



The Internet Corporation for Assigned Names and Numbers

5 June 2014

Heather Dryden
Chair, Governmental Advisory Committee

Re: Board responses to GAC non-gTLD matters from Singapore Communiqué

Dear Heather:

In the Singapore Communiqué, the GAC raised questions and made recommendations regarding matters other than the new gTLD program. Attached please find a scorecard of the Board's responses to the GAC's non-new gTLD concerns.

I look forward to seeing you in London.

Best regards,

Stephen D. Crocker, Chair
ICANN Board of Directors

GAC Advice Singapore Communiqué: ICANN Board Actions and Updates

(As of 30 May 2014)

	GAC Register #	GAC Advice	ICANN Board Action/Update
1. IANA FUNCTIONS	https://gacweb.icann.org/display/GACADV/2014-03-27-IANA-transition	<p>The GAC welcomes that ICANN will convene global stakeholders to develop a proposal for this transition and takes note of the preliminary timeline proposed by ICANN (http://www.icann.org/en/about/agreements/iana/functions-transfer-process-14mar14-en.pdf). The GAC is willing to participate in, and contribute to, this process and underlines that the consultations and discussions should reach out to all parties, including those governments that are not presently members of the GAC and also not part of the ICANN multistakeholder community.</p> <p>The GAC also recommends that ICANN make full use of existing events and fora to ensure a broader engagement in these important discussions, including the forthcoming NETmundial meeting (Brazil, 23-24 April 2014), and the Internet Governance Forum (Turkey, 2-5 September 2014).</p>	<p>The Board welcomes the input of the GAC and other governments that are not presently members of the GAC as ICANN convenes global stakeholders to develop a proposal for the transition of NTIA's stewardship of the IANA functions. At the ICANN 49 Meeting in Singapore during the 24 March session, ICANN launched a multistakeholder-designed process to gather the community's views and contributions to address how the mechanisms for the transition of NTIA's stewardship of the IANA functions should occur. Additionally, on 8 April 2014, ICANN posted a "Call for Public Input: Draft Proposal, Based on Initial Community Feedback, of the Principles and Mechanisms and the Process to Develop a Proposal to Transition NTIA's Stewardship of the IANA Functions."</p> <p>To ensure that the eventual proposal is community-driven and enjoys broad support, ICANN is committed to collecting and incorporating input and feedback from the global stakeholder community, and intends to recognize discussion in other fora as appropriate.</p>

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2. DATA RETENTION WAIVERS	https://gacweb.icann.org/display/GACADV/2014-03-27-Data+Retention+Waivers	<p>The GAC welcomes the explanation provided to the GAC by ICANN in relation to the state of play of the granting of the Data Retention Specification waiver foreseen in the Registrar Accreditation Agreement, in compliance with national laws. Some members asked ICANN not to take legal action against those Registrars in order to fulfill their data retention requirements pending a decision on these waivers. They further recalled that waivers might be necessary for data provision requirements accordingly in the Registry Agreement.</p>	<p>The Board appreciates the opportunity provided by the GAC to discuss this important matter in Singapore. ICANN continues to make progress in evaluating requests from registrars to waive certain data retention requirements under the 2013 Registrar Accreditation Agreement ("2013 RAA"). Recently, ICANN reported that it had made a preliminary determination that it is prepared to grant three (3) data retention waiver requests in a limited scope submitted by registrars 1API GmbH, ingenit GmbH & Co. KG and RegistryGate GmbH (the "Registrars") under the 2013 RAA. As required by the process, the waiver request and supporting documentation was posted for public comment, which public comment period will remain open until 22 June 2014.</p> <p>ICANN will continue to process requests from registrars according the Process for Handling Registrar Data Retention Waiver Requests and provide periodic updates to the community as appropriate.</p>

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3. ATRT2	https://gacweb.icann.org/display/GACADV/2014-03-27-ATRT2	<p>The GAC agreed on a revised charter for continuation of the Board-GAC Recommendation Implementation Review Team (BGRI), with responsibility for progressing relevant recommendations from the final report of the Accountability and Transparency Review Team (ATRT2). Some areas of the report are the subject of ongoing GAC working groups and some are GAC internal matters, which will feed into the overall ATRT2 process.</p> <p>The GAC has established a working group to develop guidelines on ICANN-government and IGO engagement, and will work with the ICANN Global Stakeholder Engagement team, and within the BGRI process, to progress relevant recommendations from the ATRT2 report.</p>	<p>The Board welcomes the report that the GAC agreed on a revised charter for continuation of the Board-GAC Recommendation Implementation Review Team. The Board will continue to work with the GAC to make progress on relevant recommendations from the ATRT 2 Report.</p>

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4. TRACKING KEY ISSUES	https://gacweb.icann.org/pages/viewpage.action?pageId=28278832	The GAC requests that the Board consider ways in which ICANN and the GAC can work more closely in ensuring that key issues are tracked in a more concise and structured way, so that the GAC is able to provide timely and comprehensive advice. For example, the multiple streams of activity being dealt with regard to Registrar Accreditation Agreement, data protection, and data retention issues, WHOIS (e.g. Expert Working Group, privacy and proxy services, etc). The GAC would benefit from some form of comprehensive overview by ICANN of such related issues prior to the meetings.		The Board will coordinate with the GAC to develop agenda items with key issues, which could be presented through webinars, written briefings or other methods that may be helpful to the GAC to track key issues in a concise and structured way so that the GAC is able to provide timely and comprehensive advice.

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5. COMPLIANCE	https://gacweb.icann.org/pages/viewpage.action?pageId=28278832	<p>The GAC requests that the Board facilitate ICANN staff briefings for each meeting on compliance with ICANN safeguards for registry operators, registrars and registrants.</p>	<p>ICANN stands ready to provide periodic updates to the GAC regarding the activities carried out by the Compliance Department on the effective implementation of the Safeguards, including possibly at ICANN meetings, or through webinars. ICANN looks forward to hearing from the GAC about establishing convenient times and methods of providing the updates that would be informative and effective for GAC members.</p> <p>In the meantime, please refer to the links below for published material about ICANN Contractual Compliance activities and updates.</p> <ol style="list-style-type: none"> 1. For monthly briefings on compliance activities, refer to http://www.icann.org/en/resources/compliance/update 2. For monthly statistical reporting across the regions, the compliance types and reporters, refer to https://features.icann.org/compliance 3. To learn more about the most common complaints ICANN receives that may be in violation of the agreements and/or consensus policies, refer to http://www.icann.org/en/resources/compliance/complaints 4. For the latest Notices of Breach, Suspension, Termination and Non-Renewal, refer to http://www.icann.org/en/resources/compliance/notices 5. For the ICANN Contractual Compliance Annual Report, refer to http://www.icann.org/en/resources/compliance/reports 6. For the Audit Program, refer to http://www.icann.org/en/resources/compliance/audits

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6. HIGH LEVEL MEETING - LONDON	https://gacweb.icann.org/display/GACADV/2014-03-27-HLM	The GAC requests that additional funding for travel be provided to ensure that the high level meeting scheduled for London has representation from the widest range of countries, including Ministers and their staff from developing countries, in line with existing GAC travel support guidelines.		On 9 May 2014, ICANN notified the GAC Chair that it was in support of ensuring that the high level meeting scheduled for London was a success, and that additional funding for travel would be made available to assist with having representation from a wide range of representatives from countries at the high level meeting.
7. WHOIS	https://gacweb.icann.org/display/GACADV/2014-03-27-WHOIS	The GAC notes the work being accomplished by the Expert Working Group on New gTLD Directory Services (WHOIS). The GAC will work inter-sessionally on privacy issues up until the ICANN 50 London meeting.		The Board also takes notes of the work being accomplished by the Expert Working Group on New gTLD Directory Services and welcomes any additional comments or report from the GAC on its intersessional work on privacy issues leading up to the ICANN meeting in London.