Minutes of the GNSO Council Meeting 16 April 2020
Agenda and Documents

Coordinated Universal Time: 12:00 UTC: https://tinyurl.com/vau3jkd

05:00 Los Angeles; 08:00 Washington DC; 13:00 London; 17:00 Islamabad; 21:00 Tokyo; 22:00 Melbourne

List of attendees:
Nominating Committee Appointee (NCA): – Non-Voting – Erika Mann
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, Scott McCormick, Philippe Fouquart, Osvaldo Novoa, John McElwaine, Flip Petillion
Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Elsa Saade (apology, proxy to Rafik Dammak), Tatiana Tropina (apology for first half of the call, proxy to Farell Folly) , 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
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

Keith Drazek expressed his hope that councilors and their families were staying well and healthy during this difficult period.

1.2 - Updates to Statements of Interest

Sebastien Ducos mentioned that Neustar was in the process of selling its registry division to GoDaddy, this would be completed in the next few months, but for now he is still a Neustar employee. His SOI has been updated to reflect the most recent changes.

1.3 - Review / Amend Agenda

There were no changes to the agenda as presented.

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 20 February 2020 were posted on 6 March 2020.
Minutes of the GNSO Council meeting on the 11 March 2020 were posted on the 27 March 2020

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 informed councilors that Council leadership had met with GNSO Support staff to review the Projects List in further detail. Segments of the Project list will be separated into those concerning the GNSO Council directly and those currently being under Board consideration or in the implementation phase.

Berry Cobb, ICANN Org, concurred that staff will be working on the agreed changes and will have revisions available for the following Council meeting. He added that the status and health feeds would benefit from further Council discussion. He also encouraged councilors to review the list in detail.

Open Action Items marked in yellow, therefore not being discussed as part of the main agenda, were reviewed:

-        PDP3.0 Final Report: As Council prepares to initiate new PDPs (IDNs, Transfer Policy), PDP3.0 improvements need to be taken under consideration.
-        Managing IDN Variant TLDs: Council received a report from the IDN Scoping team including a recommendation for policy work to be initiated around some components of the topic on variants. This group would be chartered under PDP3.0 guidance after Council discussion. Council will need to engage with the ccNSO to discuss parallel processes for the sake of consistency.
-        Evolution of the Multi Stakeholder Model (MSM) of Governance: ongoing discussion since 2019 about challenges the community has in ensuring that the MSM can continue to evolve and be effective. After ICANN67, there was a discussion about sharing PDP3.0 developments with other ICANN Supporting Organisations and Advisory Committees via a community-wide webinar.

Action item: none

Item 3: Consent Agenda: no item

Keith Drazek reminded the Council that over the past two weeks, SO and AC leaders had met with ICANN CEO, Goran Marby, twice, to discuss the impact of Covid-19 on the community. It was estimated, in light of additional responsibilities lockdowns are triggering, that work capacity would be at 70%. Taking into account possible illness of community members, how does work develop and how to prioritise? He noted that both BC and RrSG council representatives had exchanged on the matter on the Council mailing list.

Michele Neylon commented that for service providers, experiences had been varied, although there has been a greater need for online services and that the scaling had been overall handled well. Issues arising however with clients having problems paying bills, accessing data centres, are concerning. Registry colleagues in ccTLD and gTLD spaces have been very reactive, implementing processes to ease procedures. For smaller enterprises, a lot of the focus has been on day-to-day operations and the ensuing challenges. The Registrar Stakeholder Group (RrSG), in terms of GNSO work, doesn't necessarily have issues however, although the economic long-term impact cannot be measured to date.

Maxim Alzoba raised that the current assessment of the impact can only be based on current data. Further assessments will need to be held in the near future. Companies may not have the available resources to dedicate to the volunteer pool.

John McElwaine, on behalf of the Intellectual Property Constituency (IPC), noted that whilst there hadn't been a huge lapse in effort, more requests for deadline extensions had been submitted. It has been harder to find volunteers, distractions are more numerous when working from home, and this would be representative of the 70% capacity mentioned beforehand, and the question of legitimacy would therefore come into question.

Rafik Dammak emphasized that the situation differs by members, some finding more time to engage due to the lockdown while others are heavily impacted because of their work and family engagements.This makes a situation assessment very delicate, and regular assessments would be helpful, especially as many community members are volunteers.

James Gannon, on behalf of the Non Commercial Stakeholder Group (NCSG), raised that many of the members are in humanitarian services and thus highly impacted by Covid-19 as their day jobs do not allow them to partake in ICANN efforts.

Philippe Fouquart, on behalf of the Internet Service Providers and Connectivity Providers (ISPCP) mentioned that whilst ISPCP members were not impacted in the same way as the NCSG, there was a concern about legitimacy of decisions, with a drop in membership activity overall.

Flip Petillion added that the psychological effect of the situation was not to be underestimated, and that steps need to be thought through with everything taken into account.

Keith Drazek informed councilors that the Governmental Advisory Committee (GAC) has raised concerns about timelines on two fronts: the EPDP Phase 2 work and the new gTLD Subsequent Procedures (SubPro) Policy Development Procedure (PDP) Working Group (WG). He insisted that such concerns should not be taken lightly. Regarding the SubPro timeline, the group is moving faster than its anticipated timeline based on a worst case scenario but this is causing strain amongst the GAC. Whereas the timeline was good from a project management perspective, it can also impact different groups differently. Regarding EPDP, the GAC requested the group be postponed, or the timeline extended. **Keith Drazek**

held a call with the GAC Chair and a GAC representative and EPDP Chair earlier this week to discuss the timeline and also issues the GAC was preoccupied with.

Marie Pattullo, on behalf of the Business Constituency (BC), reported that no BC members were affected by the virus, but the items on data accuracy and legal vs natural were still items of concern within the BC membership, and that in agreement with the GAC, the BC would like these items to be discussed properly. There may indeed be a representative issue with EPDP GAC members not being able to commit to EPDP work in these difficult times.

Greg Dibiase, for the RrSG, believed the EPDP has done very good work to date and should build on that work and complete the task as planned. He added that adding data accuracy to the work of the EPPD at this time was an extension of the scope and of the timeline especially with the resource impact of Covid-19. Consequences of extension would be a lack of a Chair to the EPDP and a risk of volunteer fatigue.

Rafik Dammak reminded councilors that the EPDP team already extended its timeline in December 2019 in order to deliver on time in regards to the SSAD. In terms of project management, it is important to ensure that projects are completed. Any extension would be in contradiction with the wishes expressed beforehand about the urgency for the SSAD. Data accuracy and legal vs natural are important, and the EPDP team has already spent a lot of time deliberating these topics, consensus is hard to reach. One clear point was that the SSAD was the first priority of the group and it is key to have it completed. Janis Karklins, Chair of the EPDP, will not be able to chair further than the 30 June 2020 due to other commitments, finding a replacement chair with such short notice would be difficult.

John McElwaine added that accuracy would be key to the SSAD, as malicious use of domain names is a rising issue. He also mentioned that data accuracy had already been moved from EPDP phase1 to phase 2 and that optics therefore were fairly negative.

Michele Neylon pointed out that ICANN processes were already being perceived as slow. He noted that the parties asking for swift results were those now requesting an extension. He added that the task of finding an EPDP Chair on both occasions had not been an easy endeavour. The Contracted Party House had requested to better understand the need for the extension. The EPDP is a GNSO process, and granting an extension upon request of groups who are not part of the process would not make sense. The extension would also have a financial and budgetary impact which would need to be taken into account,

Keith Drazek stated that the issues are complex and important topics which would not be solved with an extension, and are not critical to the policy recommendations on the SSAD. Priorities should be automation and the evolution of the SSAD. Councilors should reflect on these topics in preparation for the next Council meeting.

Flip Petillion asked that all projects be treated in the same way, as other PDPs had been granted new timeline extensions to focus on complex topics.

Keith Drazek responded that PDPs lasting for 3 - 5 years was not an ideal scenario, and that with EPDP Phase 2, there was a possibility the main work could end on time, and additional, key issues be dealt with separately or with a EPDP Phase 3.

Action item: none

Item 5: COUNCIL DISCUSSION – GNSO Work Prioritization - 2020 Work Plan/ Impact from Coronavirus

Keith Drazek reviewed the draft document produced by Council leadership and GNSO Support staff. The aim is to consider work capacity, efforts in flight, RPM Phase 1 and SubPro and dependencies. It's a program level perspective rather than a project one.

Steve Chan, ICANN Org, added that the document had to be treated as a work plan. It starts with a set of assumptions with four factors: Importance or urgency of the effort, level of effort from staff and community, timing and whether work can be divided into smaller portions. There are also efforts where the GNSO is expected to contribute but is not central to the work. Presenting the timeline, he focussed on which work had to be completed for further efforts to start. These efforts needed to take into account the four factors mentioned above. He also noted that there were questions for the Council regarding IDNs and IGO Curative Rights track beginning their work within the current environment. There is also a next steps suggestion which is dependent on the Global Domain Division (GDD) capacity.

Keith Drazek added that he needed to reach out to the GAC regarding the IGO work track to take place under the RPM umbrella. Regarding future efforts, he insisted on the smaller tasks which would be achieved with small teamwork before launching a more considerable process such as a PDP.

Action item:

- *GNSO Councilors* to review the draft 2020 work plan and provide input on the Council list by 1 May 2020; next steps regarding the work plan are expected to be discussed during the May 2020 Council meeting.

Item 6: COUNCIL DISCUSSION: Report from Transfer Policy Scoping Team

The Transfer Policy Team has been working on the next steps for a Transfer Policy Report.
Pam Little reminded councilors that this was a review of a policy which has been in place for several years. The Scoping team was requesting that Council instruct ICANN Policy staff to draft an Issue Report to initiate a PDP and that this be a motion to be voted on during this Council meeting. However in light of

all the discussions held about current circumstances, more time would be needed for councilors to review the Scoping Team's recommendations and defer this topic to vote until the Mary 2020 meeting. She encouraged councilors to review the report from the Scoping Team.

Action item:

- *GNSO Councilors* to review the [Report from the Transfer Policy Scoping Team](#) and engage with their respective SG/C in preparation for the Council vote on the request for an Issue Report during the May 2020 Council meeting.

Item 7: COUNCIL DISCUSSION: Registration Directory Services (RDS) Program Management

Keith Drazek reminded Council that a holistic approach was preferred for program management. With EPDP Phase 1 Recommendation 27 Wave 1 report which gave Council an assessment of other impacted policies, the Council needs to decide how to manage these impacts.

Steve Chan explained that the document described how to deal with the Wave 1 report from the more detailed adjustments to the wider approach. Council needs to discuss how the updates from Recommendation 27 need to be approached. The two remaining bullet points dealing with the Whois Procedure Implementation Advisory Group (WPIAG) and Registration Directory Service (RDS) Review Team appear on the Prioritization work plan.

Keith Drazek highlighted the importance of dealing with Wave 1 as it points out inconsistencies between the old policies and the new ones. The WPIAG and RDS need to be reviewed.

Action item:

- *GNSO Leadership*, in collaboration with other interested Council members and support staff, to develop a path forward for the RDS program management, in particular the next steps regarding the EPDP Phase 1 Recommendation 27 Wave 1 Report, with the aim to provide an update during the May 2020 Council meeting.

Item 8: ANY OTHER BUSINESS

8.1 - GNSO Chair election [timeline](#) announced
The GNSO Chair election timeline has been published and communicated to Stakeholder Groups and Constituency leadership teams.

8.2 - EPDP Phase 2 Initial Report and latest [EPDP Project Package](#) - Any questions?
Rafik Dammak, GNSO Council liaison and Vice Chair of the EPDP, presented the Project Package which includes all status and conditions. The EPDP team is currently reviewing comments on the Initial Report, and accepting late comments. The team is adjusting the work plan taking into account the pace and

workload for team members. Staff has been helpful in organising comments in a review tool to sort via commonalities and priority questions. The team is still on track for the June 2020 deadline.

Berry Cobb added that although some projects were showing as almost completed, there was still a lot of work remaining to be done, and that the emphasis was on individual task completion.

Keith Drazek reminded councilors that out of the team meetings, EPDP members had a lot of work to provide from session to session in order to meet the timeline efficiently.

8.3 - RDS data accuracy - possible next steps

Steve Chan highlighted that the work plan document (item 4) suggested possible next steps as ICANN Org evaluating impact on GDPR in keeping with the accuracy topic. The framework for the suggested Accuracy Scoping team covers the description, the level and impact of not addressing the issue in a timely manner (need to better understand implications of GDPR on existing accuracy requirements). Next steps would be requesting ICANN Org take into consideration the evaluation of the impact of GDPR. Resources needed would be GDD staff, and the GNSO staff support and community volunteers should the Accuracy Scoping team be launched. This would have to be after the EPDP phase 2 Final Report.

8.4 - Expectations for ICANN68.

Keith Drazek informed the Council about the ICANN68 preliminary conversations.
-   Kuala Lumpur time zone as a preference with the possibility of scheduling before, during and after.
-   A four-hour block over four days where the core meetings will be held
-   On-going discussions about priorities, and coordination with PDP Chairs, SG/ C leadership teams

Councilors then raised the following points:
-   Time zone issues were encountered by all community members at all times
-   Which sessions should be prioritized
-   It may be hard to focus on more than four hours
-   Sessions scheduled must be done on a key priority basis and not to "save face"

8.5 - Letter from the ICANN Board regarding a potential impasse concerning the implementation of EPDP Phase 1 Recommendation 7, related to Thick WHOIS Transition Policy.

Due to lack of time, this item was deferred to a discussion on the GNSO Mailing list.

Action item:

-   *Keith Drazek* to initiate the Council list discussion on the ICANN Board letter regarding the EPDP Phase 1 Recommendation 7.

***Keith Drazek** adjourned the meeting at 14:03 UTC on Thursday 16 April 2020*