Final Proposed Agenda 24 June 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/rCWJBw

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 at 05:00 UTC

Coordinated Universal Time: 05:00 UTC: https://tinyurl.com/y9rrz5aw

(Tuesday) 22:00 Los Angeles; 01:00 Washington DC; 06:00 London; 10:00 Islamabad; 14:00 Tokyo; 15:00 Melbourne

GNSO Council Meeting Webinar Room

https://icann.zoom.us/j/97289697502

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 meeting on 16 April 2020 were posted on 01 May 2020

Minutes of the GNSO Council meeting on 21 May 2020 were posted on 05 June 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 (0 minutes)

- None

Item 4: COUNCIL VOTE – Vote to Request an Issue Report on the Transfer Policy (15 minutes)

On April 22, 2019, ICANN Org delivered the most recent version of the Transfer Policy Status Report (TPSR) to the GNSO Council. ICANN Org delivered the TPSR pursuant to Recommendation 17 of the Inter-Registrar Transfer Policy (IRTP) Part D PDP Working Group's Final Report, which provides, "[t]he Working Group recommends that

contracted parties and ICANN should start to gather data and other relevant information that will help inform a future IRTP review team in its efforts."

The GNSO Council established the Transfer Policy Review Scoping Team to review the TPSR and consider the best approach/mechanism to conduct the review, composition of the potential review team, and the scope of the review and future policy work related to the Transfer Policy. The team believes that the GDPR and similar national privacy legislations have rendered the Transfer Policy ineffective and unworkable as written and recommends that a PDP, or series of PDPs, be established to conduct policy work on the Transfer Policy. Further, as a first step, the team recommends that the GNSO Council instruct ICANN Policy staff to draft an Issue Report in line with the Scoping Document delivered to the GNSO Council on 7 April 2020.

Here, the Council will vote to request an Issue Report on the Transfer Policy.

4.1 – Presentation of motion (Pam Little)

4.2 – Council discussion

4.3 – Council vote (voting threshold: More than one-fourth vote of each House or majority of one House)

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 - Expedited PDP (EPDP) on the Temporary Specification Phase 2: Project Change Request and Next Steps for Priority 2 Items (20 minutes)

Phase 2 of the Expedited PDP (EPDP) on the Temporary Specification was initiated in March 2019, and is focused on developing policy on a System for Standardized Access/Disclosure (SSAD) to non-public gTLD registration data, as well as other topics identified in Phase 2 of the Charter. The EPDP Team published its Phase 2 Initial Report for public comment on 7 February 2020, focused on the SSAD. Subsequently, the EPDP Team also published its Addendum for public comment on 26 March 2020, which was focused on priority 2 items.

On 10 June 2020, Rafik Dammak, GNSO Council liaison to the EPDP, submitted a Project Change Request (PCR) for Council consideration. Of note, the PCR asks that the new target delivery date be extended from 11 June 2020 to 31 July 2020 for the delivery of the Final Report for priority 1 items (i.e., SSAD). The PCR also informs the Council that additional time is needed if the EPDP Team is to address a couple of remaining priority 2 items and asks the Council to consider how best to address these. Related to those priority 2 items, Rafik submitted a framework document to both identify the list of topics and suggest possible next steps for the Council to consider. On 22 June 2020, the Council received a letter from the GAC, noting the importance they place in the priority 2 items.

Here, the Council will discuss both the PCR and next steps framework for priority 2 items.

5.1 – Introduction of topic (Council leadership)

5.2 – Council discussion

5.3 – Next steps

Item 6: COUNCIL DISCUSSION - Cross Community Working Group on new gTLD Auction Proceeds - Final Report (15 minutes)

This CCWG was chartered to develop a mechanism to allocate new gTLD Auction Proceeds. The CCWG was tasked to consider a number of issues including 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 was not tasked to 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 which received 37 community submissions were (see https://www.icann.org/en/system/files/files/report-comments-new-gtld-auction-proceeds-initial-17dec18-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 was reviewed and incorporated as appropriate prior to finalizing the Final Report, which was delivered to the GNSO Council on 2 June 2020.

Here, the GNSO Council will consider the recommendations in the Final Report and seek to ensure that any questions the Council may have are answered, prior to putting the report up for Council vote at a future Council meeting.

6.1 – Introduction of topic (Erika Mann, GNSO CCWG Auction Proceeds Co-Chair) (Slides)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION - CCWG-Accountability WS2 Implementation Assessment Report and GNSO Next Steps (15 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 has discussed trying to get ahead of impending work it will eventually be asked to undertake for the implementation of WS2. The Council is hoping to better understand the specific 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 discuss its current understanding of WS2 implementation obligations and what further information it may need as it plans for next steps.

7.1 – Introduction of topic (Council leadership)

7.2 – Council discussion

7.3 – Next steps

Item 8: COUNCIL DISCUSSION - Independent Review Process (IRP) Standing Panel (10 minutes)

One of the features of the updated Independent Review Process (IRP) under the new Bylaws is the establishment of a standing panel from which panelists shall be selected to preside over each IRP dispute. ICANN, in consultation with the SO/ACs, must agree on a single proposed standing panel slate to submit to the ICANN Board for approval.

ICANN Org sought and received feedback from the SO/ACs as to how they envision the panel being populated, and published a summary and next steps. There was strong support expressed for the SOs and ACs to establish a small representative group to help in getting the standing panel established. However, it was suggested as an alternative that the IRP Implementation Oversight Team (IRP-IOT) might be able to serve as the small representative group that helps establish the standing panel.

Here, the Council will discuss what it feels is the best way forward in ensuring that a representative group is available to assist in establishing the standing panel.

8.1 - Introduction of topic (Council leadership)

8.2 - Council discussion

8.3 - Next steps

Item 9: COUNCIL DISCUSSION – GNSO Work Prioritization - Council Work Plan and Program Management(15 minutes)

After the GNSO Council's Strategic Planning Session in January 2020, the Council acknowledged that there are limited resources available for policy development activities and related work. This resource limitation means that the GNSO Council must efficiently complete its current work, but also prioritize the new work waiting in its pipeline. 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. The Council touched on this topic briefly during the February Council meeting and again during its March meeting.

Council leadership and staff developed a draft work plan for the Council's consideration. Previously, the focus was on prioritization of the GNSO's work, which implies that the work should be ranked in order of priority. However, Council leadership determined that it might be more practical to think of this exercise more simply as establishing a work plan, which does still consider the urgency of the work, but also looks at each element of work in a more granular fashion and identifies potential dependencies. What this allows the Council to do is to potentially carve out pieces of work from a project that might be initiated in the near-term, some of which may then serve as the preparatory/informational basis for Council next steps. The Council discussed this approach during several Council meetings, where there was apparent support for the approach, and solicited feedback from Councilors and their respective SG/Cs. Considering that input, Council leadership and staff have prepared a work plan framework that considers the overall program portfolio and dependencies, which helps identify which specific projects (or project elements) the Council can initiate now or in the near future. Staff will provide a preview of the next evolution of the Council's work plan management tool.

Here, the Council will receive a preview of the newest version of the tool, with the intention of validating the approach, which is understood to help identify near-term work that may be initiated.

9.1 – Introduction of topic (Council leadership)

9.2 – Council discussion

9.3 – Next steps

Item 10: ANY OTHER BUSINESS (10 minutes)

- 10.1 - DNS Abuse - While this is not a substantive item for this agenda, this is intended to serve as a reminder of community discussion leading up to and during ICANN68, which will inform the GNSO Council's contribution to this topic in the future.
- 10.2 - Draft response to the ICANN Board regarding recommendations from the Registration Directory Service Review Team (RDS-WHOIS2-RT) passed through to the GNSO Council.
- 10.3 - Open Microphone

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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 05:00 UTC

Local time between October and March Winter in the NORTHERN hemisphere

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California, USA (PDT) UTC-7 (Tuesday) 22:00

San José, Costa Rica (CST) UTC-6 23:00

New York/Washington DC, USA (EDT) UTC-4 01:00

Buenos Aires, Argentina (ART) UTC-3 02:00

Rio de Janeiro, Brazil (BRST) UTC-3 02:00

London, United Kingdom (GMT) UTC+1 06:00

Kinshasa, Democratic Republic of Congo (WAT) UTC+1 06:00

Paris, France (CEST) UTC+2 07:00

Islamabad, Pakistan (PKT) (+1 day) UTC+5 10:00

Singapore (SGT) (+1 day) UTC+8 13:00

Tokyo, Japan (JST) (+1 day) UTC+9 14:00

Melbourne, Australia (AEST) (+1 day) UTC+10 15:00

DST starts/ends on Sunday 25 of October 2020, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 01 of November 2020 for the US.

For other places see http://www.timeanddate.com and https://tinyurl.com/y9rrz5aw