

**GAC Advice – Kobe Communiqué: Board Action (15 May 2019)**

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
<p><b>§1.a.I</b> <b>WHOIS and Data Protection Legislation</b></p>	<p><b>a. The GAC advises the Board to:</b></p> <p>i. Take necessary steps to ensure that the GNSO EPDP on the Temporary Specification for gTLD Registration Data institutes concrete milestones, progress reports and an expeditious timeline, similar to Phase 1, for concluding Phase 2 activities</p> <p><u>RATIONALE:</u></p> <p>The GAC has consistently advised on the necessity of finding a swift solution to ensuring timely access to non-public registration data for legitimate third party purposes that complies with the requirements of the GDPR and other data protection and privacy laws, in view of the significant negative impact of the changes in WHOIS accessibility on users with legitimate purposes. The GAC has previously noted that such legitimate purposes include civil, administrative and criminal law enforcement, cybersecurity, consumer protection and IP rights protection.</p> <p>The GAC also notes that the European Data Protection Board, in its guidance, has expressly encouraged ICANN and the community to develop a comprehensive model covering the entirety of the data processing cycle, from collection to access. As already highlighted in the GAC’s Puerto Rico Communiqué, the GDPR provides for mechanisms to balance the various legitimate public and private interests at stake, including privacy and accountability. We note that the legitimate interests reflected in ICANN’s Bylaws are consistent with the recitals to the GDPR, which provide examples such as “preventing fraud”; “ensuring network and information security,” including the ability to resist “unlawful or malicious actions” and reporting possible “criminal acts or threats to public security” to authorities (see GDPR Recitals 47, 49 and 50) .</p> <p>The GAC will closely monitor and assess the progress reports prepared by the GNSO EPDP, and reserves the possibility of providing further guidance if the pace of progress so requires.</p> <p>The GAC notes that the time and resources necessary to complete Phase 2 are considerable and require focused scoping of the activity to ensure the expeditious conclusion of the activity. The GAC would</p>	<p>The Board understands that the GAC wishes for the ICANN Board to take necessary steps to ensure that the GNSO EPDP on the Temporary Specification for gTLD Registration Data institutes concrete milestones, progress reports, and an expeditious timeline for activities in Phase 2 of the EPDP.</p> <p>The Board acknowledges the GAC’s previous advice on the necessity of finding a swift solution to ensuring timely access to non-public registration data for legitimate third-party purposes that complies with the requirements of the GDPR and other data protection and privacy laws. The Board also acknowledges that the GAC has previously noted that such legitimate purposes include, for example, civil, administrative and criminal law enforcement, cybersecurity, consumer protection and IP rights protection.</p> <p>The Board acknowledges that the European Data Protection Board has encouraged ICANN and the community to develop a comprehensive model covering the entirety of the data processing cycle. The Board also notes that the GAC has stated that the legitimate interests reflected in ICANN’s Bylaws are consistent with the recitals to the GDPR.</p> <p>The Board understands that the GAC will closely monitor and assess the progress reports prepared by the GNSO EPDP, and that the GAC reserves the possibility of providing further guidance if the pace of progress so requires.</p> <p>The Board notes the GAC’s statement that the time and resources necessary to complete Phase 2 are considerable and require focused scoping of the activity to ensure the expeditious conclusion of the activity. The Board understands that the GAC encourages a judicious definition of the scope of the Phase 2 efforts, with consideration to elements that could be provided by Community efforts in parallel and may not need to be included in the scope, such as accreditation models.</p> <p>The Board understands that the GAC received a briefing on the work of the Technical Study Group and that the GAC considers that the development of options for technical implementation demonstrates how a future system for RDS access could be implemented, also with</p>	<p>The Board acknowledges this advice and while it cannot guarantee the end result, because the EPDP is a community procedure that determines its own processes, the Board does support the request that the second phase of this policy development institute concrete milestones and progress reports. The Board shall convey the request via its Liaisons to the EPDP and via its communications with the GNSO Council. The Board notes that ICANN org is also providing support to the EPDP Phase 2 to support its work.</p>

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	<p>therefore encourage a judicious definition of the scope of the Phase 2 efforts, giving consideration to elements that could be provided by Community efforts in parallel and may not need to be included in the scope, such as accreditation models.</p> <p>The GAC received a briefing on the work of the Technical Study Group. The GAC considers that the development of options for technical implementation demonstrates how a future system for RDS access could be implemented, also with a view to data security and privacy considerations. The Phase 2 considerations could benefit from further exploration of technical implementation options. In addition, engaging in such considerations in parallel can help ensure that policies - once agreed - are swiftly put into practice.</p> <p>The GAC is of the opinion that the Privacy Proxy Services Accreditation Issues Policy (PPSAI) remains highly relevant and implementation efforts should continue as appropriate, in parallel with the ongoing policy development work. The implementation of the PPSAI need not be deferred until the completion of the EPDP.</p>	<p>a view to data security and privacy considerations. The Board understands that the GAC believes Phase 2 considerations could benefit from further exploration of technical implementation options and that engaging in such considerations in parallel can help ensure that policies are swiftly put into practice.</p> <p>The Board understands that the GAC is of the opinion that the Privacy Proxy Services Accreditation Issues Policy (PPSAI) remains highly relevant and implementation efforts should continue as appropriate and do not need to be deferred until the completion of the EPDP.</p>	
<p><b>§1.a.II WHOIS and Data Protection Legislation</b></p>	<p><b>a. The GAC advises the Board to:</b></p> <p>ii. Take necessary steps to ensure that the scope of phase 2 activities is clearly defined with a view to expeditious conclusion and implementation;</p> <p><u>RATIONALE:</u></p> <p>See rationale in §1.a.I.</p>	<p>The Board understands that the GAC wishes for the ICANN Board to ensure that the scope of the EPDP Phase 2 activities is clearly defined, with a view to expeditious conclusion and implementation.</p>	<p>The Board acknowledges this advice and while it cannot guarantee the end result, because the EPDP is a community procedure that determines its own processes, the Board does support the request that the second phase of this policy development institute concrete milestones and progress reports. The Board shall convey the request via its Liaisons to the EPDP and via its communications with the GNSO Council. The Board notes that ICANN org is also providing support to the EPDP Phase 2 to support its work.</p>
<p><b>§1.a.III WHOIS and Data Protection Legislation</b></p>	<p><b>a. The GAC advises the Board to:</b></p> <p>iii. Make available the necessary resources for Phase 2 to expeditiously advance on the complex legal issues deferred from Phase 1;</p> <p><u>RATIONALE:</u></p> <p>See rationale in §1.a.I.</p>	<p>The Board understands that the GAC wishes for the ICANN Board to make available the necessary resources for the EPDP Phase 2 to expeditiously advance on the complex legal issues deferred from Phase 1.</p>	<p>The Board acknowledges this advice and appreciates the need to ensure that necessary resources are available for the EPDP Phase 2, including expert legal resources. While it is ultimately up to the EPDP to “expeditiously advance on the complex legal issues deferred from Phase 1”, the Board will ensure, subject to normal budgetary prudence, that there is support for the work of the EPDP in sorting through these legal issues.</p>
<p><b>§1.a.IV WHOIS and Data Protection Legislation</b></p>	<p><b>a. The GAC advises the Board to:</b></p> <p>iv. Consider instituting additional parallel work efforts on technical implementations, such as that carried out by the</p>	<p>The Board understands that the GAC wishes for the ICANN Board to consider instituting additional parallel work efforts on technical implementations for purposes of informing and complementing the EPDP’s Phase 2 activities. The Board acknowledges the GAC’s advice and notes that the Technical Study Group was formed by the CEO and</p>	<p>The Board acknowledges this advice and understands that the GAC is requesting the ICANN Board to do all that it can, within its authority and remit and subject to budgetary constraints, to facilitate the work of the EPDP, including through “parallel efforts” such as the Technical Study Group (TSG). The Board notes that the TSG presented a <a href="#">Draft</a></p>

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	<p>Technical Study Group, for purposes of informing and complementing the EPDP’s Phase 2 activities;</p> <p><u>RATIONALE:</u></p> <p>See rationale in §1.a.I.</p>	<p>not the Board. The Board is following the work of the Technical Study Group, which is intended to inform the work of the EPDP and not to replace it.</p>	<p><a href="#">Technical Model</a> at ICANN64 and received community feedback. The TSG has since completed its work and published <a href="#">TSG01, Technical Model for Access to Non-Public Registration Data</a>. ICANN <a href="#">will</a> share the model with the European Data Protection Board (EDPB) and solicit the EDPB’s feedback on specific questions related to the model. ICANN will also present the model to the European Commission before that.</p> <p>In regard to any other “parallel efforts”, the Board will consider those as necessary but reiterates that it will take actions only within its authority and subject to budgetary considerations; the Board will not take any action that would undermine or replace the work of the EPDP.</p>
<p><b>§1.a.V WHOIS and Data Protection Legislation</b></p>	<p><b>a. The GAC advises the Board to:</b></p> <p>v. Facilitate swift implementation of the new Registration Directory Services policies as they are developed and agreed, including by sending distinct parts to implementation as and when they are agreed, such as the questions deferred from Phase 1;</p> <p><u>RATIONALE:</u></p> <p>See rationale in §1.a.I.</p>	<p>The Board understands that the GAC wishes for the ICANN Board to instruct the ICANN org to facilitate swift implementation of the new Registration Directory Service policies as they are developed and agreed. The Board understands this includes sending distinct parts to implementation when they are agreed, such as questions deferred from Phase 1.</p>	<p>The Board accepts this advice and will do what it can, within its authority and remit, and in light of other relevant considerations, to facilitate swift implementation of new registration data directory services policies, and if possible, send distinct parts to implementation as and when they are agreed.</p>
<p><b>§1.a.VI WHOIS and Data Protection Legislation</b></p>	<p><b>a. The GAC advises the Board to:</b></p> <p>vi. Consider re-starting implementation processes for relevant existing policies, such as the Privacy Proxy Services Accreditation Issues Policy.</p> <p><u>RATIONALE:</u></p> <p>See rationale in §1.a.I.</p>	<p>The Board understands that the GAC wishes for the ICANN Board to consider re-starting implementation processes for relevant existing policies, such as the Privacy Proxy Services Accreditation Issues Policy.</p>	<p>The Board accepts this advice. The Board believes that waiting to proceed with implementation of Privacy Proxy Services Accreditation Issues (PPSAI) Policy until the completion of the RDS EPDP is a prudent course of action. This is because the same issues that need to be resolved to finalize PPSAI implementation are under active discussion, such as controller/joint controller/independent controller issues and providing access to non-public personal contact details consistent with GDPR. This course of action will allow ICANN org and the broader community to focus resources on ensuring that GDPR-compliant requirements are finalized for existing contracted parties before proceeding to implement similar requirements for a new category of contracted parties.</p> <p>During the implementation phase of the EPDP ICANN org will be reviewing all ICANN policies and services which may be impacted by the new Consensus Policy and will work with the GNSO and the community to identify the appropriate course of action.</p>

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<p><b>§2.a.I ICANN Board Consideration of the CCT Review Recommendations</b></p>	<p>The GAC notes with concern the recent Board resolution in response to the Final Recommendations of the Competition, Consumer Trust and Consumer Choice Review Team, which approved only 6 of 35 consensus recommendations.</p> <p><b>a. The GAC advises the Board to:</b></p> <p>i. Promptly meet with the CCT Review Team leadership to discuss the Board’s resolution and</p> <p><u>RATIONALE:</u></p> <p>The GAC is concerned that the recent Board resolution response to the Final Recommendations of the Competition, Consumer Trust and Consumer Choice Review Team approved only 6 of 35 consensus recommendations related to important competition and consumer protection issues. The CCT review is the first completed Bylaw-mandated review after the IANA Stewardship Transition and serves as a vital accountability mechanism. We urge the Board to promptly meet with the CCT Review Team leadership to discuss the Board’s resolution and consider the possibility of revisiting certain decisions if agreed appropriate.</p>	<p>The Board acknowledges the GAC’s concern with the recent Board resolution response to the Final Recommendations of the Competition, Consumer Trust and Consumer Choice Review Team. The Board notes the CCT review is a vital accountability mechanism. The Board understands that the GAC urges the Board to promptly meet with the CCT Review Team leadership to discuss the Board’s resolution and consider the possibility of revisiting certain decisions if agreed appropriate.</p>	<p>The Board acknowledges the GAC’s concerns regarding the recent Board resolution in response to the Final Recommendations of the Competition, Consumer Trust and Consumer Choice Review Team and accepts the advice.</p> <p>The Board has initiated communications with the CCT Review Team implementation shepherds (designated by the CCT Review Team) to address the areas related to CCT recommendations, having held a call on 23 April. The Board also understands the importance of working with the community to develop a process to prioritize and establish a sustainable cadence of implementations, with a defined protocol for handling specific review recommendations differently as compared to the past reviews. The Board has publicly committed to meet with the leaders of other specific review teams and to hold a public session at ICANN65 with the ICANN community, to address the broader issues around reviews and recommendations.</p> <p>The Board stands by its decisions with respect to the CCT recommendations, for the reasons set forth in the letter issued in Kobe; however, the Board is reviewing the timing and communication of its responses to specific review teams to avoid surprises in the future.</p> <p>The Board would also like to provide further clarification of its action. As noted in the communication to the CCT review team, the “intention was and remains to fully consider and thoughtfully act on each of the recommendations in the Final Report. To be clear, the Board has not rejected any of the recommendations in the Final Report. After careful consideration of the 35 recommendations, the Board determined to address each, in one of three ways:</p> <ul style="list-style-type: none"> <li>• The Board accepted six recommendations and directed the ICANN org to develop a costing and implementation plan, to be shared with the community within six months from the Board action. We acknowledge that some members of the community believe that this timeline is unnecessarily extended; and we will review these recommendations with ICANN org to determine whether this timeline can be accelerated.</li> <li>• Fourteen of the recommendations directed to the Board were actions that were not directly within the Board's remit at this stage in the bottom up multistakeholder process. The Board felt that some of these recommendations were excellent. We also had questions about</li> </ul>

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			<p>others. We ultimately concluded that expressing an opinion on policy recommendations outside the Board’s remit at this stage may be interpreted as the Board’s interfering with policy development authority allocated to the community under the ICANN Bylaws. The Board is also mindful of the relative role of the Board and ICANN org. Accordingly, we referred recommendations in this category to either the appropriate policy development body or to ICANN org to handle. Please keep in mind that the community is obligated to fully consider all input into PDPs and CCWGs, and that the Board is ultimately responsible for ensuring that such input is duly considered and appropriately addressed.</p> <ul style="list-style-type: none"> <li>• Seventeen of the remaining recommendations were categorized as pending. The Board felt that recommendations in this category raised substantive questions or required more information. The Board directed ICANN org to take specific actions to resolve the pending status as soon as possible. We acknowledge that some members of the community believe that this amounts to rejecting the recommendations. This is not the case, and we will review these recommendations with ICANN org to determine whether a specific timeline can be established.</li> </ul>
<p><b>§2.a.II ICANN Board Consideration of the CCT Review Recommendations</b></p>	<p>The GAC notes with concern the recent Board resolution in response to the Final Recommendations of the Competition, Consumer Trust and Consumer Choice Review Team, which approved only 6 of 35 consensus recommendations.</p> <p><b>a. The GAC advises the Board to:</b></p> <ul style="list-style-type: none"> <li>ii. Possibly reconsider certain decisions on recommendations if appropriate.</li> </ul> <p><u>RATIONALE:</u></p> <p>See rationale in §2.a.i.</p>	<p>The Board also acknowledges the GAC’s concern with the recent Board resolution response to the Final Recommendations of the Competition, Consumer Trust and Consumer Choice Review Team. The Board notes the CCT review is a vital accountability mechanism. The Board understands that the GAC urges the Board to promptly meet with the CCT Review Team leadership to discuss the Board’s resolution and consider the possibility of revisiting certain decisions if agreed appropriate.</p>	<p>See response on §2.a.i.</p>

**GAC Advice – Kobe Communiqué: Follow-up on Deferred Advice (15 May 2019)**

GAC Deferred Advice Item	Advice Text	Board Understanding on Previous Scorecard	Board Response on Previous Scorecard	Board Response
<p align="center"><b>San Juan Communiqué §1.a.IV GDPR and WHOIS</b></p>	<p><b>a. the GAC advises the ICANN Board to instruct the ICANN Organization to:</b></p> <p>iv. Distinguish between legal and natural persons, allowing for public access to WHOIS data of legal entities, which are not in the remit of the GDPR;</p>	<p>The Board understands that the GAC wishes for the ICANN Board to instruct the ICANN org to:</p> <p>iv. Distinguish between legal and natural persons, allowing for public access to WHOIS data of legal entities, which are not in the remit of the GDPR;</p>	<p><b>San Juan Scorecard:</b> As requested by the GAC in its <a href="#">17 May 2018</a> letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC.</p> <p><b>Barcelona Scorecard:</b> Previously, the Board stated in response to this item that, as requested by the GAC in its <a href="#">17 May 2018</a> letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC. The Board is currently monitoring progress of the EPDP and community work on a unified access model and plans to address this advice following the outcome of those processes.</p>	<p>The Board continues to defer action on this advice. As noted in the Barcelona scorecard, the Board monitored the progress of the EPDP, which has now concluded its Phase 1 work. The public comment on the EPDP Team Final Report closed on 17 April 2019, and ICANN org has published a report of public comments.</p> <p>Because the GAC <a href="#">stated</a> that it “would welcome the ICANN Board’s adoption the EPDP Phase 1 policy recommendations as soon as possible” and the EPDP Team has said that it “will determine and resolve the Legal vs. Natural issue in Phase 2”, the Board continues to defer action on this advice.</p>
<p align="center"><b>San Juan Communiqué §1.a.V GDPR and WHOIS</b></p>	<p><b>a. the GAC advises the ICANN Board to instruct the ICANN Organization to:</b></p> <p>v. Ensure continued access to the WHOIS, including non-public data, for users with a legitimate purpose, until the time when the interim WHOIS model is fully operational, on a mandatory basis for all contracted parties;</p>	<p>The Board understands that the GAC wishes for the ICANN Board to instruct the ICANN org to:</p> <p>v. Ensure continued access to the WHOIS, including non-public data, for users with a legitimate purpose, until the time when the interim WHOIS model is fully operational, on a mandatory basis for all contracted parties;</p>	<p><b>San Juan Scorecard:</b> As requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC.</p> <p><b>Barcelona Scorecard:</b> Previously, the Board stated in response to this item that, as requested by the GAC in its <a href="#">17 May 2018</a> letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC. The Board is currently monitoring the progress of the EPDP and community work on a unified access model and plans to address this advice following the outcome of those processes.</p>	<p>The Board accepts this advice. The Board notes that EPDP Recommendation 18 provides a mechanism for third-parties with legitimate interests to access to non-public gTLD registration data, and obligates the contracted parties to disclose the requested non-public data if the request passes the balancing test. The Board anticipates that this recommended model for requests for lawful disclosure of non-public registration data will be expanded upon in Phase 2, in light of Recommendation 3, which states that the EPDP Team undertakes to make a recommendation pertaining to a standardised model for lawful disclosure of non-public Registration Data now that the gating questions in the charter have been answered. This will include addressing questions such as:</p> <ul style="list-style-type: none"> <li>• Whether such a system should be adopted</li> <li>• What are the legitimate purposes for third parties to access registration data?</li> <li>• What are the eligibility criteria for access to non-public Registration data?</li> <li>• Do those parties/groups consist of different types of third-party requestors?</li> </ul>

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				<ul style="list-style-type: none"> <li>What data elements should each user/party have access to?</li> </ul>
<p><b>San Juan Communiqué §1.a.VI GDPR and WHOIS</b></p>	<p>a. the GAC advises the ICANN Board to instruct the ICANN Organization to:</p> <p>vi. Ensure that limitations in terms of query volume envisaged under an accreditation program balance realistic investigatory crossreferencing needs;</p>	<p>The Board understands that the GAC wishes for the ICANN Board to instruct the ICANN org to:</p> <p>vi. Ensure that limitations in terms of query volume envisaged under an accreditation program balance realistic investigatory crossreferencing needs; and</p>	<p><b>San Juan Scorecard:</b> As requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC.</p> <p><b>Barcelona Scorecard:</b> Previously, the Board stated in response to this item that, as requested by the GAC in its <a href="#">17 May 2018</a> letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC. The Board is currently monitoring the progress of the EPDP and community work on a unified access model and plans to address this advice following the outcome of those processes.</p>	<p>The Board continues to defer action on this advice. Recommendation 3 of the EPDP Final Report states that the EPDP Team undertakes to make a recommendation pertaining to a standardised model for lawful disclosure of non-public Registration Data now that the gating questions in the charter have been answered. This will include addressing questions such as:</p> <ul style="list-style-type: none"> <li>Whether such a system should be adopted</li> <li>What are the legitimate purposes for third parties to access registration data?</li> <li>What are the eligibility criteria for access to non-public Registration data?</li> <li>Do those parties/groups consist of different types of third-party requestors?</li> <li>What data elements should each user/party have access to?</li> </ul>
<p><b>San Juan Communiqué §1.a.VII GDPR and WHOIS</b></p>	<p>a. the GAC advises the ICANN Board to instruct the ICANN Organization to:</p> <p>vii. Ensure confidentiality of WHOIS queries by law enforcement agencies.</p>	<p>The Board understands that the GAC wishes for the ICANN Board to instruct the ICANN org to:</p> <p>vii. Ensure confidentiality of WHOIS queries by law enforcement agencies.</p>	<p><b>San Juan Scorecard:</b> As requested by the GAC in its 17 May 2018 letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC.</p> <p><b>Barcelona Scorecard:</b> Previously, the Board stated in response to this item that, as requested by the GAC in its <a href="#">17 May 2018</a> letter to the ICANN Board Chair, the Board defers consideration of this advice pending further discussion with the GAC. The Board is currently monitoring the progress of the EPDP and community work on a unified access model and plans to address this advice following the outcome of those processes.</p>	<p>The Board continues to defer action on this advice. Recommendation 3 of the EPDP Final Report states that the EPDP Team undertakes to make a recommendation pertaining to a standardised model for lawful disclosure of non-public Registration Data now that the gating questions in the charter have been answered. This will include addressing questions such as:</p> <ul style="list-style-type: none"> <li>Whether such a system should be adopted</li> <li>What are the legitimate purposes for third parties to access registration data?</li> <li>What are the eligibility criteria for access to non-public Registration data?</li> <li>Do those parties/groups consist of different types of third-party requestors?</li> <li>What data elements should each user/party have access to?</li> </ul>
<p><b>San Juan Communiqué §2.a.I IGO Reserved Acronyms</b></p>	<p>Noting ongoing developments in the PDP on IGO access to curative rights protection mechanisms, which the GAC is monitoring closely, the GAC affirms its advice from previous Communiqués concerning preventative protection of IGO</p>	<p>The Board sent a <a href="#">letter</a> to the GAC requesting clarification regarding this advice. The GAC provided a <a href="#">response</a> on 15 May 2018. Based on the GAC's response, the Board understands that the GAC wishes for the ICANN Board to:</p>	<p><b>San Juan Scorecard:</b> The Board thanks the GAC for the clarifications provided on <a href="#">15 May 2018</a>. The Board has asked the ICANN Organization to review the advice in light of these responses and to assess the feasibility of the request. The Board will defer</p>	<p>Following from the Board's response to the GAC's Panama Communiqué, the Board is aware that a feasibility study has been initiated by ICANN Org with the support of the GAC, WIPO, and OECD to ensure that the list of IGOs is as accurate and</p>

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	<p>identifiers, recalls the importance of maintaining temporary protections until a permanent resolution on IGO identifiers is reached in order prevent irreparable harm to IGOs and</p> <p><b>a. advises the ICANN Board to:</b></p> <p>i. Ensure that the list of IGOs eligible for preventative protection is as accurate and complete as possible.</p> <p><u>RATIONALE</u> Despite indications to the contrary, the GNSO has still not concluded its PDP on curative rights protection mechanisms. The GAC and IGOs remain fully engaged on this issue and emphasize that a removal of interim protections before a permanent decision on IGO acronym protection is taken could result in irreparable harm to IGOs. In the interim, ICANN has moved forward to implement GAC advice related to protection of IGO full names at the second level. These protections will be based on a list of IGOs that fulfil previously agreed-upon criteria. To ensure this advice is effectively implemented, following significant work undertaken by IGOs resulting in significant progress on compiling this list, a focused effort is needed to contact remaining IGOs, so their names are protected accurately in the chosen two languages. ICANN has been in contact with the OECD and WIPO on this initiative, which the GAC supports.</p>	<p>i.Ensure that the list of IGOs eligible for preventative protection is as accurate and complete as possible.</p> <p>The Board understands that the GAC and IGOs remain engaged on this issue and that the GAC is concerned that a removal of interim protections before a permanent decision on IGO acronym protection is taken could result in irreparable harm to IGOs.</p> <p>The Board also understands that the GAC emphasizes that to ensure this advice is effectively implemented, a focused effort is needed to contact remaining IGOs so their names are protected accurately in the chosen two languages.</p>	<p>action on this item at this time, and in due course will engage with the GAC should further clarification be necessary before taking action on this advice.</p> <p><b>Barcelona Scorecard:</b> The Board continues to defer action on this item as the ICANN org continues to assess the feasibility of the GAC’s request. The Board is aware that a dialogue has been initiated between ICANN Org and the GAC to ensure that the list of IGOs eligible for preventative protection is as accurate and complete as possible. The Board will monitor the progress of this dialogue and will engage with the GAC as necessary before taking any further action on this advice.</p>	<p>complete as possible. The Board intends to monitor the progress of this study and will engage with the GAC as necessary concerning ICANN Org’s implementation of this advice.</p>



**GAC Advice – Kobe Communiqué: Follow-up on Previous Advice (15 May 2019)**

<b>GAC Follow-up on Previous Advice Item</b>	<b>Text</b>	<b>Board Understanding Following Board-GAC Call</b>	<b>Board Response</b>
<p><b>1. Subsequent Rounds of New gTLDs</b></p>	<p>The GAC recalls its advice in the ICANN56 Helsinki Communiqué, which states that the development of policy on further releases of new gTLDs needs to fully consider all the results of the relevant reviews and analyses to determine which aspects and elements need adjustment. The GAC advised the Board to address and consider these results and concerns before proceeding with new rounds.</p>	<p>The Board understands the GAC’s previous advice to address and consider all the results of the relevant reviews and analyses before proceeding with new rounds of the New gTLD program.</p>	<p>As noted in the <a href="#">Helsinki Scorecard</a>, the Board accepted the advice and monitored the work of the community regarding reviews of the current round of the New gTLD Program and the policy development work for subsequent rounds of the New gTLD Program. All of the Bylaws- and Board-committed reviews related to the 2012 round of new gTLDs have been completed. The Subsequent Procedures PDP Working Group anticipates delivering its Final Report in the second half of calendar year 2019. The Board will consider the policy recommendations when the community completes its work and the recommendations are brought to the Board.</p>