Minutes of the GNSO Council Meeting 23 July 2020

Agenda and Documents

Coordinated Universal Time: 12:00 UTC: https://tinyurl.com/ycx4umj9

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 (apology, proxy to Greg Dibiase), 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, 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 (absent)

GNSO Appointed Board members: Becky Burr and Matthew Shears

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

Andrea Glandon - Operations Support, GNSO Coordinator

Nathalie Peregrine – Manager, Operations GNSO

Item 1: Administrative Matters

1.1 - Roll Call

1.2 - Updates to Statements of Interest

Maxim Alzoba has been appointed interim Registries Stakeholder Group (RySG) member of the GNSO Standing Selection Committee (SSC) until October 2020.

1.3 - Review / Amend Agenda

The agenda was approved 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 24 June 2020 were posted on 10 July 2020.

[Minutes](#) of the Extraordinary GNSO Council meeting on 16 July 2020 will be posted on the 30 July 2020

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

Berry Cobb reminded councilors that most of the updates to the Project List had been [circulated](#) on the Council mailing list at the beginning of the week. He added that staff is in the process of consolidating the project list, action item list to the program management tools to provide a complete portfolio for councilors. He brought councilor's attention to the fact the EPDP phase 2 health status was downgraded to "in trouble".

Regarding the open Action items, not being dealt with in today's main agenda, **Keith Drazek** provided the following updates:

- Cross Community Working Group (CCWG) Accountability Work Stream 2 (WS2): A Council small team needs to meet to focus on the CCWG WS2 next steps and implementation. **Keith Drazek** will engage with the Supporting Organization and Advisory Committee (SOAC) chairs on the topic.
- PDP3.0: Council needs to carry out any future action items in the resolved clauses at the appropriate time as directed by the motion.

- Accountability and Transparency review: Council small team in consultation with Cheryl Langdon-Orr to work on a draft response to the ATRT 3 Final Report Public Comment scheduled to close at the end of July 2020.
- IGOs: Council to discuss the timing for the issuing of the call for volunteers, and the expression of interest for the Chair of the IGO Protections work track under the Rights Protection Mechanisms (RPM) Working Group umbrella.
- DNS Abuse: GNSO Council to reach out to the ccNSO at the appropriate time to discuss possible next steps.

Item 3: Consent Agenda: no item

Item 4: COUNCIL VOTE: Cross Community Working Group on new gTLD Auction Proceeds - Final Report

Erika Mann, seconded by Rafik Dammak, submitted a motion to approve the Cross Community Working Group on new gTLD Auction Proceeds FInal Report.

Whereas,

1. The New gTLD Auction Proceeds Cross-Community Working Group was chartered by the the Address Supporting Organization (ASO), the At-Large Advisory Committee (ALAC), the Country Code Names Supporting Organization (ccNSO), the Generic Names Supporting Organization (GNSO), the Governmental Advisory Committee (GAC), the Security and Stability Advisory Committee (SSAC), and the Root Server System Advisory Committee (RSSAC) to develop a proposal(s) for consideration by the Chartering Organizations on the mechanism that should be developed in order to allocate the new gTLD Auction Proceeds.

2. The final proposed charter (https://community.icann.org/display/CWGONGAP/CCWG+Charter) was submitted to all ICANN SOs/ACs in October 2016, after which each ICANN SO/AC confirmed the adoption of the charter. The GNSO Council adopted the CCWG charter in November 2016 (https://gnso.icann.org/en/council/resolutions#201611).

3. A call for volunteers (https://www.icann.org/news/announcement-2-2016-12-13-en) was launched in December 2016 and the GNSO appointed five members to the CCWG, including one member serving as Co-Chair. The following GNSO-appointed CCWG members are currently serving on the CCWG: Anne-Aikman Scalese, Jonathan Frost, Johan (Julf) Helsingius, Erika Mann (Co-Chair), and Elliot Noss.

4. The CCWG commenced its work in January 2017.

5. On 11 December 2018, the CCWG published its Initial Report (https://www.icann.org/en/system/files/files/new-gtld-auction-proceeds-initial-08oct18-en.pdf) for

public comment
(https://www.icann.org/public-comments/new-gtld-auction-proceeds-initial-2018-10-08-en).
Thirty-seven (37) comments were received in response to this public comment period, including
input from the GNSO Council, RySG, RrSG, BC, ISPCP, NCSG, as well as individuals from the
GNSO community.

6. The CCWG reviewed public comments and revised recommendations based on this input and
further deliberations. On 23 December 2019, the CCWG published a proposed Final Report
(https://www.icann.org/en/system/files/files/proposed-new-gtld-auction-proceeds-final-23dec19-en
.pdf) for public comment
(https://www.icann.org/public-comments/new-gtld-auction-proceeds-final-2019-12-23-en) and
requested targeted input from the community on sections of the report that had changed
substantially since publication of the Initial Report. Twelve (12) comments were received in
response to this public comment period, including input from the RySG, RrSG, IPC, and NCSG.

7. The CCWG reviewed all of the input received and submitted its Final Report
(https://gnso.icann.org/sites/default/files/file/field-file-attach/ccwg-auction-proceeds-to-gnso-counc
il-29may20-en.pdf) to the Chartering Organizations for their consideration on 29 May 2020.

8. The GNSO Council has reviewed and discussed the Final Report and Recommendations.

Resolved,

1. The GNSO Council adopts the Final Report and Recommendations of the New gTLD Auction
Proceeds Cross-Community Working Group.

2. The GNSO Council instructs the GNSO Secretariat to share the results of this motion with the
Chairs of the Auction Proceeds CCWG as soon as possible.

3. The GNSO Council expresses its sincere appreciation to the Auction Proceeds CCWG, the
GNSO appointed members and participants in that effort, and especially the GNSO-appointed
Co-Chair, Erika Mann, for all their hard work in achieving the delivery of the Final Report and
Recommendations.

After **Erika Mann**, GNSO co-chair of the CCWG Auction Proceeds, provided background information on
the CCWG's work, and after **Rafik Dammak** read the resolved clauses of the motion, the majority of
councilors present on the call voted in favour of the motion.

Intellectual Property Constituency (IPC) councilors **John McElwaine** and **Flip Petillion** thanked the
CCWG co-chairs as well as all CCWG members for their efforts. On behalf of the IPC, **John McElwaine**
and **Flip Petillion** objected to the motion for the following reason: Mechanism A is an extension of
ICANN's powers beyond its bylaws, and therefore the minority report statement put forward by the

Commercial Stakeholder Group contains a preference to lead with a referral to the ICANN Risk Committee to evaluate that mechanism before moving forward.

[Vote results](#)

James Gannon encouraged councilors to monitor closely how the implementation of the CCWG work will be structured by the ICANN Board.

Action item:

- GNSO Secretariat to share the results of this motion passed by the GNSO Council with the Chairs of the Auction Proceeds CCWG as soon as possible

Item 5: COUNCIL DISCUSSION - Expedited PDP (EPDP) on the Temporary Specification Phase 2: Status Update and Proposed Next Steps for Priority 2 Items

Rafik Dammak, Chair of the EPDP Phase 2 team, provided an update on work to date. After having shared a version of the Final Report with EPDP members, they were asked to input feedback in a Google doc in the shape of three categories of rating (cannot live with, would like to see change, non-substantive and minor). The category classification was then discussed during team calls. In the most recent timeline, the Final Report was to be presented today with the aim of making consensus level designations, but this will take place tomorrow. The aim is still to deliver the Final Report by Friday 31 July 2020.
He then updated councilors on the work of the GNSO Council small team efforts which has developed a draft based on the previous [framework](#) presented during the June GNSO Council meeting. This draft focuses on providing more details, setting objectives and next steps whilst ensuring efficient use of people's time and resources and following GNSO processes and procedures. Oversight of the GNSO Council will be key, the approach to deal with the issues of legal vs natural and feasibility of unique contact will be to reconvene the EPDP team. Timing to be determined. For the topic of accuracy, the small team suggests starting with a scoping team, taking into account elements from recommendation 27 Wave 1. Council needs to decide when to initiate this scoping team. He also indicated there are open questions to be resolved.

John McElwaine asked when the effort on data accuracy would begin. **Keith Drazek** responded that the framework document developed by the Council small team was the discussion starting point, but that discussions on priority and on timing needs to take place once the Final Report is submitted.
Greg Dibiase raised that priority 2 items were going to be addressed after the SSAD report was going to be delivered to Council. He added that it would be better for the Council vote on the SSAD report to take place before starting to consider the priority 2 items.
Philippe Fouquart commented that he was lacking clarity (in regard to scope, phasing, timing) between the three tracks mentioned for priority 2 items despite the EPDP phase 2 coming to closure.

Marie Pattullo thanked **Rafik Dammak** and staff for their efforts. She raised two issues: remaining items and when the new work track will start. Group momentum and expertise needs to be maintained, with a preferred start date of September 2020, not later as there is a risk of losing focus in the run up to ICANN69. Regarding accuracy, the same timeline concerns remain.

Tatiana Tropina addressed the issue of the starting point and preserving same team members. She raised that the intensity of the work, with just the month of August off, could be problematic.

Maxim Alzoba cautioned against re-starting the effort quickly for the sake of it.

Rafik Dammak responded to the comments: the priority 2 items need to have the right conditions and factors for success. The Council small team's role is to propose a solution to guarantee results, by including guidance and detail. For this to happen, more time may be necessary. **Keith Drazek** concurred.

James Gannon added that over the last few years many EPDP volunteers had had to leave the team and ICANN altogether due to exhaustion. The remaining items would need to be incorporated into the GNSO Council's program management tools for fair consideration.

Keith Drazek concluded the item discussion by mentioning that the charter would not need modifying but a process review might be necessary. These priority 2 items are not an SSAD report dependency but do need to be worked up for the entire EPDP effort to close.

Rafik Dammak added that the work being done is owned by Council as process manager it will take into account concerns, responding to them in keeping with the charter and the procedures and sending clear messages to all groups.

Item 6: COUNCIL DISCUSSION – Program Management [tentative based on discussions from the Extraordinary Meeting] - Rec#27 Wave 1 report

Berry Cobb, Org, provided a quick update to councilors following the 16 July 2020 Extraordinary meeting focusing on how to handle the follow up work from Rec#27 Wave1 report. Meetings have been held with Global Domain Division (GDD) colleagues with an update to Council planned for August 2020 with an aim to circulate by the document and motion deadline (10 August 2020).

A matrix of seven impacted policies is being developed, and is a four-column summary report including which policies are impacted, what effort, timing is involved to accomplish the work, does there need to be an interim attachment to the RDS policies in the meantime and low impact items with terminology updates only. This is also to ensure that the work is detached from the EPDP 1 IRT work efforts.

Action item:

- Staff to add the EPDP Wave 1 Analysis as an item on the August 2020 Council meeting agenda

Item 7: COUNCIL DISCUSSION – Program Management [tentative based on discussions from the Extraordinary Meeting] - IDN Operational Track 1

Steve Chan, Org, provided background information on the GNSO Council IDN Scoping Team, whose Final Report considered two tracks. The IDN Operational Track 1 stems from the GNSO Council's concerns to the IDN Implementation Guidelines. This track is dependent on GDD and Contracted Parties (CPs) collaborating, without a heavy lift from Council other than kicking off the work effort which could be a Consent Agenda item. GDD staff will be available to support the work effort. In addition to this track, the charter drafting team for the policy track could convene as early as August 2020.

Ariel Liang, org, added that staff is exploring the PDP3.0 revised charter template in drafting a charter for the Policy track work. GNSO Council will be invited to review the document when available. Collaboration with GDD staff, Sarmad Hussein in particular, is helping to look at confirming questions raised by the recommendations. Regarding the Operational Track, it has an important advisory role, identifying what part of the implementation guidelines is implementation and which portion is policy-related.

Rafik Dammak, in regard to the Operational Track, asked about the track composition, and whether observers would be welcome. **Steve Chan** clarified that primarily the effort is an operational and contractual one, but the group overall supported the presence of observers.

Philippe Fouquart asked how much of the policy track effort would be related to the ccNSO PDP4 call for volunteers. **Ariel Liang** responded that two subteams were going to be created, one of which would overlap with the IDN Policy track effort. The Variant TLD staff paper contains items which would warrant GNSO and ccNSO staff collaboration, but not the majority.

Keith Drazek confirmed the start of the IDN Operational Track would be on the August 2020 Consent Agenda.

Action item:

- Staff to add in the August 2020 Council meeting agenda the initiation of the IDN Operational Track 1 work as a "consent agenda" item

Item 8: COUNCIL DISCUSSION – Program Management [tentative based on discussions from the Extraordinary Meeting] - Other Items

Berry Cobb, org, reminded councillors that this was discussed in relation to the wave 1 report from EPDP Phase 1, and items which were listed there as high and medium impact, which is the URS Procedure as well as URS rules. Staff did an analysis and in regards to the URS Procedure items, there were nine that were listed there from the Wave 1 report: two of which are terminology updates, two have already been addressed, two identified as not yet addressed but considered as implementation guidance, one was not yet addressed but could provide policy deliberations on the group. The bulk of these therefore could be addressed by the RPM Working group and should all be incorporated into the Final Report. A few of these

could require deliberation, but a low-level risk for the RPM WG, with little impact on their path to the Final Report.

The same analysis was made in regard to URS Rules, the eight items here are terminology updates and could be incorporated into the RPM Final Report as implementation guidance. Two out of the eight items were already addressed by the RPM WG.

He suggested Council agree that the RPM liaison as well as RPM staff support, take the analysis to the RPM WG leadership, have them review it and take action within the WG. If there are issues, they could report back to Council. If none of these can be incorporated into the Final Report, they could still be assigned to the matrix mentioned in item 6.

Keith Drazek addressed the Council, is the RPM PDP WG the best vehicle to address these changes or is there another path? **John McElwaine**, GNSO Council liaison to the RPM PDP WG, responded that provided that the work is mainly definitional, it should be handled by the RPM PDP WG and that it was already on the group's agenda for next week.

Marie Pattullo thanked Berry Cobb for the Extraordinary Council meeting the previous week. She asked whether all terminology updates could be put into a separate item, as a rolling agenda item, which would allow greater visibility on the work effort. **Berry Cobb** responded that further clarification would be available for the August Council meeting. In regards to handling the bulk of the wave 1 report, the additional items, the decision is not for Council, it will be mostly worked on by GDD staff and the EPDP IRT, as it is the RDS policy implementation which is causing the impact.

Item 9: ANY OTHER BUSINESS

- 9.1 - Populating the Independent Review Process (IRP) Standing Panel - feedback from SG/Cs on approach

James Gannon confirmed on behalf of the NCSG that there had been discussion, and that the question remained that this was not the IRP itself, but the IRP Standing Panel which was to be populated. If the IOT is to be the body which helps select the Standing Panel members, the NSG is in favour. Mary Wong, Org, mentioned that there are several options (the IRP IOT, a small group which may not include IRP IOT members). Further discussion with ICANN Org and community chairs is to take place this following week. There is an important role, in the Bylaws, for community direction in populating standing panels.

Maxim Alzoba asked why the SSC and the SSC process was not being used for the selection of standing panelists. **Keith Drazek** replied that the appointment of members to the standing panel was broader than the GNSO.

James Gannon added that the NCSG would strongly support the IOT assisting with the selection of the Standing Panel as it was an extremely complicated process.

Flip Petillion mentioned that the IRP IOT is composed of experts, the intention is that this group is examining issues and improvement suggestions to the IRPs. The IOT ought to preserve an advisory role only and not a selection one. **Mary Wong** added that if the community agreement is that a community group should be constituted, it is up to the GNSO how it wishes to appoint a rep to that group - which may be the SSC if you choose. That's an internal GNSO selection issue but we are not at that stage yet. Becky Burr in the chat wrote: "The IRP IOT does not have current authority for panel nominations, and technically Board/Org selects members in consultation with SOAC. "

- 9.2 - Council response to the public comment on the Enhancing the Effectiveness of ICANN's Multistakeholder Model – Next Steps proceeding.

Pam Little asked councilors to provide input on the draft response.

- 9.3 - Update on the EPDP Phase 1 IRT, in respect of Recommendation 7

Sebastien Ducos, GNSO Liaison to the IRT, informed Council that the group was close to coming to an agreement. He has had several discussions with IRT members, whilst keeping the GNSO Council leadership up to date. A summary of the discussion findings will be shared with the IRT, who in turn will provide a written response to the Council.

- 9.4 - GNSO Council liaison to the GAC

Julf Helsingius is stepping down as GNSO COuncil liaison to the GAC. **Keith Drazek** thanked Julf for his role and responsibility in this effort. The SSC will begin its process to identify a replacement for Julf.

Keith Drazek thanked GNSO appointed Board members for their presence on the call.

Keith Drazek *adjourned the meeting at 13:58 UTC on Thursday 23 July 2020*