. Please see below explanations of each phase as it relates to GAC advice:

- **Phase 1 | Acknowledge:** The GAC issued a Communiqué containing advice to the ICANN Board and the ICANN organization has not yet published the advice.
- **Phase 2 | Understand:** The ICANN Board and organization are reviewing the advice to identify any questions needing clarification. The Board and the GAC typically conduct an exchange to discuss any clarifications required before formal Board consideration.
- **Phase 3 | Evaluate & Consider:** The ICANN Board is in the process of formally considering the advice via a scorecard and/or resolution, or items may appear in this phase because further Board consideration may be required. Additionally, items may appear in this phase pending input from the ICANN org or other constituencies; if so, this will be made clear to the GAC.
- **Phase 4 | Implement:** The Board has considered the advice and directed the CEO and ICANN organization to proceed with action or implementation. This action or implementation is currently underway.
- **Phase 5 | Close Request:** The ICANN organization has reviewed the advice and has determined the advice has been considered, and all directed action or implementation has been completed. The ICANN Board will review items in Phase 5 before moving them to “Closed.”
- **Closed:** The advice has been processed as much as is relevant and is considered complete; no work is outstanding from the perspective of the ICANN Board or org. Related implementation work may have been integrated into ICANN’s ongoing operations or other initiatives

## Appendix: Inventory and Status of GAC Advice Items<sup>3</sup>

### Additional Information on Items in Phase 1 | Receive & Acknowledge (4 Items)

The Board received the ICANN71 Virtual Policy Forum Communique on 21 June 2021 and is currently reviewing the 4 items listed below in Phase 1 | Receive & Acknowledge.

**Table 2. Inventory of GAC Advice Items in Phase 1 | Receive & Acknowledge**

| Advice Item   | Change in Phase since Last Update | Advice Text   | Actions Taken   |
|---|-----------------------------------|---|---|
| ICANN71 Virtual Policy Forum Communique<br>1.a.i<br>IGO Protections<br><br>(21 Jun 2021)                          | n/a                               | While continuing to welcome work being undertaken by the GNSO in terms of a curative rights protection mechanism for IGOs, the GAC wishes to clarify that the current moratorium on the registration of IGO acronyms should remain in place pending a conclusion to this curative work track.<br>a. The GAC advises the Board:<br>i. to maintain the current moratorium on the registration of IGO acronyms pending the conclusion of the IGO curative work track currently underway (noting that it is expected to conclude within the calendar year). | The ICANN71 Virtual Policy Forum Communique was published on 21 June 2021 and is currently being reviewed by the ICANN Board. |
| ICANN71 Virtual Policy Forum Communique<br><br>Follow-up 1<br>CCT Review<br>Recommendations<br><br>(21 June 2021) | n/a                               | The GAC wishes to recall its ICANN66 Montreal Consensus Advice on CCT Review and Subsequent Rounds of New gTLDs (section V. 1. a), and in light of the constructive discussions which took place with the Board, and the wider ICANN Community at ICANN71, as well as the GAC follow-up advice from ICANN70 (namely in paragraph 1. of Section VI) and considering the Board Scorecard thereon (dated 12th May 2021) , draws the attention of the Board to the related suggestions referred to 8 under  | The ICANN71 Virtual Policy Forum Communique was published on 21 June 2021 and is currently being reviewed by the ICANN Board. |

<sup>3</sup> As there are no items currently in Phases 2, the appendix includes only items in Phases 1, 3, 4, 5, and Closed.

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|   |     | section “Issues of Importance to the GAC” of this Communiqué.   |  |
| <p>ICANN71 Virtual Policy Forum Communiqué</p> <p>Follow-up 2<br/>EPDP Phase 1 Policy Implementation</p> <p>(21 June 2021)</p>                  | n/a | <p>The GAC notes its previous advice within the ICANN66 Montréal Communiqué and the ICANN70 Communiqué with regard to Phase 1 of the EPDP on gTLD Registration Data and the request for “a detailed work plan identifying an updated realistic schedule to complete its work.” The GAC observes with continued concern that the Phase 1 Implementation Review Team (IRT) lacks a current published implementation timeline.</p> | <p>The ICANN71 Virtual Policy Forum Communiqué was published on 21 June 2021 and is currently being reviewed by the ICANN Board.</p> |
| <p>ICANN71 Virtual Policy Forum Communiqué</p> <p>Follow-up 3<br/>Privacy Proxy Services Accreditation Implementation</p> <p>(21 June 2021)</p> | n/a | <p>The GAC previously advised the ICANN Board regarding the need to resume implementation (e.g., in the ICANN65 Marrakech and ICANN66 Montréal Communiqués) in light of the importance of implementing procedures that govern these services. The GAC notes the ongoing work between ICANN and the GNSO on restarting this work and highlights the need to prioritize this implementation.</p>                                  | <p>The ICANN71 Virtual Policy Forum Communiqué was published on 21 June 2021 and is currently being reviewed by the ICANN Board.</p> |

### Additional Information on Items in Phase 3 | Evaluate & Consider (17 Items)

The 17 items in Phase 3 | Evaluate & Consider have all been previously considered by the Board. However, the Board has not yet taken action on the advice and has deferred a formal decision pending ongoing work related to the advice or has noted that the advice remains open for further consideration.

**Table 3. Inventory of GAC Advice Items in Phase 3 | Evaluate & Consider**

| Advice Item   | Change in Phase since Last Update | Advice Text  | Actions Taken  |
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| ICANN48 Buenos Aires Communique<br><br>§4.a.i. Protection of Inter-Governmental Organisations (IGOs)<br><br>(20 Nov 2013) | n/a – see updated text in yellow  | The GAC Advises the ICANN Board that the GAC, together with IGOs, remains committed to continuing the dialogue with NGPC on finalising the modalities for permanent protection of IGO acronyms at the second level, by putting in place a mechanism which would: 1. provide for a permanent system of notifications to both the potential registrant and the relevant IGO as to a possible conflict if a potential registrant seeks to register a domain name matching the acronym of that IGO; 2. allow the IGO a timely opportunity to effectively prevent potential misuse and confusion; 3. allow for a final and binding determination by an independent third party in order to resolve any disagreement between an IGO and a potential registrant; and 4. be at no cost or of a nominal cost only to the IGO. The GAC looks forward to receiving the alternative NGPC proposal adequately addressing this advice. The initial protections for IGO acronyms should | <p>The NGPC published a comprehensive report of NGPC responses and updates to GAC Advice regarding the New gTLD Program on 7 October 2015 and provided this response in its scorecard:</p> <p>The GNSO Council approved recommendations from the expedited PDP on 20 November 2013 regarding protections for IGOs and INGOs. The GNSO forwarded its policy recommendations to the ICANN Board for further consideration. On 7 February 2014, the Board (i) adopted the policy recommendations GNSO Council's unanimous recommendations that are not inconsistent with the GAC's advice, (ii) requested additional time to consider the remaining recommendations, and (iii) decided to facilitate discussions among the relevant parties to reconcile any remaining differences between the policy recommendations and the GAC advice on the topic. These policy recommendations and the GAC advice are still under consideration.</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> |

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|   |   | <p>remain in place until the dialogue between the NGPC, the IGOs and the GAC ensuring the implementation of this protection is completed.</p>  | <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>In a <a href="#">26 Jan 2021</a> Letter from Maarten Botterman to Manal Ismail, "[t]he Board may only partially accept the GAC advice concerning a permanent system of notification when a registrant registers a domain name matching an IGO acronym.</p> <p>As outlined in the Board's 22 October 2020 resolution, the Board believes at this time that the most appropriate solution (not including any curative rights mechanisms) regarding second level protections for IGO acronyms that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO when a third party registers a second level domain matching that organization's acronym."</p> <p>This advice item remains open for further Board consideration.</p>  |
| <p>ICANN49<br/>Singapore<br/>Communique</p> <p>§8<br/>Protection of Inter-Governmental Organisation (IGO) Names and Acronyms</p> <p>(27 Mar 2014)</p> | <p>n/a – see updated text in yellow</p> | <p>The GAC recalls its previous public policy advice from the Toronto, Beijing, Durban and Buenos Aires Communiqués regarding protection for IGO names and acronyms at the top and second levels and awaits the Board's response regarding implementation of the GAC advice.</p> | <p>The NGPC published a comprehensive report of NGPC responses and updates to GAC Advice regarding the New gTLD Program on 7 October 2015 and provided this response in its scorecard:</p> <p>On 14 May 2014, the NGPC adopted (<a href="https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-05-14-en#2.a">https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-05-14-en#2.a</a>) another iteration of the Scorecard (<a href="https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-14may14-en.pdf">https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-14may14-en.pdf</a>) and provided the following response: On 7 February 2014, the Board directed the NGPC to: (1) consider the policy recommendations from the GNSO as the NGPC continues to actively develop an approach to respond to the GAC advice on protections for IGOs, and (2) develop a comprehensive proposal to address the GAC advice and the GNSO policy recommendations for consideration by the Board at a subsequent meeting. On 13 March 2014, the NGPC forwarded to the GAC for information a draft proposal for implementing the GAC advice on IGO acronym protections at the second level. On 30 April 2014, the Board took action to adopt the GNSO policy recommendations that are not inconsistent with GAC Advice received by the Board on the topic of IGO protections. With respect to the GNSO policy recommendations that differ from the GAC Advice (including this item of GAC Advice) the Board requested additional time to</p> |

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|                           |                                  |  | <p>consider them, and will facilitate discussions among the relevant parties to reconcile any remaining differences between the policy recommendations and the GAC advice on the topic. These policy recommendations and the GAC advice are still under consideration.</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p><b>In the <a href="#">26 Jan 2021</a> Letter from Maarten Botterman to Manal Ismail, it was stated that "[t]he Board may only partially accept the GAC advice concerning a permanent system of notification when a registrant registers a domain name matching an IGO acronym.</b></p> <p><b>As outlined in the Board's 22 October 2020 resolution, the Board believes at this time that the most appropriate solution (not including any curative rights mechanisms) regarding second level protections for IGO acronyms that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO when a third party registers a second level domain matching that organization's acronym."</b></p> <p>This advice item remains open for further Board consideration.</p> |
| ICANN50 London Communique | n/a – see updated text in yellow | The GAC reaffirms its advice from the Toronto, Beijing, Durban, Buenos Aires and | The NGPC published a comprehensive report of NGPC responses and updates to GAC Advice regarding the New gTLD Program on 7 October 2015 and provided this response in its scorecard:  |



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| <p>§5<br/>Protection of Inter-Governmental Organisation (IGO) Names and Acronyms<br/><br/>(25 Jun 2014)</p> |  | <p>Singapore Communiqués regarding protection for IGO names and acronyms at the top and second levels, as implementation of such protection is in the public interest given that IGOs, as created by governments under international law are objectively different rights holders; notes the NGPC's letter of 16 June 2014 to the GNSO concerning further steps under the GNSO Policy Development Process while expressing concerns that the process of implementing GAC advice has been so protracted; welcomes the NGPC's assurance that interim protections remain in place pending any such process; and confirms its willingness to work with the GNSO on outcomes that meet the GAC's concerns.</p> | <p>On 8 September 2014, the NGPC adopted another iteration of the Scorecard (<a href="https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-08sep14-en.pdf">https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-08sep14-en.pdf</a>) to address this advice. At that time, the NGPC reported that it was considering available options to reconcile the differences between the GAC advice and the GNSO policy recommendations concerning protections for IGO acronyms. On 16 June 2014, the NGPC sent a letter to the GNSO Council highlighting the previously noted concerns and providing an opportunity for the GNSO to consider modifying its policy recommendations at issue in accordance with Section 16 of the GNSO's PDP Manual. (Section 16 of the GNSO's PDP Manual permits modification to approved GNSO Council policies at any time prior to final approval by the Board.) At that time, NGPC was awaiting a response from the GNSO. The NGPC agreed to continue to provide updates to the GAC, the GNSO, and the broader ICANN community about its progress to address this matter, and noted that the temporary protections afforded to IGOs remain in place while the parties continue discussions. This matter remains under consideration.</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p><b>In a <a href="#">26 Jan 2021</a> Letter from Maarten Botterman to Manal Ismail, it was noted that "[t]he Board may only partially accept the GAC</b></p> |
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|   |   |  | <p>advice concerning a permanent system of notification when a registrant registers a domain name matching an IGO acronym.</p> <p>As outlined in the Board's 22 October 2020 resolution, the Board believes at this time that the most appropriate solution (not including any curative rights mechanisms) regarding second level protections for IGO acronyms that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO when a third party registers a second level domain matching that organization's acronym."</p> <p>This advice item remains open for further Board consideration.</p>  |
| <p>ICANN51 Los Angeles Communique</p> <p>§5.a.I-II - 5.b.I. Protection of Inter-Governmental Organisation (IGO) Names and Acronyms</p> <p>(15 Oct 2014)</p> | <p>n/a – see updated text in yellow</p> | <p>a. The GAC reaffirms its advice from the Toronto, Beijing, Durban, Buenos Aires, Singapore and London Communiqués regarding protection of IGO names and acronyms at the top and second levels, as implementation of such protection is in the public interest given that IGOs, as created by governments under international law, are objectively different right holders; namely, i. Concerning preventative protection at the second level, the GAC reminds the ICANN Board that notice of a match to an IGO name or acronym to prospective registrants, as well as to the concerned IGO, should apply in perpetuity for the concerned name and acronym in two languages, and at no cost to IGOs; ii. Concerning curative protection at the second level, and noting the ongoing GNSO PDP on access to curative Rights Protection Mechanisms,</p> | <p>The NGPC published a comprehensive report of NGPC responses and updates to GAC Advice regarding the New gTLD Program on 7 October 2015 and provided this response in its scorecard:</p> <p>The GNSO Council approved recommendations from the expedited PDP on 20 November 2013 regarding protections for IGOs and INGOs (<a href="https://gns0.icann.org/en/council/resolutions#20131120-2">https://gns0.icann.org/en/council/resolutions#20131120-2</a>). The GNSO forwarded its policy recommendations to the ICANN Board for further consideration. On 7 February 2014, the Board (i) adopted the policy recommendations GNSO Council's unanimous recommendations that are not inconsistent with the GAC's advice, (ii) requested additional time to consider the remaining recommendations, and (iii) decided to facilitate discussions among the relevant parties to reconcile any remaining differences between the policy recommendations and the GAC advice on the topic (<a href="https://www.icann.org/resources/board-material/resolutions-2014-02-07-en#2.a">https://www.icann.org/resources/board-material/resolutions-2014-02-07-en#2.a</a>). These policy recommendations and the GAC advice are still under consideration.</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11</p> |

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|  |   | <p>the GAC reminds the ICANN Board that any such mechanism should be at no or nominal cost to IGOs; and further, in implementing any such curative mechanism, b. The GAC advises the ICANN Board: i. That the UDRP should not be amended; welcomes the NGPC's continued assurance that interim protections remain in place pending the resolution of discussions concerning preventative protection of IGO names and acronyms; and supports continued dialogue between the GAC (including IGOs), the ICANN Board (NGPC) and the GNSO to develop concrete solutions to implement long--standing GAC advice.</p> | <p>July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>As noted in the <a href="#">26 Jan 2021</a> Letter from Maarten Botterman to Manal Ismail, "[t]he Board may only partially accept the GAC advice concerning a permanent system of notification when a registrant registers a domain name matching an IGO acronym.</p> <p>As outlined in the Board's 22 October 2020 resolution, the Board believes at this time that the most appropriate solution (not including any curative rights mechanisms) regarding second level protections for IGO acronyms that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO when a third party registers a second level domain matching that organization's acronym."</p> <p>This advice item remains open for further Board consideration.</p> |
| <p>ICANN52<br/>Singapore<br/>Communique</p> <p>§2<br/>Protection of<br/>Names and<br/>Acronyms for Inter-<br/>Governmental<br/>Organisations<br/>(IGOs)</p> <p>(11 Feb 2015)</p> | <p>n/a – see updated<br/>text in yellow</p> | <p>The GAC will continue to work with interested parties to reach agreement on appropriate permanent protections for names and acronyms for Inter-Governmental Organisations. This will include working with the GNSO PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms; and with IGOs and the NGPC.</p>   | <p>The NGPC published a comprehensive report of NGPC responses and updates to GAC Advice regarding the New gTLD Program on 7 October 2015 and provided this response in its scorecard:</p> <p>The GNSO Council approved recommendations from the expedited PDP on 20 November 2013 regarding protections for IGOs and INGOS (<a href="https://gns0.icann.org/en/council/resolutions#20131120-2">https://gns0.icann.org/en/council/resolutions#20131120-2</a>). The GNSO forwarded its policy recommendations to the ICANN Board for further consideration. On 7 February 2014, the Board (i) adopted the policy recommendations GNSO Council's unanimous recommendations that are not inconsistent with the GAC's advice, (ii) requested additional time to consider the remaining recommendations, and (iii) decided to facilitate discussions among the relevant parties to reconcile any remaining differences between the policy recommendations and the GAC advice on the topic (<a href="https://www.icann.org/resources/board-material/resolutions-2014-02-07-en#2.a">https://www.icann.org/resources/board-material/resolutions-2014-02-07-en#2.a</a>). These policy recommendations and the GAC advice are still under consideration.</p>  |

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|   |   |  | <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>As noted in the <a href="#">26 Jan 2021</a> Letter from Maarten Botterman to Manal Ismail, "[t]he Board may only partially accept the GAC advice concerning a permanent system of notification when a registrant registers a domain name matching an IGO acronym.</p> <p>As outlined in the Board's 22 October 2020 resolution, the Board believes at this time that the most appropriate solution (not including any curative rights mechanisms) regarding second level protections for IGO acronyms that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO when a third party registers a second level domain matching that organization's acronym."</p> <p>This advice item remains open for further Board consideration.</p> |
| <p>ICANN58<br/>Copenhagen<br/>Communique</p> <p>§2.a.I<br/>IGO Protections</p> <p>(15 Mar 2017)</p> | <p>n/a – see updated text in yellow</p> | <p>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</p> | <p>On 12 June 2017 the Board considered the Copenhagen Communique and provided this response in its scorecard:</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</p>   |

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|                       |                                  | <p>registrants for a more limited time period, in line with both previous GAC advice and GNSO recommendations;</p> | <p>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 considers whether implementation of such a mechanism will be appropriate in all circumstances.</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>As noted in the <a href="#">26 Jan 2021</a> Letter from Maarten Botterman to Manal Ismail, "[t]he Board may only partially accept the GAC advice concerning a permanent system of notification when a registrant registers a domain name matching an IGO acronym.</p> <p>As outlined in the Board's 22 October 2020 resolution, the Board believes at this time that the most appropriate solution (not including any curative rights mechanisms) regarding second level protections for IGO acronyms that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO when a third party registers a second level domain matching that organization's acronym."</p> <p>This advice item remains open for further Board consideration.</p> |
| ICANN58<br>Copenhagen | n/a – see updated text in yellow | Facilitate continued discussions in order to develop   | On 12 June 2017 the Board considered the Copenhagen Communique and provided this response in its scorecard:  |

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| <p>Communique</p> <p>§2.a.II<br/>IGO Protections</p> <p>(15 Mar 2017)</p> |   | <p>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</p> | <p>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.</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>As noted in the <a href="#">26 Jan 2021</a> Letter from Maarten Botterman to Manal Ismail, "[t]he Board may only partially accept the GAC advice concerning a permanent system of notification when a registrant registers a domain name matching an IGO acronym.</p> <p>As outlined in the Board's 22 October 2020 resolution, the Board believes at this time that the most appropriate solution (not including any curative rights mechanisms) regarding second level protections for IGO acronyms that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO when a third party registers a second level domain matching that organization's acronym."</p> <p>This advice item remains open for further Board consideration.</p> |
| <p>ICANN58<br/>Copenhagen<br/>Communique</p>                              | <p>n/a – see updated text in yellow</p> | <p>Urge the Working Group for the ongoing PDP on IGO-INGO Access to Curative</p>   | <p>On 12 June 2017 the Board considered the Copenhagen Communique and provided this response in its scorecard:</p>  |

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| <p>§2.a.III<br/>IGO Protections<br/><br/>(15 Mar 2017)</p> |   | <p>Rights Protection Mechanisms to take into account the GAC's comments on the Initial Report.</p> | <p>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.</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for IGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>As noted in the <a href="#">26 Jan 2021</a> Letter from Maarten Botterman to Manal Ismail, "[t]he Board may only partially accept the GAC advice concerning a permanent system of notification when a registrant registers a domain name matching an IGO acronym.</p> <p>As outlined in the Board's 22 October 2020 resolution, the Board believes at this time that the most appropriate solution (not including any curative rights mechanisms) regarding second level protections for IGO acronyms that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO when a third party registers a second level domain matching that organization's acronym."</p> <p>This advice item remains open for further Board consideration.</p> |
| <p>ICANN59<br/>Johannesburg<br/>Communique</p>             | <p>n/a – see updated text in yellow</p> | <p>The GAC reiterates its Advice that IGO access to curative dispute resolution mechanism</p>      | <p>On 23 September 2017 the Board considered the Johannesburg Communique and provided this response in its scorecard:</p>   |



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| <p>§1.a.I-III.<br/>Intergovernmental Organization (IGO) Protections<br/><br/>(29 Jun 2017)</p> |  | <p>should: I. be modeled on, but separate from, the existing Uniform Dispute Resolution Policy (UDRP) II. provide standing based on IGOs' status as public intergovernmental institutions, and III. respect IGOs' jurisdictional status by facilitating appeals exclusively through arbitration. The GAC expresses concern that a GNSO working group has indicated that it may deliver recommendations which substantially differ from GAC Advice, and calls on the ICANN Board to ensure that such recommendations adequately reflect input and expertise provided by IGOs.</p> | <p>The Board acknowledges the GAC's Advice and its concerns. The Board reiterates that as part of a PDP, the Working Group has an obligation to duly consider all inputs received*. The Board notes that the GNSO Council has informed the Board that all public comments and input received by the PDP Working Group, including from the GAC and IGOs, have been extensively discussed by the Working Group. The Board notes, further, that the GNSO Council considers the upcoming ICANN60 meeting to be an opportunity for further discussions among the community. The Board will continue to facilitate these discussions and encourages participation in them by all affected parties.</p> <p>* From the GNSO Operating Procedures: "Public comments received as a result of a public comment forum held in relation to the activities of the WG should be carefully considered and analyzed. In addition, the WG is encouraged to explain their rationale for agreeing or disagreeing with the different comments received and, if appropriate, how these will be addressed in the report of the WG".</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for IGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>As noted in the <a href="#">26 Jan 2021</a> Letter from Maarten Botterman to Manal Ismail, "[t]he Board may only partially accept the GAC advice concerning a permanent system of notification when a registrant registers a domain name matching an IGO acronym.</p> |
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|  |   |  | <p>As outlined in the Board's 22 October 2020 resolution, the Board believes at this time that the most appropriate solution (not including any curative rights mechanisms) regarding second level protections for IGO acronyms that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO when a third party registers a second level domain matching that organization's acronym."</p> <p>This advice item remains open for further Board consideration.</p>   |
| <p>ICANN60 Abu Dhabi Communique</p> <p>§1.a.I<br/>Intergovernmental Organization (IGO) Protections</p> <p>(1 Nov 2017)</p> | <p>n/a – see updated text in yellow</p> | <p>Review closely the decisions on this issue in order to ensure that they are compatible with these values and reflect the full factual record.</p> | <p>On 4 February 2018 the Board considered the Abu Dhabi Communique and provided this response in its scorecard:</p> <p>The Board accepts the GAC advice to review closely the policy recommendations, including those that may differ from GAC advice and the associated public comments before taking action. The Board acknowledges the GAC's longstanding advice on the need to protect IGO acronyms in the domain name system, and appreciates the GAC's interest in the outcome of the GNSO PDP on IGO-INGO Access to Curative Rights Mechanisms. While the direct management of a GNSO PDP is a role for the GNSO Council, the Board does maintain strong interest in the progress of this PDP. The Board looks forward to receiving the final policy recommendations from the GNSO as well as any further GAC advice on this topic. The Board remains committed to facilitating discussions between all affected parties that may resolve any conflicts that may arise, and acknowledges its role under the ICANN Bylaws to act in the best interests of ICANN and the community, in furtherance of ICANN's Mission, consistent with the organization's Commitments and Core Values, and in accordance with the specific requirements of the Bylaws for receiving, considering, and acting on GNSO policy recommendations and GAC Advice.</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOS; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> |

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|  |            |   | <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>As noted in the <a href="#">26 Jan 2021</a> Letter from Maarten Botterman to Manal Ismail, "[t]he Board may only partially accept the GAC advice concerning a permanent system of notification when a registrant registers a domain name matching an IGO acronym.</p> <p>As outlined in the Board's 22 October 2020 resolution, the Board believes at this time that the most appropriate solution (not including any curative rights mechanisms) regarding second level protections for IGO acronyms that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO when a third party registers a second level domain matching that organization's acronym."</p> <p>This advice item remains open for further Board consideration.</p> |
| <p>ICANN61 San Juan Communique</p> <p>§1.a.IV.<br/>GDPR and WHOIS</p> <p>(15 Mar 2018)</p> | <p>n/a</p> | <p>Distinguish between legal and natural persons, allowing for public access to WHOIS data of legal entities, which are not in the remit of the GDPR;</p> | <p>The ICANN Board initially considered this advice on 30 May 2018. However at the time, the Board responded, "as requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC.</p> <p>The Board most recently considered this item on 15 May 2019 and stated in the scorecard:</p> <p>As noted in the Barcelona scorecard, the Board monitored the progress of the EPDP, which has now concluded its Phase 1 work. The public comment on the EPDP Team Final Report closed on 17 April 2019, and ICANN org has published a report of public comments. Because the GAC stated that it "would welcome the ICANN Board's adoption the EPDP Phase 1 policy recommendations as soon as possible" and the EPDP Team has</p>  |

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| <p>ICANN61 San Juan<br/>Communique</p> <p>§1.a.VI.<br/>GDPR and WHOIS</p> <p>(15 Mar 2018)</p>  | <p>n/a</p> | <p>Ensure that limitations in terms of query volume envisaged under an accreditation program balance realistic investigatory cross-referencing needs</p> | <p>said that it “will determine and resolve the Legal vs. Natural issue in Phase 2”, the Board continues to defer action on this advice.</p> <p>The ICANN Board initially considered this advice on 30 May 2018. However at the time, the Board responded, "as requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC."</p> <p>The Board most recently considered this item on 15 May 2019 and stated in the scorecard:</p> <p>The Board continues to defer action on this advice. Recommendation 3 of the EPDP Final Report states that the EPDP Team undertakes to make a recommendation pertaining to a standardised model for lawful disclosure of non-public Registration Data now that the gating questions in the charter have been answered. This will include addressing questions such as: Whether such a system should be adopted; What are the legitimate purposes for third parties to access registration data; What are the eligibility criteria for access to non-public Registration data; Do those parties/groups consist of different types of third-party requestors; What data elements should each user/party have access to?</p> <p>This advice item remains open for further Board consideration.</p> |
| <p>ICANN61 San Juan<br/>Communique</p> <p>§1.a.VII.<br/>GDPR and WHOIS</p> <p>(15 Mar 2018)</p> | <p>n/a</p> | <p>Ensure confidentiality of WHOIS queries by law enforcement agencies.</p>  | <p>The ICANN Board initially considered this advice on 30 May 2018. However at the time, the Board responded, "as requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC."</p> <p>The Board most recently considered this item on 15 May 2019 and stated in the scorecard:</p> <p>The Board continues to defer action on this advice. Recommendation 3 of the EPDP Final Report states that the EPDP Team undertakes to make a recommendation pertaining to a standardised model for lawful disclosure of non-public Registration Data now that the gating questions in the charter have been answered. This will include addressing questions such as: Whether such a system should be adopted; What are the legitimate purposes for third parties to access registration data; What are the eligibility criteria for access to non-public Registration data; Do those parties/groups consist of different types of third-party requestors; What data elements should each user/party have access to?</p>  |

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| <p>ICANN61 San Juan<br/>Communique</p> <p>§2.a.I.<br/>IGO Reserved<br/>Acronyms</p> <p>(15 Mar 2018)</p> | <p>n/a – see updated<br/>text in yellow</p> | <p>Ensure that the list of IGOs<br/>eligible for preventative<br/>protection is as accurate and<br/>complete as possible.</p> | <p>This advice item remains open for further Board consideration.</p> <p>The ICANN Board initially considered this advice on 30 May 2018. However at the time, the Board responded, "The Board thanks the GAC for the clarifications provided on 15 May 2018. The Board has asked the ICANN Organization to review the advice in light of these responses and to assess the feasibility of the request. The Board will defer action on this item at this time, and in due course will engage with the GAC should further clarifications be necessary before taking action on this advice."</p> <p>The Board most recently considered this item on 15 May 2019 and stated in the scorecard:</p> <p>Following from the Board's response to the GAC's Panama Communique, the Board is aware that a feasibility study has been initiated by ICANN Org with the support of the GAC, WIPO, and OECD to ensure that the list of IGOs is as accurate and complete as possible. The Board intends to monitor the progress of this study and will engage with the GAC as necessary concerning ICANN Org's implementation of this advice.</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOS; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>This advice item remains open for further Board consideration.</p> |
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| <p>ICANN62 Panama Communique</p> <p>§2.a.II.<br/>Protection of IGO Identifiers</p> <p>(28 Jun 2018)</p> | <p>This item was moved from Phase 4 to Phase 3, as it requires further Board consideration. See updated text in yellow.</p> | <p>Work with the GNSO and the GAC following the completion of the ongoing PDP on IGO-INGO access to curative rights protection mechanisms to ensure that GAC advice on protection of IGO acronyms, which includes the available “small group” proposal, is adequately taken into account also in any related Board decision; and</p> | <p>On 16 September 2018 the Board considered this advice and stated in its scorecard:</p> <p>The Board notes that on 9 July 2018 the Final Report from the IGO-INGO access to curative rights protection mechanisms PDP was submitted to the GNSO Council, and it is currently under review by the GNSO Council. The Board will consider any PDP recommendations that are approved by the GNSO Council and ensure that GAC advice is adequately taken into account in any Board decisions. The Board also welcomes the GAC’s desire to work with it and the GNSO and the Board is open to suggestions from the GAC as to how it believes such collaboration can constructively take place.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>As noted in the <a href="#">26 Jan 2021</a> Letter from Maarten Botterman to Manal Ismail, “[t]he Board may only partially accept the GAC advice concerning a permanent system of notification when a registrant registers a domain name matching an IGO acronym.</p> <p>As outlined in the Board’s 22 October 2020 resolution, the Board believes at this time that the most appropriate solution (not including any curative rights mechanisms) regarding second level protections for IGO acronyms that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO when a third party registers a second level domain matching that organization’s acronym.”</p> <p>This advice item remains open for further Board consideration.</p> |
| <p>ICANN66 Montreal Communique</p> <p>§1.a.i.<br/>CCT Review and Subsequent Rounds of New gTLDs</p>     | <p>This item is new to the report and was moved to Phase 2 to Phase 3 as it requires further Board consideration.</p>       | <p>The GAC advises the Board not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the Competition, Consumer Trust and Consumer Choice Review that were identified as</p>   | <p>On 26 January 2020, the Board considered the Montreal Communique and provided this response in its scorecard:</p> <p>“The Board is unable to accept or reject this advice at this time and proposes to defer action until such time as the Board has concluded its consideration of the CCT recommendations and the Subsequent Procedures PDP Working Group and the All Rights Protection</p>   |

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| <p>(6 Nov 2019)</p>   |   | <p>"prerequisites" or as "high priority" .</p>   | <p>Mechanisms PDP Working Group have delivered their policy recommendations to the GNSO Council.</p> <p>On 16 December 2019, ICANN org sent a <a href="#">letter</a> to the GAC Chair providing some additional background and considerations relating to implementation of the Competition, Consumer Trust, and Consumer Choice Review Team (CCTRT) recommendations. The CEO noted that the Board had referred policy-dependent recommendations contained in the CCT report to the community policy development process. The CEO also noted that the Board has put several such recommendations in pending status due to significant dependencies as well as various stated implementation and public interest concerns.</p> <p>On 17 December 2019, the Board discussed its questions on this advice on a <a href="#">call</a> with the GAC regarding the Montreal communique. As discussed on this call, accepting the GAC's advice at this time appears to be in tension with the delegation of policy development authority under the ICANN Bylaws to the community through the bottom-up multistakeholder policy development process. In addition, until community-developed policy recommendations applicable to a subsequent round are developed, the Board has no basis to determine whether the GAC's concerns have been adequately addressed and, if not, no basis for entering into discussion with the GAC in an effort to identify a mutually acceptable solution as required by the Bylaws.</p> <p>The Board understands that the GAC provided additional clarifications to this advice in a <a href="#">letter</a> on 22 January 2020. The Board will consider when and if further action is needed on this item after review of the GAC clarifications and after continued discussion with the GAC."</p> <p>Accordingly, this item will remain in Phase 3 pending further Board consideration.</p> |
| <p>ICANN70 Virtual Community Forum GAC Communique</p> <p>§1.a.i EPDP Phase 2 Final Report</p> | <p>This item is new to the report and moved from Phase 2 to Phase 3 pending any additional feedback from the GAC.</p> | <p>Phase 2 EPDP is a step forward but the GAC has serious concerns relating to certain Recommendations and gaps in the Final Report of Phase 2 of the EPDP on gTLD Registration Data, as set forth in the GAC Minority Statement of 24 August 2020 (in Annex).</p> | <p>On 12 May 2021, the Board took action on this advice. In the scorecard, the Board stated: "The Board accepts the GAC's advice to consider the GAC's Minority Statement to the EPDP Phase 2 Final Report and available options to address the public policy concerns expressed therein, and to take necessary action, as appropriate. Two points are important in this regard: First, we recognize that, standing on its own, the GAC's Minority Statement does not constitute consensus advice that triggers various obligations under the Bylaws. Second, in fulfilling its duties under</p>  |

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| <p>(25 Mar 2021)</p> |  | <p>a. The GAC advises the Board:<br/>i. to consider the GAC Minority Statement and available options to address the public policy concerns expressed therein, and take necessary action, as appropriate.</p> | <p>the Bylaws, the Board must consider all community input bearing on whether or not a particular policy recommendation is in the public interest.</p> <p>The Board is concerned that the issuance of consensus advice to consider the Minority Statement and take necessary action could be interpreted as the GAC's adoption of the Minority Statement as consensus advice, triggering the Bylaws mandated process in an effort to identify a mutually acceptable solution. Such advice would be problematic in several respects discussed below.</p> <p>The GAC clarified during the Board-GAC meeting on 21 April 2021, this advice was simply intended to draw the Board's attention to the GAC's Minority Statement, and for the Statement to be factored into the Board's review of the EPDP Phase 2 recommendations along with other factors the Board must consider, including compliance with applicable laws. The Board's acceptance of the advice based on this understanding.</p> <p>That said, because of the possibility of misunderstandings about the import of this GAC advice and as highlighted in ICANN CEO &amp; President Göran Marby's 10 September 2020 letter to the GAC, the Board thinks that it must better understand the GAC's rationale for the positions taken in the Minority Statement, particularly in light of GAC members' unique position as governments and the need to ensure that a Standardized System for Access and Disclosure that may be developed also complies with data protection laws.</p> <p>The Board would like to thank the GAC for the constructive discussions that have ensued to date. The Board notes that its role under the Bylaws in relation to GNSO policy recommendations is to consider whether they are in the best interests of ICANN and the ICANN community. In this regard, the Board will consider all relevant public policy concerns, including those raised by the GAC, along with available legal guidance. The Board, however, cannot substitute, alter or add to the specific recommendations as submitted by the GNSO Council.</p> <p>Having considered the public policy concerns expressed in the GAC's Minority Statement, the Board would like to highlight certain issues raised in that Statement for consideration:</p> |
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|  |  |  | <p>Please see attached Annex to the ICANN Board Response to the GAC advice concerning the EPDP Phase 2 Final Report." See scorecard link for the Annex:<br/><a href="https://www.icann.org/en/system/files/files/resolutions-icann70-gac-advice-scorecard-12may21-en.pdf">https://www.icann.org/en/system/files/files/resolutions-icann70-gac-advice-scorecard-12may21-en.pdf</a>.</p> <p>This item remains in Phase 3 pending any further feedback from the GAC.</p> |
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### Additional Information on Items in Phase 4 | Implement (5 Items)

The 5 items in Phase 4 | Implement have all been previously considered by the Board, and the Board directed the ICANN President & CEO to implement the advice.

**Table 4. Inventory of GAC Advice Items in Phase 4 | Implement**

| Advice Item  | Changes in Phase | Advice Text   | Actions Taken   |
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| ICANN61 San Juan Communique<br><br>§1.b.III. GDPR and WHOIS<br><br>(15 Mar 2018) | n/a              | Assist in informing other national governments not represented in the GAC of the opportunity for individual governments, if they wish to do so, to provide information to ICANN on governmental users to ensure continued access to WHOIS.  | <p>On 30 May 2018 the Board considered the San Juan Communique and provided this response in its scorecard:</p> <p>The Board accepts this advice. ICANN org's Government Stakeholder and IGO Engagement teams continue to facilitate regular engagement and capacity building activities with governments around the world. As part of their engagement activities, these team members continue to raise awareness about the changes to the WHOIS system related to compliance with the GDPR, and opportunities for inputs from governments.</p> <p>This item is currently in implementation.</p>   |
| ICANN62 Panama Communique<br><br>§1.a.I. GDPR and WHOIS<br><br>(28 Jun 2018)     | n/a              | Take all steps necessary to ensure the development and implementation of a unified access model that addresses accreditation, authentication, access and accountability, and applies to all contracted parties, as quickly as possible; and | <p>On 16 September 2018 the Board considered this advice and stated in its scorecard:</p> <p>The Board appreciates the GAC's communication on the sense of urgency as it relates to developing a unified access model. The Board notes that the ICANN org continues to seek input on the critical components of a unified access model for continued access to WHOIS data. The Board welcomes and encourages the GAC's input to this process.</p> <p>Maarten Botterman noted in his 9 March 2021 letter to Manal Ismail, that the Board notified the GAC "that the Generic Names Supporting Organization (GNSO) Council has approved all of the Phase 2 policy recommendations developed during the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data. Recommendations #1-18 related to the System for Standardized Access/Disclosure ("SSAD") are posted for public comment, in accordance with Article 3, Section 6.a-iii of the ICANN Bylaws, prior to Board action (see <a href="https://www.icann.org/publiccomments/epdp-2-policy-recs-board-2021-02-08-en">https://www.icann.org/publiccomments/epdp-2-policy-recs-board-2021-02-08-en</a>).</p> |

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|   |     |  | <p>In the event that the GAC believes that there are public policy issues raised by these recommendations and provides advice accordingly on those issues, the ICANN Board will take the GAC's advice into account on this matter, as set forth in the Bylaws."</p> <p>The Board also <a href="#">notes</a> the GAC's ICANN70 advice requesting the Board to consider the GAC's minority statement on the EPDP Phase 2 report.</p> <p>The Board <a href="#">adopted</a> a <a href="#">scorecard</a> related to the GAC ICANN70 Communique and addressed the advice in the <a href="#">scorecard</a>, including an annex with a detailed response.</p> <p>This item is currently in implementation.</p> |
| <p>ICANN62<br/>Panama<br/>Communique</p> <p>§2.a.III.<br/>Protection of IGO<br/>Identifiers</p> <p>(28 Jun 2018)</p>  | n/a | <p>Continue working with the GAC in order to ensure accuracy and completeness of IGO contacts on the current list of IGO identifiers.</p>  | <p>On 16 September 2018 the Board considered this advice and stated in its scorecard:</p> <p>The Board directs the ICANN org to provide adequate resources to assist the GAC in its endeavor to ensure accuracy and completeness of IGO contacts on the list of identifiers.</p> <p>This item is currently in implementation.</p>  |
| <p>ICANN64 Kobe<br/>Communique</p> <p>§1.a.V.<br/>WHOIS and Data<br/>Protection<br/>Legislation</p> <p>(14 Mar 2019)</p>  | n/a | <p>Facilitate swift implementation of the new Registration Directory Services policies as they are developed and agreed, including by sending distinct parts to implementation as and when they are agreed, such as the questions deferred from Phase 1;</p>   | <p>On 15 May 2019 the Board adopted the scorecard titled "GAC Advice – Kobe Communiqué: Actions and Updates (15 May 2019)" in response to items of GAC advice in the Kobe Communiqué and the San Juan Communiqué. The Board accepts this advice and will do what it can, within its authority and remit, and in light of other relevant considerations, to facilitate swift implementation of new registration data directory services policies, and if possible, send distinct parts to implementation as and when they are agreed.</p> <p>This item is currently in implementation.</p>  |
| <p>ICANN66<br/>Montreal<br/>Communique</p> <p>§2.b.i.<br/>Domain Name<br/>Registration<br/>Directory Service<br/>and Data<br/>Protection –<br/>Phase 2 of the</p> | n/a | <p>The GAC advises the Board to instruct the ICANN organization to ensure that the current system that requires "reasonable access" to non-public domain name registration is operating effectively. This should include: – educating key stakeholder groups, including governments, that there is a process to request non-public data; – actively making available a standard request form that can be used by</p> | <p>On 26 January 2020, the Board considered the Montreal Communique and provided this response in its scorecard:</p> <p>"The Board notes that the GAC advice refers to a "current system" that requires "reasonable access" to non-public domain name registration. The Interim Registration Data Policy for gTLDs/Temporary Specification meets the "reasonable access" standard by requiring contracted parties to provide reasonable access to a requester who has a legitimate interest to data that is not outweighed by the fundamental rights and freedoms of the data subject. The rules do not, however prescribe how the contracted</p>  |

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| <p>EPDP<br/>(6 Nov 2019)</p> |  | <p>stakeholders to request access based upon the current consensus policy; and<br/>– actively making available links to registrar and registry information and points of contact on this topic.</p> | <p>providers comply with this requirement. The Interim Policy does not prescribe a “system” that the contracted parties must utilize in order to fulfill their access obligations, nor does it contain a contractually-mandated standard form for requests for third-party access.</p> <p>Accordingly, the Board accepts the GAC’s advise to ensure that the requirements to provide reasonable access are operating effectively consistent with existing Consensus Policy by instructing the ICANN org to:</p> <ul style="list-style-type: none"> <li>– educate key stakeholder groups, including governments, that contracted parties are obligated to address requests for non-public data; and</li> <li>-actively make available links to registrar and registry information and points of contact on this topic.</li> </ul> <p>Although Org does not have authority to unilaterally obligate Contracted Parties to use a standard form, the Board directs ICANN org to collaborate with the Registry and Registrar Stakeholder Groups to develop a voluntary standard request form that can be used by stakeholders to request access based upon the current Consensus Policy and actively making that request form available.”</p> <p>ICANN org collaborated with RrSG and RySG on the standard request form. It revealed operational and implementation challenges with a “form,” as advised by the GAC. (ex: Some Contracted Parties may have established request intake methods, such as web form or a customer portal process which may not be compatible with a “form”.)</p> <p>ICANN org, working with RrSG and RySG, developed a set of minimum required information which provides more flexibility and better usability to accomplish the goal of the GAC: “the current system to request “reasonable access” to non-public registration data is operating effectively.”</p> <p>ICANN org continues to engage with RySG and RrSG to explore solutions to fulfill this GAC Advice iem 2.b.i.</p> <p>This item is currently in implementation.</p> |
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### Additional Information on Items in Phase 5 | Close Request (4 Items)

There are currently 4 GAC advice items in Phase 5. Items enter Phase 5 | Close Request when the ICANN org has reviewed the advice and has determined the advice has been considered, and all directed action or implementation has been completed.

**Table 5. Inventory of Phase 5 | Close Request GAC Advice Items<sup>4</sup>**

| Advice Item  | Changes in Phase   | Advice Text   | Actions Taken   |
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| ICANN66 Montreal<br>Communique<br><br>§2.b.ii<br>Domain Name Registration<br>Directory Service and Data<br>Protection – Phase 2 of the<br>EPDP<br><br>(6 Nov 2019) | This item was<br>moved from 4<br>to Phase 5,<br>as noted in<br>yellow. | The GAC advises the Board to<br>instruct ICANN Compliance to<br>create a specific process to<br>address complaints regarding<br>failure to respond to, and<br>unreasonable denial of requests<br>for non-public domain name<br>registration data, and monitor<br>and publish reports on<br>compliance with the current<br>policy as part of their regular<br>monthly reporting. | <p>On 26 January 2020, the Board considered the Montreal Communique and provided this response in its scorecard:</p> <p>“The Board notes that, currently, ICANN Contractual Compliance does not offer specific complaint forms for complaints related to obligations created under the Temporary Specification. ICANN Contractual Compliance is in the process of migrating to a new ticketing system (“NSp Compliance”) that will allow it to easily create “smart forms” tailored to individual complaint types and to track and report granular data associated with each complaint type. NSp Compliance will include smart forms for Temp Spec-related complaints, including those concerning third-party access requests. Migration to NSp is expected to occur in 3Q2020.</p> <p>Accordingly, and in light of the above, the Board accepts the GAC’s advice and instructs ICANN org as part of the roll out of NSp Compliance to publish clear instructions on the ICANN Compliance web page describing how to submit a complaint concerning a third-party access request. Additionally, the Board instructs ICANN org to compile and publish monthly metrics data related to third-party access complaints once such forms are available in the new ticketing system.</p> <p>The Board understands that the GAC provided additional clarifications to this advice in a <a href="#">letter</a> on 22 January 2020. The Board will consider when and if further action is needed on this item after review of the GAC clarifications and after continued discussion with the GAC.”</p> |

<sup>4</sup> Please note that all of the items currently in Phase 5 are newly in Phase 5.

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|  |   |   | <p>In their 29 August 2020 ICANN69 meeting presentation, ICANN org's Contractual Compliance announced their recent migration to a new ticketing system ("NSp Compliance" <a href="https://www.icann.org/compliance/complaint">https://www.icann.org/compliance/complaint</a>). The new ticketing system allows for "greater functionality and improved data-capturing capabilities for enhanced reporting" and "Include specific forms for Temporary Specification-related complaints, including third party access to gTLD Registration Data." (see: <a href="https://www.icann.org/en/system/files/files/presentation-compliance-07oct20-en.pdf">https://www.icann.org/en/system/files/files/presentation-compliance-07oct20-en.pdf</a>; <a href="https://www.icann.org/en/system/files/files/resolutions-montreal66-gac-advice-scorecard-26jan20-en.pdf">https://www.icann.org/en/system/files/files/resolutions-montreal66-gac-advice-scorecard-26jan20-en.pdf</a>)</p> <p>Based on this, this item is considered completed and will be moved to Phase 5 and closed.</p>  |
| <p>ICANN57 Hyderabad Communique</p> <p>§5.a.i.<br/>Protection of Red Cross/ Red Crescent/ Red Crystal Identifiers and names of national committees</p> <p>(8 Nov 2016)</p> | <p>This item was moved from 3 to Phase 5, as noted in yellow.</p> | <p>Request the GNSO Council, as a matter of urgency, to re-examine and revise its PDP recommendations pertaining to the protection of the names and identifiers of the respective international and national Red Cross and Red Crescent organizations which are not consistent with GAC advice; and in due course</p> | <p>On 3 February 2017 the Board considered the Hyderabad Communique and provided this response in its scorecard:</p> <p>The Board notes that in June 2014 the Board's New gTLD Program Committee had provided the GNSO with an update on the Board's work on this topic, which highlighted the possibility of the GNSO's amending its adopted policy recommendations regarding these Red Cross names and identifiers. 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> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public</p> |

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|  |   |   | <p>comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>In its <a href="#">27 January 2019</a> resolution, the Board directed ICANN org to continue to develop and execute an implementation plan for PDP recommendations adopted by the Board as they pertain to the protection of the Red Cross, Red Crescent, Red Crystal Identifiers and names of national committees designated by the GAC.</p> <p>This was completed and the final Consensus Policy published on <a href="#">18 February 2020</a>.</p> <p>Based on this, this item is considered complete and has been moved to Phase 5 and will be closed.</p>  |
| <p>ICANN50 London Communique</p> <p>§6.a.I-III<br/>Protection of Red Cross / Red Crescent Names</p> <p>(25 Jun 2014)</p> | <p>This item was moved from 3 to Phase 5, as noted in yellow.</p> | <p>The GAC refers to its previous advice to the Board to protect permanently the terms and names associated with the Red Cross and Red Crescent, including those relating to the 189 national Red Cross and Red Crescent societies, and recalls that the protections afforded to the Red Cross and Red Crescent designations and names stem from universally agreed norms of international law and from the national legislation in force in multiple jurisdictions. Accordingly, the GAC now advises, that: i. the Red Cross and Red Crescent terms and names should not be equated with trademarks or trade names and that their protection could not</p> | <p>The NGPC published a comprehensive report of NGPC responses and updates to GAC Advice regarding the New gTLD Program on 7 October 2015 and provided this response in its scorecard:</p> <p>On 3 November 2014, the Board notified the GAC that it had some concerns about the advice in the London Communiqué because it appeared to be inconsistent with the framework established in the Bylaws granting the GNSO authority to recommend consensus policies to the Board, and the Board to appropriately act upon policies developed through the bottom-up consensus policy developed by the GNSO. On 25 November 2014, the GAC responded to the Board's letter. The GAC noted that it had carefully considered the Board's letter as well as the relevant section in the London Communiqué. The GAC noted that its intention was to emphasize the urgency of providing protection for Red Cross/Red Crescent names and to state the GAC's view that a solution should not be further delayed pending the outcome of a GNSO PDP. The GAC further recognized that the urgency aspect had since</p> |

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|  |  | <p>therefore be adequately treated or addressed under ICANN's curative mechanisms for trademark protection; II. the protections due to the Red Cross and Red Crescent terms and names should not be subjected to, or conditioned upon, a policy development process; III. the permanent protection of these terms and names should be confirmed and implemented as a matter of priority, including in particular the names of the international and national Red Cross and Red Crescent organisations.</p> | <p>been addressed, as stated in the GAC Los Angeles Communiqué: "The GAC welcomes the decision of the New gTLD Program Committee (Resolution 2014.10.12.NG05) to provide temporary protections for the names of the International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies, and the 189 National Red Cross and Red Crescent Societies. The GAC requests the ICANN Board and all relevant parties to work quickly to resolve the longer term issues still outstanding."</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOs; no specific new dispute resolution procedures should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>In its <a href="#">27 January 2019</a> resolution, the Board directed ICANN org to continue to develop and execute an implementation plan for PDP recommendations adopted by the Board as they pertain to the protection of the Red Cross, Red Crescent, Red Crystal Identifiers and names of national committees designated by the GAC ().</p> <p>This was completed and the final Consensus Policy published on <a href="#">18 February 2020</a>.</p> |
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| <p>ICANN49 Singapore Communique</p> <p>§9.I.<br/>Protection of Red Cross/Red Crescent Names</p> <p>(27 Mar 2014)</p> | <p>This item was moved from 3 to Phase 5, as noted in yellow.</p> | <p>Referring to the previous advice that the GAC gave to the board to permanently protect from unauthorised use the terms associated with the International Red Cross and Red Crescent Movement – terms that are protected in international legal instruments and, to a large extent, in legislation in countries throughout the world. I. The GAC advises that, for clarity, this should also include: a. the 189 National Red Cross and Red Crescent Societies, in English and the official languages of their respective states of origin. b. The full names of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies in the six (6) United Nations Language</p> | <p><b>Based on this, this item is considered complete and has been moved to Phase 5 and will be closed.</b></p> <p>The NGPC published a comprehensive report of NGPC responses and updates to GAC Advice regarding the New gTLD Program on 7 October 2015 and provided this response in its scorecard:</p> <p>The GNSO Council approved (<a href="https://gns0.icann.org/en/council/resolutions#20131120-2">https://gns0.icann.org/en/council/resolutions#20131120-2</a>) recommendations from the expedited PDP on 20 November 2013 regarding protections for IGOs and INGOs, which included protections for certain identifiers associated with the Red Cross/Red Crescent. The GNSO forwarded its policy recommendations to the ICANN Board for further consideration. On 30 April 2014, the Board took action (<a href="https://www.icann.org/resources/board-material/resolutions-2014-04-30-en#/2.a">https://www.icann.org/resources/board-material/resolutions-2014-04-30-en#/2.a</a>) to adopt the GNSO policy recommendations that are not inconsistent with GAC Advice received by the Board on the topic of protections for certain identifiers of the Red Cross/Red Crescent. With respect to the GNSO policy recommendations that differ from the GAC Advice (<a href="https://gac.icann.org/board-resolutions/public/board-resolution-annex-b-20140430.pdf?version=1&amp;modificationDate=1401266393000&amp;api=v2">https://gac.icann.org/board-resolutions/public/board-resolution-annex-b-20140430.pdf?version=1&amp;modificationDate=1401266393000&amp;api=v2</a>) (including this item of GAC Advice) the Board requested additional time to consider them, and continues to facilitate discussions among the relevant parties to reconcile any remaining differences between the policy recommendations and the GAC advice on the topic. (To note, the GNSO policy recommends that instead of reserving the RCRC national society names as advised by the GAC, the names should be bulk added to the Trademark Clearinghouse.)</p> <p>On 11 July 2019 the ICANN Board Chair sent a letter notifying the GAC Chair that the GNSO Council has approved four policy recommendations that were developed by the GNSO's PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms which include the following points: no substantive changes to existing rights protection mechanisms are needed for INGOs; no specific new dispute resolution procedures</p> |
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|  |  |  | <p>should be created for IGOs; and clarifying policy guidance is to be developed as to the filing of complaints by IGOs under the existing procedures.</p> <p>The four recommendations were posted for public comment on 11 July 2019 and will close on 20 August 2019. After the public comment period closes, the Board will meet to consider whether to adopt the four recommendations.</p> <p>The GAC sent a letter to the Board on <a href="#">20 August 2019</a> regarding the GNSO PDP on IGO-INGO Access to Curative RPMs Policy Recommendations. The Board provided a response on <a href="#">14 October 2019</a> (item also noted below in the <a href="#">Closed phase</a>).</p> <p>In its <a href="#">27 January 2019</a> resolution, the Board directed ICANN org to continue to develop and execute an implementation plan for PDP recommendations adopted by the Board as they pertain to the protection of the Red Cross, Red Crescent, Red Crystal Identifiers and names of national committees designated by the GAC.</p> <p>This was completed and the final Consensus Policy published on <a href="#">18 February 2020</a>.</p> <p>Based on this, this item is considered complete and has been moved to Phase 5 and will be closed.</p> |
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### **Additional Information on Recently Closed Items (6 items)**

Advice is considered closed once the Board has reviewed the advice, and the advice has been processed as much as is relevant and is considered complete. For advice that is considered closed, no work is outstanding from the perspective of the ICANN Board or org. Related implementation work may have been integrated into ICANN's ongoing operations or other initiatives. Follow-up to previous advice items will be closed out after the Board adopts a scorecard with a response to the follow-up comments and will also appear here.

Please note: Items appear in this section of the report once they have moved from Phase 5<sup>5</sup>. Each of the consensus advice items below were noted as in Phase 5 in the [previous status letter](#).

**Table 6. Inventory of GAC Advice Items Closed since Last Scorecard**

| Advice Item  | Advice Text   | Actions Taken  |
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| ICANN70 Virtual Community Forum GAC Communique<br><br>Follow-up 2 IGO Identifiers<br><br>(25 Mar 2021) | While the GAC welcomes the new GNSO Work Track on Curative Rights, the GAC recalls prior GAC Advice (e.g., from Johannesburg and Panama) and ICANN agreement on a moratorium for new registrations of IGO acronyms ahead of a final resolution of this issue. | <p>On 12 May 2021, the Board took action on this advice. In the scorecard, the Board stated: "The Board thanks the GAC for its follow up on previous GAC advice concerning IGO curative rights protections. The Board also thanks the GAC and IGO representatives for their participation in the ongoing IGO Work Track and looks forward to receiving and considering any policy outcomes that may be developed through Work Track consensus and approved by the GNSO Council. As noted in the Board's 23 February 2021 letter to the GAC that followed the Board-GAC Consultation Process call held on 1 February, the Board will maintain the interim reservations currently in place for IGO acronyms until the permanent post-registration notification system that the Board intends to direct ICANN org to develop for IGOs is in place. This proposed mechanism will form part of the totality of IGO protections when combined with the existing Consensus Policy that protects IGO full names and the final outcomes of the GNSO's IGO Work Track.</p> <p>The Board notes, additionally, that ICANN org is currently doing further analysis on the potential implications for trademark law should specific protections be developed and approved that are based on a defined list of IGO names and acronyms."</p> <p><b>The board considered these items on 1 June 2021 adopted a scorecard</b></p> <p><b>Based on this, this item is considered complete and will be closed.</b></p> |
| ICANN70 Virtual Community Forum GAC Communique<br><br>Follow-up 1                                      | The GAC is seeking a coordinated approach on the implementation of the specified Recommendations from the CCT Review ahead of the potential launch of a new round   | <p>On 12 May 2021, the Board took action on this advice. In the scorecard, the Board stated: "The Board thanks the GAC for its follow up on previous GAC advice concerning the CCT Review and subsequent rounds of New gTLDs. The Board agrees with the utility of adopting a coordinated approach on implementing the CCT recommendations highlighted by the GAC as well as periodic updates to the GAC.</p>  |

<sup>5</sup> Only items newly moved from Phase 5 to "Close" will appear here. The full inventory of closed items can be found on the ARR web page here: <https://features.icann.org/board-advice/gac>.

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| <p>CCT Review and Subsequent Rounds of New gTLDs<br/><br/>(25 Mar 2021)</p> | <p>of gTLDs. Pursuant to GAC advice issued in Montréal (ICANN66), related correspondence with the ICANN Board and subsequent discussions, the latest on 23rd March during ICANN70, the GAC looks forward to be periodically updated on the ongoing consideration of the above mentioned advice, and, in particular, the Recommendations marked as "prerequisite" or "high priority", namely: 1, 5, 7, 9, 11, 12, 14, 15, 16, 17, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35; for example through a tracking tool that identifies the status of each Recommendation in terms of who is taking it forward, how it will be implemented and when it is expected to be completed, particularly in regard to Recommendations attributed to the Organisation and the ICANN Community (in addition to the Board). The GAC also recalls its advice to the Board in the Helsinki Communiqué that "An objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round." Such analysis has yet to take place. In this regard, the GAC notes that the Operational Design Phase may provide the opportunity for this analysis to assist the Board as it considers whether a second round of New gTLDs is</p> | <p>In this regard, the Board notes that its consideration of these follow-up items from previous GAC advice is being done in conjunction with its review of other relevant community work. In particular, the Board refers the GAC to the correspondence exchanged following the ICANN66 Montreal Communiqué, including: (1) the GAC's January 2020 acknowledgment that certain recommendations can only be implemented when a new round of gTLDs is launched; and (2) the Board's February 2020 letter that noted its inability to act on the GAC advice until it has completed its consideration of all the CCT recommendations as well as those from the GNSO's New gTLD Subsequent Procedures ("SubPro") and Review of All Rights Protection Mechanisms ("RPM") PDPs. Since that letter, the GNSO Council has approved both the RPM and SubPro PDP Final Reports, and these are currently pending before the Board.</p> <p>Regarding a status update, the Board updated the GAC at ICANN70 on the status of the CCT Recommendations highlighted by the GAC as follows:</p> <p>March 2019: The Board accepted six of the CCT Review Team's recommendations, including #1 (promote ongoing data collection), #17 (collect data about the chain of parties responsible for domain registrations), #21 (enhance Compliance reporting), #22 (engage stakeholders on best practices regarding security of health and financial information), #30 (expand outreach into the global south) &amp; #31 (pro bono assistance program for new gTLDs).</p> <ul style="list-style-type: none"> <li>● The Board understands that ICANN org has since completed implementation of #17 and that implementation is in progress for the other accepted recommendations as feasible with existing resources and budget.</li> <li>● For those which require additional resourcing to implement, these will be subject to the prioritization and planning process under development for the community to consider the numerous recommendations from review teams and other efforts such as Work Stream 2, and how to organize and resource the work.</li> </ul> <p>October 2020: The Board further accepted an additional 11 recommendations, including #7 (collect information on parking practices), #11 (conduct periodic end-user surveys), #23 (collect data on highly-regulated sectors) and #26 (study cost of trademark protections in expanded gTLD space).</p> <ul style="list-style-type: none"> <li>● The Board understands that ICANN org has begun implementation planning for these accepted recommendations, including considerations of the resources that will be required to implement them. #9, #12, #16, #25, #27, #28, #29, and #32-35 were passed through to the GNSO as they concern gTLD policy development within the GNSO's remit.</li> <li>● The Board has just received the GNSO Council's Recommendations Report on RPMs and SubPro. As part of its consideration of the final recommendations from these PDPs, the Board will review the extent to which they address the relevant CCT recommendations.</li> </ul> |
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|   | <p>in the interest of the community as a whole.</p>   | <p>The final three recommendations highlighted by the GAC remain in pending status: #5 (collecting secondary market data), #14 &amp; #15 (recommendations relating to negotiating and amending ICANN's contracts with registries and registrars relating to anti-abuse measures and to prevent systemic use of Contracted Parties for DNS security abuse).</p> <ul style="list-style-type: none"> <li>• The Board understands that ICANN org is continuing with preparatory implementation planning for #5 along with other data collection recommendations.</li> <li>• For #14 &amp; #15, the Board had directed ICANN org to facilitate community efforts to develop a definition of "abuse" to inform further action on this recommendation.</li> </ul> <p>The Board has continued to follow the community's discussions on this and other aspects of DNS abuse mitigation, including the recommendations from the SSR2 Review Team and the recently issued advice from the SSAC.</p> <p>Regarding a cost-benefit analysis, the Board expects that, in delivering recommendations to the Board, the community will have reached consensus utilizing the multistakeholder policy development process. The Board carefully follows the community's policy-making processes and, where appropriate, engages with PDPs via liaisons. With the new Operational Design Phase (ODP), the community will have additional visibility into the Board's assessment of policy recommendations before it takes action on those recommendations. The Bylaws obligate the Board to consider the best interests of ICANN and the ICANN community when taking action on PDP recommendations.</p> <p>The Board accepted the GAC's advice from the Helsinki Communique, noting that the Board is not in a position to manage the content and timeline of ongoing community reviews. The Board recognized at the time that the CCT Review Team was concluding its work and understood that the Review Team was looking at the issues noted in the GAC's advice, and anticipated that such recommendations from the Review Team could be incorporated into the policy development work on subsequent rounds of the New gTLD Program.</p> <p>Many of these recommendations from the CCT review were passed through to community groups and have now been considered by the Subsequent Procedures PDP Working Group, as detailed in the Final Report."</p> <p><b>The board considered these items on 1 June 2021 adopted a scorecard</b></p> <p><b>Based on this, this item is considered complete and will be closed.</b></p> |
| <p>ICANN66<br/>Montreal<br/>Communique<br/><br/>§2.a.i.<br/>Domain Name</p> | <p>The GAC advises the Board to take all possible steps to ensure that the ICANN org and the EPDP Phase 1 Implementation Review team generate a detailed work plan identifying an</p> | <p>On 26 January 2020, the Board considered the Montreal Communique and provided this response in its scorecard:</p> <p>"The Board accepts this advice. The Board agrees that a realistic schedule for the implementation of the EPDP Phase 1 work plan is a prudent component of the implementation plan. The Board notes the ICANN org sent <a href="#">a letter to the GAC chair on 6</a></p>   |

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| <p>Registration Directory Service and Data Protection – Phase 1 of the EPDP</p> <p>(6 Nov 2019)</p>           | <p>updated realistic schedule to complete its work and provide and inform the GAC on the status of its progress by January 3, 2020</p>  | <p><a href="#">January 2020</a> with a status update as requested by the GAC. In that letter the Org cites they are applying the Consensus Policy Implementation Framework (CPIF) and summarizes both this process and progress to date. Additionally the letter notes that the implementation plan that will be published for public comment will include an implementation timeline. The Board will continue to closely monitor the implementation of the EPDP Phase 1 work.”</p> <p>The Board provided an update on this item in a letter of <a href="#">8 June 2020</a>. This item is now closed</p>  |
| <p>ICANN64 Kobe Communique</p> <p>§1.a.II.<br/>WHOIS and Data Protection Legislation</p> <p>(14 Mar 2019)</p> | <p>Take necessary steps to ensure that the scope of phase 2 activities is clearly defined with a view to expeditious conclusion and implementation;</p>   | <p>On 15 May 2019 the Board adopted the scorecard titled “GAC Advice – Kobe Communiqué: Actions and Updates (15 May 2019)” in response to items of GAC advice in the Kobe Communiqué and the San Juan Communiqué. The Board acknowledges this advice and while it cannot guarantee the end result, because the EPDP is a community procedure that determines its own processes, the Board does support the request that the second phase of this policy development institute concrete milestones and progress reports. The Board shall convey the request via its Liaisons to the EPDP and via its communications with the GNSO Council. The Board notes that ICANN org is also providing support to the EPDP Phase 2 to support its work.</p> <p>The EPDP Team constructed a work plan, where it clearly defined all issues to be handled in Phase 2, and the Team classified all in-scope topics as Priority 1 and Priority 2. Since the GNSO Council's approval of its work plan, the EPDP Team has been making progress and is currently on-target to meet its first milestone of publishing its Initial Report. For more information on the EPDP Team's workplan, please refer to the following page: <a href="https://community.icann.org/pages/viewpage.action?pageId=105388008">https://community.icann.org/pages/viewpage.action?pageId=105388008</a>.</p> <p>The Board provided an update on this item in a letter of <a href="#">8 June 2020</a>. This item is now closed</p> |
| <p>ICANN64 Kobe Communique</p> <p>§1.a.I.<br/>WHOIS and Data Protection Legislation</p> <p>(14 Mar 2019)</p>  | <p>Take necessary steps to ensure that the GNSO EPDP on the Temporary Specification for gTLD Registration Data institutes concrete milestones, progress reports and an expeditious timeline, similar to Phase 1, for concluding Phase 2 activities;</p> | <p>On 15 May 2019 the Board adopted the scorecard titled “GAC Advice – Kobe Communiqué: Actions and Updates (15 May 2019)” in response to items of GAC advice in the Kobe Communiqué and the San Juan Communiqué. The Board acknowledges this advice and while it cannot guarantee the end result, because the EPDP is a community procedure that determines its own processes, the Board does support the request that the second phase of this policy development institute concrete milestones and progress reports. The Board shall convey the request via its Liaisons to the EPDP and via its communications with the GNSO Council. The Board notes that ICANN org is also providing support to the EPDP Phase 2 to support its work.</p> <p>The EPDP Team has reported on its project milestones regularly, including regular updates to the GNSO Council (the body overseeing the policy development) as well as community updates via pre-ICANN webinars and cross-community sessions at ICANN meetings. For more information on the EPDP Team's workplan, please refer to the following page: <a href="https://community.icann.org/pages/viewpage.action?pageId=105388008">https://community.icann.org/pages/viewpage.action?pageId=105388008</a>.</p>  |

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| <p>ICANN63<br/>Barcelona<br/>Communique</p> <p>§1.a.III.<br/>Two-Character<br/>Country Codes<br/>at the Second<br/>Level</p> <p>(25 Oct 2018)</p> | <p>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.</p> | <p>The Board provided an update on this item in a letter of <a href="#">8 June 2020</a>. This item is now closed</p> <p>On 27 January 2019 the Board considered the Barcelona Communique and provided this response in its scorecard:</p> <p>The Board acknowledges that some GAC members have expressed concerns regarding the process for release of two-character labels at the second-level and that the GAC has issued advice directing the ICANN org to engage with concerned governments. The Board notes that the ICANN org conducted telephonic conversations with concerned governments in May 2017 explaining the rationale and development of the framework adopted by the 8 November 2016 Board resolution. Additionally, the ICANN Board and org engaged in discussions with the GAC at the Board-GAC Recommendation Implementation (BGRI) meetings at ICANN61, ICANN62 and ICANN63. The adopted Measures also urged registry operators 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 in question was already registered, advice which the GAC provided in its Helsinki Communiqué. The Board notes that the ICANN org is developing a dedicated webpage for the GAC members to easily track the registration of two-character domain names that correspond with a specific country code and which enables GAC members to submit a request for ICANN compliance action in the event of a perceived misuse. This service will aggregate two-character second level domains automatically to a table on the GAC site, which can also be downloaded for offline analysis by GAC members. The service will run daily after all root zone files are updated, aggregating all new two-character second-level domain registrations and displaying to GAC Members. The ICANN org also describes this engagement and these tools in its memo and Historical Overview. Although the Board believes that the advice to engage with concerned governments to explain the process and rationale has been fully implemented, the Board directs the ICANN President and CEO to continue to develop the tools as noted above to allow concerned GAC members to track two-character registrations.</p> <p>The Board and the GAC discussed the development of the tool during the BGIG meeting at ICANN65 in Marrakech. The tool was subject to further discussion during ICANN66 in Montreal. The ICANN organization will be available to answer questions regarding the tool on an ongoing basis.</p> <p>The Board provided an update on this item in a letter of <a href="#">8 June 2020</a>. This item is now closed</p> |
| <p>ICANN62<br/>Panama<br/>Communique</p> <p>§2.a.I.<br/>Protection of<br/>IGO Identifiers</p>   | <p>Maintain current temporary protections of IGO acronyms until a permanent means of protecting these identifiers is put into place;</p>  | <p>On 16 September 2018 the Board considered this advice and stated in its scorecard:</p> <p>The Board will continue to maintain current temporary protections of IGO acronyms pending resolution of this issue.</p> <p>The acronyms of the IGO identified on the "IGO List" have been protected by reservation in New gTLDs based on the direction of the Board from July 2013. This was implemented through the update to the reserved names list:</p>   |

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| (28 Jun 2018)  |   | <p><a href="https://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml#IGOs-2">https://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml#IGOs-2</a>.</p> <p>The Board provided an update on this item in a letter of <a href="#">8 June 2020</a>. This item is now closed</p>  |
| <p>ICANN49<br/>Singapore<br/>Communique</p> <p>§4.c.<br/>Specific Strings -<br/>.ram and<br/>.indians</p> <p>(27 Mar 2014)</p> | <p>Further to its Durban Communiqué, the GAC advises the ICANN Board that: a. The GAC recognizes that religious terms are sensitive issues. The application for .ram is a matter of extreme sensitivity for the Government of India on political and religious considerations. The GAC notes that the Government of India has requested that the application not be proceeded with; and b. as noted in the Durban communiqué, the Government of India has requested that the application for .indians not proceed</p> | <p>The NGPC published a comprehensive report of NGPC responses and updates to GAC Advice regarding the New gTLD Program on 7 October 2015 and provided this response in its scorecard:</p> <p>In response to the GAC’s advice in the Durban Communiqué concerning .RAM and .INDIANS, on 10 September 2013, the NGPC adopted an iteration of the Scorecard (<a href="https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-10sep13-en.pdf">https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-10sep13-en.pdf</a>) taking note of the concerns expressed in the GAC’s advice. a) With respect to .RAM, in the 14 May 2014 iteration of the Scorecard (<a href="https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-14may14-en.pdf">https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-14may14-en.pdf</a>), the NGPC took note of the concerns expressed in the GAC’s Singapore advice that “the application for .ram is a matter of extreme sensitivity for the Government of India on political and religious considerations.” The NGPC also noted the applicant response to the Board from Chrysler Group LLC (“Chrysler”) concerning this advice, in which Chrysler indicated that it “remains hopeful that an accommodation can be reached that addresses the Government’s concerns, yet allows Chrysler to register and operate .RAM as a restricted, exclusively-controlled gTLD. Chrysler representatives are willing to meet with the Government of India to discuss the resolution of this matter at any time that is convenient for the Government.” At this time, the NGPC continues to deliberate on this item of GAC advice and encourages the impacted parties to continue the noted discussions. b) With respect to .INDIANS, the NGPC notes that on 26 August 2014, the applicant for .INDIANS notified ICANN that it was withdrawing its application from the New gTLD Program.</p> <p>The applicant for .RAM withdrew its application in October 2019.</p> <p>The Board provided an update on this item in a letter of <a href="#">8 June 2020</a>. This item is now closed</p> |