Final Proposed GNSO Council Agenda 17 December 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/_ITzC

This agenda was established according to the GNSO Operating Procedures v3.5, updated on 24 October 2019

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 12:00 UTC

Coordinated Universal Time: 12:00 UTC: https://tinyurl.com/y3f7xoof

04:00 Los Angeles; 07:00 Washington; 12:00 London; 13:00 Paris; 15:00 Moscow; 23:00 Melbourne

GNSO Council Meeting Remote Participation: https://icann.zoom.us/j/93164774162?pwd=cUlJcXpBdUE5NmlzaWQ1YXVvZ213dz09

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 (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 meetings part 1 and part 2 on the 21 October 2020 were posted on 6 November 2020.

Minutes of the GNSO Council meeting on 19 November 2020 were posted on 3 December 2020.

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

3.1 - Approval of SSC Leadership for 2020-2021: Carlton Samuels, Chair and Sophie Hey, Vice-Chair

3.2 - Approval of Heather Forrest to serve an additional term as GNSO nominated member of the Fellowship Selection Committee

3.3 - Approval of Keith Drazek to serve as EPDP 2A Chair

3.4 - Approval of Chris Disspain to serve as IGO Curative Rights Work Track Chair

3.5 - Confirmation of Council liaisons to respective efforts:

- All Rights Protection Mechanisms in All gTLDs / IGO Curative Rights Work Track - John McElwaine
- New gTLD Subsequent Procedures - Flip Petillion
- EPDP Phase 2 - Olga Cavalli
- EPDP Phase 2A - TBD
- Standing Committee on Budget & Operations (SCBO) - Philippe Fouquart (ex officio)
- Standing Selection Committee (SSC) - Tatiana Tropina (ex officio)
- IRT: EPDP Phase 1 - Sebastien Ducos
- IRT: Privacy & Proxy Services Accreditation Issues PDP Recommendations (PPSAI) IRT - TBD (paused)
- IRT: Translation and Transliteration of Contact Information (T/T) - Maxim Alzoba (paused)
- GNSO Council liaison to the ccNSO - Sebastien Ducos
- GNSO Council liaison to the GAC - Jeff Neuman (*already approved but included for completeness*)

Item 4: COUNCIL VOTE - Affirm Intent of EPDP Phase 1 Recommendation 7 (30 minutes)

In adopting the Expedited Policy Development Process (EPDP) on the Temporary Specification Final Report and Recommendations, the Council requested that an informal Implementation Review Team (IRT) be established, which was done. After the recommendations were approved by the ICANN Board, the informal IRT transitioned to a formal IRT and has diligently been working to implement the policy recommendations. Within the IRT, there are diverging views amongst some IRT members on how to implement recommendation 7, especially in relation to the Thick WHOIS Transition Policy for .COM, .NET, and .JOBS

The ICANN Board, taking note of the potential impasse, sent a letter to the GNSO Council on 11 March 2020. The Council considered the letter and agreed that recommendation 7 did not explicitly overturn the Thick Whois Transition Policy; to do so will require the GNSO Council to initiate policy development. The Council sent a response to the ICANN Board on 29 May 2020. The IRT has continued to try and implement recommendation 7 but has still been unable to reach agreement. As such and per the Council's letter, the Council requested a briefing from, "the GNSO Council liaison detailing the precise nature of the impasse so that the GNSO Council can make an informed determination on how to proceed." During its September Council meeting, the Council received a briefing from the GNSO Council liaison to the IRT, Sebastien Ducos. The Council agreed to convene a small team of Councilors that was charged with establishing a path forward to try and resolve the impasse. That small team met to determine what the best practical path forward may be. During the Council's October meeting, it considered a draft motion that would do two things 1) Affirm the intent of EPDP Phase 1 Recommendation 7; and 2) initiate an EPDP on the Thick WHOIS Transition Policy. This draft motion was further discussed during the November Council meeting where a number of potential approaches to resolve policy conflicts were discussed. After the November Council meeting, the small team was reconvened and worked towards a revised path forward but was unable to reach consensus.

A motion has been submitted to the Council list on 7 December 2020. Here, the Council will vote to adopt the motion.

4.1 - Presentation of motion (Council Vice-Chair, Pam Little)

4.2 – Council discussion

4.3 – Council vote (voting threshold: TBD)

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 DISCUSSION - Briefing on the Final Report From the Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP WG (35 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 was tasked with considering the overarching issue as to whether or not the RPMs collectively fulfill their purposes or whether additional policy recommendations will be necessary.

After the Co-Chairs determined additional time was needed to accommodate substantive work, the most recent Project Change Request was submitted and granted for the Council's September meeting, establishing a target date of no later than the end of November. The WG was able to successfully complete its work by this timeline and delivered its Final Report to the GNSO Council on 24 November 2020.

Here, the Council will receive a briefing to better understand the scope of substantive recommendations that it will be asked to vote on in a future meeting.

5.1 – Introduction of topic (Council leadership)

5.2 – Briefing (GNSO Council liaison to the PDP, John McElwaine)

5.3 – Council discussion

5.4 – Next steps

Item 6: COUNCIL DISCUSSION - Update from Council small team on GNSO next steps to implement WS2 recommendations (10 minutes)

On 7 November 2019, the ICANN Board adopted all of the consensus recommendations contained within the WS2 Final Report. As part of the resolved clauses, ICANN Org was directed to begin implementation of those recommendations, in accordance with the WS2 Implementation Assessment Report.

In the GNSO Council's consideration of upcoming work within its pipeline, it discussed trying to get ahead of impending work it will eventually be asked to undertake for the implementation of WS2. The Council established a small team to better understand the specific WS2 items that it will be tasked to complete, so as to better ensure that this work is properly accounted for within the larger Council work plan.

Here, the Council will receive an update from the small team on their work to date.

6.1 – Introduction of topic (Council Vice-Chair, Tatiana Tropina)

6.2 – Council discussion

6.3 – Next steps

Item 7: ANY OTHER BUSINESS (15 minutes)

7.1 - Notification of SG/C and Council discussion and agreement on process to appoint GNSO members for the Community Representatives Group to select IRP Standing Panel (i.e., assign to SSC and provide the SSC with briefing document to help guide their selection process) (GNSO Chair - Philippe Fouquart)

7.2 - Update from SO/AC leadership roundtable (GNSO Chair - Philippe Fouquart)

7.3 - Update on SubPro PDP WG Final Report delivery (Council leadership & Flip Petillion)

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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 12:00 UTC

Local time between November and March Winter in the NORTHERN hemisphere

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California, USA (PDT) UTC-8 04:00

San José, Costa Rica (CST) UTC-6 06:00

New York/Washington DC, USA (EDT) UTC-5 07:00

Buenos Aires, Argentina (ART) UTC-3 09:00

Rio de Janeiro, Brazil (BRST) UTC-3 09:00

London, United Kingdom (GMT) UTC+0 12:00

Kinshasa, Democratic Republic of Congo (WAT) UTC+1 13:00

Paris, France (CEST) UTC+1 13:00

Moscow, Russia (MST) UTC+3 15:00

Singapore (SGT) UTC+8 20:00

Melbourne, Australia (AEDT) UTC+11 23:00

DST starts/ends on Sunday 28 March 2021, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 14 March 2021 for the US.

For other places see http://www.timeanddate.com and https://tinyurl.com/y3f7xoof