

Minutes of the GNSO Council Meeting 21 July 2022

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

GNSO Council meeting held 05:00 UTC: <https://tinyurl.com/mpz43kc2>.

(Wednesday) 22:00 Los Angeles; 01:00 Washington DC; 06:00 London; 07:00 Paris; 08:00 Moscow;
15:00 Melbourne

List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Theo Geurts, Greg DiBiase,

gTLD Registries Stakeholder Group: Maxim Alzoba (apologies, proxy to Kurt Pritz), Kurt Pritz, Sebastien Ducos,

Nominating Committee Appointee (NCA): Desiree Miloshevic

Non-Contracted Parties House

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

Non Commercial Stakeholder Group (NCSG) Manju Chen, Wisdom Donkor, Farrell Folly, Stephanie Perrin, Juan Manuel Rojas, Tomslin Samme-Nlar,

Nominating Committee Appointee (NCA): Paul McGrady

GNSO Council Liaisons/Observers:

Justine Chew – ALAC Liaison

Jeffrey Neuman– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

Guest speakers: none

ICANN Staff

David Olive – Senior Vice President, Policy Development Support and Managing Manager, ICANN

Regional - apologies

Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement - apologies

Marika Konings - Vice President Policy Development Support

Julie Hedlund – Policy Development Support Director

Steve Chan – Senior Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Senior Manager

Ariel Liang – Policy Senior Specialist

Caitlin Tubergen – Policy Director - apologies

Terri Agnew - Operations Support, Lead Administrator

Nathalie Peregrine – Manager, Operations GNSO

[Zoom recording](#)

[Transcript](#)

Item 1. Administrative Matters

1.1 - Roll Call

1.2 - Statements of Interest

There were no updates to the Statements of Interest.

1.3 - Review / Amend Agenda

Philippe Fouquart, GNSO Chair, noted item 4 on the GNSO Guidance Process will be a discussion item and no longer a voting item.

1.4 - Note the status of minutes for the previous Council meetings per the GNSO Operating Procedures:

[Minutes](#) of the GNSO Council meeting on 19 May 2022 were posted on 03 June 2022.

[Minutes](#) of the GNSO Council meeting on 15 June 2022 were posted on 01 July 2022.

Item 2. Opening Remarks / Review of Projects and Action List: no time allocated for the July agenda

Item 3. Consent Agenda:

- Appointment of Sebastien Ducos as the replacement for Heather Forrest as the GNSO representative on the ICANN Fellowship Selection Committee.
- Confirmation of the [Recommendations Report](#) to the ICANN Board regarding adoption of recommendations 1-5 contained in the [Final Report](#) from the EPDP on Specific Curative Rights Protections for IGOs.

All councilors present on the call voted in favor of the Consent Agenda items.

[Vote results](#)

Action items:

- On behalf of the GNSO Council, the GNSO Secretariat notifies the staff supporting the ICANN Fellowship Selection Committee that the Council has appointed Sebastien Ducos as the replacement for Heather Forrest as the GNSO representative on the Committee.
- On behalf of the GNSO Council, the GNSO Secretariat thanks Heather Forrest for her service on the Fellowship Selection Committee and Sebastien Ducos for stepping into the role of the GNSO representative on the Committee on an interim basis.
- On behalf of the GNSO Council leadership, the GNSO Secretariat notifies the Support Staff of the ICANN Board of Directors of the GNSO Council's confirmation of the Recommendations Report to the ICANN Board regarding adoption of recommendations 1-5 contained in the Final Report from the EPDP on Specific Curative Rights Protections for IGOs.
- GNSO Council Chair to send a note to the ICANN Board of Directors offering to brief the Board on the Recommendations Report to ensure the opportunity for dialogue and to help inform the Board's consideration of the PDP recommendations.

Item 4. COUNCIL VOTE - Initiation of the GNSO Guidance Process on Applicant Support

Philippe Fouquart, GNSO Chair, seconded by **Sebastien Ducos, GNSO Council Vice Chair, Registry Stakeholder Group (RySG)**, submitted the [motion](#) to initiate the GNSO Guidance Process on Applicant Support.

Whereas,

1. In February 2021, the GNSO Council approved the consensus Affirmations, Recommendations, and Implementation Guidance (collectively referred to as "Outputs") of the New gTLD Subsequent Procedures (SubPro) PDP.
2. In September 2021, the ICANN Board directed the ICANN org to organize the resources required to begin work on an Operational Design Phase (ODP) and the ODP launched on 3 January 2022.
3. The ICANN org ODP Team identified a concern related to the Applicant Support topic, where the SubPro Final Report envisioned that a dedicated Implementation Review Team (IRT) would be responsible for performing substantive work; the ODP Team [submitted a set of questions](#) to the GNSO Council, asking whether the work required to implement Applicant Support may be beyond the scope envisioned for IRTs.
4. The GNSO Council [responded](#) to the ODP Team, communicating that it would explore avenues to perform work as envisaged by the SubPro Final Report.
5. The GNSO Council discussed and agreed that the GNSO Guidance Process (GGP) would serve as an appropriate mechanism in order to provide additional guidance to support eventual implementation efforts.
6. The GNSO Council further agreed that the GGP should be limited to the single topic of Applicant support, with an allowance to add additional scope to the GGP subject to Council vote.
7. On 13 July 2022, the [GGP Initiation Request](#) was submitted to the GNSO Council.

Resolved,

1. The GNSO Council approves the GNSO Guidance Process Initiation Request and initiates the GGP.
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 for the Steering Group following the Steering Group composition described in the initiation request;
 - b. communicate the results of this motion to the ICANN Org GDS Team and invite them to identify at least one (1) staff liaison for the Steering Group; and
 - c. launch a call for expressions of interest seeking interested candidates to Chair the Steering Group.

This item, after discussion on the mailing list, was removed as a voting item and replaced as a discussion item. Both the framework and the scope of the work were discussed in the Hague, and agreement on a narrow remit was reached. The model was to allow for extensibility with more items being added as necessary. Tasks would be structured with all implementation guidance from the SubPro Final Report, with other items being taken out. Regarding the working group structure, there would be a 20+10 model plus the Chair, with the possibility of adding Subject Matter Experts. It would adhere to the GNSO Operating Procedures, with a timeline to be left to the working group.

Justine Chew, ALAC Liaison to the GNSO, said that there was no mention of a nominating group changing their representatives in due course, which would be practical given the possibility of extensibility of the items the group would consider.

Philippe Fouquart, GNSO Chair, agreed this would be a good addition to the text.

Kurt Pritz, RySG, went through the changes he proposed on the mailing list. Rather than a steering committee, a more flexible approach would be preferable. The group could be configured with the right skillset to set itself for success. The implementation advice of the SubPro report mentioned the group did not have the required skill set. This does not hinder representation, but focuses on success. There would be no exclusion of any group, if anything, reaching out to other groups would guarantee a broader search for expertise. The goal of the small team with ICANN org would be to reach out to experts; the mechanisms can be refined at a later stage.

Flip Petillion, IPC, agreed with the approach, but asked to discuss it further with the IPC.

Marie Pattullo, BC, expressed support for the GGP and for its application to the question of applicant support. Her concern lies in the oversight group which would then be tasked with seeking experts. Given this oversight group would lack expertise and would focus only on procedure, in which way would it differ from the Council? The small group should be tighter, with SubPro experts and process guides, maybe selected by the SSC?

Kurt Pritz, RySG, agreed that if the group was flexible, timelines wouldn't be impacted negatively. With the small team approach, the first task would be to augment their skills with experts on applicant support.

Manju Chen, NCSG, asked about the small team composition recruitment process for the group of experts. All working groups have got charters tailored to their needs.

Justine Chew, ALAC Liaison to the GNSO, agreed that flexibility was key with a narrow focus on applicant support. She expressed support for the group to welcome non-GNSO members. She asked for confirmation that the experts were not making policy, but the oversight group would be, upon input from the experts.

Jeff Neuman, GNSO Liaison to the GAC, told councilors that a small group of people worked on the proposal which originally had only ten people on the steering committee, like a small SSC, with some expertise on SubPro. Then there was the need for two people from each group with alternates, and the group numbers expanded. The steering committee was never meant to do the work itself, but direct the work and the search for experts.

Tomslin Samme Nlar, NCSG, spoke in support of a smaller team which is community led. He raised concerns about who would actually be responsible for making policy decisions, preferably the steering committee rather than the experts.

Flip Petillion, IPC, raised concerns about timing, and that re-inventing the wheel was not a constructive use of Council's time.

Philippe Fouquart, GNSO Chair, confirmed that all final decisions would be made by Council once the small group referred back to it. He also confirmed that some degree of representation needed to be

preserved as well as flexibility. There will be work done on sizing down the group and the mechanisms for the workstream type effort.

Action Items:

- The vote on the motion is deferred until the 25 August 2022 GNSO Council meeting.
- In the GGP Initiation Request Method of Operation structure Staff to revise the document to:
 - make it clear that groups can replace their representatives if desired; and
 - Reduce the size of the Steering Group.

Item 5. COUNCIL DISCUSSION - Policy Status Report for the Expired Domain Deletion Policy and the Expired Registration Recovery Policy - Next Steps

There are two Policy Status Reports (PSR) on Expired Domain Deletion Policy (EDDP) and Expired Registration Recovery Policy (ERRP) which were deferred in November 2020 for 18 months. Options are to continue the deferral or to request the PSRs.

Tomslin Samme Nlar, GNSO Council Vice Chair, NCSG, confirmed there was another option of a limited analysis, and not a full PSR, for Council to better understand how to move forward. The Council could review ICANN Compliance data for example.

Marika Konings, ICANN org, raised that there is an expectation that Council reviews policies it has adopted. This does not mean a new PDP needs to be initiated. Reviewing data from Compliance could be sufficient. Contracted parties may raise if there are issues with both policies, but from a staff perspective, there does not seem to be any.

Theo Geurts, RrSG, mentioned that RrSG had not discussed this yet. His personal opinion was that both policies worked fine, but certain aspects could be improved upon, however this would not warrant a complete overhaul. He would come back to Council after conferring with the RrSG.

Philippe Fouquart, GNSO Chair, added that asking ICANN Compliance to review the data, would be helpful as a first step.

Tomslin Samme Nlar, GNSO Council Vice Chair, NCSG, agreed that collecting data from ICANN Compliance and information from the RrSG would be the best step forward.

Action Item:

- The Registrar Stakeholder Group any data they may have concerning any issues relating to the Expired Domain Deletion Policy (EDDP) and the Expired Registration Recovery Policy (ERRP); and
- ICANN Compliance for data and/or an update on expiration-related complaints relating to the EDDP and the ERRP.

Item 6. COUNCIL DISCUSSION - GNSO PDP Improvements Tracker - Review of Format

This was discussed during the ICANN74 Council Wrap Up session. The conversation focused on the [format](#): impact and difficulty of implementing changes ranging from easy to complicated. **Marika Konings, ICANN org**, provided further information. Next steps would be diving into the substantive

review of improvements with Council and stakeholder group and constituency chairs. The implementation is straightforward, but certain items may need more work. There is inter-linkage between certain items and certain audiences. There were six questions flagged with initial input received during the conversation. Does this format provide sufficient information? The impact feature has been added since the Wrap Up. A survey could be helpful to organize prioritization of items. Where should the tool be hosted?

John McElwaine, IPC, mentioned that the SubPro question sets are very difficult to respond to for councilors overall, and would have been better sent to the Working Group when in process, rather than during the ODP, as Council is not the best recipient. Adding these to the process would be helpful.

Marika Konings, ICANN org, replied that the review of the ODP has been identified. The next step is to start collecting experiences and issues now for when the formal review of the ODP commences. Some form of ODP could maybe start towards the end of the PDP, and not after it ends, to better inform Council. **Philippe Fouquart, GNSO Chair**, agreed with the anticipation of ODP efforts during the work of the PDP. He added that identifying the proper set of people to answer subsequent questions from the ODP should also be worked on. The wiki could be an ideal support for the PDP tracker.

Action Item:

- Staff support to make the PDP Improvements Tracker available on the wiki and to work with Council leadership on planning substantive review of improvements and next steps identified.

Item 7. COUNCIL DISCUSSION - Council Commitments Document

Sebastien Ducos, GNSO Council Vice Chair, RySG, presented the [updated Council Commitments Document](#).

There were no comments raised on the call. By the document and motion deadline for the August Council meeting, if there are no objections, it will be submitted to the vote on the Consent Agenda for adoption.

Action Item:

- GNSO Council leadership to finalize the Council Commitments document based on input received by 15 August 2022 for consideration by the Council at the 25 August meeting.

Item 8: ANY OTHER BUSINESS

8.1 – Last call for input on the Council's [response](#) to SubPro Question Set #4

Jeff Neuman, GNSO Liaison to the GAC, requested 7 days for Question Set #4, and 14 days for Question Set #5.

Action Items: GNSO Councilors to provide input on the list, if any, in one week (by Wednesday, 27 July) for SubPro Question Set #4 and in two weeks (by Wednesday, 03 August) for Question Set #5.

8.2 – ICANN75 Planning

Terri Agnew, ICANN org, gave a broad overview of the [draft GNSO ICANN75 schedule](#).

8.3 – GNSO liaison to the GAC - Scope of Council review of the GAC Communiqué

Jeff Neuman, GNSO Liaison to the GAC, reminded councilors that the GNSO Council usually provides a response to GAC Advice within the Communiqué. However there are other items of interest for Council outside of GAC Advice. A member of the ICANN Board mentioned to Jeff Neuman that having the GNSO input known could be helpful. This would not need to be in the format of the official response to the Communiqué.

Manju Chen, NCSG, disagreed with Jeff Neuman, and preferred to receive a formal request from the Board to Council.

This could be clarified during the bilateral GNSO Council & ICANN Board meeting.

Philippe Fouquart, GNSO Chair, added that Jeff has agreed to continue in his role as GNSO Liaison to the GAC; he has reached out to GAC leadership who also expressed support for Jeff continuing in the role. He asked for

Manju Chen, NCSG, raised concerns about Jeff's role as GNSO Liaison to the GAC and his role as GNSO Liaison to the SubPro ODP. She suggested opening the GAC Liaison position in the interest of separating the roles, and expressed no criticism of Jeff, whose work she praised.

Desiree Miloshevic, NCA, supported the GNSO Liaison to the GAC role having term limits.

Jeff Neuman, GNSO Liaison to the GAC, agreed with term limits. He added that the SubPro ODP had a much shorter timeline initially, so the overlap was meant to be minimal.

Philippe Fouquart, GNSO Chair, mentioned that any decision on the role would need to be taken in collaboration with the GAC and that the discussion should not reflect negatively on Jeff. Further input would be gathered on the Council mailing list.

Action items:

- The GNSO Council to discuss on the list in relation to the GNSO Liaison to the GAC the suggestion to incorporate term limits. See the GNSO Liaison to the GAC role description at: <https://gns0.icann.org/en/council/request-liaison-gac-23sep21-en.pdf>.
- The GNSO Council should consider and provide input as soon as possible on whether the current liaison should continue in the role of GNSO Liaison to the GAC and possible conflict with the SubPro Liaison role.

8.4 - Update on the GNSO Council's Strategic Planning Session (SPS).

Marika Konings, ICANN org, provided an introduction to the SPS which will take place in LA, on the 14, 15, December 2022.

Action Items: Council members to communicate by 12 August at the latest whether they are planning to attend the SPS in person. Council members to respond to the SPS input survey as soon as possible.

Philippe Fouquart, GNSO Chair, adjourned the meeting at 07:02 UTC.

The next GNSO Council meeting will take place on Thursday 25 August 2022.