Minutes of the GNSO Council Meeting 16 August 2018
[Agenda](#) **and** [Documents](#)

Coordinated Universal Time: 21:00 UTC: https://tinyurl.com/y77sb7h6

14:00 Los Angeles; 17:00 Washington; 22:00 London; (Friday) 02:00 Islamabad; 06:00 Tokyo; 07:00 Hobart

List of attendees:
Nominating Committee Appointee (NCA): **– Non-Voting** – Erika Mann (apologies)
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell
gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl
Nominating Committee Appointee (NCA): Carlos Raul Gutierrez
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Pattullo, Susan Kawaguchi, Philippe Fouquart, Tony Harris, Paul McGrady (apologies, proxy to Heather Forrest), Heather Forrest
Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Tatiana Tropina, Rafik Dammak, Ayden Férdeline, Arsène Tungali
Nominating Committee Appointee (NCA): Syed Ismail Shah
GNSO Council Liaisons/Observers:
Cheryl Langdon-Orr– ALAC Liaison
Julf (Johan) Helsingius– GNSO liaison to the GAC
Adebiyi Oladipo – ccNSO observer

ICANN Staff
David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (apology sent)
Marika Konings – Vice President, Policy Development Support – GNSO
Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement
Julie Hedlund – Policy Director
Steve Chan – Policy Director
Berry Cobb – Policy Consultant
Emily Barabas – Policy Manager
Ariel Liang – Policy Support Specialist
Caitlin Tubergen – Policy Senior Manager
Sara Caplis – Technical Support
Nathalie Peregrine – Manager, Operations Support (apologies)
Terri Agnew - Operations Support - GNSO Lead Administrator

[MP3 Recording](#)
[Transcript](#)

Item 1: Administrative matters

1.1 – Roll call

1.2 – Updates to Statements of Interest.

Cheryl Langdon-Orr indicated an update to her Statement of Interest:
https://community.icann.org/x/pgW5AQ

1.3 – Review/amend agenda

Susan Kawaguchi requested that an item be added to Any Other Business (AOB). **Darcy Southwell** and **Susan Kawaguchi** raised concerns about the EPDP item needing more time than an AOB item would warrant, an additional item (#6) was created to allocate more discussion time.

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

Minutes of the GNSO Council meeting on the 19 July 2018 were posted on the 10 August 2018

Item 2. Opening Remarks / Review of Projects & Action List

Heather Forrest raised the following points from the Action Items' list (which would not be discussed under agenda items during the meeting):

- The Action Items (AI) in relation to emojis as well as most items from the Temporary Specification section and the short-term and long-term option papers were completed.
- The AI relating to the GNSO Registration Directory Services (RDS) Policy Development Process (PDP) Working Group (WG) will be part of the agenda for the September 2018 GNSO Council meeting after liaising with the RDS leadership.
- The consolidated New gTLD Subsequent Procedures (SubPro) PDP and Review of all Rights Protection Mechanisms (RPM) timeline warrants further discussion especially around PDP3.0 developments.
- Efforts are still underway to overcome the potential duplication between the IANA naming Function Review (IFR) and the Customer Standing Committee (CSC) effectiveness review requirement.
- The Internet Governance Cross Community Working Group (CCWG-IG) will be discussed during ICANN63 in Barcelona as part of the GNSO Working session
- AI on Accountability and Transparency Review Team 3 (ATRT3) is still awaiting input from the Multistakeholder Strategy and Strategic Initiatives team.
- The Consensus Policy implementation framework (CPIF) is underway with ICANN Org consolidating the latest input from the Registrar Stakeholder Group (RrSG).
- Regarding AIs outstanding from the GNSO Council Strategic Planning session in Los Angeles, January 2018, **Heather Forrest** asked councilors for input regarding GNSO Council leadership responsibilities and how to improve on communication with ICANN Board. It was also noted that in terms of managing the GNSO Council workload, a considerable effort had been made towards communicating with PDP leadership teams and that financial monitoring and reporting had made important progress with the Expedited PDP (EPDP) team currently underway.

Heather Forrest noted the following updates to the [Projects List](#) :

There had been few changes in the Projects list since the last GNSO Council meeting in July, principally that the GNSO Review Working Group, IGO INGO Curative Rights Protection Mechanisms PDP and CCWG Accountability Work Stream 2 had both shifted from Working Group (category 4) to Council deliberations (category 5) and that the EPDP had moved into category 4 as a new Working Group. **Pam Little** requested an update on the Geo Regions Review which is currently in the queue for ICANN Board consideration.

Action Items:
- *Council* to consider selection process by which a GNSO appointed member of the IANA Function Review (IFR) team will be selected to serve as the GNSO co-chair on the IFR as the ICANN Bylaws stipulate that "(d) The IFRT shall be led by two co-chairs: one appointed by the GNSO from one of the members appointed pursuant to clauses (c)-(f) of Section 18.7 and one appointed by the ccNSO from one of the members appointed pursuant to clauses (a)-(b) of Section 18.7".
- *Heather Forrest* to follow up on status of Board review of Geo Regions Review. Cheryl Langdon-Orr, as chair of the WG, may be asked to provide an update on the recommendations, as early as the September Council meeting, though the Council has no action to take at this time.

Item 3. Consent Agenda

Martin Silva Valent, seconded by **Michele Neylon**, submitted the [motion](#) to adopt the GNSO Council response to the [GAC Communiqué](#) already submitted in draft form to the ICANN Board.

Whereas,

1. The Governmental Advisory Committee advises the ICANN Board on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements. It usually does so as part of a Communiqué, which is published towards the end of every ICANN meeting.
2. The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.
3. The GNSO has expressed a desire to provide feedback to the ICANN Board on issues in the GAC Communiqué as these relate to generic top-level domains to inform the ICANN Board as well as the broader community of past, present or future gTLD policy activities that may directly or indirectly relate to advice provided by the GAC.
4. The GNSO Council hopes that the input provided through its review of the GAC Communiqué will further enhance the co-ordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.

Resolved,

1. The GNSO Council adopts the GNSO Council Review of the Panama GAC Communiqué (see https://gnso.icann.org/sites/default/files/file/field-file-attach/review-gac-communique-25jul18-en.pdf) and requests that the GNSO Council Chair communicate the GNSO Review of the Panama GAC Communiqué to the ICANN Board.
2. The GNSO Council requests that the GNSO Chair also informs the GAC Chair of the communication between the GNSO Council and the ICANN Board.

Councilors voted unanimously in favour of the motion.

Vote results

Action items:
● While the GNSO Council review of the GAC Communiqué has already been sent to the ICANN Board, and the GAC Chair informed of this action, *ICANN staff* to inform the ICANN Board and the GAC Chair of formal Council adoption.

Item 4: COUNCIL VOTE – Adoption of the Final Report on the Protections for Certain Red Cross Names in All gTLDs Policy Amendment Process

Tatiana Tropina, on behalf of the Non Commercial Stakeholder Group (NCSG), requested for the motion to adopt the Final Report on the Protections for Certain Red Cross Names in All gTLDs Policy Amendment Process be deferred on the grounds that more time was needed for the NCSG to determine whether there was strong enough legal basis for the recommendations in the Final Report.

Vote results

Action items:
● *ICANN staff, WG leadership* to collaborate with NCSG members to help them better understand legal basis and rationale for protections.
● *ICANN staff* to send recording of final WG call to NCSG Council members.

Item 5: COUNCIL VOTE – Adoption of the Final GNSO2 Review Implementation Report

Rafik Dammak seconded by **Donna Austin** submitted the motion requiring GNSO Council to adopt the Final GNSO2 Review Implementation Report.

Whereas:

1. The second independent review of the GNSO commenced in 2014.

2. The Final Report of the independent examiner was published on 15 September 2015 (see https://www.icann.org/en/system/files/files/gnso-review-final-15sep15-en.pdf) and contained 36

recommendations in the areas of: participation & representation, continuous development, transparency and alignment with ICANN's future.

3. The GNSO Council adopted the GNSO Review Recommendations Feasibility and Prioritization analysis (see:http://gnso.icann.org/en/drafts/review-feasibility-prioritization-25feb16-en.pdf) on 14 April 2016 with the modification of Recommendation 21, that the council recommends staff working with the GNSO to institute methods of information sharing of highly relevant research related to gTLDs to help the GNSO community members increase their knowledge base (low priority).

4. On 25 June 2016, the ICANN Board accepted the Final Report from the independent examiner, taking into account the GNSO Working Party's Feasibility and Prioritization Analysis of the GNSO Review Recommendations, adopted with modifications by the GNSO Council, the Board adopts thirty-four (34) recommendations of the Final Report (i.e. all recommendations excluding recommendations 23 and 32).

5. Furthermore, the Board requested that the GNSO Council convene a group that oversees the implementation of Board-accepted recommendations. An implementation plan, containing a realistic timeline for the implementation, definition of desired outcomes and a way to measure current state as well as progress toward the desired outcome, shall be submitted to the Board as soon as possible, but no later than six (6) months after the adoption of this resolution.

6. The GNSO Council requested that ICANN policy staff prepare a discussion paper that outlines the possible options for dealing with the implementation of the GNSO Review recommendations following adoption by the ICANN Board taking into account the past implementation of the GNSO Review as well as existing mechanisms such as the SCI, the GNSO Review Working Party and other applicable best practices and lessons learned from past reviews. This discussion paper was submitted to the GNSO Council on 20 June 2016 (see http://gnso.icann.org/en/drafts/review-implementation-recommendations-discussion-paper-20jun16-en.pdf).

7. The GNSO Council reviewed and discussed next steps during the ICANN meeting in Helsinki where it was proposed to repurpose the SCI as a Working Group to develop the requested implementation plan as outlined in the staff discussion paper.

8. The GNSO Council adopted the Charter of the GNSO Review Working Group during its meeting on 21 July 2016.

9. This Working Group was tasked to develop an implementation plan for the GNSO Review recommendations which were adopted by the ICANN Board on 25 June 2016.

10. The implementation plan was adopted by the GNSO Council on 15 December 2016.

11. On 03 February 2017 the ICANN Organizational Effectiveness Committee (OEC) of the Board of Directors adopted the plan.

12. Following approval of the implementation plan by the ICANN Board of Directors, the GNSO Review Working Group executed the implementation of the recommendations as specified in the implementation plan, and provided the GNSO Council with regular status updates (at a minimum prior to every ICANN meeting) on the status of implementation, including an overview for which recommendations implementation was considered complete.

13. On 26 July 2018 the GNSO Review Working Group submitted to the GNSO Council for consideration the GNSO2 Review Implementation Final Report indicating that the Working Group had agreed by full consensus that all GNSO Review recommendations have been implemented as of 21 June 2018.

Resolved:

1. The GNSO Council adopts the GNSO2 Review Implementation Final Report.

2. The GNSO Council directs staff to submit the GNSO2 Review Implementation Final Report to the OEC of the ICANN Board of Directors for its consideration.

3. The GNSO Council thanks the GNSO Review Working Group members for their diligence and dedication in the successful execution of the implementation of the GNSO review recommendations.

4. The GNSO Council shall decide to disband the GNSO Review Working Group after the Implementation Final Report has been approved by the ICANN Board of Directors.

The GNSO Council voted in favour of the motion unanimously and thanked Jen Wolfe and Wolf-Ulrich Knoben, co-chairs of the GNSO Review Working Group, for their efforts.

Vote results

Action items:
- *ICANN staff* to submit the GNSO2 Review Implementation Final Report to the OEC of the ICANN Board of Directors for its consideration.
- *GNSO Council* to disband the GNSO Review Working Group after the Implementation Final Report has been approved by the ICANN Board of Directors.
- *Council leadership* to send sincere thanks to GNSO Review Working Group leadership and members.

Item 6: COUNCIL DISCUSSION – Council Liaison update on Expedited PDP (EPDP) on the Temporary Specification

Rafik Dammak, GNSO Council liaison to the EPDP team provided an update to councilors. The team is currently starting work with a triage process aided by surveys, conference calls held twice a week and an early input request to Supporting Organizations, Advisory Committees, Stakeholder Groups (SGs) and Constituencies (Cs). The initial task is to determine which areas of the Temporary Specification garner consensus and which ones need to be discussed at an EPDP Team level. A first face-to-face meeting is planned for the last week of September 2018 in Los Angeles. The suggestion to have alternates access a secondary read-only Adobe Connect room, rather than use the audio stream option was submitted to the Council. **Rafik Dammak** relayed concerns several EPDP members had raised regarding the GNSO Council liaison taking on a leadership role via the EPDP vice chair position.
Susan Kawaguchi reminded the Council that the liaison role in other PDPs was intentionally kept separate from leadership positions to allow PDP members to address the liaison in an independent manner.
Darcy Southwell noted the importance of EPDP updates to the Council given the GNSO Council's role as PDP manager and welcomed staff's suggestion to view the draft EPDP timeline.

Ayden Férdeline mentioned that during drafting team discussions, the role of the GNSO Council liaison was not as member per se, but as an independent liaison, the vice chair role was created as a replacement for the chair.

Michele Neylon shared concerns about substantive progress being hindered by process, and offered Council's assistance as drafters of the EPDP charter.

Heather Forrest acknowledged the need for a weekly update outlining progress made that week and the agendas for the upcoming week. She also emphasized that in case of issues with EPDP leadership, she would be the point of contact.

Action items:
- *Council liaison to the EPDP* to provide an updated work plan and weekly updates to the Council list.

Item 7: COUNCIL DISCUSSION – IGO-INGO Access to Curative Rights Protection Mechanisms

Susan Kawaguchi, Council liaison to the IGO-INGO Access to Curative Rights Protection Mechanisms (CRP) updated the Council on the Final Report Recommendation 5 which had raised concerns mainly amongst Government Advisory Committee (GAC) PDP members. **Susan Kawaguchi** noted that traditionally, the GNSO Council approves a PDP's Final Report and communicates it to ICANN Board and that therefore, the current situation was a rare occurrence. **Susan Kawaguchi** also raised that Göran Marby and Cherine Chalaby had requested a discussion be held between GAC representatives, the Board, and GNSO Council leadership but whether this would have an impact on existing recommendations was uncertain.

Heather Forrest informed councilors that GNSO Council leadership had held a meeting on the topic with Göran Marby and Cherine Chalaby and had insisted strongly that any possible solution would need to be in keeping with GNSO Operating Procedures.

Donna Austin raised that the PDP Chairs had communicated PDP progress to the GAC during face-to-face meetings and that ICANN Board was also kept abreast of the potential conflict between PDP recommendations and GAC advice. Equally, GAC advice was considered at length by PDP members.

Councilors then considered various response options in keeping with GNSO Council processes. It was decided to take a week to create a list of questions for the PDP WG as well as for Council itself. Staff referenced the WG Guidelines in reminding the Council of the formal WG Final Report and recommendations approval procedure. Given that Council is strongly discouraged from itemizing recommendations which may have interdependencies with other recommendations, a first step may be to determine whether recommendation 5 is a standalone recommendation. Councilors also raised concerns about setting a precedent were Council to send back recommendations to the WG for further work.

Action Items:
- *Councilors* to review Final Report and options flowchart, then prepare a list of questions by 31 August 2018 that they have, for response by the WG leadership, WG liaison, WG members, or staff as appropriate.
- *ICANN staff* to work with the GNSO Chair and Council liaison to determine possible ways to address concerns regarding some of the PDP recommendations within the scope of the PDP

Manual, in light of the fact that the WG has not identified any recommendations as being interdependent.

Item 8: COUNCIL DISCUSSION – Consideration of CCWG-Accountability WS2 Final Report

Councilors discussed the CCWG's [Final Report](#) with the aim of being ready to approve it via vote during the September 2018 GNSO Council meeting.

Tatiana Tropina mentioned that whilst the NCSG would vote in favour of the report overall, it was unhappy with the approval process which made it impossible to express disapproval of individual recommendations.

Action items: none

Item 9: COUNCIL DISCUSSION – GNSO Policy Development Process 3.0

In the interest of time, **Heather Forrest** suggested that a PDP3.0 focussed webinar be held prior to the September 2018 GNSO Council meeting.

Action Items:
- *Council leadership* to propose and plan for next steps, expected to be a webinar with a preliminary target as the first week of September.

Item 10: COUNCIL DISCUSSION – Next steps related to the ICANN Procedure of Handling WHOIS conflicts with Privacy Law

Councilors discussed postponing the call for volunteers to initiate next steps related to the ICANN procedure of handling WHOIS conflicts with privacy law until after the EPDP had completed its work. Rather than postponing indefinitely, it was suggested to link the call for volunteers to specific milestones, such as the Initial Report, within the EPDP timeline to ensure momentum is maintained.

Action Items:
- Call for volunteers to be delayed at least until the EPDP hits the milestone of publishing its Initial Report. *Council* to discuss this topic once that milestone is hit.

Item 11: COUNCIL DISCUSSION – Report from funded leaders under the PDP leadership travel support pilot

In the absence of funded travellers Robin Gross and Christa Taylor, being on the call and available to provide a verbal report, it was agreed Council leadership would follow up with them and gather reports on the PDP leadership travel support pilot.

Item 12: ANY OTHER BUSINESS

12.1 - ICANN63 planning - update from Production Call 1.

Donna Austin updated the GNSO Council on progress made within the SOAC Planning Committee production calls in regards to the selection of cross-community and high-interest topics. There will be three sessions in total, one on General Data Publication Regulation (GDPR), an update from the EPDP, and innovation in new gTLDS.

Heather Forrest acknowledged **Donna Austin**'s contribution to ICANN Public Meeting planning.

Heather Forrest, GNSO Council Chair, adjourned the GNSO Council meeting at 23:05 UTC Thursday 16 August 2018.

The next GNSO Council Meeting will take place is scheduled for the 27 September 2018 at 04:00 UTC. For other places see: https://tinyurl.com/y9663p2o