



## **Governmental Advisory Committee**

Wellington, 28 March 2006

### **GAC Communiqué – Wellington, New Zealand 28 March 2006.**

#### **I. INTRODUCTION**

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Wellington, New Zealand March, 24 to 28 March 2006.

The participating GAC Members comprised representatives from 33 Members and 3 Observers.

The Governmental Advisory Committee expressed warm thanks to the Government of New Zealand and the organisers for hosting the meeting in Wellington.

#### **II. GAC EVOLUTION**

##### **- GAC Internal Organization and Workplan**

The GAC discussed priority areas for the future of the GAC, in particular the immediate transition of the GAC Secretariat.

GAC recognized the need to take urgent steps to provide an immediate solution to the transition of the GAC Secretariat from the European Commission.

The GAC welcomes the generous proposal from the Government of India and the offer from ICANN for the support of the GAC Secretariat functions and it agrees to an immediate transitional solution to transfer the core functions of the GAC Secretariat from the European Commission to the Government of India which shall occur no later than 30 June 2006.

The GAC will continue to explore how to:

- a) Extend the GAC membership, develop outreach and build capacity, and more generally widen international participation, and,
- b) Improve the way it addresses public policy issues in a more effective manner in relation to the ICANN framework, taking account of the outcome of the WSIS.

The GAC will continue to explore the modalities for a permanent solution and the development of a sustainable funding mechanism.

### **- Internationalization and Capacity Building of the GAC**

The GAC recognized the need to enhance its current outreach to non-member governments to increase awareness of its work. It also acknowledged its role in building capacity amongst developing country non-members and new members on how the GAC's activity could be of value to them.

In this regard, the GAC has identified initial areas of focus and will further consider these areas, including how such activities would be funded.

The GAC welcomes and supports the offer by Iran to organize a regional workshop on the GAC as a good first step in its outreach efforts.

### **- GAC-ICANN Board cooperation**

The GAC welcomed the inaugural meeting of the Joint Working Group of the GAC and the ICANN Board. The Joint Working Group will be led by Alejandro Pisanty on behalf of the ICANN Board and Janis Karklins (Latvia) on behalf of the GAC. It was acknowledged that in the immediate term (from Wellington to Marrakesh), it would be important to improve the timeliness and efficiency of communications between the GAC and the ICANN Board.

In order to achieve the objectives of enhanced cooperation within the ICANN context, the GAC acknowledges that there is a need for the GAC to consider changes in its working methods to enable it to interact more routinely with the ICANN Board and the community.

Beyond this it was agreed that the working group should as a longer term issue focus on the role of the GAC vis-à-vis ICANN and the ICANN Board and it should lead to the creation of a better environment that facilitates the development and application of public policy principles.

In particular, the GAC has identified the following issues as key priority areas for early engagement, namely:

- a) ccTLDs,
- b) IDNs,
- c) IPv6 and IP addressing resource allocation,
- d) Development and creation of policies on gTLDs, and
- e) WhoIS.

### **III. New TLDs, .XXX**

The GAC appreciates the efforts of ICANN to clarify the process by which the Board approved the entry into negotiations by ICANN staff and ICM Registry, the applicant for the .xxx sponsored top level domain, as reflected in the ICANN President's letter to the GAC Chair on February 11, 2006. However, the GAC does not believe the February 11 letter provides sufficient detail regarding the rationale for the Board determination that the application had overcome the deficiencies noted in the Evaluation Report. The GAC would request a written explanation of the Board decision, particularly with regard to the sponsored community and public interest criteria outlined in the sponsored top level domain selection criteria.

In its application, supporting materials and presentation to the GAC in November 2005, ICM Registry promised a range of public interest benefits as part of its bid to operate the .xxx domain. To the GAC's knowledge, these undertakings have not yet been included as ICM obligations in the proposed .xxx Registry Agreement negotiated with ICANN.

The public policy aspects identified by members of the GAC include the degree to which .xxx application would:

- Take appropriate measures to restrict access to illegal and offensive content;

- Support the development of tools and programs to protect vulnerable members of the community;
- Maintain accurate details of registrants and assist law enforcement agencies to identify and contact the owners of particular websites, if need be; and
- Act to ensure the protection of intellectual property and trademark rights, personal names, country names, names of historical, cultural and religious significance and names of geographic identifiers drawing on best practices in the development of registration and eligibility rules.

Without in any way implying an endorsement of the ICM application, the GAC would request confirmation from the Board that any contract currently under negotiation between ICANN and ICM Registry would include enforceable provisions covering all of ICM Registry's commitments, and such information on the proposed contract being made available to member countries through the GAC.

Nevertheless without prejudice to the above, several members of the GAC are emphatically opposed from a public policy perspective to the introduction of a .xxx sTLD.

### **GNSO related issues**

The GAC GNSO working group held an internal session to review ongoing work projects related to the development of public policy principles applicable to the introduction of new gTLDs and Whois data.

In recognition of the policy development processes underway in the GNSO on these subjects, the GAC GNSO working group also held a meeting with the GNSO Council. The joint session provided a constructive opportunity to exchange status updates and information, and the GAC welcomes the interest of the GNSO Council in scheduling a joint session during the next ICANN meeting in Marrakesh.

## **IV. ICANN - VeriSign Agreement**

Some GAC members believe that the ICANN Board should ensure that the reasons for its decision are properly understood and accepted by the ICANN community, in particular on how it contributes to ICANN's

missions and values as identified in its draft strategy plan July 2006 – June 2009.

## **V. IANA Policies and Processes**

The GAC welcomes ICANN's report on its progress on reducing delays in the IANA function. We ask ICANN to publish its policies and process for updating the root as soon as possible.

## **IV. OTHER MATTERS**

### **- Election of Vice Chairs**

In light of the vacancies of two vice chairmanships, the GAC is pleased to announce the introduction of two new ad interim Vice Chairs. The two new ad interim Vice Chairs are Pankaj Agrawala (India) and Frank March (New Zealand).

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The GAC warmly thanks all those among the ICANN community who have contributed to the dialogue with GAC in Wellington.

The GAC expresses its appreciation and thanks to the European Commission for providing the GAC Secretariat since November 2002.

The next GAC meeting will be during the period of the ICANN Marrakesh meeting, end of June 2006.

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