

GNSO Liaison to GAC Annual Report

2022 - 2023

Date: October 9, 2023

I. Background

The GNSO Liaison to the GAC (the Liaison) role was established in 2014 to improve communications between the GNSO and the GAC, and to encourage early engagement by the GAC in policy development processes and other GNSO activities. I have been in this role for three years and am entering into my final year as the Liaison. These past three years have seen a growth in both GAC awareness of, and participation in, GNSO policy related matters. Starting with the SubPro PDP, and the positive experiences with collaborating with the GNSO, GAC members have been invited to participate in every PDP and ePDP over the past few years. In addition, GAC members have actively participated in each of the ePDPs dealing with Registration Data, IDNs, IGO Curative Rights, GGP on Applicant Support, and finally over the past year, the Facilitated Dialogue on Closed Generics.

II. The GNSO Liaison to the GAC:

As discussed in the two previous Liaison Reports (2020-2021 and 2021-2022), the role of the Liaison has evolved, and a number of measures have been put into place to improve communication between the GNSO and the GAC. This includes:

- a. The Liaison and the GAC Point of Contact (PoC) now meet on a monthly basis to go over: (i) recent developments within the GAC and the GNSO and how they relate to the ICANN Community, (ii) updates about the current PDPs, implementation review teams, small teams, etc. (iii) potential future PDPs or other GNSO activities, and (iv) planning for subsequent GNSO/GAC bilateral meetings.
- b. Draft agendas for GNSO/GAC bilateral meetings (which occur during ICANN meetings) are developed by the Liaison and the GAC PoC. The drafts are then submitted to Council and GAC leadership for comments and approval. The Liaison then prepares GNSO Leadership for the GNSO/GAC leadership bilateral that generally occurs two to three weeks before an ICANN meeting. At that leadership bi-lateral the final agenda is prepared for the GAC/GNSO Bilateral at the ICANN

meeting. The role the Liaison plays is dependent on how much the GNSO Council leadership want to use the Liaison and of course the Liaison's familiarity with the GNSO and GAC activities.

- c. In the past year, we have also continued the practice of gathering GAC "talking points" prior to the bilaterals so that the Council can be prepared to discuss the GAC's view on particular subjects. These are forwarded to the Council List generally a week or so before the scheduled bilateral.
- d. Shortly after ICANN meetings, the Liaison is tasked with coordinating the GNSO response to the GAC Communique. Over the past year, the Council has wanted to take a more active role in responding not just to "Consensus Advice", but also to issues of importance. This was one of my recommendations from both 2021 and 2022, and it is good to see that this is now a standard practice (as detailed below).
- e. The Liaison also regularly participates in all GAC meetings held at ICANN involving GNSO- related issues. Participation has also evolved over the past year to include not just observing these meetings, but the Liaison is also given the opportunity to request the floor at any time to address any questions posed by GAC members or to make any comments to clarify GNSO positions (where such positions exist). In addition, the Liaison regularly provides comments through the zoom chat feature when requesting the floor does not seem appropriate.

III. Follow up on 2021 & 2022 Recommendations:

1. Recommendation to Improve GAC Communique Responses: (2021 Recommendations 1 & 4; and 2022 Follow up #1)

This past year, the GNSO Council began not only responding to formal GAC Advice, but also to other areas of importance indicated by the GAC. At the Strategic Planning Session at the end of last year Council members heard from the 2 Board attendees that the ICANN Board would find value in the GNSO Council's views on all of the matters in the GAC Communique. This is because the Board meets with the GAC intersessionally between each ICANN meeting to discuss all not just the formal GAC Advice, but also the issues of Importance to the GAC. After those intersessional meetings, a Board "Scorecard" is approved by the Board, and those Scorecards help set the agenda for future discussions and Board / GAC activity. Continuing this process in my view is critical for future GAC / GNSO collaboration.

The GNSO Council is still experimenting with the format and substance of its responses to GAC Communiques. In general, most of the responses are still light on substance and

contain mostly referrals back to previous GNSO activities (or small team activities). In the coming year, one of my goals is to (a) improve the substance of the GNSO responses, and (b) highlight areas of common interest between the GAC and GNSO, and (c) suggest future activities where interests may diverge. Far too often the focus has been on where there is divergence and not where there may be common interests and areas in which we can collaborate more fully.

2. Interactivity of GAC-GNSO Meetings. (2021 Recommendation 2)

In 2021, I recommended that the GAC-GNSO Council meetings be more interactive. Though the GAC has assigned topic leads for each Bi-lateral meeting agenda item (who may or may not be in the GAC leadership team), the GNSO Council prior to 2021 relied almost exclusively on the GNSO Chair and Vice Chairs to essentially do all the talking. This put an unfair burden on GNSO Council leadership to get up to speed on every agenda item.

Progress has been made on this recommendation. Topic leads from the GNSO have been assigned for the ICANN Bilateral sessions, including small-team leaders, working group chairs, and other members of Council that want to lead substantive areas. Though GNSO Council leadership are still the main contributors during the bilateral discussions, the burden on those leaders has been substantially lightened.

3. Focus on Areas of Agreement. (Recommendation 3, 2021-2022).

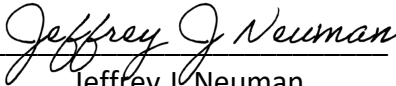
This is an area that still needs further work. We tend to focus substantially on our differences that we do not spend enough time discussing areas of common interest or where we can further collaborate. I believe in the coming year some of those issues can include (a) improving Applicant Support for the coming new gTLD round, (b) increasing transparency throughout all ICANN processes, (c) gathering data and analyzing that data from the Whois Disclosure System pilot, and (d) looking at emerging technologies and their impact on ICANN.

IV. New Developments and Recommendations for 2023-2024

1. At the end of the annual meeting in 2024, I will be stepping down from my role as the GNSO Liaison to the GAC as I will be term limited. In order to transition a new Liaison, the following should happen:
 - a. By the end of the ICANN 79 in Puerto Rico, a revised GNSO Liaison position description should be approved. It should include some of the activities/improvements that have been put in place over the past four years including the monthly meetings with the GAC Point of Contact, the setting of agendas, developing of talking points, and the new two (2) year term and four (4) year term limit.

- b. A solicitation for the new GNSO Liaison to the GAC should go out in April or May 2024 so that the selection of the new Liaison can be finalized at ICANN 80.
 - c. If that happens, the new GNSO Liaison to the GAC can work with the incumbent before and during the annual meeting to understand the role and to be completely ready to take over at the end of ICANN 81.
2. Although it has been discussed that the GNSO Liaison to the GAC would be invited to intersessional meetings of the GAC, this has not yet happened. Admittedly I am not sure how often these intersessional meetings occurred in 2022-2023. It may just be that there have not been any.
 3. The use of small teams for substantive issues has grown over the past few years to discuss policy related issues that may or may not lead to formal policy development processes. For purely Council related matters, this practice has been great and should continue. However, when it comes to discussing areas that are community wide issues such as subsequent rounds of TLDs, DNS Abuse, or the publication, use and accuracy of registration data, the Council should look for additional ways in which the GAC can either participate directly or ways in which they can meaningfully provide input. And the use of the small teams must continue to be more transparent so that the GAC (and rest of the community) can observe what the small teams are doing.
 4. The GNSO really should be meeting with the GAC intersessionally. The reality is that much of the GAC Communique is written (or at least outlined) before an ICANN meeting. And while it is critical to have bilateral sessions at ICANN meetings, it is just as important for those discussions to continue in between meetings. This will lead to more informed GAC Advice and communiques at ICANN meetings.

Thank you for the opportunity to serve this past year as the GNSO Liaison to the GAC, and I look forward to my final year in the role.


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GNSO Liaison to GAC