Pre-meeting report

ICANN65

24 to 27 June 2019, in Marrakech, Morocco

This report has been prepared by Nissaba, a new initiative to provide concise, readable and actionable news and analysis on digital policy developments around the world. If you find this document useful, and want to see more information of this quality, please consider helping us to keep the initiative going:

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Too long; didn't read: Key issues to be discussed at ICANN65

Cybersecurity

ICANN has responsibilities under its Bylaws for the security and stability of the DNS. Cybersecurity-related issues at ICANN65 will include:

- DNS abuse
- DNSSEC
- Law enforcement and consumer protection
- Joint meeting of the Global Commission on Security of Cyberspace and the GAC

European General Data Protection Regulation (GDPR)

While Phase 1 of ICANN's Expedited Policy Development Process (EPDP) to address GDPR compliance issues has concluded, there are still many issues related to GDPR under discussion:

- Access to non-public Whois data
- Registration Data Access Protocol

Introduction of more new gTLDs: Timing and policies

There will be working sessions of the new gTLD Subsequent Procedures PDP WG as well as ongoing GAC discussions on issues raised by the first round of new gTLD applications, including:

- Commercial and user benefits of new gTLDs
- Safeguards for sensitive names (e.g. geographic names)

Amazon new gTLD application moving ahead

The ICANN Board may have approved the application proceeding, but there are still disagreements in the community, particularly within the GAC, about the best way forward.

Emerging standards that could change the way domain name lookups are performed

DNS over HTTPS (DoH) and DNS over TLS (DoT) are emerging standards that perform domain name lookups at the application level (in a user's web browser) with the aim of strengthening user privacy and security, but they also have implications for:

- Privacy
- Cybersecurity
- Law enforcement
- End users

Universal acceptance of new and internationalised domain names

ICANN is supporting ongoing work to ensure all domain names and email addresses, regardless of whether they use a "legacy" TLD, new gTLD, ASCII or other scripts, work in all applications.

Improving how ICANN's multistakeholder governance model works

Many in the community have expressed frustration at siloed activities, overwork leading to volunteer burnout, and too much happening in parallel to follow processes. The ICANN Board has initiated consultations on how to improve the way ICANN puts its multistakeholder model into practice.

Navigating ICANN65

Participating in ICANN65

Registration for both onsite and remote participation is available via:

- https://events.icann.org/icann65-marrakech-rak/registration/Site/Register?id=marrakech65

Most open sessions at ICANN meetings are available for remote participation via the Zoom platform: https://zoom.us/

ICANN65 schedule

The full ICANN65 schedule is available via the mobile app "ICANN Meetings" (IOS and Android) and at:

- https://65.schedule.icann.org/meetings?classes[]=Groups%3A%3AMeetings%3A%3AMeeting

The schedule can be navigated by track, keywords, session type, session facilitators and locations. When signed in to the schedule, you can choose which sessions you are interested in, and create a personalised agenda for the meeting.

There are three types of sessions marked in the schedule:

- Closed (members only)
- Closed (observers welcome)
- Open Session

Links to presentation slides, archived webcasts and transcripts can be found from each session page within the schedule. Working Groups that meet during ICANN65 may also update materials on their online work spaces, available via:

- https://community.icann.org/dashboard.action

A map is available to help you find the meeting rooms you need:

- https://65.schedule.icann.org/floor_maps/4155?per_page=30&with[floor_map_id]=4155

Information to help you get the most out of the meeting

- Pre-ICANN65 Policy Report
  https://meetings.icann.org/en/marrakech65/pre-icann65-policy-report-11jun19-en.pdf

- GNSO Policy Briefing
  https://gnso.icann.org/sites/default/files/file/field-file-attach/policy-briefing-icann65-12jun19-en.pdf

- Archive of ICANN65 Prep Week webinars and presentation slides
  https://meetings.icann.org/en/marrakech65-prep-week

- CENTR Guide to ICANN65
  https://centr.org/library/library/external-event/centr-guide-to-icann65.html

Background: How ICANN works

About ICANN

The Internet Corporation for Assigned Names and Numbers (ICANN) is a not-for-profit corporation with responsibility for ensuring the stable and secure operation of the Internet's unique identifier systems. It coordinates allocation and assignment of domain names and Internet numbering, facilitates coordination of the root server system supporting domain name addressing and collaborates with other bodies to provide registries needed for the functioning of the Internet.

ICANN consists of three parts:

1. **A Board of Directors**
   The Board makes binding decisions in accordance with ICANN's Bylaws:

   ▪ https://www.icann.org/resources/pages/governance/bylaws-en

   The Board generally makes policy decisions only where there is consensus in the stakeholder community, although it can ultimately act independently.

   ▪ https://www.icann.org/resources/pages/board-of-directors

2. **A global community of stakeholders**
   This includes commercial, non-commercial, technical, end-user and governmental interests, organised into:

   ▪ Supporting Organizations
   ▪ Advisory Committees

Supporting Organizations		
GNSO	The Generic Names Supporting Organization is responsible for policy development for generic Top-Level Domains (gTLDs) such as .com and .org. It consists of groups representing the interests of:	
	Contracted parties	Entities who have contracts with ICANN to perform registry or registrar functions
	Non-contracted parties	Internet service providers, intellectual property interests, business users and civil society
	https://gnso.icann.org/en	
ccNSO	The Country Code Names Supporting Organization is responsible for globally coordinated policy development for country code top level domains (ccTLDs) such as .uk and .za. Most country name policies are developed at the national level but some require ICANN coordination. Most, but not all, ccTLD operators are members of the ccNSO.	
	https://ccnso.icann.org/en	
ASO	The Address Supporting Organization reviews and develops recommendations on global policy for Internet Protocol (IP) address and Autonomous System numbers and advises the ICANN Board on Internet number issues.	
	https://aso.icann.org/	

Advisory Committees	
GAC	The Governmental Advisory Committee advises the ICANN Board on public policy aspects of ICANN's responsibilities. It consists of governments and observers (generally Intergovernmental Organisations). The GAC issues a Communique at the end of each ICANN meeting that includes any formal advice to the Board. https://gac.icann.org
ALAC	The At-Large Advisory Committee represents the interests of Internet end users and provides policy advice to into the various other parts of ICANN responsible for developing policy. https://atlarge.icann.org/alac
SSAC	The Security and Stability Advisory Committee advises the Board and the ICANN community on security aspects of issues such as domain name registration data, new gTLDs and the structure of domain names. https://www.icann.org/groups/ssac
RSSAC	The Root Server System Advisory Committee advises the Board and the ICANN community on the operation, administration, security and integrity of the Root Server system. https://www.icann.org/groups/rssac

Together, the Supporting Organizations and Advisory Committees form the "Empowered Community". The Empowered Community was developed as a way of holding the ICANN Board and ICANN Org accountable if and when necessary.

3. **A Secretariat also known as "ICANN Org" and "the ICANN Organization"**
ICANN Org provides secretariat support for stakeholder groups. It also operates (through a subsidiary) the core technical functions of domain names, number resources and protocol parameter assignments and supports the Board.

ICANN is based in California and has offices in several countries.

https://www.icann.org

Major issues under consideration at ICANN65

The following issues of interest to digital policy makers and stakeholders will be discussed or progressed in some way at ICANN65, and are analysed in detail below:

1. Cybersecurity
2. ICANN compliance with European General Data Protection Regulation (GDPR)
3. Introduction of more gTLDs – Timing and procedures
4. Amazon gTLD
5. Alternative DNS transport protocols
6. Universal Acceptance
7. Evolving the ICANN multistakeholder model of governance

1. Cybersecurity

Why this issue matters

ICANN has responsibilities under its Bylaws for the security and stability of the DNS. The consequences of attacks using or directly compromising the DNS are significant for law enforcement, public safety and confidence in the Internet. Registries and registrars have contractual obligations with ICANN to take measures to prevent DNS abuse and groups such as technical experts, law enforcement and end users work together in a number of ICANN forums to advance standards and the policy framework.

Background

Cybersecurity activities are a significant proportion of ICANN work. ICANN promotes DNS-specific safeguards such as DNSSEC (DNS Security) – a more secure version of DNS that makes it difficult to spoof domain names.

The SSAC prepares discussion documents and advisories on issues such as:

- The DNS and the Internet of Things
- ICANN compliance with the European General Data Protection Regulation (GDPR)
- Stability and security implications of expanding the number of gTLDs

Standard contracts between ICANN and domain name registries require cybersecurity measures including prevention of malware distribution and fraudulent practices, and checking and publicly reporting on security threats and action taken.

ICANN works with standards bodies such as the Internet Engineering Task Force (IETF) and operational groups such as Computer Emergency Response Teams to minimise threats that use or target the DNS.

Further reading

- ICANN Security & Stability Advisory Committee
  https://www.icann.org/groups/ssac

- ICANN Cybersecurity Incident Log
  https://www.icann.org/cybersecurityincidentlog

- Domain Abuse Activity Reporting (DAAR)
  https://www.icann.org/octo-ssr/daar

- DNSSEC
  https://www.icann.org/resources/pages/dnssec-what-is-it-why-important-2019-03-05-en

- GAC Public Safety Working Group
  https://gac.icann.org/presentations/public/icann64%20-%20slides%20-%20agenda%20item%2010.1%20-%20pswg%20meeting.pdf?language_id=1

- Global Commission on Security of Cyberspace
  https://cyberstability.org/

Discussion at ICANN 65

Area	When (Marrakech local time)	Session/community
Capacity building & outreach Basic explanatory material and interactive discussion will be available at sessions conducted by the SSAC and ALAC.	Mon 24 June, 13:30-18:30 Tue 25 June, 8:00-8:30 Wed 26 June, 12:15-13:15 Thu 27 June, 8:00-8:30	Tech Day SSAC outreach At-Large capacity-building SSAC outreach
Law enforcement & consumer protection Will be discussed by the GAC Public Safety Working Group (PSWG). May be included in the GAC Communique.	Tue 25 June, 8:30-9:30	GAC session with PSWG
DNS abuse Government policy considerations will be discussed by the GAC and a general update will be hosted by ALAC. Also covered in more detail at the Tech Day, hosted by SSAC.	Mon 24 June, 13:30-18:30 Tue 25 June, 8:30-930 Wed 26 June, 17:00-18:30	Tech Day GAC session with Public Safety Working Group At-Large briefing
DNSSEC A hands-on session on DNSSEC deployment hosted by SSAC.	Mon 24 June, 9:00-12:00	DNSSEC workshop
Global Commission on Security of Cyberspace (GCSC) The GCSC will continue their engagement with ICANN groups by meeting with the GAC. This may influence the work plan of the GAC PSWG.	Thu 27 June, 12:00-12:30	GAC joint session

2. ICANN compliance with European General Data Protection Regulation (GDPR)

Why this issue matters

GDPR became law for European Union (EU) member states on 25 May 2018 and affects how data used to register domain names is collected, used and accessed. It therefore has an impact on ICANN contractual and operating practices.

Background

GDPR required a new policy approach to:

- Domain name registration data collected for gTLD registrars
- Who has access to this data
- How ICANN and contracted parties enforce collection and access standards

These issues apply to both ccTLDs and gTLDs. However, ccTLD operators develop policies and procedures at the national level, outside ICANN's sphere of policy development. gTLD policy development is a core responsibility of ICANN, so GDPR compliance for gTLDs is a key ICANN area of concern.

In 2018, the ICANN Board adopted interim measures in a "Temporary Specification" (or "Temp Spec") pending development of a new policy approach by the community. The Temporary Specification expired 25 May 2019. To create a community-developed policy to replace the Temp Spec, the GNSO created an Expedited Policy Development Process (EPDP) that has divided its work into two phases:

- **EPDP Phase 1**
  Completed. Produced recommendations dealing mainly with data collection, which have been accepted by the Board and are going through an implementation process. Parts of two recommendations were not accepted by the Board, and there are currently discussions between the GNSO Council and the Board about how to proceed.

- **EPDP Phase 2**
  Active. Working primarily on policy related to access to non-public data by domain name registrants and third parties. There are continuing differences of opinion about who should have access to non-public registration data and for what purposes. Access is a key issue for law enforcement and intellectual property stakeholders, who want policy finalised as soon as possible. In contrast, some in civil society urge a slower, development process, so all factors can be fully examined.

Further reading

- ICANN Temporary Specification for gTLD Registration Data
  https://www.icann.org/resources/pages/gtld-registration-data-specs-en

- EPDP Phase 1 Final report
  https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf

- ICANN Board Resolution on EPDP Phase 1
  https://www.icann.org/resources/board-material/resolutions-2019-05-15-en - 1.b

- EPDP Phase 2 Workspace
  https://community.icann.org/display/EOTSFGRD

- GAC Kobe Communique (ICANN64)
  https://gac.icann.org/contentMigrated/icann64-kobe-communique

Discussion at ICANN 65

Area	When (Marrakech local time)	Session/community
EPDP Phase 1 The impact of Phase 1 recommendations on ICANN policies and procedures, including trademark dispute procedures, ICANN's contractual requirements and systems for collecting registration data.	Thu 27 June, 15:15-16:45	Cross community session: Impacts of EPDP Phase 1 on other ICANN policies and procedures
EPDP Phase 2 Working sessions on Stream 1: developing a Standardised System for Access/Disclosure (SSAD)	Tue 25 June, 8:30-15:00 Thu 27 June, 8:30-15:00	EPDP Phase 2 WG EPDP Phase 2 WG
Registration Data Access Protocol (RDAP) RDAP is a new data collection framework for gTLD domain name registrations to replace current ICANN Whois requirements.	Wed 26 June, 10:30-12:00	RDAP Implementation Review Team
Government perspectives The GAC will discuss possible advice to the Board on requirements for third party access to data – especially by law enforcement agencies.	Wed 26 June, 9:00-10:15	GAC session on WHOIS and Data Protection Policy

3. Introduction of more new gTLDs: Timing and policies

Why this issue matters

This issue has been one of the most time-consuming and resource-intensive for ICANN over the past seven years. The implementation and application of policies for processing the first round of applications, including different categories of domains, technical and consumer safeguards and objections by governments has not satisfied all stakeholders.

Background

A PDP with many strands is underway to develop a framework for future releases of further new gTLDs. Interest in another round of new gTLD applications has generally come from the supply side (registries and registrars). An ICANN review concluded that it is too soon to identify end user benefits from the first round of new gTLD applications, which began in 2012:

- https://www.icann.org/news/announcement-2018-10-10-en

The New gTLD Subsequent Procedures (Sub-Pro) PDP Working Group hopes to finalise its report and recommendations by December 2019.

ICANN has made some basic plans for a further round of new gTLDs, including expected number of applications, processing arrangements and resources needed. However, the work of Sub-Pro PDP WG's must be completed and its recommendations accepted by the Board before any new round of new gTLD applications can begin:

- https://www.icann.org/en/system/files/files/readiness-support-future-rounds-new-gtlds-07jun19-en.pdf

Further reading

- PDP Working Group on New gTLD Subsequent Procedures
  https://community.icann.org/display/NGSPP

- Geographic Names as TLDs: Work Track 5 of New gTLD Subsequent Procedures PDP
  https://community.icann.org/display/NGSPP/Work+Track+5%3A+Geographic+Names+at+the+Top-Level

- Competition, Consumer Trust & Consumer Choice Review Team Final Report & Recommendations
  https://www.icann.org/public-comments/cct-final-recs-2018-10-08-en

- GAC Beijing Communique (ICANN46)
  https://gac.icann.org/contentMigrated/icann46-beijing-communique

Discussion at ICANN 65

Area	When (Marrakech local time)	Session/community
General policies and timing The PDP Working Group will review issues where there has been disagreement and try to agree on timing for completion of its work.	Mon 24 June, 13:30-15:00 Tue 25 June, 8:30-10:15	Sub-Pro PDP WG Sub-Pro PDP WG
Geographic names as TLDs Work Track 5 of the Sub-Pro PDP WG is dedicated to geographic names. These sessions will review unresolved issues including the scope of objections, role of governments and names in different languages.	Mon 24 June, 9:00-10:15 Mon 24 June, 10:30-12:00	Sub-Pro PDP WG Sub-Pro PDP WG
Role of governments in new gTLDs Including the use of 2-character country codes at the second level and a new focal group to coordinate government input into new gTLD policy.	Mon 24 June, 11:30-12:30 Mon 24 June, 15:15-1615	GAC session on 2-character country codes GAC session on new gTLDs

4. Amazon gTLD

Why this issue matters

The application by Amazon Corporation to operate .amazon and related strings as new gTLDs was opposed in 2013 by the GAC, and strongly opposed more recently by several South American governments and the Amazon Cooperation Treaty Organization (ACTO). While ICANN procedures for processing the application, as well as objections to it, are drawing to a close, there may be broader implications for Internet governance. In particular, some governments have indicated that they are losing confidence in the multistakeholder model because commercial interests have prevailed over community ones in this case at ICANN.

Background

Amazon and ACTO members have been attempting to find an agreed solution since 2013. This has been encouraged by the ICANN Board and the GAC, but has been unsuccessful. As a result, In April 2019, Amazon proposed Public Interest Commitments (PICs) that committed to work with ACTO member states to:

- Not use domain names in the .amazon TLD that have cultural and heritage significance to the Amazonia region.
- Permit ACTO and its members to use 9 domain names within the .amazon TLD for non-commercial purposes.
- Permanently block up to 1500 domain names under the .amazon TLD that have cultural and heritage significance to the Amazonia region.

ICANN has asked Amazon to formally publish these PICs through the ICANN website so that they can be subject to a public comment period to comply with new gTLD program procedures. After the public comment process on the PICs is finished, the Board will finalise its decision on the Amazon application. ACTO member states have not supported the PICs proposed by Amazon as they consider the issue is one of sovereignty rather than ICANN procedure.

It is not clear whether the GAC as a whole still has a consensus position to oppose the application by Amazon. The Board considers that Amazon's proposed PICs are "not inconsistent" with GAC advice.

Further reading

- ICANN Board Resolution on amazon gTLD
  https://www.icann.org/resources/board-material/resolutions-2019-05-15-en#1.c

- ICANN CEO letter to Amazon Cooperation Treaty Organisation
  https://www.icann.org/en/system/files/correspondence/marby-to-moreira-17may19-en.pdf

- Andean Presidential Council Special Declaration
  https://www.icann.org/en/system/files/correspondence/jarama-to-chalaby-04jun19-en.pdf

- GAC Kobe Communique (ICANN64)
  https://gac.icann.org/contentMigrated/icann64-kobe-communique

Areas of discussion at ICANN 65

Area	When (Marrakech local time)	Session/community
Discussion of sovereignty aspects The GAC will review the Board's decision of 15 May to proceed with the application. It is likely that the GAC will raise the issue in its meeting with the Board.	Tue 25 June, 9:30-10:15 Wed 26 June, 11:00-12:00	GAC session on amazon gTLD GAC meeting with ICANN Board

5. DoH and DoT: Alternative DNS transport protocols

Why this issue matters

Alternative DNS transport protocols have implications for:

- Privacy
- Cybersecurity
- Law enforcement
- Jurisdiction
- Internet end users

An overarching issue is how and by whom these implications will be addressed.

Background

DNS over HTTPS (DoH) and DNS over TLS (DoT) are emerging standards that perform domain name lookups at the application level (in a user's web browser) with the aim of strengthening user privacy and security. They are competing standards currently under development. Which, if either, of these standards is adopted may ultimately be determined by the major web browsers.

The appropriate forum for further work on issues related to these emerging standards, such as privacy, law enforcement and jurisdiction, has not been resolved. Possibilities include ICANN, the IETF, national regulators or some combination of these. GAC members were briefed on these issues at ICANN64.

Further reading

- Impacts of DNS-over-https on how the Internet works
  https://www.icann.org/sites/default/files/packages/ids-2019/07-bertola-the-doh-dilemma-dns-symposium-2019-v2-11may19-en.pdf

- Presentation to GAC at ICANN64 by CENTR
  https://gac.icann.org/presentations/public/16.1%20gac-van_roste-doh.pdf?language_id=1

- Universal Acceptance Fact Sheet
  https://uasg.tech/wp-content/uploads/documents/UASG003-en-digital.pdf

- Universal Acceptance Action Plan 2019-2020
  https://uasg.tech/wp-content/uploads/2019/05/UASG-Plan-20190522.pdf

Areas of discussion at ICANN 65

Area	When (Marrakech local time)	Session/community
DoH and DoT Information and engagement session to seek the community's views	Tue 25 June, 15:15-16:45	Policy aspects of DoH, DoT and related issues

6. Universal Acceptance

Why this issue matters

Universal acceptance requires action by a range of stakeholders to ensure that all domain names and all email addresses work in all software applications.

Background

ICANN has long supported work to ensure all domain names and email addresses, regardless of whether they use a "legacy" TLD, new gTLD, ASCII or other scripts, work in all applications.

As part of ICANN's responsibilities is to ensure proper working of the DNS, it supports the Universal Acceptance Steering Group (UASG), an expert body which identifies key issues and promotes best practice for achieving universal acceptance. To date, the UASG has focused on awareness raising, but is now moving beyond this to include influencing individuals and organisations to implement technical settings for universal acceptance and measure progress.

Further Reading

- Universal Acceptance Fact Sheet
  https://uasg.tech/wp-content/uploads/documents/UASG003-en-digital.pdf

- Universal Acceptance Action Plan 2019-2020
  https://uasg.tech/wp-content/uploads/2019/05/UASG-Plan-20190522.pdf

Areas of discussion at ICANN 65

Area	When (Marrakech local time)	Session/community
Universal acceptance Information and engagement session to seek the community's views	Thu 27 June, 17:00-18:30	Policies around universal acceptance

7. Evolving the ICANN multistakeholder model of governance

Why this issue matters

ICANN's version of a multistakeholder governance model is facing a number of pressures:

- Rigid stakeholder group structures leading to silo approaches to work
- Volunteer burnout and lack of volunteer renewal due to work overload
- Lack of transparent and accountable priority-setting

Background

The ICANN multistakeholder model of governance consists of:

- A principle that all stakeholders have equal rights of participation
- Bottom-up policy development led by community volunteers provided with secretariat and technical support by ICANN Org
- Open and transparent processes in policy development
- A global mission balanced with compliance with the laws of California

ICANN has been subject to a number of processes to improve its accountability and transparency, but, to date, no process to examine how efficiently and effectively all parts of the ICANN structure operate together. The Board has initiated a review of the community's key concerns about how well ICANN's governance model works. To begin this process, ICANN has engaged a facilitator. A public comment period on the issues has just ended.

Some stakeholder groups are interested in using this process to go further and look at structural arrangements such as composition of the ICANN Board.

Further reading

- Evolving ICANN's multistakeholder model: Continuing the conversation and preparing for ICANN65
  https://www.icann.org/news/blog/evolving-icann-s-multistakeholder-model-continuing-the-conversation-and-preparing-for-icann65

- Public comment process April-June 2019
  https://www.icann.org/public-comments/evolving-multistakeholder-model-2019-04-25-en

- ICANN64 session: ICANN Board Session on Governance
  https://64.schedule.icann.org/meetings/961931

Areas of discussion at ICANN 65

Area	When (Marrakech local time)	Session/community
Ongoing community conversation on the key concerns and developing a work plan for implementation of agreed issues by ICANN66 (Montreal)	Tue 25 June, 17:00-18:30	Evolving the effectiveness of ICANN's multistakeholder model