Final GNSO Council Agenda 20 December 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/PAD_BQ

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: 21:00 UTC: https://tinyurl.com/y9lwfwkq

13:00 Los Angeles; 16:00 Washington; 21:00 London; (Friday) 02:00 Islamabad; 06:00 Tokyo; 08:00 Melbourne

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 part I and part II of the GNSO Council meetings on the 24 October 2018 were posted on the 12 November 2018

Minutes of the GNSO Council meeting on the 29 November 2018 were posted on the 13 December 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 (5 minutes)

- Motion to adopt the GNSO Council response to the GAC Communique.
- Motion to approve the nomination of [INSERT NAME WHEN AVAILABLE] to serve as the ICANN Fellowship Program mentor.

- Confirmation of Heather Forrest to serve as the GNSO Representative to the ICANN Fellowship Program Selection Committee for the remainder of the 2-year term.
- Confirmation of the leadership for the GNSO Standing Selection Committee (Chair: Susan Kawaguchi, Vice-Chairs: Poncelet Ileleji and Erica Varlese)

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

The IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG had worked to resolve a final recommendation relating to IGO jurisdictional immunity and registrants' rights to file court proceedings. The WG has determined consensus on a set of options for this final recommendation, as well as for all other recommendations. The WG Chair proposed his determination of consensus levels for all recommendations, which the WG 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 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 three 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). During its 19 July Council meeting, the Council [resolved]() to accept the Final Report from the IGO-INGO Access to Curative Rights Mechanisms PDP Working Group and has begun considering the topic of curative rights protections for IGOs in the broader context of appropriate overall scope of protection for all IGO identifiers.

On 9 October 2018, the Council held a question and answer webinar to review the recommendations and to ask itself a series of questions, 1) Does the Council believe that the PDP has addressed the issues that it was chartered to address (i.e. What questions/topics was the Working Group chartered to consider, did it consider those charter topics/questions, and did it do so in a legitimate way)?; 2) Has the PDP followed due process?; and 3) Did the PDP Working Group address GAC advice on the topic?

A motion to consider the Final Report was originally on the 24 October 2018 Council meeting agenda but was withdrawn due to concerns around both the process followed by the PDP, as well as the substance of the PDP WG's recommendations. Council leadership and staff have developed a summary document ([Summary Paper]() and [Slide Deck]()) that lists issues raised by Councilors, options available, and potential considerations. During the November meeting, the Council considered a set of available options and briefly discussed possible next steps.

Here, Councilors, having had the opportunity to consider the documentation developed, will continue to discuss options and seek to make progress in determining next steps.

4.1 – Presentation of topic (Council Leadership)

4.2 – Council discussion

4.3 – Next steps

Item 5: COUNCIL UPDATE – Temporary Specification for Registration Data Expedited Policy Development Process - Recurring Update (25 minutes)

On 19 July 2018, the GNSO Council resolved to initiate the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data and adopt the EPDP Team Charter. Given the challenging timeline for the EPDP and the GNSO Council's role in managing the PDP process, the Council has agreed that including a recurring update on the EPDP for each Council meeting is prudent. On 14 November 2018, Cherine Chalaby, the Chair of the ICANN Board of Directors, sent a letter to Keith Drazek, Chair of the GNSO, submitting questions regarding the status of the EPDP. Two specific areas from the letter where the Board is seeking an update are:

- ***Deadlines*** *- The Board notes that the EPDP team intends to issue its initial report by 19 November 2018, with a final report to be submitted to the GNSO Council by 1 February 2019. Does the GNSO Council foresee any risks of these deadlines not being met, and if so, is there anything the Board can do to Help?*
- ***Back-up Plans*** *- The Board recommends the development of back-up plans and would very much appreciate getting a better understanding of any such plans the GNSO Council may be contemplating. More specifically, what are the thoughts of the GNSO Council on next steps, consistent with the ICANN Bylaws and ICANN's contractual agreements with Contracted Parties, in the event the community has not reached agreement on a consensus policy prior to the expiration of the Temporary Specification?*

Here, the Council will receive an update from the GNSO Council liaison to the EPDP and discuss the letter from the ICANN Board, and corresponding Council response.

5.1 – Update (Rafik Dammak, GNSO Council liaison to the EPDP and EPDP vice-chair)

5.2 – Council discussion

5.3 – Next steps

Item 6: COUNCIL DISCUSSION – ICANN Reserve Fund (15 minutes)

The ICANN Reserve Fund was created in 2007 with a target level set at a minimum of 12 months of Operating Expenses. It has been funded through operational excesses. Over the past years, ICANN's

operations have grown, its risk profile has evolved, and withdrawals have been made to fund the IANA stewardship transition expenses.

On 6 March 2018, ICANN Org sought [public comment](#) on the Reserve Fund replenishment strategy, to bring the Reserve Fund to its minimum target level of 12 months.

During the 25 October 2018 meeting of the ICANN Board, two resolutions were adopted to transfer funds to the Reserve Fund. The [first](#) transferred US$3,000,000 from the Operating Fund. The [second](#) allocated US$36,000,000 of auction proceeds to the Reserve Fund. Several Council members expressed concern that auction proceeds were utilized for this purpose, diminishing the pool of allocatable funds available to the recommendations of the New gTLD Auction Proceeds Cross-Community Working Group (CCWG).

Here, the Council will discuss potential issues and determine if any remedial actions may be necessary, or possible, at the Council level.

6.1 – Presentation of topic (Council Leadership)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION – GNSO Policy Development Process 3.0 Implementation Plan (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, after which a [summary report](#) was prepared and shared with the Council on 10 September 2018, followed by a dedicated [webinar](#) on 11 September 2018.

Based on the input received as well as the subsequent webinar, Council leadership developed a the [GNSO Policy Development Process 3.0 Final Report](#) for Council consideration. On 24 October 2018, the Council adopted the Final Report and recommendations and instructed staff and Council leadership to develop an implementation plan. On 10 December 2018, the draft [GNSO PDP 3.0 Implementation Plan](#) was shared with the Council.

Here, the Council will discuss the draft implementation plan and consider next steps.

7.1 – Presentation of topic (Council leadership)

7.2 – Council discussion

7.3 – Next steps

Item 8: COUNCIL DISCUSSION - 2019 Strategic Planning Session (10 minutes)

In January of 2017, the GNSO Council submitted a FY18 [additional budget request](#) to support a 3 day face-to-face strategic planning session in January of 2018. At a high-level, the purpose of the meetings is to allow for focused and dedicated sessions to strategically develop a work plan for the upcoming year. This additional budget request was approved by the ICANN Board and the GNSO Council successfully conducted its inaugural Strategic Planning Session (SPS) from January 29–31 2018. Based on the success of the first SPS, the GNSO Council requested a FY19 additional budget request for the same purpose, which was approved.

With the 2019 SPS scheduled for January 23-25 2019, Council leadership has developed and shared a [draft agenda](#) on 7 December 2018.

Here the Council leadership will provide an update to the Council on planning steps undertaken to date, including review of a draft agenda and seeking input from Councilors.

8.1 – Presentation of discussion topic (Council leadership)

8.2 – Council discussion

8.3 – Next steps

Item 9: ANY OTHER BUSINESS (10 minutes)

9.1 - Existing ICANN Procedure for Handling WHOIS Conflicts with Privacy Law Implementation Advisory Group - Next steps for Call for Volunteers
9.2 - FY20 Draft ICANN Operating Plan and Budget - Next steps for the Standing Committee on ICANN's Budget and Operations.
9.3 - ICANN64 Planning

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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 21:00 UTC
Local time between October and March Winter in the NORTHERN hemisphere
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California, USA (PST) UTC-8 13:00
San José, Costa Rica (CST) UTC-6 15:00
New York/Washington DC, USA (EST) UTC-5 16:00
Buenos Aires, Argentina (ART) UTC-3 18:00
Rio de Janeiro, Brazil (BRST) UTC-2 20:00
London, United Kingdom (GMT) UTC+0 21:00
Kinshasa, Democratic Republic of Congo (WAT) UTC+1 22:00
Paris, France (CET) UTC+1 22:00
Islamabad, Pakistan (PKT) (+1 day) UTC+5 02:00
Singapore (SGT) (+1 day) UTC+8 05:00
Tokyo, Japan (JST) (+1 day) UTC+9 06:00
Melbourne, Australia (AEDT) (+1 day) UTC+11 08:00

DST starts/ends on Sunday 31 of March 2019, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 10 of March 2018 for the US.

For other places see http://www.timeanddate.com and https://tinyurl.com/y9lwfwkq