

Minutes of the GNSO Council Meeting 24 March 2021

[Agenda](#) and [Documents](#)

Coordinated Universal Time: 17:30 UTC: <https://tinyurl.com/2dc33d7k>

10:30 Los Angeles; 13:30 Washington; 17:30 London; 18:30 Paris; 20:30 Moscow; (Thursday) 04:30 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 ICANN70 GNSO Council meeting.

1.2 - Updates to Statements of Interest.

There were no updates to the Statements of Interest.

1.3 - Review / Amend Agenda

The agenda was accepted 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 21 January 2021 were posted on 4 February 2021.

[Minutes](#) of the GNSO Council meeting on 18 February 2021 were posted on 4 March 2021.

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

2.1 - The review of the [Projects List](#) and [Action Item List](#)

In the interest of time, this item was not discussed during this session.

Item 3: Consent Agenda

There was one item on the Consent Agenda for the GNSO Council to confirm.

- Confirmation of the [Recommendations Report](#) to the ICANN Board regarding adoption of relevant Outputs from the New gTLD Subsequent Procedures PDP.

Flip Petillion, Intellectual Property Constituency (IPC) councilor, thanked staff and leadership for having accepted his amendments to the document. **Kurt Pritz, Registry Stakeholder Group (RySG) councilor, communicated** that there was concern that the Final Report was not incorporated into the Recommendations Report, and that there was a chance the Board would misconstrue the Recommendations Report as the Final Report. **Jeff Neuman, GNSO Liaison to the GAC**, stressed the importance for the GAC to comment on the Board implementations on the Final Report and not on the Recommendations Report.

After discussion amongst councilors regarding the timing of the sending of the Recommendations Report, it was decided that the document be sent as soon as feasible to ICANN Board along with the Final Report.

Councilors voted in support of the Consent Agenda item.

[Vote results](#)

Action Items:

- GNSO Secretariat to transmit the SubPro PDP Recommendations Report and the Final Report to ICANN Board Ops

Item 4: COUNCIL VOTE - IANA Naming Functions Contract Amendment

Pam Little, GNSO Council Vice Chair, Registrar Stakeholder Group (RrSG), seconded by **Tomslin Samme-Nlar, Non Commercial Stakeholder Group (NCSG) councilor**, submitted a [motion](#) to approve the Internet Assigned Numbers Authority (IANA) Naming Function Review Team (IFRT) Recommendation 4.

Whereas,

1. On 16 September 2018, the first IANA Function Review (IFR) was convened by the ICANN Board, in compliance with Article 18 of the ICANN Bylaws. The IFR Team (IFRT) [published](#) its Initial Report for public comment on 08 October 2020.
2. The IFRT developed four recommendations, with Recommendation 4 suggesting an amendment to the IANA Naming Function Contract. The IFRT followed the Bylaws required steps regarding contract amendment recommendations found in Section 18.6, which include consultation with the ICANN Board, consultation with the Customer Standing Committee, conducting a public input session for ccTLD and gTLD registry operators, and to conduct a [public comment](#) proceeding on the amendment.
3. Pursuant to the ICANN Bylaws Section 18.6 (b)(i), IFR Recommendations requiring a contract amendment must be approved by a supermajority vote of the ccNSO Council and GNSO Councils.

Resolved,

1. The GNSO Council approves Recommendation 4 contained in the IFR Final Report, which recommends that Article VII, Section 7.1 (a) of the IANA Naming Function contract be amended to remove this statement, "The relevant policies under which the changes are made shall be noted within each monthly report" be removed from the IANA Naming Function contract.
2. The GNSO Council requests the GNSO Secretariat to communicate this decision to the Co-Chairs of the IFRT and relevant ICANN staff accordingly.

Philippe Fouquart, GNSO Chair, reminded councilors that this item was previously on the Consent Agenda but given the voting threshold to meet, was removed and placed on today's meeting agenda.

Pam Little, GNSO Council Vice Chair, RrSG, clarified that the motion was to approve a recommendation from the IFRT to amend the IANA Naming Function contract provision.

Tomslin Samme Nlar, NCSG, seconder of the motion, provided further background. The IFRT had four recommendations, recommendation four requires approval from both GNSO and ccNSO Councils. The ccNSO has already provided their vote. The IFRT is expecting the GNSO to vote also. The recommendation proposes to remove a language in one of the contact provisions. During the review, the IFRT found that too many documents to take into account were very high-level, and did not contain guidance on how Public Technical Identifiers (PTI) should actually make changes to the root file and the root zone database, This has made it hard for PTI since the transition to draw a line to a specific policy. Neither the GNSO nor the ccNSO have developed any policy specific to IANA functions.

GNSO Councilors voted unanimously in support of the motion.

[Vote results](#)

Action items:

- GNSO Secretariat to communicate the Council approval for IFR Final Report Recommendation 4 to amend the IANA Naming Functions Contract to the Co-Chairs of the IFRT and relevant ICANN staff accordingly

Item 5: COUNCIL VOTE - Charter for the Transfer Policy PDP

Pam Little, GNSO Council Vice Chair, RrSG, seconded by **Maxim Alzoba, RySG**, submitted a [motion](#) for Council to approve the [Charter](#) for the PDP on the Transfer Policy. .

Whereas,

1. On 12 January 2021, the GNSO Council received the Final Issue Report on a Policy Development Process (PDP) to Review the Transfer Policy. The Final Issue Report included a Draft Charter that incorporated a number of [PDP 3.0 Improvements](#). It also sets out proposed scope of work and recommends a working group structure based on a “[representative model](#)”.
2. On 8 February, the GNSO Chair sought input from the chairs of all ICANN Supporting Organisations, Advisory Committees, Stakeholder Groups and Constituencies regarding the proposed membership model, the number of representatives from their community group and timing for launch the proposed PDP.
3. On 18 February 2021, the GNSO Council passed a [resolution](#) to initiate 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. During the 18 February 2021 meeting, the Council discussed the Draft Charter and decided to form a small group of Councilors to finalize the Charter, with a focus on the working group membership model and composition.

4. On 24 February 2021 and 4 March 2021, the Council small team discussed the input received from community groups and considerations such as expertise and technical knowledge of the Transfer Policy, interest in the topic and impact of PDP outcome.

5. On 12 March 2021, the Council small group completed its work and submitted a final version of the Charter of the PDP to Review the Transfer Policy to the full GNSO Council.

RESOLVED:

1. The GNSO Council approves the Charter of the PDP to Review the Transfer Policy.
2. The GNSO Council directs staff to: (a) communicate the results of this motion to the GNSO SG/Cs as well as ICANN SO/ACs and invite them to identify members and alternates for the working group following the working group composition described in the Charter; (b) initiate a call for expressions of interest seeking interested candidates to chair the PDP to Review the Transfer Policy.

Philippe Fouquart, GNSO Chair, reminded councilors of the background of the motion: after the Council's decision to launch a new PDP during the February Council meeting, a Council small team was formed to further work on the draft charter. The charter includes a representative model for membership to strike a balance in participation without affecting the consensus call.

Pam Little, GNSO Council Vice Chair, RrSG, submitter of the [motion](#), confirmed the council small team was formed after the last Council meeting, A draft charter having been attached to the Final issue Report, the small team essentially focused on the membership structure of the Working Group, and language around consensus designation. A previous proposal on membership structure was amended taking into account feedback from Council: The Contracted Party House (CPH) have the bulk of members with Advisory Committees (ACs) and other Stakeholder Groups (SGs) and Constituencies (Cs) having lower allocated membership slots, The Charter also states that consensus designation will not be affected by numbers and groups with smaller numbers should not be disadvantaged for the purposes of assessing consensus designation by the Chair in accordance with Section 3.6 of the Working Group Guidelines.

Philippe Fouquart, GNSO Chair, confirmed all SOs, ACs, SGs and Cs had been contacted ahead of the finalised charter work to better understand their requests and resource availability.

Jeffrey Neuman, GNSO Liaison to the GAC, raised that the GAC had requested three members for the group, when ACs had been allocated two members each.

Philippe Fouquart, GNSO Chair, clarified that this decision was based on the degree of participation within the GNSO and the ability to commit to a certain number of community members. It was decided that two was a good trade-off in the light of the group size needing to be reasonably small.

John McElwaine, IPC, requested further details on the rationale for the imbalance of the membership structure weighing in favour of the Contracted Party House (CPH). **Philippe Fouquart, GNSO Chair**, explained that registrars will be most impacted by the Transfer Policy with different business models and that the necessary expertise comes from the CPH. On the question of the impact on the end-user, this is why other groups also have their place in the working group. **Pam Little, GNSO Council Vice Chair, RrSG**, added that the reason behind the composition was the size of the overall group, the needed expertise and knowledge, the potential impact the outcome would have on registrars' operations and business and to some extent the registrants. The latter's perspective would be informed by the Non Contracted Party House (NCPH) participants. It was also mainly decided in light of input from the SOs, ACs, SGs, Cs **Philippe Fouquart, GNSO Chair**, reached out to at the beginning of the small team's work. **Greg DiBiase, RrSG**, added that there is also diversity within the registrars who are directly impacted by the policy.

Councilors voted in support of the motion.

[Vote results](#)

Philippe Fouquart, GNSO Chair, raised the need for a GNSO Council Liaison to the Transfer Policy PDP. **Greg DiBiase, RrSG**, volunteered to take on the role.

Action items:

- GNSO Secretariat to communicate the GNSO Council approval of the Transfer Policy PDP Charter to the GNSO SG/Cs as well as ICANN SO/ACs
- GNSO Support Staff to follow up with GNSO Councilors regarding the proposed appointment of Greg D. as the GNSO Council Liaison to the Transfer Policy PDP, with the aim to confirm his appointment by the 22 April 2021 Council meeting (as a consent agenda item)
- GNSO Support Staff to initiate a call for volunteers for the Transfer Policy PDP Working Group by inviting SG/Cs and SO/ACs to identify members and alternates following the working group composition described in the Charter
- GNSO Support Staff to initiate a call for EOI for the Transfer Policy PDP Chair position

Item 6: COUNCIL DISCUSSION - Nominating Committee Outreach Subcommittee Outreach

Wolfgang Kleinwaechter, from the Nominating Committee (NomCom) Outreach Subcommittee, [introduced](#) the leading positions the NomCom would be seeking to fill during 2021, amongst which two for the GNSO Council. Wolfgang also shared the NomCom Outreach effort which is reaching out to the community in a search for suitable candidates to the open positions. The two members of the GNSO

Council will be representing the CPH and the NCPH respectively. Councilors are encouraged to provide feedback on candidate profile criteria. The final decision will be made in July 2021.

Adetola Sogbesan, from the NomCom Outreach Subcommittee, mentioned the deadline for input was extended to allow the NomCom Outreach SubCommittee make the most of ICANN70 exchanges.

Current deadline is 29 March 2021.

Philippe Fouquart, GNSO Chair, thanked both Wolfgang and Adetola for their participation.

Action Item: None

Item 7: COUNCIL DISCUSSION - Status Update Regarding EPDP Phase 2A

Tatiana Tropina, GNSO Council Vice Chair, NCSG, reminded councilors in October 2020, the GNSO Council approved the initiation of the EPDP Phase 2A to examine legal vs natural and feasibility of unique contacts. It was decided that after three months, the EPDP Phase 2A Chair would report back on progress.

Philippe Fouquart, in his role as Liaison to the EPDP Phase 2A, informed Councilors that the remit of the EPDP Phase 2A from the start was to be limited in scope and in duration.

Keith Drazek, EPDP Phase 2A Chair, thanked Council for the warm welcome and [presented](#) an update to the Council. During the chartering effort, there was recognition that all topics had been addressed in EPDP Phase 1 and EPDP Phase 2 work. They were considered priority issues but were not on the critical path to SSAD, and thus needed further review. Today's update is to inform Council about a possible consensus, or path to consensus for the group. Keith noted EPDP Phase 2A team started with a slow beginning to the group's work given the previous year had been difficult but the team, along with the EPDP Legal Committee, made a lot of progress on finalizing questions and submitting them to Bird & Bird, whose feedback is expected in the next couple of weeks. There could be a possibility the EPDP P2A team reach consensus on guidelines for registrars who choose to differentiate between legal and natural. The group has gathered around a proposal for guidelines for concerned registrars, but it is premature to assess whether consensus will be found on new consensus policy recommendations. The EPDP team continues to work on the topic of unique identifiers, further feedback from Bird & Bird will be essential. On the current timeline, there will be an Initial Report finalised at the end of May 2021 after a consensus call, with the delivery of the Final Report by August 2021, factoring in the various Public Comment periods. The team will be able therefore to provide a clear indication on next steps to Council ahead of the 21 May 2021 meeting. If there is no consensus on the Initial Report, there will be no sense in continuing the work towards the Final Report.

Maxim Alzoba, RySG, stressed the three-month timeframe was needed to discuss if consensus was reached. After finishing this part of the team's work, a review of what went wrong could be necessary.

Keith Drazek, EPDP P2A Chair, agreed that there had been prior discussion on the topics, and the three month period was to be closed with an update from the Chair. The assessment is therefore that there is the possibility of consensus but it is premature to predict more before the feedback from Bird & Bird. He acknowledged the amount of work the community is facing is heavy, but that it is worth continuing the EPDP Phase 2A team's efforts at least until May 2021.

Philippe Fouquart, GNSO Chair, confirmed the team had made significant progress over the past weeks, but that the decision in May was going to be key. **Keith Drazek, EPDP P2A Chair**, agreed and added that the EPDP Phase 2A team was not requesting a Project Change Request (PCR), but that the group should be allowed to continue on its timeline.

John McElwaine, IPC, appreciated learning about the opportunity for the EPDP Phase 2A team to come up with certain elements and acknowledged the difficulty in reaching consensus. He asked for further clarification on which and how many recommendations were currently being worked on. **Keith Drazek, EPDP P2A Chair**, responded that his expectation would be a recommendation on each of the topics being worked on.

Pam Little, GNSO Council Vice Chair, RrSG, recognized the difficulty caused by the pandemic, but also raised that the uncertainty surrounding the chance of the group reaching consensus was not reassuring. She asked if in the event that once the legal advice is received and deliberations ensue, **Keith Drazek**, realises there is no chance of consensus prior to the May GNSO Council meeting, he communicates it instantly to Council. **Keith Drazek, EPDP P2A Chair**, agreed and will proceed via the GNSO Council Liaison, Philippe Fouquart.

Action Item: None

Item 8: Council discussion - Debrief of the Consultation with the ICANN Board on the Financial Sustainability of the SSAD

Tatiana Tropina, GNSO Council Vice Chair, NCSG, reminded councilors the small team of councilors drafted a response to the Board on the Financial Sustainability, but that editing was still ongoing. However, there is still a lack of consensus on how to ask the Board to handle the considerations of financial sustainability concerns. To move forward, the meeting with the Board is on the 1 April 2021, and the Board will kick off the Operational Design Phase on the 25 March 2021 (the day after this Council meeting), there are several options: the small team members reach out to each other to achieve consensus rapidly mainly on sustainability, they iron out editorial details, if consensus cannot be reached the letter can be converted into talking points with the Board for the meeting on 1 April 2021.

Kurt Pritz, RySG, mentioned that there can be three outcomes to the Board consideration of cost and benefit analysis: the SSAD is sustainable and the Board comes back to the GNSO Council for next steps, the SSAD is not feasible and sustainable and the Board rejects Council recommendations. In the last two possibilities, there would be consultation between the Board and the Council. All three possibilities are acceptable, the key is for the analysis to be led in a transparent way.

Pam Little, GNSO Council Vice Chair, RrSG, added that if the Board chooses to reject the recommendations, the Bylaws require the Board send a statement to the Council explaining the rejection. The current draft letter needs to clarify what the GNSO Council would want the Board to do. Council has already advised the Board to proceed with caution, and the Board is proceeding with the Operational Design Phase (ODP) which will assess impact on ICANN org as well as those aspects raised in the Council's previous letter to the Board.

Maxim Alzoba, RySG, asked if given that the ODP will be an important part of the equation, it would be helpful to ask ICANN about the current design of the ODP, based on community feedback, specifically on the ODP flow.

Philippe Fouquart, GNSO Chair, reminded councilors that the deadline to provide feedback on the letter is 26 March 2021.

Philippe Fouquart, GNSO Chair, announced the scheduling of an Extraordinary GNSO Council meeting on April 8th 2021 to work in depth on the remaining items: EPDP rec 7 wave 1.5 report & next steps, Accuracy Briefing document from ICANN Org, the potential feedback to provide on SSAC114 on Subsequent Procedures and the Framework for Continuous Improvement. Another item on the agenda will be DNS Abuse.

Pam Little, GNSO Council Vice Chair, RrSG, as a preparation for the Extraordinary Council meeting encouraged councilors to read the wave 1.5 report which covers two topics: the proxy and privacy implementation issue and the translation and transliteration policy implementation. The other document to read is the Accuracy Briefing document which must also be discussed with councilors' various groups prior to the Extraordinary Council meeting. According to the [Action Decision Radar](#), there are many items to be worked on by the Council.

Tatiana Tropina, GNSO Council Vice Chair, NCSG, added that the GNSO Framework for Continuous Improvement document should be read and at the very least shared with councilors' community groups as Council is expecting feedback.

Action Item:

- GNSO Councilors to prepare a specific set of clarifying questions regarding the Financial Sustainability of the SSAD (e.g., what does the cost-benefit analysis mean) to be discussed during the Council-Board joint meeting on 1 April. Council leadership to inform the GNSO Council

about the change of plan (i.e., not to send the letter to the Board but to ask the clarifying/outstanding questions during the joint meeting)

Item 9: COUNCIL UPDATE - EPDP Phase 1 Rec 27 (Wave 1.5)

In the interest of time, this agenda item will be discussed during the Extraordinary GNSO Council meeting scheduled on the 8th April 2021.

Action Item:

- GNSO Councilors to review Wave 1.5 report prior to the Extraordinary Meeting on 8 April 2021

Item 10: COUNCIL DISCUSSION - Introduction to the Briefing Paper on Accuracy Requirements and Programs from ICANN's Global Domains and Strategy (GDS)

In the interest of time, this agenda item will be discussed during the Extraordinary GNSO Council meeting scheduled on the 8th April 2021.

Action Item:

- GNSO Councilors to review GDS's Briefing Paper on Accuracy Requirements and Programs prior to the Extraordinary Meeting on 8 April 2021 and consider a list of questions for discussion during the Extraordinary Meeting

Item 11: COUNCIL DISCUSSION - GNSO Council Consideration of SAC114

In the interest of time, this agenda item will be discussed during the Extraordinary GNSO Council meeting scheduled on the 8th April 2021.

Item 12: COUNCIL DISCUSSION - GNSO Framework for Continuous Improvement

In the interest of time, this agenda item will be discussed during the Extraordinary GNSO Council meeting scheduled on the 8th April 2021. The councillors were reminded to review the document and to reach out to their stakeholder groups and constituencies for review and input.

Item 13: Any other business - Open Mic

Several community members took part in the Open Mic session and raised the following points:

- It would be preferable to hold the GNSO Council meeting with the option of increased participation of the community.
- It is important to add the New gTLDs Subsequent Procedures Final Report to the Recommendation Reports communication to the ICANN Board as the Final Report contains additional essential information.
- Clarification is needed regarding the timing of sending of PDP Final Reports to the Board especially in light of possible Board reconsiderations.

Philippe Fouquart, GNSO Chair, adjourned the meeting at 19:32 UTC on Wednesday 24 March 2021