Minutes of the GNSO Council Meeting 18 February 2021

Agenda and Documents

Coordinated Universal Time: 19:00 UTC: https://tinyurl.com/yxdh3opz

11:00 Los Angeles; 14:00 Washington; 19:00 London; 20:00 Paris; 22:00 Moscow; (Friday) 06:00 Melbourne

List of attendees:

Nominating Committee Appointee (NCA): Non-Voting – Olga Cavalli

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Kristian Ørmen, Greg DiBiase

gTLD Registries Stakeholder Group: Maxim Alzoba, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Tom Dale

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Philippe Fouquart, Osvaldo Novoa, John McElwaine, Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Stephanie Perrin, Tatiana Tropina, Wisdom Donkor, Farell Folly, Tomslin Samme-Nlar

Nominating Committee Appointee (NCA): Carlton Samuels

GNSO Council Liaisons/Observers :

Cheryl Langdon-Orr– ALAC Liaison

Jeffrey Neuman– 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 – Senior Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Senior Specialist

Caitlin Tubergen – Policy Director

Terri Agnew - Operations Support, Lead Administrator

Nathalie Peregrine – Manager, Operations GNSO

Zoom Recording

Transcript

Item 1: Administrative Matters

1.1 - Roll Call

Philippe Fouquart, GNSO Chair, welcomed all to the GNSO Council meeting.

1.2 - Updates to Statements of Interest.

There were no updates to the Statements of Interest.

1.3 - Review / Amend Agenda

Philippe Fouquart, GNSO Chair, announced the removal of the IANA Naming Function Review Team (IFRT) item from the Consent Agenda as the approval of the item requires a supermajority vote. The vote will take place during the March 2021 GNSO Council meeting. 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 17 December 2020 were posted on 3 January 2021.

Minutes of the GNSO Council meeting on 21 January 2021 were posted on 4 February 2021.

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

2.1 - The review of the Projects List and Action Item List

Berry Cobb, GNSO Policy Consultant, provided the latest updates to the Action Decision Radar (ADR) , the Action items and the Project List to Council:

- Today the GNSO New gTLD Subsequent Procedures Policy Development Process Working Group (SubPro PDP WG) Final Report will be voted on by Council.
- Confirmation of the EPDP P2A Project Plan will be considered under AOB.
- The GNSO Standing Committee on Budget and Operations (SCBO) completed its drafting of comments on the GNSO Council FY22 Operating Plan and Budget Cycle. The comments were submitted on 15 February 2021. **Berry Cobb** thanked John McElwaine and the SCBO team for their efforts.
- On the Action Decision Radar (ADR) the RPM Phase 1 recommendations were approved by the Council. A Recommendations Report is being voted by Council during this meeting and a Public Comment will open shortly. The EPDP Phase 1 IRT, on the topic of recommendation 27, will send the Wave 1.5 report to Council. It was reviewed by the IRT, staff is adjusting the report based on that feedback.
- IGO Work Track will be holding its first meeting on the 22 February 2021.
- The ICANN Org Briefing document on Registration Data Accuracy will be published on 26 February 2021.

- The Action Item list is now empty (at the time of the call) for the first time. Moving forward, a log of all closed action items will be maintained for the period from the prior Council meeting to the current one. The Action Decision Radar has taken over certain Action items, the new Action item system is also proving efficient.

Philippe Fouquart, GNSO Chair, asked about having a similar framework across the Supporting Organizations (SOs) and Advisory Committees (ACs). **Berry Cobb, GNSO Policy Consultant,** agreed that it would be a desirable change, accompanied by an improvement in program management across all departments, with an increase in commonalities. The aim is to streamline the organisation of work across the SOs and ACs, with an internal program management framework which will also be flexible to accommodate differences across the different groups.

Item 3: Consent Agenda

There were three items on the Consent Agenda for the GNSO Council to confirm.

- Confirmation of Philippe Fouquart to serve as the GNSO Council liaison to the EPDP 2A.
- Non-objection from the Council for the EPDP Team to appoint a non-EPDP Team member as vice-chair.
- Confirmation of the Recommendations Report to the ICANN Board regarding adoption of all recommendations from the Phase 1 Final Report of the Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP.

In accordance with the ICANN Bylaw requirements of a supermajority vote, the approval of the IANA Naming Function Review Team (IFRT) recommendation requiring an amendment to the IANA Naming Function Contract was postponed to the March 2021 GNSO Council meeting.

Councilors voted unanimously in support of the Consent Agenda items.

Vote results

Action Items:

- GNSO Staff to inform the EPDP 2A about Philippe Fouquart's appointment as the GNSO Council Liaison and non-objection from the Council for the EPDP Team to appointment a non-EPDP Team member as vice-chair
- GNSO Staff to send the RPM Phase 1 Recommendations Report to Board Ops in preparation for the Board review

Item 4: COUNCIL VOTE - Approval to Initiate a Two-Phased Policy Development Process on the Transfer Policy

Pam Little, GNSO Council Vice Chair, RrSG, seconded by **Carlton Samuels, NomCom Appointee,** submitted a motion to initiate a two-phased PDP to review the Transfer Policy, as recommended in the Final Issue Report.

Whereas,

1. The GNSO Council issued a call for volunteers for a Transfer Policy Review Scoping Team on October 3, 2019. The Scoping Team was tasked with providing recommendations on the approach to a potential review and future policy work related to the Transfer Policy; composition of the review team or PDP working group; and scope of the review;

2. The Transfer Policy Review Scoping Team delivered a Transfer Policy Initial Scoping Paper on April 6, 2020 in which it recommended the GNSO Council instruct ICANN Policy staff to draft a Preliminary Issue Report, outlining, et. , the issues described within the Transfer Policy Initial Scoping Paper;

3. On 24 June 2020 the GNSO Council requested preparation of a Preliminary Issue Report, for delivery as expeditiously as possible, on the issues identified in the Transfer Policy Initial Scoping Paper, to assist in determining whether a PDP or series of PDPs should be initiated regarding changes to the Transfer Policy;

4. On 20 August 2020, the GNSO Council agreed to extend the timeline for delivery of the Issue Report to 10 October 2020;

5. ICANN staff published the Preliminary Issue Report on a Policy Development Process to Review the Transfer Policy for public comment on 12 October 2020, with the public comment forum closing on 30 November 2020;

6. ICANN staff have reviewed the public comments received, published a Report of Public Comments on 14 December 2020 and updated the Issue Report accordingly;

7. The Final Issue Report on a Policy Development Process to Review the Transfer Policy was delivered to the GNSO Council on 12 January 2021;

8. The Final Issue Report includes a recommendation that the GNSO Council proceed with a two-phased Policy Development Process (PDP) that will address the following topic areas in sequence:

- Phase 1(a): Form of Authorization (including Rec. 27, Wave 1 FOA issues) and AuthInfo Codes
- Phase 1(b): Change of Registrant (including Rec. 27, Wave 1 Change of Registrant issues)
- Phase 2: Transfer Emergency Action Contact and reversing inter-registrar transfers, Transfer Dispute Resolution Policy (including Rec. 27, Wave 1 TDRP issues), NACKing transfers, ICANN-approved transfers

9. The General Counsel of ICANN has indicated that the topics recommended for review are properly within the scope of the ICANN policy process and the GNSO.

RESOLVED:

1. The GNSO Council hereby initiates a two-phased PDP to Review the Transfer Policy which will determine if changes to the policy are needed to improve the ease, security, and efficacy of inter-registrar and inter-registrant transfers.

2. The GNSO Council requests that the PDP Working Group be convened as soon as possible after the adoption of the PDP Working Group Charter in order to fulfill the requirements of this PDP.

Philippe Fouquart, GNSO Chair, reminded councilors the work started a year ago by the Transfer Policy Scoping Team. The motion suggests a two-phased, three-item approach.

Pam Little, **GNSO Council Vice Chair, RrSG**, submitter of the motion, provided [background information](#) to the motion and reminded councilors that a pre-recorded [webinar](#) had been circulated to the GNSO Council mailing list ahead of the February meeting. She highlighted that this is the second time the policy is being reviewed, as the first review took place almost 15 years ago. The impetus was also triggered by EPDP Phase 1 Recommendation 27. After receipt of the Final Issue Report, Council now needs to decide whether to initiate a PDP or not. The mission and scope of the PDP is to conduct a holistic Review of the Transfer Policy. She then outlined the sequence of milestones anticipated by the draft charter.

Kurt Pritz, Registry Stakeholder Group (RySG) asked for confirmation as to whether the mission of the PDP was to bring theTransfer Policy and Registrar Accreditation Agreement RRA into line with GDPR and also why the draft charter PDP was broken up into phases. **Pam Little, GNSO Council Vice Chair, RrSG,** replied to his first question that one of the broader goals of the PDP will be to review existing policies and that they serve the purpose as intended. Regarding the phases, it was a result of scoping and taking into consideration PDP3.0 efforts, in particular, ensuring the work is of a manageable size with accurate prioritization.

Greg Dibiase, RrSG, commented on the importance of the PDP, adding that the gaining Form of Authorisation cannot currently be done. Therefore part of the policy was rendered hard to use due to GDPR, here there will be a review of transfers to ensure they are as secure as possible under GDPR.

GNSO Councilors voted unanimously in support of the motion.

[Vote results](#)

Item 5: COUNCIL VOTE - Final Report and Outputs from the New gTLD Subsequent Procedures PDP

Flip Petillion, **Intellectual Property Constituency (IPC)**, seconded by **Kurt Pritz**, **RySG**, submitted a [motion](#) for Council to adopt the [Final Report](#) of the New gTLD Subsequent Procedures Policy Development Process (SubPro PDP).

WHEREAS

1. On 17 December 2015 the GNSO Council resolved to [initiate](#) a PDP to consider and analyze issues discussed in the Final Issue Report on New gTLD Subsequent Procedures (SubPro PDP)

to determine whether changes or adjustments to the existing policy recommendations in the Final Report on the Introduction of New Generic Top-Level Domains from 08 August 2007 are needed.

2. On 21 January 2016 the GNSO Council approved the Charter for the SubPro PDP and directed ICANN staff to issue a call for volunteers for the SubPro PDP Working Group.

3. After initiating a call for community comment in June of 2016 (Community Comment 1), the SubPro PDP divided its work into four Work Tracks culminating in a second call for community comment (Community Comment 2) in March of 2017, that provided an insight into the work of each of the initial four Work Tracks, and asked a series of questions of the community for further consideration.

4. In November of 2017, a fifth Work Track (WT5) was created solely for the purpose of examining the issues related to Geographic Names as the Top Level. In recognition of the broad interest in the topic and to encourage participation from the ICANN community, it was set up to include four WT5 leaders, one each from the GNSO, ccNSO, GAC and At-Large.

5. The SubPro PDP has followed the prescribed PDP steps as stated in the Bylaws, including the publication of the following Reports for public comment:
   a. an Initial Report on 08 July 2018 for public comment.
   b. a Supplemental Initial Report on 30 October 2018, covering certain issues not included in the Initial Report.
   c. a Supplemental Initial Report on Geographic Names at the Top Level on 5 December 2018.
   d. a Draft Final Report on 20 August 2020.

6. On 18 January 2021, the SubPro PDP Working Group submitted its Final Report to the Council for its consideration.

7. On 21 January 2021, the GNSO Council received a high-level briefing of the Final Report by the GNSO Council Liaison to the SubPro PDP Working Group.

8. On 28 January 2021, the GNSO Council Liaison to the SubPro PDP Working Group and its Co-Chairs held a webinar, directed at the GNSO Council, to discuss the Final Report's 41 Topics, which included hundreds of Affirmations, Recommendations and Implementation Guidance (Collectively referred to as "Outputs") in more detail.

9. Each of the Outputs in the following topics obtained a Full Consensus designation (Topics 1, 5, 6, 7, 8, 10, 11, 13, 14, 16, 19, 20, 22, 23, 25, 26, 28, 31, 32, 33, 36, 37, 38, 39, and 40).

10. Each of the following topics received an overall designation of Consensus, with all of the Outputs obtaining at least a Consensus designation (Topics 2, 3, 4, 9, 12, 15, 17, 18, 21, 24, 27, 29, 30, 34, and 41).

11. One Topic obtained a Strong Support but Significant Opposition designation (#35); However, within that one Topic, three of the five Outputs obtained a Consensus designation, and two of the five Outputs, Recommendations 35.2 and 35.4, obtained the designation Strong Support but Significant Opposition.

12. While not seeking to affirm that the status quo prevails in any particular instance, the GNSO Council notes that the Working Group operated under the assumption that, in the event the Working Group was unable to reach consensus in recommending an alternate course of action, the "status quo" should remain in place as a default position, with the status quo consisting of the 2007 policy, the final Applicant Guidebook, and any implementation elements that were put into practice in the 2012 application round.

13. The GNSO Council notes that Topic 23: Closed Generics was identified as an Output category of **No Agreement**, which did achieve Full Consensus. However, the GNSO Council believes No Agreement is functionally equivalent to the designation of Divergence as detailed in the GNSO Working Group Guidelines, meaning that the Working Group was unable to reach consensus in recommending an alternate course of action. The GNSO Council further notes that especially as it relates to Topic 23: Closed Generics, there were diverging interpretations within the Working Group of what constitutes the "status quo".

14. Given the large number of topics and the interdependency of many of the subjects, the SubPro PDP Working Group recommends that all Outputs be considered as one package by the GNSO Council and subsequently the ICANN Board, notwithstanding any Outputs that did not achieve Consensus or Full Consensus.

RESOLVED

1. The GNSO Council approves, and recommends that the ICANN Board adopt, the Affirmations, Recommendations, and Implementation Guidance (Collectively referred to as "Outputs") that were determined to have received either Full Consensus or Consensus designations as documented in the SubPro PDP Working Group's Final Report

2. Recognizing that nearly a decade has passed since the opening of the 2012 round of new gTLDs, the GNSO Council requests that the ICANN Board consider and direct the implementation of the Outputs adopted by the GNSO Council without waiting for any other proposed or ongoing policy work unspecific to New gTLD Subsequent Procedures to conclude, while acknowledging the importance of such work.

3. Further, the GNSO Council requests that the ICANN Board initiate an Operational Design Phase on the Final Report of the SubPro Working Group and its Outputs as soon as possible, to perform an assessment of GNSO Council recommendations in order to provide the Board with relevant operational information to facilitate the Board's determination, in accordance with the Bylaws, on the impact of the operational impact of the implementation of the recommendations, including whether the recommendations are in the best interests of the ICANN community or ICANN.

4. The GNSO Council requests ICANN org to convene an Implementation Review Team to work on the implementation of these Outputs. The Implementation Review Team will be tasked with assisting ICANN org in developing the implementation details for the New gTLD Program, evaluating the proposed implementation of the Outputs as approved by the Board, and working

with ICANN staff to ensure that the resultant implementation conforms to the intent of the approved Outputs. The Implementation Review Team shall operate in accordance with the Implementation Review Team Principles and Guidance approved by the GNSO Council in June 2015.

5. The GNSO Council extends its sincere appreciation to the Co-Chairs, Cheryl Langdon-Orr and Jeffrey Neuman, as well as past Co-Chair Avri Doria, the SubPro PDP Work Track leaders, the SubPro Working Group members and support staff of the SubPro PDP for their tireless efforts these past five years to deliver this Final Report.

Philippe Fouquart , GNSO Chair, reminded councilors that the [Final Report](#) was submitted to Council on 18 January 2021. A briefing followed on the January Council meeting, as well as a webinar after that. Early February, an initial motion was proposed by leadership, with subsequent amendments and revisions to the motion text on recommendations 35.2 and 35.4, as well as resolved clause 1. The amendments were submitted by the seconder, considered friendly by the proposer.

Flip Petillion, **GNSO Council liaison to the SubPro PDP WG,** introduced the motion. He reminded councilors that the Final Report is the result of the work of 5 years by WG members, headed by Jeff Neuman and Cheryl Langdon-Orr. He brought to Council's attention that in the whereas clauses of the motion, there are "affirmations" rather than the distinctions of the term which were made in the Final Report. He pointed out the different outputs and designations (Full Consensus and Consensus for most). The WG leadership took a conservative approach to the designations of the outputs. He however pointed out that for three recommendations, there were particular values of designations: topic 23 (no agreement but consensus on the fact there was no agreement), whereas clause 12 on the status quo of 2012, recommendation of 35.2 and 35.4 (Strong Support with Significant Opposition). The Resolved clauses no longer mention these recommendations.

John McElwaine, IPC, shared a statement from the Intellectual Property Constituency (IPC) on the topic of DNS abuse. The IPC supports as a whole the SubPro Final Report. The IPC was split on one of the recommendations on DNS Abuse. The SubPro WG was tasked with addressing DNS Abuse and determined itself that DNS Abuse should be handled in a holistic manner. DNS Abuse is the most pressing item on the Action Decision Radar, and high on the GAC's list of issues in their communique, ICANN Org is also considering it of high importance. The IPC believes it is high and imperative the GNSO Council look at the issue of DNS Abuse. Not doing so would grant bad actors more time. The IPC believes the security and stability of the Domain Name System will continue to be under attack, a solution needs to be worked on. The IPC asks the Council to begin a PDP on DNS Abuse as soon as possible.

Pam Little, GNSO Council Vice Chair, RrSG, asked about resolved clause 4 and proposed to make a change from "The GNSO Council directs ICANN Org to convene an Implementation Review Team" to "The GNSO Council requests that ICANN Org convene an Implementation Review Team (IRT)". This change was accepted as friendly by both proposer and seconder of the motion.

Jeff Neuman, **GNSO Liaison to the GAC**, shared the GAC's [communication](#) to the GNSO Council on the Final Report. The GAC noted membership is still reviewing the Final Report, but are seeking clarification on aspects of the Final Report in view of GAC input which has not been fully considered: Public Interest Commitments, DNS Abuse mitigation, Safeguards for gTLDs in Highly Regulated Sectors, GAC Early Warnings and Advice, Next Rounds of new gTLDs (costs and benefits of new gTLD rounds), Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets. GAC Leadership intends to hold a preparatory webinar intersessionally on the SubPro PDP WG Final Report and next steps, and further discuss topics of priority to the GAC relative to Subsequent Procedures of New gTLDs at ICANN70.

Maxim Alzoba, RySG, asked Jeff Neuman if he expected the GAC to deliver their consensus-based advice during ICANN70. **Jeff Neuman, GNSO Liaison to the GAC,** replied that the GAC would only be able to pronounce itself during ICANN70 GAC sessions.

Councilors voted unanimously in support of the motion. **Philippe Fouquart, GNSO Chair,** thanked the SubPro WG co-chairs and members for their efforts.

[Vote results](#)

Action item:

- GNSO Staff to develop a recommendations report for the SubPro PDP Final Report for Council's consideration as a consent agenda item during the March 2021 meeting

Item 6: COUNCIL DISCUSSION - Charter for the Transfer Policy PDP

Philippe Fouquart, GNSO Chair, informed councilors that the proposal of the representative model, resources available and timeline had been circulated to the SO/AC Chairs asking for their interest in the effort. The ccNSO will have no representative to put forward. The GAC, ALAC and SSAC indicated that they would have an interest from a registrant's perspective with no representative to put forward at this time. Within the GNSO, the NCSG expressed their support for the initiative but will not have a member to put forward. The RrSG have a strong interest in this, and approve of the representative model, but will have a high number of members interested. The RySG are equally interested but will put forward fewer members.

Pam Little, GNSO Council Vice Chair, RrSG, reminded councilors that now the initiation of the Transfer Policy PDP has just been approved, the next step will be to consider and vote on the draft charter. The draft charter included in the Final Issue Report still has open questions which need resolving prior to the document being ready for a Council vote. The Working Group composition ([slide 23](#)) proposed in the draft charter follows PDP3.0 recommendations. The draft charter is looking at the representative model for its membership structure. It was first used in the EPDP because of the unique nature of the work. It may not

be the best one for the Transfer Policy PDP. There is also an open question about timing, given that two major PDPs have only just wrapped up their work, that EPDP Phase 2A is ongoing, soon to be launched RPM Phase 2 (review of UDRP) as well as Implementation Review Team efforts. This could be a heavy burden on the community as well as ICANN Org staff. The RrSG Chair indicated there would be 8 - 15 people assigned to the effort. The RySG Chair can put forward 2 - 5 people. Ideally, it should not exceed 30 people to allow for the group to function in the representative model.

Kurt Pritz, RySG, mentioned that a group of 30 could be too large for the representative model. He added that it would be preferable that the RrSG group have more members than other groups, given the expertise of the group and the impact the change would have on it.

Pam Little, GNSO Council Vice Chair, RrSG, clarified that the representative model, in this particular context, needs to reflect the diversity which exists even within the RrSG representation, there are very different business models within that very stakeholder group. She asked councilors for assistance in finalising the remaining items: membership structure and timing. **Pam Little, GNSO Council Vice Chair, RrSG,** added that this would help avoid the extra work a Charter Drafting Team would bring to Council.

Kurt Pritz, RySG, highlighted the sense of urgency with which Council should approach this as several registrars were in violation of current policies. He added that a new PDP accompanies a new Form of Authorisation or new law and is therefore too cumbersome. He suggested that a PDP be worded in a more high level manner with mechanisms to tweak or adjust the implementation, to avoid having to create a new PDP each time.

Philippe Fouquart, GNSO Chair, invited councilors to express their interest in joining a Council small team to finalize the charter on the Council mailing list.

Action Item:

- GNSO staff to organize a Council small team to begin finalizing the proposed charter for the Transfer Policy PDP, with a specific focus on the composition of the working group and the timing to start the PDP

Item 7: COUNCIL UPDATE - Update from the Internationalized Domain Names (IDNs) EPDP Charter Drafting Team

Dennis Tan, **Chair of the IDNs EPDP Charter Drafting Team (DT)**, provided an update on the latest activities of the IDNs EPDP Charter DT. There are councilors, RySG, CSG and NCSG members. The main deliverables of the DT are to develop a draft charter along with the EPDP Initiation request. The DT started early January 2021, the initiation request and the draft charter ought to be delivered to Council by May 2021. This is a tentative timeline, but members are keen to stay on track. The DT agreed SubPro recommendations are generally consistent with the Staff Paper and the Technical Study Group (TSG) recommendations, SubPro did not address some of the recommendations from the Staff Paper and TSG.

It was decided the EPDP should not revisit SubPro recommendations, as this would be dealt with in the SubPro IRT which may also address some of the implementation questions of the IDN EPDP. The DT also agreed that the GNSO Council would be likely to adopt all SubPro recommendations which would impact future rounds of new gTLDs and not existing ones. Therefore the charter should pertain to whether SubPro recommendations for future tLDs should be extended to the existing tLDs as well as to the TSG & Staff Paper recommendations not addressed by SubPro.

Maxim Alzoba, RySG, insisted on the importance of the drafting of the charter for the registry world.

Dennis Tan presented the DT framework : when there is a consistent approach between SubPro, TSG and Staff paper, the question needs to be asked whether it's consistent with the existing tLDs. If there is a gap, when there is no SubPro recommendation that corresponds to the Staff Paper/TSG findings the EPDP will address questions about the impact of such recommendation on both the future and existing gTLDs. The SubPro IRT and IDN EPDP will coordinate on addressing implementation issues relating to recommendations consistent with SubPro, Staff Paper and TSG findings. There have been bi-weekly meetings in the ccPDP4 for which GNSO Council appointed Dennis as liaison. The ccPDP4 has been focussing on the Policy proposals for IDN ccTLD String Selection Criteria, Requirements and Processes. The Variant Management subgroup will start in March 2021. The ccNSO will appoint a liaison to the GNSO IDNs EPDP.

Kurt Pritz, RySG, asked about the risks in different policy outcomes between the ccNSO and the GNSO parallel work efforts which could confuse registrants.

Dennis Tan replied that the issues in variant tLDS fundamental questions between who controls and has operational control of them. If you deem two tLDs are the same, it ought to be the registry operator who has the control. It can also work at the second level. There are differences though in practices in the gTLD and ccTLD world to register tLD variants (emojis cannot be registered in gTLDs, but you can in ccTLDs) which can create confusion amongst registrants.

Philippe Fouquart, GNSO Chair, thanked Dennis Tan for his presentation.

Item 8: ANY OTHER BUSINESS

8.1 - EPDP-P2A Project and Work Plan commitment

The EPDP P2A began in January 2021, focussing on the legal vs natural persons distinction and the feasibility of unique contacts. The EPDP initiated an EPDP P2A Legal sub-team chaired by Becky Burr, proposed definitions for consideration of liability issues for contracted parties as well as identifying policy questions. The work is driven through the Legal sub-team. Council may expect a request from the EPDP to extend the project and the timeline. End of May is planned for the Initial Report, prior to that Keith Drazek, EPDP P2A Chair will provide an update to Council. **Maxim Alzoba, RySG,** stated that as the

efforts of this phase were initially time-limited, if no progress was made, the Council would need to take action after the update from the Chair.

8.2 - Update from the GNSO Council liaison to the GAC, including his discussion with the GAC point of contact, Jorge Cancio

Jeffrey Neuman, GNSO Council Liaison to the GAC, : A month ago, the GAC appointed Jorge Cancio as GAC point of contact for the calendar year. This is a new position and covers the GNSO rather than the GNSO Council. Jorge and Jeff are meeting monthly, scheduled around GNSO Council meetings. Discussion will revolve around GAC issues, and increased dialogue and collaboration.

8.3 - ICANN70 GNSO sessions and agenda topics for bilateral sessions (ccNSO, GAC, ICANN Board)

Philippe Fouquart, GNSO Chair, reminded councilors of the three scheduled meetings with the ccNSO, GAC and ICANN Board. For the meeting with the ccNSO, topics of discussion already raised are: IDNs, SubPro, cooperation between SCBO and SOPC on the ICANN budget, EC regulation and NIS 2 Directive and Digital Services Act, Empowered Community. **Sebastien Ducos**, **GNSO liaison to the ccNSO, RySG,** invited IDN EPDP DT colleagues to join the session to share their expertise. For the meeting with GAC, Jeff Neuman will liaise with Jorge Cancio. For the meeting with the ICANN Board, topics SSAD and Operational Design Phase (ODP), SubPro ODP.

Mark Datysgeld, BC, added that there had been discussion on the chat about DNS Abuse and would encourage the topic to be added to the GNSO Council agenda for a future meeting.

Philippe Fouquart, GNSO Chair, *adjourned the meeting at 21:02 UTC on Thursday 18 February 2021*