Minutes of the GNSO Council Meeting 20 February 2020
Agenda and Documents

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

List of attendees:
Nominating Committee Appointee (NCA): – Non-Voting – Erika Mann (apology)
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Michele Neylon, Greg DiBiase
gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Sebastien Ducos
Nominating Committee Appointee (NCA): Tom Dale
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Pattullo (absent, proxy to Scott McCormick), Scott McCormick, Philippe Fouquart, Osvaldo Novoa, John McElwaine, Flip Petillion
Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Elsa Saade, Tatiana Tropina , Rafik Dammak, Farell Folly, James Gannon
Nominating Committee Appointee (NCA): Carlton Samuels
GNSO Council Liaisons/Observers :
Cheryl Langdon-Orr– ALAC Liaison
Julf (Johan) Helsingius– GNSO liaison to the GAC
Maarten Simon – ccNSO observer

ICANN Staff
David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional
Marika Konings – Senior Advisor, Special Projects
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
Jeff Graham - Technical Support
Nathalie Peregrine – Manager, Operations
Terri Agnew - Operations Support - GNSO Lead Administrator

Audio Recording
Transcript

Item 1: Administrative Matters

1.1 - Roll Call

Keith Drazek welcomed Juan Manuel Rojas and James Gannon as new NCSG councilors.

1.2 - Updates to Statements of Interest

Elsa Saade announced that she was stepping down as GNSO Council liaison to the GNSO New gTLD Subsequent Procedures (SubPro) Policy Development Process (PDP) Working Group (WG). **James Gannon** added that he had resumed employment with Novartis.

1.3 - Review / Amend Agenda

The agenda was approved without changes. **Keith Drazek** mentioned that there would be time for a discussion about the ICANN67 virtual meeting between items 6 and 7 following the cancellation of the Cancun venue due to risks related to Covid-19.

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 19 December 2019 were posted on 02 January 2020
Minutes of the GNSO Council meeting on the 23 January 2020 were posted on 10 February 2020

Action items:

- *GNSO Support Staff* to remove Elsa Saade as the GNSO Council liaison to the SubPro PDP WG following her formal resignation from the position during the Council meeting on 20 February 2020.
- *Councilors* who were unable to attend the pre ICANN67 GNSO Policy Update webinar to listen to the recording of the session prior to the week of ICANN67 (week of 9 March). Keith to send a reminder to the Council list.

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

Keith Drazek reminded councilors that the Project List review was an independent agenda item for the February Council meeting.

As part of the Action Item list review, it was decided to remove an open task from the Evolution of the Multistakeholder Model. **Berry Cobb** confirmed that this topic had been discussed during a call between the GNSO Standing Committee on Budget and Operations (SCBO) and the ccNSO Strategic and Operational Planning Standing Committee (SOPC) and could be further discussed at a ccNSO and GNSO Council level.

Regarding the IDN Scoping team, the GNSO Council now needs to review the Recommendation Report which was delivered on 17 January 2020 and determine next steps taking into account discussions around PDP3.0 improvements which took place during the GNSO Council Strategic Planning Session (SPS) in January 2020.

Maxim Alzoba raised the issue of a potential overlap of an IDN PDP with other GNSO PDPs.

Action items:

- *GNSO Support Staff* to remove the current open action item for the MSM evolution project

- *GNSO Council* to share with the ccNSO Council about the work done in PDP 3.0 that aligns with the MSM evolution project (during the next joint ccNSO-GNSO Council meeting?);
- *GNSO Councilors* to review the IDN Scoping team Recommendation Report by the March 2020 Council meeting; Keith to send a reminder to the Council list.
- *GNSO Council* to use the revised charter template and other related PDP 3.0 work products to develop a draft charter for a future PDP/EPDP for the IDN policy effort, consider potential overlap of IDN PDP with other GNSO PDPs , and report to the GNSO Council on whether these PDP 3.0 work products help achieve the intended outcomes.

Item 3: Consent Agenda: no item

Item 4: COUNCIL VOTE – PDP3.0 implementation Final Report

Rafik Dammak, seconded by **Pam Little**, submitted a motion for Council to approve the PDP3.0 Implementation Final Report.

Whereas,

1. GNSO Policy Development Process (PDP) 3.0 is a GNSO Council initiative aimed at introducing incremental improvements to enhance the efficiency and effectiveness of GNSO PDPs.
2. On 24 October 2018, the GNSO Council resolved to adopt the GNSO PDP 3.0 Proposed Improvements Paper and provided full support for fourteen (14) improvements.
3. In January 2019 during the GNSO Council's Strategic Planning Session (SPS), the GNSO Council decided that a Small Team of Councilors should be convened to support the implementation efforts in collaboration with the GNSO support staff. Led by Rafik Dammak, a GNSO Council Vice Chair, the Small Team met regularly between April 2019 and February 2020, with designated leads working with staff to advance the implementation of each improvement.
4. To facilitate the GNSO Council's review, the Small Team delivered four packages to the GNSO Council in an incremental manner: Package one, on improvements 1, 2, 3, and 6 was delivered on 13 August 2019; Package two, on improvements 11, 12, 14, and 16 was delivered on 25 September 2019; Package three, on improvements 5 and 13 was delivered on 22 October 2019; and Package four, on improvements 9 and 15 was delivered on 21 November 2019.
5. During the process of developing and finalizing the proposed implementation, the ICANN community and the ICANN org were consulted for input and suggestions via various mechanisms, including but not limited to: interviews and small group discussions, GNSO Council mailing lists and meetings, invitation to provide written input, and a public webinar on 9 December 2019.
6. While the PDP 3.0 precedes ICANN's Evolution of the Multistakeholder Model (MSM) project, the implementation is nevertheless connected. The GNSO Council commented on the Evolution of the MSM's initial report and engaged with Brian Cute, the project's facilitator, before and during the ICANN66 meeting in Montréal. In Appendix C of ICANN's Draft FY21-25 Operating & Financial Plans and Draft FY21 Operating Plan & Budget, which documents the outcome of Phase 1 and Phase 2 of the project, three (3) out of the six (6) workstreams align with the PDP 3.0 implementation; the GNSO is being proposed to lead the "Issue A: Consensus + representation and Inclusivity" workstream.

7. In January-February 2020, the Small Team conducted additional activities, including: 1) revising the GNSO PDP working group charter template; 2) identifying sections in the current GNSO Operating Procedures that could be revised after the GNSO Council reviews the effectiveness of PDP 3.0 implementation; and 3) discussing "Parking Lot" items that might benefit from future work.
8. In January 2020 during GNSO Council's SPS, the GNSO Council dedicated several sessions to the discussion of PDP 3.0 and agreed on several action items as the next steps for the implementation efforts.
9. On 10 February 2020, the Small Team completed thirteen (13) out of fourteen (14) PDP 3.0 improvements and delivered its Final Report to the GNSO Council for its consideration. The Final Report provides an overview of the PDP 3.0 implementation process and outcomes, a consolidation of all of the work products incorporating community feedback as appropriate, and suggested effective time frame for deployment of the improvements.
10. The last remaining work product related, the Consensus Playbook, is originated from PDP 3.0 Improvement #4 and not complete. While, the Consensus Playbook is not strictly a PDP 3.0 product, it is intended to be utilized by the broader ICANN community beyond the GNSO. Its pending status should not prevent the GNSO Council adoption of the Implementation Final Report from the PDP 3.0 Small Team. Adoption of the Consensus Playbook will be voted upon by the GNSO Council at a later date.

Resolved,

1. The GNSO Council hereby adopts the GNSO PDP 3.0 Implementation Final Report and instructs GNSO Support Staff to work with the GNSO Council leadership on the deployment of improvements based on the effective time frame proposed by the PDP 3.0 Small Team.
2. The GNSO Council requests future charter drafting teams of the GNSO Council to commence chartering for upcoming PDP efforts by utilizing the revised GNSO working group charter template and other related PDP 3.0 work products, and report to the GNSO Council on whether they help achieve the intended outcomes.
3. The GNSO Council requests that after all PDP 3.0 improvements are in effect, the GNSO Council conducts a review of the implementation effectiveness in a timely manner.
4. The GNSO Council requests that following the GNSO Council review of the PDP 3.0 implementation effectiveness, the GNSO Council considers any necessary updates to the GNSO Operating Procedures and uses the relevant work product in the PDP 3.0 Implementation Final Report as a starting point.
5. The GNSO Council confirms that none but one (1) "Parking Lot" item (Statement of Interest Review) identified by the PDP 3.0 Small Team should be moved forward until the GNSO Council has the opportunity to evaluate the PDP 3.0 implementation effectiveness.
6. The GNSO Council thanks to the PDP 3.0 Small Team, GNSO support staff, and others who have contributed to the implementation of GNSO PDP 3.0 improvements as well as the proposed implementation work products to enhance the efficiency and effectiveness of GNSO PDPs.

John McElwaine had submitted an amendment to the motion, which, after discussion, was re-worded and accepted as friendly by **Rafik Dammak** and **Pam Little**.

Maxim Alzoba asked why the Consensus Playbook was not intended to be submitted to Public Comment.

Rafik Dammak, in response to Maxim's question, reminded councilors that the Playbook is solely a resource for WG leadership to build consensus, via Additional Budget Request funding, and to be available to the broader community. Given it is a collaboration with external vendors, and given the need to limit community workload, it is not necessary to submit it to Public Comment.

Councilors voted unanimously in support of the amended motion.

Rafik Dammak thanked the PDP3.0 members and staff for their efforts and reminded Council of the importance of the implementation next steps.

Vote results

Action items:

- *GNSO Support Staff* to work with the GNSO Council leadership on the deployment of improvements based on the effective time frame proposed by the PDP 3.0 Small Team.
- *GNSO Council* to carry out the other future action items in the "resolved" clauses at appropriate time, as directed in the motion.

Item 5: COUNCIL UPDATE – Review of All Rights Protection Mechanisms (RPM) in All gTLDs PDP Project Change Request

Keith Drazek reminded the Council that an updated Project Change Request had been received by the RPM PDP WG. An update on the WG activities had been provided the previous day during the pre ICANN67 GNSO Policy Update webinar. A discussion had been held between council leadership, RPM co-chairs and liaison to ensure that the new timelines being presented were reasonable and that the co-chairs were committed to meet them with efficient work methods and decision-making.

John McElwaine, GNSO Council's liaison to the RPM WG, provided context to the new updated request. He reminded councilors that this effort has been ongoing since 2016. The first Change Request had a date of conclusion for August 2020, however given the holiday period, an updated Project Change Request was subsequently submitted. **John McElwaine** pointed out that the co-chairs had committed to working together, to remain within scope and to avoid old issues being relitigated whilst recognizing that diversity of views existed. A clear work plan will also be submitted to members of the WG.

Keith Drazek reminded councilors of the importance of the Project Change Request tool. He also raised the issue of the three co-chairs leadership structure and that should the current structure be unable to move the effort forward, it would be within the Council's remit to remove the co-chairs.

Flip Petillion asked whether Project Change Requests would be put to motion moving forward as it might assist PDP leadership teams in their efforts. **Keith Drazek** clarified that this was not the case currently, as there had been no meaningful Council objection to the submitted requests to date, but that PDP co-chairs would receive formal notification of Council approval. **Berry Cobb** added that considering a motion could be a next step for Council in the future. **Pam Little** suggested giving councilors extra time to consider the Project Change Request as the response to a Project Change Request should be on behalf of the whole Council and not just Council leadership. **Keith Drazek** confirmed that putting future Project Change Requests to formal vote was not excluded.

Action items:

- GNSO Councilors to consider using formal votes to approve future Project Change Requests (PCRs)
- *GNSO Council* to provide feedback with regard to the RPM PCR on list for one week (till 27 February 2020), which should help inform the GNSO Council decision on whether to approve the PCR. Keith to send a reminder on the Council list.

Item 6: COUNCIL UPDATE – New gTLD Subsequent Procedures PDP Project Change Request

Keith Drazek reminded councilors that a Project Change Request had been submitted by the SubPro working Group.

Flip Petillion provided councilors with further context. The WG began its efforts in 2016 and is currently developing and reviewing its draft final recommendations whilst seeking to resolve open issues on a subset of topics. It was estimated that the WG could deliver its final report to the Council by the end of the second quarter of 2020 but that was based on the understanding that the additional public comment period would be limited to a subset of topics. However, there was an expectation of a new public comment period based on the entire draft final report which led to the Project Change Request new timeline of delivery by end of December 2020.

Flip Petillion stressed that this was not a decision which the PDP co-chairs took lightly and that the WG was already ahead of schedule with extended meetings planned in April and May 2020. The issue of limited participation of WG members was also raised. **Flip Petillion** encouraged councilors to remind their stakeholder and constituency members of the importance of the multistakeholder model need for consensus.

Keith Drazek pointed out that adding structure and accountability to the PDP WG leadership teams should help them in reaching their timeframes and that support of the GNSO Council to the WGs was essential in making this happen.

Maxim Alzoba asked for clarification about the delivery date of the 31st December 2020, date at which ICANN offices are closed. **Keith Drazek** drew attention to the fact that “no later than” appeared before the mentioned date and thus delivery would need to be prior to the ICANN offices closing.

Philippe Fouquart asked whether the current timeline would affect the first applications for the next round of gTLDs. **Keith Drazek** asserted that the focus was the Policy Development Process. Next steps will be GNSO Council and ICANN Board consideration, followed by the implementation phase which would include the parameters for how ICANN builds the review process for how applications are submitted, the full timeline is as of today undetermined. The last phase would include a new process to manage the next round of applications.

Action item:

- *GNSO Council* to provide feedback with regard to the SubPro PCR on list for one week (till 27 February 2020), which should help inform the GNSO Council decision on whether to approve the PCR. Keith to send a reminder on the Council list.

Item 7: COUNCIL DISCUSSION – GNSO Projects List Review postponed & replaced by ICANN67 discussion

This agenda item was postponed in favour of a discussion on the announcement that ICANN67 will now be a virtual meeting.

Keith Drazek reminded all that ICANN Org announced that ICANN Board passed a resolution cancelling the face-to-face ICANN67 meeting in Cancun, a virtual meeting will be developed instead. He acknowledged that the decision taken was not an easy one. A community webinar was organized on 20 February 2020 to gather input. A call with community leaders is scheduled for the 21 February 2020 to determine next steps.

The following points were raised during the Council discussion:

- The ICANN67 schedule as it stands would not fit a virtual meeting.
- Prioritising sessions and establishing parameters will be key.
- The choice of timezone in which to conduct these sessions is crucial to encourage participation
- Are joint meetings and regular update sessions considered essential?
- PDPs are facing a considerable challenge as their work plans all depend on F2F meeting output.
- Acknowledgement that lengthy overnight and/or full days of conference calls won't be feasible over a long duration.
- Scheduling conference calls during the set ICANN67 dates would be preferable over impacting members availability beyond the planned end date.
- Some community members will still travel to Cancun, their time zone will need to be taken into account.
- For those whose day jobs are unrelated to ICANN matters, taking personal time off for conference calls will be difficult.
- To ensure active and constructive participation, all presentation materials need to be made available before the meeting and all recordings need to be published rapidly after the end of each session.
- Proper evaluation will need to be captured to consider the quality of the virtual format on meetings of this scale. A positive outcome could be ease of access and financial savings.
- Regional gatherings could be an alternative albeit with its logistical difficulties (comparisons were drawn with the ICANN37 Nairobi meeting where remote participation was organised for hubs).
- Given the short timeframe, trying to re-organise a whole new schedule with a new time zone seems extremely difficult.
- There are no extremely urgent items for Council consideration, PDP efforts should be prioritized.

Outcome:

- *GNSO Council* deferred the discussion of the project list to the next Council meeting.

Item 8: COUNCIL DISCUSSION – GNSO Work Prioritization

At the Strategic Planning Session, Councilors participated in an informal and non-binding ranking survey, which was used as a "sense of the room." This informational survey result was shared with Councilors to

then share with their respective Stakeholder Groups and Constituencies, to gain a better sense of the various groups' top priorities.

Keith Drazek reminded all that there were three PDPs currently heading to milestones and that community input on the upcoming workload was key. An example is the updated work on the EPDP recommendation 27 circulated to the mailing list earlier that day.

Rafik Dammak mentioned there was also follow up work on the IRD (Internationalized Registration Data) which had been the scope of the Expert Working Group on Internationalized Registration Data but which was no longer being dealt with.

Keith Drazek also asked councilors to look at items which are easily achievable as well as those with the utmost importance.

Michele Neylon added that the Registrar Stakeholder Group (RrSG) considered that the transfer policy was a high priority but that the list needed to be cleared of other items too.

Pam Little stressed that feedback on the prioritisation list of items was key for a Council work plan to be developed for 2020.

Steve Chan, ICANN Org, reminded councilors that IDN Variants were not scored as high priority item, however they could impact new gTLDs. In this regard, dependencies also need to be considered when ranking items.

Action Item:

- *GNSO Support Staff* to research and incorporate the deliberation on the Internationalized Registration Data (IRD) issue in the prioritization list, as appropriate.
- *GNSO Councilors* to continue consulting with their respective groups in preparation for further Council discussion and/or decision during the March 2020 Council meeting.

Item 9 Any Other Business

9.1 - ICANN67 Planning / Questions for lunch with the ICANN Board
This item was postponed as there will be no lunch meeting with the Board.

9.2 - Council consideration of the draft GNSO Council public comment to the Draft FY21-25 Operating & Financial Plan and Draft FY21 Operating Plan & Budget, due on 25 February.
John McElwaine, chair of the SCBO, asked that councilors, especially those involved in the PDP3.0 work effort or with project management experience, review the comments and provide input. **Berry Cobb** added that the final draft would be submitted to Council on the 23 February 2020 for a last review, and then submitted as GNSO Council public comment on the 25 February 2020.

Action item:

- *GNSO Council*, especially the Councilors involved in the PDP 3.0 small team, to review the draft and provide input for the PDP 3.0 related comments no later than 21 February 2020 at 23:59 UTC.

9.3 - Council consideration of whether a response is needed to ICANN org's 5 December 2019 letter related to clarifications on data accuracy and EPDP Phase 2.
Keith Drazek reminded all a response is needed to the letter sent by ICANN org.

Action item:

- *Keith Drazek* to re-circulate the letter to the Council list with discussion points.
- *GNSO Council* to provide feedback.

Keith Drazek *adjourned the meeting at 23:02 UTC on Thursday 20 February 2020*