Final Proposed Agenda 19 July 2018

Please note that all documents referenced in the agenda have been gathered on a Wiki page for convenience and easier access: https://community.icann.org/x/DINHBQ

This agenda was established according to the GNSO Operating Procedures v3.3, updated on 30 January 2018
For convenience:

- An excerpt of the ICANN Bylaws defining the voting thresholds is provided in Appendix 1 at the end of this agenda.
- An excerpt from the Council Operating Procedures defining the absentee voting procedures is provided in Appendix 2 at the end of this agenda.

Coordinated Universal Time: 12:00 UTC: https://tinyurl.com/y77sb7h6

05:00 Los Angeles; 08:00 Washington; 13:00 London; 17:00 Islamabad; 21:00 Tokyo; 22:00 Hobart

GNSO Council Meeting Audio Cast

Listen in browser: http://stream.icann.org:8000/stream01

Listen in application such as iTunes: http://stream.icann.org:8000/stream01.m3u

Councilors should notify the GNSO Secretariat in advance if they will not be able to attend and/or need a dial out call.

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Item 1. Administrative Matters (5 mins)

1.1 - Roll Call

1.2 - Updates to Statements of Interest

1.3 - Review / Amend Agenda

1.4 - Note the status of minutes for the previous Council meetings per the GNSO Operating Procedures:

Minutes of the GNSO Council meeting on the 12 June 2018 were posted on the 27 June 2018

Minutes of the GNSO Council meeting on the 27 June 2018 were posted on the 16 July 2018

Item 2. Opening Remarks / Review of Projects & Action List (15 minutes)

2.1 - Review focus areas and provide updates on specific key themes / topics, to include review of Projects List and Action Item List

Item 3. Consent Agenda (0 minutes)

Item 4: COUNCIL VOTE – IGO-INGO Access to Curative Rights Protection Mechanisms (15 minutes)

The IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG had been working to resolve a final recommendation relating to IGO jurisdictional immunity and registrants' rights to file court proceedings. The WG has sought to determine consensus on a set of options for this final recommendation, as well as for all other recommendations. The WG Chair has proposed his determination of consensus levels for all recommendations, which the WG has affirmed. On 27 June 2018, the GNSO Council passed a resolution, thanking the PDP WG for its efforts and requesting that it submit its Final Report in time for the 19 July 2018 Council meeting.

After having agreed on consensus levels for its final recommendations, the WG has considered the text of its Final Report. On 9 July 2018, the PDP WG submitted its Final Report to the GNSO Council for its consideration, which contains five consensus recommendations and in which several Working Group members had indicated their intentions to file minority statements documenting their disagreement either with one or more of the final recommendations or other parts of the Final Report.

There remain several inconsistencies between GAC advice and consensus recommendations from the IGO-INGO PDP WG, which have yet to be reconciled, including on the topic of appropriate protections for IGO acronyms (both preventative and curative).

Here, with an intention to consider the topic of curative rights protections for IGOs in the broader context of appropriate overall scope of protection for all IGO identifiers, the GNSO Council will vote to accept the Final Report from the IGO-INGO Access to Curative Rights Mechanisms PDP Working Group and review it between now and its August 2018 meeting, with the goal of developing a possible path forward to also resolve the inconsistencies between GAC Advice and prior GNSO policy recommendations on the overall scope of IGO protections.

4.1 – Presentation of motion (Susan Kawaguchi, Council liaison to the WG)

4.2 – Council discussion

4.3 – Council vote (voting threshold: simple majority)

Item 5: COUNCIL VOTE – Initiation of Expedited Policy Development Process on the ICANN Board Temporary Specification on gTLD Registration Data (45 minutes)

On 11 May 2018, ICANN released the Temporary Specification on gTLD Registration Data, which served as the main agenda topic for the subsequent Board Workshop in Vancouver. This proposed Temporary Specification provides an interim solution until the community completes a policy development process on the temporary specification which is expected to complete within a one year period.

On 14 May 2018, ICANN released a revised Temporary Specification and scheduled a webinar on 15 May 2018 to discuss the topic. The Board passed a resolution, noting their intent to adopt the Temporary Specification on or around 17 May 2018.

On 17 May 2017, the ICANN Board approved the proposed Temporary Specification for gTLD Registration Data, which establishes temporary requirements for how ICANN and its Contracted Parties will comply with both ICANN contractual requirements and the European Union's General Data Protection Regulation (GDPR). On 21 May 2018, the Council and SG/C chairs met to discuss possible next steps for the ICANN Board adoption of the Temporary Specification.

On its 24 May 2018 meeting, the Council discussed possible next steps following ICANN Board adoption of the Temporary Specification. On 5 June 2018, the Council met with the ICANN Board to discuss a set of questions the Council and ICANN Board developed, as well as overall next steps. Subsequently, Council leadership and staff developed a Mindmap to help understand the elements around a potential Expedited Policy Development Process (EPDP), such as timing, team composition, and planning for ICANN62.

On 12 June 2018, the Council held an Extraordinary Council Meeting to discuss next steps on addressing the Temporary Specification. There, the Council agreed in principle that an EPDP was the right way to address the issue and that next steps should be taken, specifically drafting of the charter and initiation. In the period leading up to and at ICANN62, the Council has worked together to draft the charter for the EPDP. The Council also continued the drafting process after ICANN62.

Here, the Council will vote to initiate an EPDP on the Temporary Specification, as well as to adopt the EPDP's charter.

5.1 – Presentation of motion (Council Leadership)

5.2 – Council discussion

5.3 – Council vote (voting threshold: Supermajority)

Taking this action is within the GNSO's remit as outlined in ICANN's Bylaws as the GNSO 'shall be responsible for developing and recommending to the Board substantive policies relating to generic top-level domains and other responsibilities of the GNSO as set forth in these Bylaws' (Art.11.1). Furthermore, this action complies with the requirements set out in Annex A-1 GNSO Expedited Policy Development Process of the ICANN Bylaws as well as the EPDP Manual.

Item 6: COUNCIL DISCUSSION – Short- and Long-Term Options to Adjust the Timeline for Specific Reviews and Organizational Reviews (15 Minutes)

On 14 May 2018, ICANN published short-term options to adjust the timeline for the Specific Reviews as required by the ICANN Bylaws. These proposed options seek to alleviate the workload on the community and ICANN resources. The review for consideration for short-term adjustments is the third Accountability and Transparency Review (ATRT3).

Also on 14 May 2018, ICANN published the long-term options, "provide more reasonable scheduling across ICANN reviews (Specific and Organizational), with the goal of meeting ICANN's accountability and transparency obligations in a more practical and sustainable manner."

Here, the Council will discuss the proposed responses for the purposes of developing a comments submission on or before the 31 July 2018 close dates for both public comment proceedings.

6.1 – Update (Donna Austin, Council Vice-Chair)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION – Consideration of CCWG-Accountability WS2 Final Report (15 minutes)

The Cross Community Working Group on Accountability, Work Stream 2 (CCWG-Accountability WS2), focused on addressing accountability topics that may be resolved after the IANA Stewardship Transition. In March of 2018, the CCWG-Accountability WS2 completed its Final Report, for which it sought public comment. Comment received did not result in any substantive changes to the Final Report. On 24 June 2018, at ICANN62, the CCWG-Accountability WS2 held its final meeting, thus concluding its work.

The CCWG-Accountability WS2 anticipates that all of the chartering organizations must consider the recommendations and approve them prior to ICANN Board consideration and possible adoption.

Here, the Council will receive an update, expected to provide expectations on next steps, as well as guidance on what the Council will need to

consider prior to conducting a vote.

7.1 – Update (Thomas Rickert, CCWG-Accountability WS2 Co-Chair, and GNSO representatives)

7.2 – Council discussion

7.3 – Next steps

Item 8: COUNCIL DISCUSSION – GNSO Policy Development Process 3.0 (15 minutes)

In January 2018, the GNSO Council held an inaugural three-day Strategic Planning Session. On Day 3 of this meeting, the GNSO Council reviewed the workload for the year ahead and identified potential milestones, noting that the current average timeline for delivery of an Initial Report has increased at least 2-4 times compared to previous PDPs. In addition to noting the increased duration of the PDP lifecycle, the Council began to identify challenges being encountered in PDPs, informed by a staff discussion paper on optimizing increased engagement and participation while ensuring efficient and effective policy development.

The effort to increase the effectiveness and efficiency of the GNSO PDP process is called GNSO PDP 3.0. On 11 May 2018, a summary paper was shared with the Council, summarizing input received to date, as well as some proposed incremental improvements. The Council members and their respective Stakeholder Groups and Constituencies were invited to provide input by 15 August 2018, after which it was anticipated that an implementation plan could be developed for Council consideration.

Here, the Council will discuss anticipated next steps once all input has been received.

8.1 – Update (Council Leadership)

8.2 – Council discussion

8.3 – Next steps

Item 9: COUNCIL DISCUSSION - Instruct the Standing Selection Committee to reconfirm the GNSO appointments on the Third Accountability and Transparency Review Team (ATRT3) (10 minutes)

On 31 January 2017, ICANN launched a call for volunteers seeking individuals interested in serving as a volunteer Review Team member on the ATRT3. Under the new Bylaws, each SO/AC participating in the Specific Review may nominate up to 7 members to the Review Team, for consideration by the SO/AC leadership. Any SO/AC nominating up to 3 individuals are entitled to have those nominees selected as members to the review team, so long as the nominees meet the applicable criteria for service on the team.

The GNSO Council tasked the GNSO Standing Selection Committee (SSC) to carry out the review and selection of GNSO endorsed candidates for the ATRT3 for Council consideration. The SSC submitted its full consensus recommendations to the GNSO Council on 13 September 2017, which confirmed the ranking of the 1-7 candidates as well as the expectation that, at a minimum, the 1-3 candidates would be considered primary candidates with a guaranteed seat for the ATRT3.

Stéphane Van Gelder, one of those 3 candidates guaranteed a seat for the ATRT3, tragically passed away, leaving an opening for the three guaranteed seats.

Here, the Council will instruct the SSC to not only ensure that the vacant seat is filled, but to also confirm the continued interest of the other candidates to serve on the ATRT3, given the time that has elapsed since the initial selection process.

9.1 – Update (Council Leadership)

9.2 – Council discussion

9.3 – Next steps

Item 10: ANY OTHER BUSINESS (5 minutes)

10.1 – ICANN63 planning.

10.2 - Update on proposed updates to the Consensus Policy Implementation Framework and Post-Implementation Consensus Policy Review Framework

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Appendix 1: GNSO Council Voting Thresholds (ICANN Bylaws, Article 11, Section 11.3(i))

See https://www.icann.org/resources/pages/governance/bylaws-en/#article11.

Appendix 2: GNSO Council Absentee Voting Procedures (GNSO Operating Procedures, Section 4.4)

See https://gnso.icann.org/sites/default/files/file/field-file-attach/op-procedures-30jan18-en.pdf

References for Coordinated Universal Time of 12:00 UTC
Local time between March and October Summer in the NORTHERN hemisphere

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California, USA (PDT) UTC-7 05:00
San José, Costa Rica (CST) UTC-6 06:00
New York/Washington DC, USA (EDT) UTC-4 08:00
Buenos Aires, Argentina (ART) UTC-3 09:00
Rio de Janeiro, Brazil (BRST) UTC-3 09:00
London, United Kingdom (GMT) UTC+1 13:00

Kinshasa, Democratic Republic of Congo (WAT) UTC+1 13:00

Paris, France (CEST) UTC+2 14:00

Islamabad, Pakistan (PKT) UTC+5 17:00

Singapore (SGT) UTC+8 20:00
Tokyo, Japan (JST) UTC+9 21:00
Sydney/Hobart, Australia (AEDT) UTC+10 22:00

DST starts/ends on Sunday 28 of October 2018, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 4 of November 2018 for the US.

For other places see http://www.timeanddate.com and https://tinyurl.com/y77sb7h6