

Draft GNSO Council Agenda 23 January 2020

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/7gCJBw>

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.

GNSO Council meeting held at 22:00 UTC

Coordinated Universal Time: 22:00 UTC: <https://tinyurl.com/vjx8bub>

14:00 Los Angeles; 17:00 Washington DC; 22:00 London; (Friday) 03:00 Islamabad; (Friday) 07:00 Tokyo; (Friday) 09:00 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.

Item 1: Administrative Matters (10 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 24 October 2019 were posted on 13 November 2019

[Minutes](#) of the GNSO Council meeting on the 19 December 2019 were posted on 02 January 2020

Item 2: Opening Remarks / Review of Projects & Action List (20 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 (10 minutes)

- [Motion](#) to approve the nomination of Amr Elsadr to serve as the ICANN Fellowship Program mentor.
- Confirmation of Johan Helsingius as the Chair and Carlton Samuels as Vice-Chair for the GNSO Standing Selection Committee (SSC).

Item 4: COUNCIL VOTE – Vote on the Addendum to the Review of All Rights Protection Mechanisms in All gTLDs Charter to Integrate Recommendation 5 From IGO-INGO Access to Curative Rights Protection Mechanisms Final Report (20 minutes)

On 18 April 2019, the Council [voted](#) to approve recommendations 1-4 of the Final Report from the IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG. The Council also resolved to not approve Recommendation 5 and, “ directs the Review of All Rights Protection Mechanisms in All gTLDs (RPM) PDP to consider, as part of its Phase 2 work, whether an appropriate policy solution can be developed that is generally consistent with Recommendations 1, 2, 3 & 4 of the PDP Final Report and:

- accounts for the possibility that an IGO may enjoy jurisdictional immunity in certain circumstances;
- does not affect the right and ability of registrants to file judicial proceedings in a court of competent jurisdiction;
- preserves registrants’ rights to judicial review of an initial UDRP or URS decision; and
- recognizes that the existence and scope of IGO jurisdictional immunity in any particular situation is a legal issue to be determined by a court of competent jurisdiction.”

The GNSO Council resolved also to, “amend the charter for the RPMs PDP Working Group to reflect this new instruction accordingly.” Some members of the GNSO Council met with certain members of the GAC and IGOs at ICANN65, where there appeared to be agreement from the GAC/IGOs to support the chartering of this separate work.

A small team of Councilors was convened to prepare a draft Addendum to the RPMs PDP charter, which was discussed during the Council’s September 2019 meeting. After integrating Councilor feedback, the revised [Addendum](#) was shared with the GAC and IGOs for their consideration. The Council considered GAC/IGO [feedback](#) received on 1 November 2019, as well as feedback from the meeting with the GAC at ICANN66.

Taking into account GAC and IGO feedback received and balancing with the goals of the GNSO Council, leadership prepared a [revised draft](#) for GNSO Council consideration. The GNSO Council reviewed and discussed the draft at the December 2019 Council meeting. A revised draft was prepared and shared on the Council mailing list.

Here, the Council will vote to adopt the Addendum to the RPMs PDP charter.

4.1 – Presentation of [motion](#) (Council leadership)

4.2 – Council discussion

4.3 – Council vote (voting threshold: Simple majority)

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: GNSO Policy Development Process of the ICANN Bylaws.

Item 5: COUNCIL UPDATE – Review of All Rights Protection Mechanisms in All gTLDs PDP (15 minutes)

Chartered in March 2016 to review all the RPMs that have been developed by ICANN, the PDP is focused on RPMs developed for the 2012 New gTLD Program (i.e., Trademark Clearing House, Sunrise, Claims, and Uniform Rapid Suspension). The WG is tasked with considering the overarching issue as to whether or not the RPMs collectively fulfil their purposes or whether additional policy recommendations will be necessary.

The PDP has worked diligently since launch and is preparing to publish its Initial Report for public comment. As of ICANN64, the WG had expected to be able to publish its Initial Report at the beginning of 2020. The WG is currently revisiting sub team and individual URS proposals and, when completed, will proceed to the development of its Phase One Initial Report, with a plan to publish in March of 2020. As a result of this delay in timeline, the PDP has submitted a Project Change Request [\[INSERT LINK\]](#) and this update is intended to both inform and gain approval from the GNSO Council.

Here, the Council will consider the Project Change Request.

5.1 – Introduction of topic (Council leadership; John McElwaine, GNSO Council liaison to the PDP)

5.2 – Council discussion

5.3 – Next steps

Item 6: COUNCIL UPDATE – Cross-Community Working Group on new gTLD Auction Proceeds (15 minutes)

This CCWG was chartered to develop a mechanism to allocate new gTLD Auction Proceeds. The CCWG is expected to consider the scope of fund allocation, due diligence requirements that preserve ICANN's tax status as well as how to deal with directly related matters such as potential or actual conflicts of interest. The CCWG will not make any recommendations or determinations with regards to specific funding decisions (i.e. which specific organizations or projects are to be funded or not).

The CCWG published its Initial Report for public comment on 8 October 2018 that later closed 11 December 2018 after requests for extension. 37 community submissions were received (see <https://www.icann.org/en/system/files/files/report-comments-new-gtld-auction-proceeds-initial-17dec-18-en.pdf>). After additional deliberations, a decision was made to publish the CCWG's Proposed Final Report for [public comment](#) to ensure that the community can review and provide input on changes that have been made since publication of the Initial Report. Input received through the second public comment period will be reviewed and incorporated as appropriate before the Final Report is published. The purpose of this update is to ensure that the GNSO Council, as a Chartering Organization, is familiar with the expected recommendations, but also to determine whether it might make sense for the Council to submit a public comment (14 February 2020 deadline).

Here, the Council will consider the proposed final recommendations and consider whether a public comment on behalf of the Council is warranted.

6.1 – Introduction of topic (Council leadership; Erika Mann, Chair of the CCWG)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL UPDATE – IDN Scoping Small Team (15 minutes)

The ICANN Board resolved in 2010 that IDN variant TLDs will not be delegated until relevant work is completed and directed ICANN org to develop a report identifying what needs to be done with the evaluation, possible delegation, allocation and operation of generic top-level domains (gTLDs) containing variant characters IDNs, in order to facilitate the development of workable approaches to the deployment of gTLDs containing variant characters IDNs. Based on analysis, ICANN org and the community identified two gaps to address: 1) that there is no definition of IDN variant TLDs, and; 2) that there is no IDN variant TLD management mechanism.

The [Procedure to Develop and Maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels](#) (RZ-LGR Procedure) has been developed by the community to define the IDN variant TLDs and, following the [Board resolution](#) in 2013 which approved the RZ-LGR Procedure, has been implemented to incrementally develop the Root Zone Label Generation Rules to address the first gap.

ICANN org has developed the [Recommendations for Managing IDN Variant TLDs](#) (the Variant TLD Recommendations), a collection of six documents finalized after incorporating the public comment feedback and published them as mechanisms for addressing the second gap identified by the community in the implementation of IDN variant TLDs.

On 14 March 2019, the ICANN Board [resolved](#):

The Board approves the Variant TLD Recommendations and requests that the ccNSO and GNSO take into account the Variant TLD Recommendations while developing their respective policies to define and manage the IDN variant TLDs for the current TLDs as well as for future TLD applications.

The Board requests that the ccNSO and GNSO keep each other informed of the progress in developing the relevant details of their policies and procedures to ensure a consistent solution, based on the Variant TLD Recommendations, is developed for IDN variant ccTLDs and IDN variant gTLDs.

Additionally, and separately, the ICANN Board anticipated adopting the IDN Guidelines v. 4.0 as part of its consent agenda for the 3 May 2019 meeting, but the GNSO Council [requested](#) that the vote be deferred, due in part to concerns around the process, as well as specific requirements within the guidelines (e.g., “same entity” requirement on second level registrations, which are in both the guidelines and the Variant TLD Recommendations). The ICANN Board [agreed](#) to the deferral, allowing the GNSO Council additional time to consider the matter.

The Council convened an IDN Scoping Team, comprised of Councilors and other GNSO members, to consider the scope of issues (e.g., IDN Guidelines and IDN Variant Management solutions) related to

IDNs and accordingly, recommend a mechanism to address those issues (e.g., leverage existing PDPs, convene new PDP/EPDP, other).

The IDN Scoping Team has thoroughly considered the scope of work that needs to be undertaken and accordingly, what mechanisms make the most sense to address. Most members of the IDN Scoping Team believe that two tracks of work can be undertaken:

- Operational Track 1: In brief, a Contracted Party working/negotiation/implementation team would focused on IDN Implementation Guidelines 4.0 operational issues
- Policy Track 2: In brief, a PDP/EPDP should be initiated and would have a scope including the definitions, management, and coordination issues related to IDN Variant TLDs, as well as IDN variants at the second-level. Additionally, this track would consider the related issue of how the IDN Implementation Guidelines, which Contracted Parties are required to comply with, should be revised in the future.

The IDN Scoping Team shared the report [\[INSERT LINK\]](#) with the Council mailing list on [\[date\]](#).

Here, the Council will discuss the IDN Scoping Team’s recommendations report.

7.1 – Introduction of topic (Council Leadership; Edmon Chung, Scoping Team Lead)

7.2 – Update and council discussion

7.3 – Next step

Item 8: ANY OTHER BUSINESS (10 minutes)

8.1 - ICANN67 Planning

8.2 - Council response [\[INSERT LINK\]](#) to the NomCom Review Implementation Working Group’s request for input on 27 recommendations.

8.3 - Council consideration of proposed GNSO Council Additional Budget Requests (ABRs) for FY21; review draft ABRs for the [FY21 Strategic Planning Session](#) and [Travel support for PDP Leadership to ICANN Public Meetings](#).

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://gns0.icann.org/sites/default/files/file/field-file-attach/op-procedures-30jan18-en.pdf>

References for Coordinated Universal Time of 22:00 UTC

Local time between October and March Winter in the NORTHERN hemisphere

California, USA (PST) UTC-8 14:00

San José, Costa Rica (CST) UTC-6 16:00

New York/Washington DC, USA (EST) UTC-5 17:00

Buenos Aires, Argentina (ART) UTC-3 19:00

Rio de Janeiro, Brazil (BRST) UTC-2 21:00

London, United Kingdom (GMT) UTC+0 22:00
Kinshasa, Democratic Republic of Congo (WAT) UTC+1 23:00
Paris, France (CET) UTC+1 23:00
Islamabad, Pakistan (PKT) (+1 day) UTC+5 03:00
Singapore (SGT) (+1 day) UTC+8 06:00
Tokyo, Japan (JST) (+1 day) UTC+9 07:00
Melbourne, Australia (AEDT) (+1 day) UTC+11 09:00

DST starts/ends on Sunday 29 of March 2020, 2:00 or 3:00 local time (with exceptions) for EU countries
and on Sunday 08 of March 2020 for the US.

For other places see <http://www.timeanddate.com> and <https://tinyurl.com/vjx8bub>