Kuala Lumpur, 3 April 2005

Dear Paul Twomey:

I am writing to acknowledge with thanks your letter of 1 December 2004 that was delivered to the GAC meeting in Cape Town.

The GAC welcomes the description of current policy issues set out in ICANN's letter which generally confirm the on-going priorities that have been identified through mutual consultation and discussion. GAC, through its membership, intends to prioritise its activities accordingly, consistent with available resources. The attached commentary on the issues to hand should be taken in the context of the current consideration of the ICANN Strategic Plan. GAC supports the priority that ICANN is giving to internationalisation, increasing participation including assistance to developing countries, as well as to maintaining the security and stability of the Internet.

In general, ICANN's characterization of issues with public policy aspects matches quite closely those issues already addressed by GAC during recent years as reflected in GAC Communiqués. GAC will continue to provide its views and opinions, in the form of advice to the ICANN Board, in addition to less formal communications, consultations and comments on ICANN's work, including to the Supporting Organisations and Advisory Committees.

I am sure that your communication and this reply will provide a good basis for the continuing relationships between ICANN staff and GAC. However, since your letter enters into significant levels of detail on a number of subjects, I thought that it would be useful for all concerned if I was to summarise the status and follow-up of these matters at hand. This is without prejudice to GAC deciding on a case-by-case basis to issue more formal advice or more detailed comments on some of these, or other, questions, should the need arise.

As you will certainly appreciate, this exercise can be neither static nor definitive, and I appreciate your suggestion that this exchange of information should be periodically up-dated.

Sincerely,

Mohamed Sharil Tarmizi

Attachment (1)

RESPONSE TO THE LETTER FROM THE **ICANN** PRESIDENT AND **CEO**
TO THE **GAC** CHAIR, **1** DECEMBER **2004.**

I.   ISSUES WITH PUBLIC POLICY ASPECTS FOR **GAC** CONSIDERATION

1.   **Establishing a policy for the introduction of new gTLDs**

The Strategy for the Introduction of New Generic Top Level Domains, 30 September
2004 and the Evaluation Report, 10 July 2004, have been brought to the attention of the
GAC and they are being reviewed by the GAC GNSO working group. I would recall that
the starting point for the GAC is the principle that:

> *"The Internet naming and addressing system is a public resource that must be managed in the
> interests of the global Internet community",* and that *"the management of Internet names and
> addresses must be facilitated by organisations that are global in character".*

The great majority of the Internet community's communications are still in English, your
welcome efforts to diversify the use of languages in ICANN, notwithstanding. GAC
members have appreciated ICANN's enhanced interest in IDNs as reflected in the two
recent workshops on this topic.

No GAC members have expressed specific reservations or comments, in the GAC, about
the applications for sTLDs in the current round. However should sTLDs use ENUM, that
should not interfere with established international policies for the E164 numbering
system. ICANN should ensure that sponsors of sTLDs encompass the entirety of the
relevant user community, and that eventual distortions of competition are effectively
avoided.

GAC members are also following closely the development of ICANN's policies for new
TLDs, both through the consultations on the ICANN website and through the on-going
liaison with GNSO. In general, GAC members support the objective of introducing
greater consumer choice and commercial competition into the markets for domain names.
We would however, take this opportunity to remind ICANN of the advice contained in
the March 2000, Cairo meeting communiqué to the effect that:

> *"Recognising ICANN's responsibilities to achieve consensus in the creation of any new gTLDs,
> ICANN should avoid, in the creation of new gTLDs the alpha-3 codes of ISO 3166-1; well known
> and famous country, territory or regional language or people descriptions; or ISO 639 codes for
> representation of languages, unless in agreement with the relevant governments or public
> authorities."*

ICANN's conclusions regarding the other applications under consideration are awaited
with interest.

GAC members recognise that the broader question of creating new gTLDs has a wider scope and will devote some time to reviewing the issues arising in the coming months.

2.   Internationalised Domain Names

Most public policy issues arising from IDNs also arise in the context of new TLDs. More generally, GAC members see the need for the implementation of IDNs to take full account of the knowledge and interests of local and international language communities, and to ensure that the technical specifications and standards that are developed conform comprehensively to the actual use and expression of the language scripts concerned.

Several GAC members are already actively involved in the development of IDN. GAC in its turn has decided to address greater attention to these issues in the future. GAC recognises the technical challenges associated with maintaining inter-operability at the same time as introducing IDN TLDs, however in the light of the objective to facilitate multilingualism in the Information Society, which we understand ICANN fully supports, it would be essential to overcome the remaining obstacles to IDNs.

3.   Whois policy development process in the GNSO

GAC members are well aware of the issues surrounding access to and use of Whois databases that are the focus of the GNSO's policy development process. The GAC GNSO working group is following closely the progress of the relevant GNSO Taskforces on this matter. This has also been a subject of discussion during informal meetings between the GAC CNSO working group and the GNSO Council during recent ICANN meetings. The GAC's preliminary discussion reflects recognition of various public policy uses of Whois data (e.g. consumer protection, law enforcement) which are balanced against national laws in many GAC members for the protection of personal privacy.

4.   WIPO II

ICANN will recall that the WIPO II process was initiated by a GAC meeting in Sydney in February 2000 and the subsequent letter from the GAC Chair to WIPO arising from that meeting. Following ICANN and GAC's experiences over the registration of country names in *.info* reflected in the Chair's letter to the GAC Montevideo meeting, September 2001;, and subsequent GAC advice and Board action, the GAC continues to support the implementation of the WIPO II recommendations as soon as practicable.

II. **INTERACTION BETWEEN THE GAC AND ICANN**

GAC fully appreciates the need for effective interaction with ICANN, particularly, but not exclusively through the ICANN staff and the GAC Secretariat. I would also point out that much of the information exchanged in the context of the ICANN Board is germane to GAC's work, and as Board Liaison, the GAC Chair does communicate these matters with GAC membership, subject to the requirements of confidentiality, when they apply.

     1. **GAC Liaison officer:** We welcome your consideration of identifying a GAC Liaison officer to facilitate greater interaction between the GAC, ICANN and other parts of the ICANN community.

     2. **Regular information from ICANN to GAC:** This is a welcome suggestion. The present exchange of letters is a very good start. A possible format might be for ICANN to up-date the letter of 1 December periodically and about one month prior to each ICANN and GAC face-to-face meetings.

     3. **ICANN & GAC Executives' Conference calls:**   Subject to confirmation by GAC in Mar del Plata, we would support re-activating this method of working between ICANN and GAC. GAC has constituted a leadership group comprising the Chair, Vice Chairs, ICANN Liaisons and GAC Working Group Convenors. Subject to the time-zones and other constraints, we could envisage periodic calls. Participation could vary on both parts depending on subject matter and other priorities.

     4. **Supporting Organisations:** The GAC has devoted significant time in recent years to increasing its dialogue with the ICANN community, the Supporting Organisations and other Advisory Committees.

For example, the GAC has held discussions with the ccTLD community and ccNSO, the Security and Stability Advisory Committee (SSAC), the GNSO Council, the root server operators and many others. However, experience is that there is not enough time to do this thoroughly and regularly during the face-to-face meetings and I welcome your suggestion of exploring the best means of increasing the GAC's interaction with the various ICANN Supporting Organizations and Advisory Committees.

In particular, relationships between GAC and GNSO and ccNSO have been recently re-vamped. The GNSO Council consults regularly with the GAC Working Group Convenor and members of the corresponding GAC Working Group and we have established joint liaison groups with ccNSO with a regional dimension. GAC looks forward to establishing an analogous relationship with the ASO in the near future. These Liaisons will naturally report to the full GAC membership on a regular basis. These are experimental improvements and we will be glad to review their effectiveness from time to time.

III   **MAJOR RECENT DEVELOPMENTS IN ICANN**

Most GAC Members and the Secretariat naturally follow developments in ICANN quite closely through the ICANN website and other communications but we do appreciate ICANN specifically drawing our attention directly to some of the more pressing issues.

1.   Draft Strategic Plan for the period 2003-04/2006/07

The draft Strategic Plan was drawn to GAC's attention at Cape Town. It is a far reaching document and it is not likely that GAC will have completed its review by the end of public consultation in January 2005. GAC will make its comments to the Board at the earliest practical opportunity.

2.   ICANN budget for fiscal year 2004-05

GAC has taken note of the increased size and objectives of the 2004/05 budget, while remaining within the limited ICANN mandate and of the outcome of the budgetary negotiation this year. No GAC members have as yet expressed specific views regarding any aspect of the 2004-2005 budget.

3.   MOU with the Regional Internet Registries (RIRs)

GAC was briefed about this development in Cape Town, both by ICANN and by the ASO members. GAC has taken good note that the ASO MoU provides for regular opportunities to re-visit its provision should this be of use to the GAC. GAC is also looking forward to constituting a joint Liaison Group with ASO, with a regional dimension.

GAC has taken good note of the flexibility expressed by all concerned and of the possibility to review the consultation mechanisms from time to time. GAC does however continue to require timely advance notice of issues that may arise in order to prepare agreed and coordinated advice to ICANN. We are confident that the Liaison mechanism will assist in ensuring that this is so in practice.

4.   ccTLD Accountability Frameworks

GAC members are very interested in the philosophy and the legal consequences of ccTLD accountability frameworks. This will become a significant item on the agenda of the joint GAC-ccNSO Liaison group and will be brought to the attention of GAC as a whole as necessary. In those cases that national governments will be involved in endorsing or otherwise sharing in the accountability framework process, we would expect that to be normally conducted on a trilateral basis between ICANN, the government and the national registry concerned. GAC will continue to provide a forum of exchange of experience, precedent and best-practice among its members in this area.

5.   ccTLD Principles and Guidelines

The Final Draft Text of the up-dated GAC ccTLD Principles has now been published and has been brought to the attention of the ICANN Board. This text includes significant improvements arising from consultations with the ccTLD community and with the ICANN staff. We trust that the up-dated text will continue to serve as a useful source of principles and guidelines to ICANN as you undertake the task of re-delegation as and when the need arises.

6.   Internationalised Domain Names.

GAC members intend to deepen their understanding of this complex area. Although ICANN's role may be limited to resolving IDNs in the DNS, governments are less able to compartmentalize their responsibilities. Furthermore, the nature of the challenges varies considerably from one language group to another. All major international language groups are now represented in the GAC. GAC intends to raise the profile of these issues so that the national authorities most concerned are aware of them and will make the necessary resources available for the necessary work.