

ICANN | GAC

Governmental Advisory Committee

29 January 2016

Dr. Steven Crocker
Chair, Board of Directors
Internet Corporation for Assigned Names and Numbers (ICANN)
cc Marcus Kummer, BGRI Co-Chair
Manal Ismail, BGRI Co-Chair

Ref: GAC Advice Effectiveness Review Report

Dear Dr. Crocker,

I am writing to follow up a matter raised in the GAC's meeting with the Board in Dublin last year, namely a review of GAC advice effectiveness commissioned by the GAC.

It is appropriate for the GAC to periodically review both whether and how effectively ICANN has taken GAC Advice into account. This should be examined at both the policy and implementation levels. At the GAC meeting during ICANN53 in Buenos Aires, the independent ACIG GAC Secretariat was asked to undertake a review of this effectiveness, commencing with GAC Advice from ICANN44 in Prague 2012 through to ICANN52 in Singapore 2015. The report from this review was tabled to the GAC during the Dublin GAC meeting.

The key finding of this review is that it is difficult in some cases to determine and track:

- Whether (or not) the ICANN Board has accepted the GAC Advice;
- Where there is clear evidence that the advice has been accepted, to what degree the advice has been implemented; and
- Whether or not the GAC feels the implementation is adequate to meet their original intent in providing the advice.

The review also shows that wherever GAC Advice seeks to impose restrictions, safeguards, checks, rules, verification, authentication, other minimum behavioural expectations or 'standard setting' on another party, the likelihood of ICANN accepting and implementing the advice in the precise way that the GAC have requested, decreases. Conversely, the less contentious the advice is and the less it impacts other parties, the more likely it is to be implemented.

At the Dublin meeting, the GAC expressed the view that the current situation was not satisfactory and that there is a transparency and accountability issue for both ICANN and the GAC. The six recommendations in the report were endorsed, with further consideration to be given to the question, how far the GAC may also need to see through the implementation of its advice, in order to make sure it is implemented according to the GAC's expectations. As the BGRI has, in its previous work related to the implementation of the ATRT recommendations, dealt with some aspects of these issues, the GAC decided at the Dublin meeting to invite the BGRI to consider options for taking forward the recommendations in the report.

I now submit the GAC Advice Effectiveness Review to you and request that you provide it to the Board representatives of the BGRI. The GAC would like the BGRI to review the full report and in particular Recommendation Six which states that:

The BGRI should:

- *Consider the recommendations in this paper and provide its views to the Board and the GAC on appropriate next steps; and*
- *Review the arrangements for the provision of "GAC Advice" agreed during the ATRT1 process and provide their views of what constitutes GAC Advice to both the Board and the GAC.*

I look forward to hearing from you in due course on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Th. Schneider', with a long horizontal flourish extending to the right.

Thomas Schneider
Chair, Governmental Advisory Committee

GAC Advice Effectiveness Review

Background

The GAC is an Advisory Committee (AC) to ICANN, created under the ICANN ByLaws. It provides advice to ICANN on public policy aspects of ICANN's responsibilities with regard to the Internet Domain Name System (DNS).

GAC Advice has a particular status under the ICANN ByLaws: GAC Advice must be duly taken into account by the ICANN Board both in the formulation and adoption of policies. Where the Board proposes actions that are inconsistent with GAC Advice it must inform the GAC, give reasons for doing so and attempt to reach a mutually acceptable solution.¹

It is appropriate to periodically review whether ICANN has taken GAC Advice into account and how effectively ICANN has taken GAC Advice into account. This should be examined at both the policy and implementation levels. At the GAC meeting during ICANN53 in Buenos Aires, the independent ACIG GAC Secretariat was asked to undertake a review of this effectiveness, commencing with GAC Advice from ICANN44 in Prague 2012 through to ICANN52 in Singapore 2015.²

The Secretariat reviewed the following material from 2012 through to 2015:

- The "GAC Advice" portion of all GAC Communiques;
- All correspondence from the GAC to the ICANN Board; and
- All correspondence from the ICANN Board to the GAC advising on receipt of GAC Advice and progress on interpretation, acceptance (or not) and implementation of that Advice.

[Appendix One](#) provides a summary breakdown of the GAC Advice to the Board over the relevant period via the Communiques and shows:

- Whether (or not) the advice was accepted by the ICANN Board;
- Whether (or not) the advice was implemented by ICANN;
- What the outcome of the Advice turned out to be.

In total there are 54 pieces of Advice included in the summary. The information in the summary is provided with the following caveats:

- There were more individual pieces of advice issued than the 54 in the summary, but some of it was duplicated advice where the GAC reiterated its advice from previous Communiques. For the sake of clarity in this analysis the duplicated advice has been left out and the analysis of effectiveness referenced against the original piece of advice.
- For the sake of brevity and readability of the summary, longer statements of advice have been compressed into shorter statements that convey the essence of the advice. So the wording in the summary does not match the exact wording of the advice in all cases, but conveys the essential intention.

¹ ICANN By-Laws Article XI 2j

² Advice constitutes both Communiques and letters from the GAC Chair to the ICANN Board

- It was not possible in all cases to identify whether or not the Board accepted the Advice – that is, the review was unable to find a record of such acceptance (or not). This was the case for 16 pieces of advice and is a pertinent fact in respect of the key findings of the review.

[Appendix Four](#) provides a summary of the Board responses to the GAC Advice.

Review Finding

The key finding of the review is that it is extremely difficult in some cases to determine:

- Whether (or not) the ICANN Board has accepted the GAC Advice;
- Where there is clear evidence that the advice has been accepted, to what degree the advice has been implemented; and
- Whether or not the GAC feel the implementation is adequate to meet their original intent in providing the advice.

The review shows that the more the advice seeks to impose restrictions, safeguards, checks, rules, verification, authentication, other minimum behavioural expectations or 'standard setting', the less likely it is that ICANN will accept and implement the advice in the precise way that the GAC have requested. In general the less contentious the advice is, the more likely it is to be implemented.

Key Factors

There are a range of reasons that make it difficult to always associate GAC Advice with an identifiable response from the ICANN Board.

Poor Record Keeping Practices

GAC record keeping practices are complex, duplicated and inadequate.

There are three places online where GAC Advice is placed. It is not possible to identify how the Board have responded to GAC Advice simply by looking at any one, or the combination, of the three locations.

- The GAC website hosts a "[GAC Register of Advice](#)" contains 154 entries which have no grounding reference other than a date. Thus it is difficult to determine how to look for particular pieces of Advice. Within this:
 - 102 entries are classified as relating to "new gTLDs";
 - Once a user does decide to review a piece of advice and selects one, the next page includes the statement of advice and the date and source of the advice. This is useful. However the other 8 fields in the database are almost without exception empty for every entry. These include vital information such as "Board Action (accept/disagree)", "Board acknowledgement of completion" and "GAC acknowledgement of completion". In summary the Register of Advice

provides an adequate mechanism for good records to be kept, but ICANN and GAC have not done so with the vast majority of entries.

- The GAC website also hosts a "[GAC Advice Tracking](#)" page. This page holds a record of each GAC Communique, which is useful. However the title of "Advice Tracking" is a misnomer because there is no tracking and no ability to see how the ICANN Board has responded to the Communique.
- The GAC website also hosts "[Tracking Tables](#)" embedded in links from the "GAC Advice Tracking" page. This set of pages lists each piece of Advice and includes a "status" area. However for bulk of meetings the "status" area simply restates the Advice from the Communique and provides little or no status update (in other words the record is not appropriate to the intent of the table). The pages very rarely includes a response from the Board, for example the most recent Board response is from March 2014 in relation to the .amazon advice. Advice from before 2013 provides a status update of "accepted" or "dialogue" but provides no information on how the advice was subsequently implemented so is opaque in terms of reviewing the effectiveness, or not, of the advice.

Thus none of the three places online where GAC Advice is recorded are fully effective or provide the information that a user would likely be looking for.

Lack of clarity about what constitutes GAC Advice

The ICANN Board (or at least one of its committees) seem unclear about what constitutes GAC Advice. In an email of 24th August 2015, the GAC Chair advised the GAC that the NGPC do not consider it "advice" when the GAC says "the GAC recommends". Therefore the Board may not consider that they need to act on the recommendation in the manner described by the ICANN By-Laws for GAC Advice. This may have affected the Boards perception of their responsibilities particularly with regard to Safeguard recommendations.

The ICANN Board has now sought written clarification from the GAC of this issue with particular regard to the ICANN53 Buenos Aires Communique. But it remains a more general issue to clarify with regard to all manners of GAC Advice delivery. The Board-GAC Review Implementation Team (BGRI) is likely to have a role in redressing this problem and reviewing historical arrangements agreed during the ATRT1 process. The BGRI has the explicit authority of both the ICANN Board and the GAC to do so.

Board responses to GAC Advice are not always linear and direct.

Where GAC Advice is straightforward, procedural and relatively non-contentious, it is easy for the ICANN Board to accept the Advice and respond quickly with an implementation approach. This type of Advice is easy to track. Examples of this type of advice include:

- 'Categorise the string .doctor as falling within category 1 safeguard advice' (ICANN48);
- 'DCA application for .africa should not proceed' (ICANN50); and
- 'Provide GAC with a scorecard indicating steps and timelines related to all streams of work for the WHOIS accuracy safeguard' (ICANN51).

However where the advice is more complex, involves dialogue and negotiation with other constituencies or stakeholders or is contentious or challenging to implement, it is harder for the

ICANN Board to immediately accept the advice or to respond quickly with an implementation approach. This type of Advice is difficult to track because the Board responds iteratively and over long periods of time.

There are multiple examples of communication back and forth between the GAC and the ICANN Board reflecting the various stages of advice consideration, negotiation and implementation that the issue needs to go through. Also, as described above, these multiple pieces of communication are not stored or recorded in a single place that is easy to locate or associated directly with the initial piece of advice. Therefore keeping track of the status of the advice becomes much more difficult.

Scorecard

In response to some of the complexities described above, ICANN developed a 'scorecard' to track the Board's activities and responses in relation to 'open' items of GAC Advice from various Communiqués over time. This scorecard is continuously updated.

The scorecard is a useful contribution to the recording and management of GAC Advice, however comparison continuously needs to be made back to the original advice to determine whether or not the Advice has been taken into account at both a policy and implementation level as the GAC had intended. The scorecard also represents a record only from the ICANN (Board and staff) perspective. That is, it does not necessarily accord with GAC views about whether or how a particular piece of advice has been accepted or implemented. The scorecard is not, therefore a record of GAC's have acceptance of the Boards implementation activity or approach.

Public Policy Aspects

The conclusion that can be drawn from the Advice Effectiveness Review is that in a lot of cases it is difficult to assess whether GAC Advice has been adequately addressed by the ICANN Board because it is difficult to create a 1:1 association between the Advice and the ICANN Board response.

It is very challenging to make an assessment on whether or not a particular public policy concern has been (or is in the process of being) appropriately addressed by the interventions and advice of the GAC.

The GAC, therefore, could be more effective in addressing public policy issues, if its Advice processes were:

- Better recorded and managed from a single, transparent and easily discoverable location;
- More clearly understood and accepted by the Board as advice within the terms of the By-Laws; and
- Better related to the intended public policy outcomes.

Currently ICANN takes GAC Advice, interprets it and proceeds to adopt an implementation approach without further consultation. It would be an improvement if there was a bilateral advice interpretation/iteration process between the GAC and

ICANN enabling GAC to agree (at a conceptual level) to proposed implementation approaches early. This may avoid ICANN frustration with subsequent GAC interventions and will increase the likelihood that GAC advice is being implemented in a way which will achieve the public policy outcomes originally intended.

Recommendations

Recommendation One

Review and make clear to all parties what forms of communication from the GAC comprise “GAC Advice” more precisely:

Articulate how GAC Advice is to be documented and communicated to the Board and leave no room for interpretation or error in this understanding. Incorporate this description into the GAC Operating Principles and provide written confirmation to the ICANN Board that, according to the GAC Operating Principles and enabled by the ICANN ByLaws, GAC Advice will be received by them in this manner and is to be consistently interpreted as GAC Advice. Where information is provided to the Board via a mechanism other than that described, the understanding is to be that this may form communication from the GAC, but is not GAC “Advice” under the terms of the ByLaws.

Recommendation Two

Decide and describe the intended public policy outcome for each piece of GAC Advice and include this in the statement of Advice itself.

ICANN is looking to the GAC to provide leadership and advice where their policies and activities affect public policy issues. To provide guidance to ICANN about how they should approach the acceptance and implementation of GAC Advice, it may be useful for ICANN to understand the intended public policy outcome (safer communities, lower fraud levels better health outcomes etc) that the GAC is trying to achieve via the provision of a particular piece of Advice.

By providing a reference to an intended public policy outcome as part of the Advice, the GAC simultaneously directs ICANN as to what the implementation of that Advice should achieve and confirms to all stakeholders the validity of the Advice by articulating it in a public policy context. Advice that can not be associated with a public policy outcome is by definition outside the scope of the GAC to provide, in accordance with the ICANN By-Laws.

Recommendation Three

Within each piece of Advice, articulate the separate implementable elements:

The Advice that is the most difficult to track and to associate with an ICANN response is that where multiple pieces of ‘instruction’ or advice are combined into a single piece of Advice. This can be demonstrated in the Safeguard Advice given in the Beijing Communique where four very separate requests or instructions to ICANN were given within one piece of Advice regarding Category 1 Safeguards. ICANN was asked to:

- Ensure Registrants agreed to an acceptable use policy that included agreement with all applicable laws;

- Ensure Registrars notified Registrants of the acceptable use policy and its terms;
- Require Registrants who collect and maintain sensitive health or financial data to implement appropriate security mechanisms; and
- Require Registry Operators to maintain a list of Registrant contact data for the notification of complaints or reports of registration abuse.

While each request is valid in its own right, with a clear link to public policy, placing them all within a single statement of Advice makes it very difficult for ICANN or the GAC to track and report acceptance or implementation as there are so many separate elements. Each of the above elements requires an independent statement of acceptance (or not) by ICANN and then an independent project or approach to implement. Having the GAC placing them all in a single statement of Advice makes it extremely difficult for ICANN to respond in a 1:1 fashion and therefore for the GAC, or anyone, to track in terms of implementation or effectiveness of any particular element. This approach has created unnecessary confusion in managing GAC Advice and it is recommended that in the future, separate implementable elements of GAC Advice be made as separate pieces of GAC Advice.

Recommendation Four

Improve the existing GAC Advice Register and remove the duplication of current material.

The Register of GAC Advice, and the record of ICANN response to it, should be maintained in one single place on the GAC or ICANN website and the multiple instances removed. The Advice Register needs to have the functions (or available fields) to:

- Record the initial advice, it's format, date, source and intended public policy outcome;
- Record the date and initial ICANN Board response;
- Record multiple iterations of correspondence between the Board and the GAC, over time, to support dialogue to negotiate the Board response for more complex pieces of Advice;
- Record the intended ICANN implementation approach;
- Record whether (or not) the GAC endorses the implementation approach; and
- Record when the implementation is complete.

The Advice Register could be either an application embedded in the existing wiki, or a redesigned wiki page with all the available fields above populated.

Recommendation Five

Roles and Responsibilities with regard to maintaining the Register of Advice need to be made explicit and clear either via the GAC Operating Principles or via a service performance contract. Currently no party has explicit responsibility to maintain these key records. There are a range of options:

- ICANN GAC Support Staff
- ICANN Board Support Staff
- Independent GAC Secretariat (currently ACIG)

- One of the above parties under the direction of another.

Recommendation Six

The BGRI should:

- Consider the recommendations in this paper and provide its views to the Board and the GAC on appropriate next steps; and
- Review the arrangements for the provision of “GAC Advice” agreed during the ATRT1 process and provide their views of what constitutes GAC Advice to both the Board and the GAC.

References

1. ICANN53 Buenos Aires GAC Meeting Agenda Item 2 Briefing Paper – GAC Advice Effectiveness
2. ICANN ByLaws
3. GAC Operating Principles
4. ICANN [Correspondence Register](#)
5. GAC website [Tracking Tables](#)
6. GAC website [GAC Advice Tracking](#)
7. GAC website [GAC Register of Advice](#)
8. GAC Communiques from:
 - a. ICANN44 – Prague
 - b. ICANN45 – Toronto
 - c. ICANN46 – Beijing
 - d. ICANN47 – Durban
 - e. ICANN48 – Buenos Aires
 - f. ICANN49 – Singapore
 - g. ICANN50 – London
 - h. ICANN51 – Los Angeles
 - i. ICANN52 – Singapore
9. Email from GAC Chair to GAC, 24th August, 2015 – GAC Advice versus GAC recommendations – is there a difference?

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1.0, 06/08/15	Initial Draft, Tracey Hind
2.0, 01/09/15	Second draft, Tracey Hind, including recommendations
3.0, 09/09/15	Third draft, Tracey Hind, incorporating Tom Dale and Michelle Scott-Tucker feedback
4.0	Fourth draft, Tracey Hind, incorporating Dublin agenda item reference number.

Appendix One – GAC Advice ICANN44 to ICANN52

ICANN44 – Prague, June 2012					
Advice	Accepted Board?	by	Implemented by ICANN?	Outcome	Effectiveness
A detailed rationale to accompany decisions against the release of an application for a two character IDN ccTLD.					
Creation of an appeals mechanism to challenge decisions on confusability related to applied-for IDN ccTLDs.					
The revised Registrar Accreditation Agreement should be in place in advance of the delegation of any new gTLDs.	Yes – 06/03/13		Yes, but only by the 2 nd Half 2013 (12 months later)	12 months of applications went through before the advice was enacted.	
A restructure of ICANNs contractual compliance function needs to be in place before any new gTLDs are launched.					
ICANNs contractual compliance policies and					

processes should be principles-based.				
The WHOIS Review Teams recommendations should be incorporated into the RAA amendment process.		13/10/12 the Board said it would evaluate the feasibility and potential implementation paths		
ICANNs processes to detect anomalies in the root system where new TLD strings are inserted, and the associated decision-taking procedures, need to be defined before any new gTLDs are delegated.				
ICANN to provide tools for reporting the distribution of financial resources between the different constituencies of ICANN.				
ICANN to implement an effective ethics and conflict of interest policy.				
Board to advise status of the pending GAC request for enhanced protections for the IOC and Red Cross/Red Crescent names at the top and 2 nd levels.	No - 13/10/12 Partly - 03/07/13	NGPC replied that they were seeking advice from the GNSO on this subject. Specification 5 of the new Registry Agreement includes a list of names (provided by IOC and RCRC) to be		

			withheld from registration until such time as the GNSO PDP process is complete.		
ICANN45 – Toronto, October 2012					
Advice	Accepted Board?	by	Implemented by ICANN?	Outcome	Effectiveness
ICANN will bind and manage as contractual, commitments made by applicants for new gTLDs where these commitments are in response to the GAC providing an Early Warning Advice on that application.	Yes – 07/12/12				
Names and acronyms cited under the .int TLD in the Applicant Guidebook should be protected from delegation to a third-party registration as a new gTLD at either the top or second level.	Yes		Yes, but the party intended to be protected had to know to apply to ICANN to be listed on a “reserved” names list prior to 28/2/13	Not implemented as GAC had intended.	
ICANN46 – Beijing, April 2013					
Advice	Accepted Board?	by	Implemented by ICANN?	Outcome	Effectiveness
Under contractual oversight from ICANN, Registry Operators will conduct checks at least	Partly		ICANN (not the Registry Operators) to undertake the checks at least twice annually. Inaccurate WHOIS records will	Implementation approach imposed	ICANN say this results in more consistent

<p>twice per year to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data.</p> <p>(Safeguard 1 in the ICANN letter of 02/09/14)</p>		<p>be forwarded to Registrars for follow-up and feedback on the outcome to the ICANN Contractual Compliance Department.</p>	<p>additional burden and cost on ICANN.</p>	<p>sampling and approach.</p>
<p>Under contractual oversight from ICANN, Registry Operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law. (Safeguard 3 in the ICANN letter of 02/09/14)</p>	<p>03/07/13 – yes</p>	<p>Yes, via PICs in Specification 11. Although the responsibility was delegated from Registry Operators to the Registry-Registrar Agreement document.</p>	<p>Registry Operators have delegated downward the responsibility and upward the assurance process, avoiding their own responsibility.</p>	
<p>Under contractual oversight from ICANN, Registry Operators will periodically assess whether domains in its gTLD are being used to perpetrate security threats. If a risk is identified, the Registry Operator will notify the relevant registrar and if not</p>	<p>03/07/13 – partly 02/09/14 – Partly.</p>	<p>Specification 11, section 3a means ROs must include a provision in their Registry Agreements with Registrars prohibiting these behaviours. But have omitted the contractual language in the implementation so it is not clear whether ROs have any responsibility to notify a</p>	<p>Implementation is not as robust as GAC advice intended.</p>	<p>Not effective. Risks may be identified, but not necessarily acted on. There is no safeguard effectiveness in this outcome.</p>

immediately fixed, will suspend the domain name until the matter is resolved.		Registrar to take actions in response to security threats.		
Under contractual oversight from ICANN, Registry Operators will maintain records of inaccurate WHOIS records or security threats identified and actions taken.	03/07/13 – Partly 09/12/14	Via Specification 11. And an Accuracy Reporting System (ARS) technology put in to conduct WHOIS checks across all existing and new gTLD operators and all ICANN accredited registers. Pilot report on the system didn't provide enough time for GAC to review and comment effectively on whether it meets the intent of the advice. Also: ICANN has not committed to implementing the ARS across the identity validation phase (3) of the WHOIS validation project.	Potentially not as effective as envisaged because ICANN have to do the policing (see above). And wear the costs. Read as a whole, ICANN appear more concerned with the burden on ROs than on public safety concerns.	Quality of effectiveness is dependent on the quality of the compliance activity by ICANN and preparedness of ICANN to continue to invest in the process and technology. If it was based on contracts with ROs it would be more sustainable.
Under contractual oversight from ICANN, Registry Operators will ensure they have in place a mechanism for making complaints that the WHOIS information is inaccurate or that security threats exist in the domain. (Safeguard 5 in the ICANN letter of 02/09/14)	03/07/13 – yes	Yes, via Specification 6, Section 2.8 and 4.1 of the new Registry Agreement.	Effectiveness of this is dependent on whether or not the ROs have a responsibility to respond to complaints from sources other than governments or law enforcement agencies.	
Under contractual oversight from ICANN, Registry Operators will implement real and	03/07/13 – yes	Yes, via Section 3.7 of the new Registry Agreement.		

<p>The following “Category 1” consumer safeguards should be applied to financial, gambling, professional services, environmental, health and fitness, charity and corporate identifiers strings:</p> <p>Registry Operators must verify the registrants licenses or authorisations to participate in the market.</p> <p>In case of doubt with regard to the authenticity of licenses or authorisations, Registry Operators should consult with relevant national supervisory authorities.</p> <p>Registry Operators must conduct periodic post-registration checks of the registrants continued licensing status.</p>	<p>No – 03/07/13</p> <p>No – 29/10/13</p>	<p>No. Dialogue proposed for Durban instead and current applicants for those strings put on hold while the dialogue is underway</p> <p>ICANN advised instead that they will name a sub-set of these strings as Category 1 and implement a set of Public Interest Commitments under Specification 11 for this set of strings. Also that the registrant need only “represent” or “attest”, not verify and validate, that they have the required credentials. It is considered too hard for ROs to know what charters/licenses/credentials a registrant needs to operate in each country in the sectors for these strings. Specification 11 says that if the RO gets complaints about the authenticity of licenses they are required to consult with the relevant national supervisory authorities.</p> <p>ICANN propose the possible establishment of a “trust mark” to be awarded by Registries following a third-party review of the Registrants authenticity and licenses.</p>	<p>Protections GAC proposed are not fully in place and are substantially watered down.</p> <p>Registry Operators avoid the responsibility of verifying the authenticity of licenses or authorisations. And for consulting with relevant national supervisory authorities.</p> <p>Third party is undefined – could be a national authority (which would increase costs on government) or could be a new verification industry – self interested in endorsing customers to gain revenue.</p>	
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	No – 28/04/15			
<p>For “Category 2” Strings the following safeguards apply (Appendix 3):</p> <p>Any registration restrictions should be appropriate to the nature of the risks associated with the TLD and not give undue preference to any Registrars or Registrants.</p> <p>For strings representing generic terms, exclusive registry access should serve a public interest goal.</p>	<p>No – 03/07/13</p> <p>Yes – 01/10/13</p>	<p>No. Dialogue proposed for Durban instead and current applicants wanting exclusive registry access put on hold while the dialogue is underway</p> <p>Yes - NGPC directs staff to move forward with the contracting process for applicants including a clause to say that that registrants may not impose eligibility criteria that limit registration.</p>	<p>Applicants were involved in the process. Majority did not seek to impose exclusive access.</p>	
<p>Board not to proceed beyond Initial Evaluation with: .shenzhen (IDN in Chinese), .persiangulf, .guangzhou (IDN in Chinese), .amazon (and IDNs in Japanese and Chinese), .patagonia, .date,</p>	<p>Initial acceptance (not entering into agreements until disputes are resolved) and then case by</p>	<p>.shenzhen advice accepted.</p> <p>10/02/14 - .shenzhen applicants withdrew.</p> <p>10/02/14 - .vin and .wine – ICANN commissioned a third-party legal expert to advise them. The advice said that</p>	<p>.spa proceeded to be delegated as the town and the applicant reached consensus without the GAC.</p>	<p>.persiangulf, .patagonia, .date, .yun, .zulu unknown.</p>

.spa, .yun, .thai, .zulu, .wine, .vin	case management	ICANN should be free to contract these strings out. .Thai advice accepted at Durban.		
Where a community which is impacted by a new gTLD application has expressed a collective and clear opinion, that opinion should be duly taken into account as part of the application.	Yes – 06/06/13	Will continue to use the existing CPEP process for applicants who choose to use it. Criterion 4 of CPEP takes community support or opposition to the application into account. Otherwise (or if CPEP fails) ICANN will proceed to auction to resolve contention for the string.		
Reconsider the decision to allow singular and plural versions of the same strings.	06/06/13 - ICANN "will consider" this advice No – 25/06/13 No – 03/07/13	ICANN will continue to allow singular and plural versions of the same string. ICANN doesn't think changes are needed to address potential consumer confusion.		
ICANN47 – Durban, July 2013				
Advice	Accepted by Board?	Implemented by ICANN?	Outcome	Effectiveness
GAC objects to .amazon and related IDNs in Japanese and Chinese and also to .thai	.thai advice accepted. .amazon advice not accepted	01/10/13 – Additional analysis directed 10/02/14 - ICANN commissioned a third-party legal expert to advise them. The advice said that ICANN should be free to contract these strings out.		

		30/05/14 – ICANN decides not to proceed with the delegation of .amazon without prejudice to allowing the continuation of the current dispute resolution processes.		
Don't proceed beyond initial evaluation for .spa, .yun, .guangzhou (IDN in Chinese), .shenzhen (IDN in Chinese)	Yes		10/02/14 - .shenzhen and .guangzhou applicants withdrew .spa proceeded to be delegated as the town and the applicant reached consensus without the GAC. .yun remains unresolved.	
GAC will work with IGOs and the NGPC to develop a mechanism to notify an IGO of a potential registrant with a matching acronym at the 2 nd level and allow for an independent third party to review the request in the event of a disagreement between the IGO and the applying registrant.	Yes	October 2013 ICANN provided the GAC with a draft proposal to consider.		
Applicant Guidebook to be refined to protect geo names in				

accordance with the 2007 GAC Principles on new gTLDs.					
Take better account of community views, regardless of whether those communities have utilised the ICANN formal community process or not.					
Consider the recommendations in the SSAC report on dotless domains (SAC053) and Internal Name Certificates (SAC057).					
ICANN48 – Buenos Aires, November 2013					
Advice	Accepted Board?	by	Implemented by ICANN?	Outcome	Effectiveness
Categorise the string .doctor as falling within Category 1 safeguard advice.	Yes		Yes. 10/02/14		
Independent third party review of IGO acronym disputes to be binding and at no cost to the IGO.	13/03/14 – Yes		Draft proposal to GAC from ICANN includes this.		
ICANN49 – Singapore, March 2014					
Advice	Accepted Board?	by	Implemented by ICANN?	Outcome	Effectiveness

Board reconsider the .wine and .vin resolutions before delegating the strings	Yes – 04/04/14	ICANN provided an additional 60 days to provide extra time for consideration.		
Red Cross and Red Crescent protections should also extend to the 189 National Red Cross and Red Crescent Societies in English and the official languages of their States of Origin and the full names of the ICRC and IFRC and Red Crescent in all 6 UN languages.	Partly – 04/06/13 No – 30/04/14	Temporary protection granted pursuant to a time when a policy is adopted that may require further action. GNSO policy adopted to refer the RCRC names to the Trademark Clearing House.	Will only do this where there is consistency with the GNSO policy recommendations. Where it is different, the parties must negotiate an outcome and advise ICANN to implement.	
ICANN50 – London, June 2014				
Advice	Accepted by Board?	Implemented by ICANN?	Outcome	Effectiveness
Board to call on the NGPC to provide the GAC with a satisfactory response to the concerns in the Beijing and Singapore Communiques.	02/09/14 - yes	Via letter.		
The DCA application for .africa should not proceed.	03/07/13 - Accept	Applicant permitted to withdraw or seek relief according to ICANN processes.		
Red Cross and Red Crescent terms and names should not be equated with trademarks or trade names or protected				

under curative mechanisms for trademark protection.				
ICANN51 – Los Angeles, April 2014				
Advice	Accepted by Board?	Implemented by ICANN?	Outcome	Effectiveness
Provide GAC with a scorecard indicating steps and timelines regarding all streams of work related to the WHOIS accuracy safeguard.	Yes – 22/01/15			
Complete the pilot study on WHOIS accuracy... and share the findings at ICANN52.	Yes – 22/01/15	Completed		
Initiate the identity verification phase of WHOIS including a cost:benefit analysis of implementation options.	Yes – 22/01/15	Statement of Intent provided		
Commit to defining the process to address and resolve inaccurate WHOIS records and respond to non-compliance reports.	Yes – 22/01/15	Statement of intent provided		
Inform the GAC on the framework for Registries to	Yes – 22/01/15	Draft framework issued 10/12/14 and provided to ICANN52	Draft framework is unsatisfactory – see	

respond to security risks, no later than before ICANN52.			Beijing Communique entry.	
PICDRC – modify the dispute resolution process to ensure that non-compliance for PIC strings is effectively and promptly addressed.	No – 22/01/15 No - 02/09/14	ICANN re-advised the existing process, have made no attempt to speed it up. Anticipate a minimum of 80 days to resolve a complaint.		
Reconsider the NGPCs determination not to require the verification and validation of credentials of registrants for the Category 1 new gTLDs or to conduct periodic post-registration checks to ensure that Registrants continue to possess valid credentials.	No – letter 02/09/14 with explanations			
Amend the PIC specification requirement for Category 2 new gTLDs to include a non-discriminatory requirement to provide registrants an avenue to seek redress.	02/09/14 – No 11/06/15 - Yes	There is no remedy for an applicant who encounters a discriminatory registration regime as the ICANN policy only requires 'transparency' ICANN advise the PIC in Spec 11 of the Agreement says "RO will operate the TLD in a transparent manner consistent with general principles of openness and non-discrimination" and that an applicant may seek redress through ICANN via a contractual compliance complaint if	Transparency alone does not deter discriminatory and preferential registration practices	

		they believe they have been discriminated against.		
Complete the review process for the new gTLDs before policy for further gTLD rounds is developed.				
Examine the feasibility of implementing an appeal mechanism to the current round of gTLDs for Communities to pursue where an applicant has contested the decision of a community priority evaluation panel, resulting in rejection of the communities case.	No – 28/04/15	ICANN advised that too many applicants have already taken actions in the current round and signed agreements. Therefore there is a risk of inconsistency to implement this advice now.	ICANN would prefer to establish a review mechanism more broadly for subsequent rounds.	
Provide a WHOIS implementation roadmap (range of items on it identified). P.7	Yes - 22/01/15			
ICANN52 – Singapore, February 2015				
Advice	Accepted by Board?	Implemented by ICANN?	Outcome	Effectiveness
NGPC to publicly recognise the commitments of some Registries and applicants to voluntarily adopt GAC advice regarding the verification and				

validation of credentials as best practice.				
ICANN to ask those Registries (with whom contracts have already been signed) to review ways to introduce these provisions where they have not yet committed to do so.				
Reconsider the PICDRP and develop a 'fast track' process for regulatory authorities, government agencies and law enforcement to work with ICANN contract compliance to effectively respond to issues involving serious risks of harm to the public.	Yes - 28/04/15	ICANN will acknowledge complaints submitted by governments and consumer protection agencies within 2 days and expedite services.		
Amend the current process for requests to release 2 letter codes to establish an effective notification mechanism, so that relevant governments can be alerted as requests are initiated.	Yes – 12/02/15			
Extend the comment period for requests for the release of 2 letter codes to 60 days. To be implemented before				

proceeding with pending and future requests.				
Work with the GAC to develop a public database to streamline the process for the release of country and territory names at the 2 nd level.	Yes – 12/02/15			

Appendix Two – Strings to Apply Category 1 Safeguards

The following strings are identified by the GAC as being linked to regulated or professional sectors that invoke a level of implied trust from consumers and therefore carry higher levels of risk associated with consumer harm. According to GAC Advice during ICANN 46 (Beijing) they should be subject to Category 1 Safeguard Advice.

Children:	.kid, .kids, .kinder, .game, .games, .juegos, .play, .school, .schule, .toys
Environmental:	.earth, .eco, .green, .bio, .organic
Health and Fitness:	.care, .diet, .fit, .fitness, .health, .healthcare, .heart, .hiv, .hospital,, .med, .medical, .organic, .pharmacy, .rehab, .surgery, .clinic, .healthy (IDN Chinese equivalent), .dental, .dentist .doctor, .dds, .physio
Financial:	capital, .cash, .cashbackbonus, .broker, .brokers, .claims, .exchange, .finance, .financial, .fianancialaid, .forex, .fund, .investments, .lease, .loan, .loans, .market, .markets, .money, .pay, .payu, .retirement, .save, .trading, .autoinsurance, .bank, .banque, .carinsurance, .credit, .creditcard, .creditunion, .insurance, .insure, .ira, .lifeinsurance, .mortgage, .mutualfunds, .mutuelle, .netbank, .reit, .tax, .travelersinsurance, .vermogensberater, .vermogensberatung and .vesicherung.
Gambling:	bet, .bingo, .lotto, .poker, and .spreadbetting, .casino
Charity:	.care, .gives, .giving, .charity (and IDN Chinese equivalent)
Education:	degree, .mba, .university
Intellectual Property:	.audio, .book (and IDN equivalent), .broadway, .film, .game, .games, .juegos, .movie, .music, .software, .song, .tunes, .fashion (and IDN equivalent), .video, .app, .art, .author, .band, .beats, .cloud (and IDN equivalent), .data, .design, .digital, .download, .entertainment, .fan, .fans, .free, .gratis, .discount, .sale, .hiphop, .media, .news, .online, .pictures, .radio, .rip, .show, .theater, .theatre, .tour, .tours, .tvs, .video, .zip
Professional Services:	.abogado, .accountant, .accountants, .architect, .associates, .attorney, .broker, .brokers, .cpa, .doctor, .dentist, .dds, .engineer, .lawyer, .legal, .realtor, .realty, .vet
Corporate Identifiers:	.corp, .gmbh, .inc, .limited, .llc, .llp, .ltda, .ltd, .sarl, .srl, .sal
Generic Geographic Terms:	.town, .city, .capital

.reise, .reisen5

.weather

.engineering

.law

Inherently Governmental Functions: .army, .navy, .airforce

Cyber bullying/harassment: .fail, .gripe, .sucks, .wtf

Appendix Three - Strings to Apply Category 2 Safeguards

.antivirus	.app	.autoinsurance	.baby	.beauty	.blog
.book	.broker	.carinsurance	.cars	.cloud	.courses
.cpa	.cruise	.data	.dvr	.financialaid	.flowers
.food	.game	.grocery	.hair	.hotel	.hotels
.insurance	.jewelry	.mail	.makeup	.map	.mobile
.motorcycles	.movie	.music	.news	.phone	.salon
.search	.shop	.show	.skin	.song	.store
.tennis	.theater	.theatre	.tires	.tunes	.video
.watches	.weather	.yachts	.クラウド	.ストア	.セール
.ファッション	.家電	.手表	.書籍	.珠宝	.通販
.食品					

Appendix Four – Board Responses to GAC Advice

The following documents comprise the formal ICANN Board responses to GAC advice between the periods of the Prague (2012) and Singapore (2015) ICANN meetings:

Date	Form of Advice	Topic/s	GAC Advice Reference
13/10/12	Letter	IDN ccTLDs, RAA, contract compliance, WHOIS, new gTLD's, ethics and conflicts of interest	Prague Communique
07/12/12	Letter	New gTLDs, IGO Protections at 2 nd level	Toronto Communique
16/01/13	Letter	Early warnings, IGO's, IOC/RCRC	Toronto Communique
01/04/13	Letter	IGO Protections for new gTLDs at 2 nd level	Letter 22/03/13 from GAC
10/05/13	Letter	New gTLD Program and Safeguards. Announcement of the Scorecard.	Beijing Communique
06/06/13	Letter	Scorecard to manage GAC Advice, PIC specifications, IGO Protections	Beijing Communique
06/06/13	Letter	Protections for IGOs	Beijing Communique
14/06/13	Letter	Single and plural versions of same string	Beijing Communique
03/07/13	Letter	IGO Protections, new gTLD Registry Agreement, Safeguard Advice	Beijing Communique
12/09/13	Letter	New gTLDs, Category 2 exclusive access registry, advice, IGO protections, Category 1 advice	Beijing and Durban Communiques
01/10/13	Letter	.wine and .vin, .spa, .yun, .guangzhou, .shenzhen, .amazon, IGO and ICRC/RC Protections, Category 1 Safeguards, Category 2 Safeguards	Beijing and Durban Communiques
02/10/13	Letter	Protections for IGO acronyms	Durban Communique
29/10/13	Letter	Category 1 Safeguards, Category 2 Safeguards, PIC in Specification 11	Beijing Communique
29/10/13	Letter	Category 2 Safeguard Advice	Beijing Communique
11/11/13	Letter	.halal and .islam	Org Islamic Cooperation letter 04/11/13
07/02/14	Letter	.spa	Beijing, Durban and Buenos Aires Communiques
10/02/14	Letter	Category 1 Safeguard Advice, .wine and .vin, .guangzhou, .shenzhen, .spa, .amazon. .halal, .islam	Beijing, Durban and Buenos Aires Communiques
13/03/14	Letter	IGO acronyms implementation	
04/04/14	Letter	.wine and .vin – independent legal advice	Singapore Communique
07/04/14	Letter	.amazon (and related IDNs) – independent legal advice	Durban Communique

Date	Form of Advice	Topic/s	GAC Advice Reference
30/05/14	Letter	IGO and IOC/RCRC acronym protections, Category 2 Safeguards (Exclusive access for generic strings), .ram, .indians, .halal, .islam	Beijing, Durban, Buenos Aires, and Singapore Communiques
02/06/14	Letter	IGO and IOC/RCRC acronym protections, Category 2 Safeguards (Exclusive access for generic strings), .ram, .indians,	Beijing, Durban, Buenos Aires, and Singapore Communiques
05/06/14	Letter	IANA functions, data retention waivers, ART2, compliance, WHOIS	Singapore Communique
02/09/14	Letter	Deficiency of Safeguard responses	London Communique
02/09/14	Letter	2 character labels as 2 nd level domains for new gTLDs	Letter 08/08/14 from GAC
10/09/14	Letter	Safeguards, .Africa, .spa, protection of children, geographic names, scorecard	Beijing, Durban, Buenos Aires, Singapore and London Communiques
03/11/14	Letter	London advice is inconsistent with ICANN By-Laws on role of GNSO	London Communique
16/12/14	Letter	New gTLD Program Safeguards	Los Angeles Communique
22/01/15	Letter	WHOIS related Safeguards, PIC DRP and WHOIS Roadmap	Los Angeles Communique
22/01/15	Letter	Protections for IGO Names and acronyms, curative rights mechanisms	
28/04/15	Letter	Appeal mechanism for CPEP, verification and validation of highly regulated strings, PICDRP and fastrack	Los Angeles and Singapore Communiques
11/06/15	Letter	Mechanisms for redress in the event of discrimination	Singapore Communique
25/06/15	Letter	Category 1 Safeguard Advice	Beijing Communique
22/07/15	Letter	Release of 2 character labels as 2 nd level domains for new gTLDs	Letter 16/07/15 from GAC
06/08/15	Letter	Country and Territory names as 2 nd level domains	Letter 30/07/15 from GAC
06/08/15	Letter	2 letter codes as 2 nd level domains	Letter 16/07/15 from GAC