

Minutes of the GNSO Council Meeting 24 October 2019

[Agenda](#) and [Documents](#)

Coordinated Universal Time: 12:00 UTC: <https://tinyurl.com/yy5b9v84>

05:00 Los Angeles; 08:00 Washington; 13:00 London; 17:00 Islamabad; 21:00 Tokyo; 23:00 Melbourne

List of attendees:

Nominating Committee Appointee (NCA): – Non-Voting – Erika Mann (absent, apology sent)

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell

gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick (absent), Philippe Fouquart, Osvaldo Novoa, Paul McGrady (apology sent, proxy to Flip Petillion), Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Elsa Saade (absent), Tatiana Tropina, Rafik Dammak, Ayden Férdeline (absent), Arsène Tungali

Nominating Committee Appointee (NCA): Syed Ismail Shah (apology sent, proxy to Rafik Dammak)

GNSO Council Liaisons/Observers :

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

Guest speakers: Edmon Chung and Heather Forrest

ICANN Staff

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (apologies)

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

Nathalie Peregrine – Manager, Operations

Terri Agnew - Operations Support - GNSO Lead Administrator

[Audio Recording](#)

[Transcript](#)

Item 1: Administrative Matters

1.1 - Roll Call

1.2 - Updates to Statements of Interest

There were no updates to Statements of Interest

1.3 - Review / Amend Agenda

The agenda was accepted without objection.

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 22 August 2019 were posted on the 6 September 2019

[Minutes](#) of the GNSO Council meeting on the 19 September 2019 were posted on 10 October 2019

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

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

In the interest of time, this agenda item was deferred to the end of the meeting and not covered due to a necessary hard-stop at 14:00 UTC.

Item 3: Consent Agenda

Rafik Dammak, seconded by **Michele Neylon**, submitted a motion for GNSO Council approval of the proposed modification to GNSO Operating Procedures relating to the election of Board seat number 14.

WHEREAS:

1. The ICANN Bylaws, [Section 11.3\(f\)](#) specify that the Non-Contracted Parties House (NCPH) shall select a nominee to fill Board Seat #14.
2. During the 2018 [NCPH Intersessional Meeting](#) in Los Angeles, NCPH delegates agreed to develop a list of intra-House processes for the selection of a representative to fill Board Seat #14, to be jointly approved by the CSG and NCSG.
3. Based on the NCPH's mandate as described in the ICANN Bylaws, and the requirement under the GNSO Operating Procedures that these procedures be included as a documented Annex, draft procedures were developed by the delegates and shared with their respective communities, for vetting and internal feedback, prior to formal adoption by the CSG and NCSG.
4. As required by the ICANN Bylaws, [a public comment forum](#) on the [proposed modifications](#) was opened on 03 June 2019 and closed on 24 June 2019 with a summary report published on 08 July 2019 that noted that the two (2) comments received both supported the adoption of the NCPH's proposed election procedures.
5. As there was support in the public comment forum for the proposal modifications, the NCPH has submitted them to the GNSO Council for consideration and approval.

RESOLVED:

1. The GNSO Council adopts the modifications to the GNSO Operating Procedures relating to the NCPH's proposed election procedures for Board seat #14.
2. The GNSO Council instructs ICANN staff to post the new version of the GNSO Operating Procedures, effective immediately upon adoption.

Councilors present on the call unanimously voted in support of the motion.

[Vote results](#)

Action item:

- *ICANN staff* to post the new version of the GNSO Operating Procedures

Item 4: COUNCIL DISCUSSION – Update From the Drafting Team on New Templates and Guidelines for GNSO as a Decision Participant in the Empowered Community (EC)

Heather Forrest, Chair of the Bylaws Drafting Team, provided an update on new templates and guidelines for the GNSO as a Decisional Participant in the Empowered Community (EC).

Keith Drazek praised the work of the Bylaws drafting team in guiding the GNSO's responsibilities as Decisional Participant and reminded councilors that a further face-to-face with the Drafting Team will take place during ICANN66.

Heather Forrest presented the drafting team membership and [introduced](#) the six documents outlining the team's progress. The IANA transition triggered new Bylaws which impacted the GNSO Operating Procedures. The GNSO Council is to carry out major administrative tasks as Decisional Participant, and thus needs guidelines which the Bylaws DT has been working on. **Heather Forrest** presented the documents in reference to the specific Bylaws where the GNSO Council expected to act on:

- Approval Action Community Forum and Decision whether to approve an Approval Action: deals with approvals on actions on Bylaws, Fundamental Bylaws, Asset Changes. This helps Council understand what the required steps are in approving an Approval Action and participating in the Community Action Community Forum.
- Board Rejection Action: Guidelines and necessary steps.
- Nominating Committee Director Removal Process
- SOAC Director Removal Process
- Independent Review Process (IRP) for Covered ICANN Actions & Community IRP

All documents are currently under review by ICANN's Legal team. There was consensus by all members of the Drafting Team on all documents.

Councilors will receive the document pertaining to the IFR action shortly, this has been delayed due to coordination needed between the GNSO and ccNSO Councils on this specific joint document.

Heather Forrest reminded councilors that there is a member of each Stakeholder Group (SG) and Constituency (C) taking part in the GNSO Bylaws Drafting Team.

Keith Drazek encouraged councilors to review all documents ahead of the meeting.

Action item:

- *Councilors* to review draft documents and come to the GNSO Working sessions on 3 November 2019, prepared to engage with questions, comments and concerns.

Item 5: COUNCIL DISCUSSION - Empowered Community Approval Action on Fundamental Bylaws Amendment re IANA Naming Function Review Composition

Keith Drazek reminded councilors that there is an EC Approval Action taking place during ICANN66 following a ccNSO request regarding the IANA Naming Function Review (IFR) Team composition. This requires a Fundamental Bylaw change, as the ccNSO proposed a modification to the IFR composition. As they struggled to find a member who is ccTLD manager but not part of the ccNSO, the ccNSO has therefore proposed an amendment to the Bylaws. The GNSO as Decisional Participant of the EC will need to engage with other Decisional Participants to approve the Bylaws amendment.

Michele Neylon commented that the growth of the ccNSO has meant that most ccTLDs are now part of the ccNSO, so sees no reason to object to the proposed amendment.

Maxim Alzoba raised that the membership issues are not only within the ccNSO, but that the delays in completing IFR membership have also been a hindrance. There is also a geographical diversity representation issue for the GNSO Registries Stakeholder Group for instance. There could be a need in the future for other groups to consider similar changes.

Keith Drazek agreed with the above points and added that several Bylaw requirements could be considered quite prescriptive and that the GNSO Council could in the near future also work on a review of the relevant Bylaw requirements. He reminded councilors that the ccNSO amendment has already been approved by the ICANN Board and that the decision now remains within the EC.

Rafik Dammak mentioned that the issue to find a candidate was flagged prior to ICANN64, and that the NCSG had raised concerns at the time about the workaround proposed by ccNSO. However, the ccNSO initiated the amendment only once the community had been allowed time to dialogue beforehand and exchange concerns on issues. The only outcome here would be to approve the process.

Keith Drazek agreed with supporting the action and moving the process forward.

Action item: none

Item 6: COUNCIL DISCUSSION - ICANN Board Response to the GNSO Council Letter Regarding the Consultation on Non-Adopted EPDP Phase 1 Parts of Recommendations (purpose 2 and recommendation #12)

Keith Drazek provided background on the topic: ICANN Board responded to the GNSO Council letter asking for clarification on recommendation 1 purpose 2 and recommendation 12. There was agreement on the first which was to be further discussed and considered during EPDP Phase 2 work. For recommendation 12, for registrars to be able to delete data in the organisation field if data was not validated by the registrant, the Board did not approve this recommendation based on potential impact of deletion of that data. A discussion with Board members followed in Marrakech, ICANN65. GNSO Council followed up with a letter to which the Board responded reiterating their concern on the deletion of the data. **Keith Drazek** suggested offering implementation guidance to address the Board concerns regarding a negative impact to the registrant. He asked whether the GNSO Council could work with the EPDP Phase 2 team to offer additional implementation guidance.

Maxim Alzoba raised that registry and registrar requirements are to preserve only valid data within Whois.

Staff added that one of the Board's questions was why the EPDP team didn't recommend the same safeguard regarding the deletion of data for the organisation field as they did for the administrative

contact data. **Keith Drazek** agreed that the Board's question was a reasonable one but that it needed to be met with implementation guidance that the safeguard of the deletion of administrative contact data could potentially be applied to the deletion of organisation field data.

Flip Petillion asked whether this should be directed to the EPDP Phase 2 team first who would then provide input to the GNSO Council.

Keith Drazek agreed that whereas there is no requirement for the EPDP team to do so, it could however be helpful. The choice is to either reaffirm the recommendation and provide additional guidelines or to accept the Board's rationale.

Pam Little reminded Council that the Council and Board joint meeting during ICANN66 is to be focused on this topic. She also asked whether the safeguard solution was sufficient and that the consultation with the EPDP should therefore take place prior to ICANN66.

Action items:

- *Council (vis its Liaison to the EPDP Team)* to consult with the EPDP Team to determine how best to address Board concerns, which the Council has suggested could affirming the recommendation but providing new, or highlighting existing rationale, and providing implementation guidance. This consultation serves as preparation for engagement with the ICANN Board at ICANN66.

Item 7: COUNCIL UPDATE – IDN Scoping Small Team

Edmon Chung, Chair of the IDN Scoping Small Team, [presented](#) an update of the team's activity. The IDN Scoping team was driven out of two documents, the IDN Implementation guidelines and a set of IDN Variant tLDs guidelines. The team is tasked with looking at the IDN issue holistically, regrouping issues with a direction towards positive developments for working groups with GNSO and ccNSO coordination. The team has made reasonable progress in terms of IDN Variant Guidelines, it has identified certain issues which need to be worked on rapidly. Other issues are policy-based with the review and update of IDN guidelines, identifying which should be combined with ccTLDs, which ones should not. The team is also questioning whether a new PDP should be created or whether the questions should be integrated within the New gTLD Subsequent Procedures Policy Development Process Working Group (SubPro) work. Should a new Issues Report be considered? Work completion is estimated by the end of 2019. A key move will be to assign liaisons with the ccPDP, further groups may also be created in the future.

Keith Drazek asked if there were any discrepancies between the ccNSO and GNSO approaches to resolving these issues.

Edmon Chung replied that the main difference between gTLDs and ccTLDs is the ICANN contract which could drive different thinking specifically regarding whether IDN variant TLDs should be considered as a unit.

Rafik Dammak raised that, regarding the GNSO - ccNSO coordination, there had been such an effort in the previous years, but is it possible to have a two-track effort around one same timeline?

Edmond Chung replied that from the previous effort's experience, there would be a similar approach given that neither the GNSO nor the ccNSO would hinder each other's activities. In this case, the ccPDP has already been formally structured, but the GNSO will be able to make up time given SubPro's efforts, however not all activity will be able to be synchronised.

Maxim Alzoba agreed with this approach, given the difference between gTLD and ccTLD management. He also suggested not losing focus on current PDPs to avoid volunteer burnout.

Keith Drazek followed up with a question on timing for the GNSO Council.

Edmon Chung replied this would be based on the GNSO's volunteer capacity, but that this is an urgent matter as the last round of TLDs created the need for IDN Variant TLDs to function properly and as the ccNSO has already begun work on the matter.

Keith Drazek thanked all IDN Scoping team members for their work so far.

Action item: none

Item 8: COUNCIL DISCUSSION - PDP 3.0 Small Group Update/Discussion

Rafik Dammak, chair of the PDP3.0 small group, [presented](#) the group's current progress. There is one improvement package (#4) to present to the Council post ICANN66. After that, there will be one remaining package to be delivered before January 2020.

Rafik Dammak then outlined the current improvements in package #2 which contained 3 improvements (Enforce deadlines and ensure bite-sized pieces, Notify Council of changes in Work Plan, Criteria for PDP Updates). Some of these improvements are already in use (Project List and PDP Updates). Improvement #14 consists of data gathering improvement solutions. Improvement package #3 awaits Council input on the role and expectations of the Council liaison as well as a review of Working Group leadership (creation of a survey designed to improve chairing skills and better support WG leadership). Package #4 is being finalised and will be worked on during the PDP3.0 session during ICANN66. Its focus is on article 3.7 of the GNSO Working Group Guidelines as well as independent conflict resolution (a reference guide is being compiled of all ICANN resources on the matter). Package #5 concentrates on resource reporting for PDP WGs as well as the Capture vs Consensus Playbook (currently being worked on by a third party).

Rafik Dammak then presented the next steps for GNSO and ICANN Community consultation. A webinar is planned after ICANN66 and feedback is being sought from the GNSO SGs and Cs as well as ICANN Supporting Organisations (SO) and Advisory Committees (AC).

An ad-hoc PDP3.0 session is planned this week with Brian Cote to discuss this work on the Multistakeholder Model. Brian Cote has also been invited to the GNSO Working Session, ICANN66.

Keith Drazek emphasized the importance of Council outreach and engagement out of the GNSO to assist this effort.

Rafik Dammak thanked the PDP3.0 small team members for their work.

Action item: none

Item 9: COUNCIL DISCUSSION - ICANN Transfer Policy - Gaining Registrar Form of Authorization

Pam Little asked councilors to review the RrSG's draft [letter](#) from the GNSO Council to ICANN Board highlighting that the issue of the requirement of the gaining registrar to send a Form of Authorisation (FOA) to the transfer contact, under the Temp Spec or current interim policy, is causing compliance issues for many registrars. Before the Temp Spec, the gaining registrar was required to send the FOA to the Transfercontact to obtain express confirmation for the transaction to move to the next step. Now

however that email address is redacted and no longer available, most registrars are therefore not sending the FOA. The Temp Spec is asking to differentiate between whether an email address is available or not, but such a system is difficult to put into place. The RrSG is asking the Board to: 1. Refer the matter to the impending Transfer Policy Review; and 2. Instruct ICANN Org to defer any gaining FOA compliance enforcement until the matter is solved.

Pam Little proposed that Councilors review the draft letter to the Board and provide any input or suggested edits within a week so that the letter can be sent to the Board before ICANN66.

Michele Neylon clarified that it is technically impossible to identify a valid or invalid email address. He therefore deeply encouraged Council to move forward on sending the letter. **Michele Neylon** further suggested that Councilors reach out to any of the RrSG Council members if they have any questions regarding the draft letter.

Keith Drazek requested that the letter be reviewed and sent prior to ICANN66.

Action item:

- *Councilors* to review draft Council letter to the Board and provide by 29 October 2019.

Item 10: ANY OTHER BUSINESS

10.1 - Update on ICANN66 (GNSO schedule & ICANN66 schedule)

Keith Drazek reminded the GNSO Council that the 5th November 2019 Informal prep session was to be shortened due to a conflict with the tribute to Tarek Kamel taking place at the same time.

10.2 - Update on the 2020 Strategic Planning Session

Keith Drazek reminded councilors to book their travel to Los Angeles for the GNSO Strategic Planning session (22-24 January 2020) as soon as possible.

10.3 - Question and Answers With The GNSO Council Liaison to the Governmental Advisory Committee (GAC) during the ICANN66 GNSO Working Session

Councillors were encouraged to review the GNSO Liaison to the GAC [report](#), and prepare for the Q&A during the GNSO Working Session, ICANN66.

Action item:

- Councilors to review draft report from the GNSO Council liaison to the GAC and come to the GNSO Working sessions on 3 November 2019, prepared to engage with questions, comments and concerns

10.4 - IANA Function Review (IFR) Team - Unavailability of a GNSO co-chair

Keith Drazek reminded councilors that an Expression of Interest had been received for the position of GNSO co-chair.

Action item:

- *Council leadership* to forward expression of interest to Council list.

Keith Drazek adjourned the meeting at 14:00 UTC on Thursday 24 October 2019.

