Minutes of the GNSO Council Meeting 13 July 2017

Agenda and Documents

Coordinated Universal Time: 21:00 UTC: http://tinyurl.com/ydfg7c6q
14:00 Los Angeles; 17:00 Washington; 22:00 London; (Friday 14 July) 00:00 Istanbul; 07:00 Hobart

The meeting started at: 21:02 UTC

List of attendees:
NCA – Non-Voting – Erika Mann (Absent – apology sent)
Contracted Parties House
Registrar Stakeholder Group: James Bladel, Michele Neylon, Darcy Southwell
gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl
Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Philip Corwin, Susan Kawaguchi, Wolf-Ulrich Knoben, Tony Harris (left 1 hour 20 minutes into the call, Proxy given to Wolf-Ulrich Knoben), Paul McGrady, Heather Forrest
Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Stefania Milan (Absent-apology sent, Proxy to Marilia Maciel but since no show proxy then given to Martin Silva Valent) Ed Morris (Absent-apology sent, temporary Alternate Avri Dori), Avri Dori, Marilia Maciel (Absent), Rafik Dammak, (on call but due to audio issue gave proxy to Stephanie Perrin)
Nominating Committee Appointee (NCA): Julf (Johan) Helsingius
 GNSO Council Liaisons/Observers: Cheryl Langdon-Orr– ALAC Liaison Ben Fuller - ccNSO Observer Carlos Raul Gutierrez– GNSO liaison to the GAC
Invited Guest: Jeff Neuman – Co-Chair of the New gTLD Subsequent Procedures PDP WG

ICANN Staff David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (Absent-apology sent)
Marika Konings – Vice President, Policy Development Support - GNSO
Mary Wong – Senior Director, Special Adviser for Strategic Policy Planning
Julie Hedlund – Policy Director
Steve Chan - Senior Policy Manager, Policy Development Support
Amr Elsadr – Policy Manager
Berry Cobb – Policy consultant
Emily Barabas – Policy Analyst
Mike Brennan – Technical Support
Sara Caplis – Technical Support
Terri Agnew - Secretariat Services Coordinator, GNSO
Michelle DeSmyter – Secretariat Services Coordinator GNSO / GDD

MP3 Recording
Adobe Chat Transcript
Transcript

Item 1: Administrative matters

1.1 – Roll call

1.2 – Updates to Statements of Interest

There were no updates to Statements of Interest.

1.3 – Review/amend agenda
The agenda was adopted without further changes.

1.4 –The draft minutes of the meeting of the GNSO Council on 28 June 2017 were circulated on 10th July 2017 and will be posted on 20th July 2017.

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

2.1 – Review focus areas and provide updates on specific key themes / topics, to include review of Projects List and Action List.

Updates were provided regarding the Policy Development Process Working Groups (PDP WGs) and respective implementation phases as well as the Cross Community Working Group on the Use of TLDs for Country and Territory Names.
A meeting will be held among the GNSO Council leadership to review applicants to the PDP Leadership Travel Support Pilot Program.

Item 3. Consent Agenda (5 mins)
3.1 – Confirmation of James Bladel as the GNSO Representative to the Empowered Community Administration
Following the adoption of the recommendations of the GNSO Standing Selection Committee during ICANN60, the GNSO Council leadership met and agreed that James Bladel would serve as the GNSO representative to the Empowered Community Administration until the end of his term at ICANN61.

Whereas,

1.The GNSO Council confirmed in September 2016 that the GNSO Chair (currently James Bladel) will represent the GNSO as the Decisional Participant on the Empowered Community Administration on an interim basis and subsequently requested the GNSO Standing Selection Committee (SSC) to develop the criteria and the process for the selection of the GNSO Representative to the Empowered Community Administration for GNSO Council consideration by its June 2017 meeting.

 2.The GNSO Council adopted the proposed process and criteria for the selection of the GNSO representative to the Empowered Community Administration during its meeting on 28 June 2017.

3.The GNSO Council leadership team subsequently met to agree who from the Council leadership should perform the role of GNSO representative to the Empowered Community Administration and communicated this decision to the Council mailing list on [include date].

Resolved,

1.The GNSO Council hereby confirms that James Bladel, GNSO Chair will represent the GNSO as the Decisional Participant on the Empowered Community Administration on until the end of his term at ICANN60.

2.The GNSO representative shall act solely as directed by the GNSO Council in accordance with the ICANN Bylaws and other related GNSO Operating Procedures.

3.The GNSO Council requests the GNSO Secretariat to communicate this decision to the ICANN Secretary which will serve as the required written certification from the GNSO Chair designating the individual who shall represent the Decisional Participant on the EC Administration.

The motion was passed unanimously by those present on the call.

Vote results

Action Item:
- GNSO Secretariat to communicate this decision to the ICANN Secretary which will serve as the required written certification from the GNSO Chair designating the individual who shall represent the Decisional Participant on the EC Administration

Item 4: COUNCIL VOTE – Proposed Fundamental Bylaw Changes

James Bladel seconded by **Donna Austin** proposed a motion outlining the proposed fundamental Bylaw changes sent to the Empowered Community by the Board. The GNSO, as Decisional Participant, is to decide to adopt or deny the proposal.

WHEREAS, on 1 October 2016 the revised ICANN Bylaws went into effect, creating a new Empowered Community mechanism by which ICANN's Supporting Organizations and Advisory Committees can organize under California law to legally enforce the community powers described in the Bylaws (https://www.icann.org/resources/pages/governance/bylaws-en);

WHEREAS, one of these new community powers is the right to approve amendments to ICANN's Fundamental Bylaws;

WHEREAS, on 23 May 2017 and as required under the ICANN Bylaws, the ICANN Secretary notified the Empowered Community that on 18 May 2017 the ICANN Board had approved an amendment to Section 4.2 of the ICANN Bylaws, which is one of ICANN's Fundamental Bylaws (https://www.icann.org/en/system/files/correspondence/jeffrey-to-eca-23may17-en.pdf);

WHEREAS the Secretary's Notice thereby triggered the Empowered Community Approval Action Process that is documented in Article 1, Annex D of the ICANN Bylaws (https://www.icann.org/resources/pages/governance/bylaws-en/#annexD)

WHEREAS, on 24 May 2017 and pursuant to Section 1.3(a) of Article 1, Annex D, the Empowered Community Administration requested that ICANN convene a Community Forum during which the five Decisional Participants that comprise the Empowered Community as well as interested participants can discuss the proposed Fundamental Bylaw amendment (https://www.icann.org/en/system/files/correspondence/deerhake-to-jeffrey-24mar17-en.pdf);

WHEREAS, the Community Forum was held on 27 June 2017 during the ICANN59 Public Meeting in Johannesburg, South Africa (http://sched.co/B3ou); and

WHEREAS, during the Approval Action Decision Period that follows immediately on the expiration of the Community Forum Period on 29 June 2017, each of the five Decisional Participants in the Empowered Community (including the GNSO) have twenty-one (21) days (ending at 06.59 UTC on 21 July 2017) to decide whether to support or object to the Fundamental Bylaw amendment, or abstain from the matter;

RESOLVED:

1. The GNSO Council votes to approve the amendment to Section 4.2 of the ICANN Bylaws, being an amendment to an ICANN Fundamental Bylaw, as detailed in the Board resolution of 18 May 2017 (https://www.icann.org/resources/board-material/resolutions-2017-05-18-en#1.c).

2. The GNSO Council directs the GNSO Secretariat to forward this resolution to the Empowered Community Administration before the expiration of the Approval Action Decision Period, as required under Section 1.4, Article 1, Annex D of the ICANN Bylaws.

3. The GNSO Council directs James Bladel, the GNSO's interim representative to the Empowered Community Administration, to coordinate with the other four Decisional Participant representatives to ensure that the Empowered Community Administration observes and completes the appropriate process outlined in Section 1.4(b) and (c), Annex D.

The motion was passed unanimously by those present on the call.

Vote results

Action items:
- GNSO Secretariat to forward the adopted resolution to the Empowered Community Administration before the expiration of the Approval Action Decision Period, as required under Section 1.4, Article 1, Annex D of the ICANN Bylaws.

- James Bladel, the GNSO's representative to the Empowered Community Administration, to coordinate with the other four Decisional Participant representatives to ensure that the Empowered Community Administration observes and completes the appropriate process outlined in Section 1.4(b) and (c), Annex D.

Item 5: PLACEHOLDER COUNCIL VOTE – Petition for a Rejection Action of the FY18 Operating Plan and Budget

Councilors were formally asked if they were holding a petition from their stakeholder groups, constituencies or Excoms on behalf of any of their groups to reject the fiscal year 2018 budget and if they would like the GNSO to consider that petition. Councilors were also reminded that other Supporting Organizations (SO) and Advisory Committees (AC) could also provide petitions. If this were the case, a GNSO Council meeting would be scheduled on the 20 July 2017.
No petition was put forward at that time.

Item 6. COUNCIL VOTE – Approval of GNSO Council Review of the GAC Communiqué from Johannesburg

James Bladel submitted a motion regarding the GNSO Council Review of the GAC Communiqué from ICANN59, Johannesburg, for Council approval.

Whereas,

1. The Governmental Advisory Committee advises the ICANN Board on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements. It usually does so as part of a Communiqué, which is published towards the end of every ICANN meeting.
2. The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.
3. The GNSO has expressed a desire to provide feedback to the ICANN Board on issues in the GAC Communiqué as these relate to generic top-level domains to inform the ICANN Board as well as the broader community of past, present or future gTLD policy activities that may directly or indirectly relate to advice provided by the GAC.
4. The GNSO hopes that the input provided through its review of the GAC Communiqué will further enhance the co-ordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.

Resolved,

1. The GNSO Council adopts the GNSO Review of Johannesburg GAC Communiqué (see [include link]) and requests that the GNSO Council Chair communicate the GNSO Review of the Johannesburg GAC Communiqué to the ICANN Board.
2. The GNSO Council requests that the GNSO Council Chair also informs the GAC Chair of the communication between the GNSO Council and the ICANN Board.

Discussions were held regarding the GNSO Council response to the IGO issues which were the main topic of the GAC Communique. The possibility of the GNSO Council further discussing the IGO INGO Curative Rights Protection Mechanisms Policy Development Process (PDP) Working Group's (WG) recommendations in light of the GAC Advice and other input with ICANN Board was raised.

The discussion then focused on the mention of geographic names which appeared in the communique but not in the advice itself, and whether the GNSO Council should respond to them to further confirm that geographic names issues for new gTLDs are of the concern of the GNSO and in particular the New gTLD Subsequent Procedures PDP WG Work Track 5.

In order to give councilors the time to review the GNSO Council response, and edit it accordingly to the discussions held during the meeting, this **motion was deferred** to electronic ballot.

Action items:
- Volunteers to revise response to GAC Communique and circulate revised draft to the Council as soon as possible. Volunteers include: Paul, James, Jeff Neuman (if allowed), Rubens, Heather (sanity check), Phil, Darcy, possibly Stephanie (to convey Avri's views), and Carlos. Volunteers to consider input received in relation to Geo Names section as well as IGO section, including offering the opportunity to detail IGO/INGO CRP recommendations with the ICANN Board prior to a vote being taken to provide details how small group, IGO comments factored into Final Report and recommendations.
- GNSO Leadership to provide 7-day notice of e-vote to approve response to GAC Communique

Item 7: COUNCIL Vote – Next steps in relation to Charter for the Cross Community Working Group on Internet Governance (CCWG IG)

Keith Drazek, seconded by **James Bladel**, submitted a motion with the aim of creating a structure and a process for allowing the GNSO as a chartering organization to work with the other chartering organizations to find an appropriate successor structure for the CCWG IG.

WHEREAS:

1. The GNSO Council adopted the charter for a Cross Community Working Group to discuss Internet governance (CCWG-IG) issues affecting ICANN and make recommendations to the chartering organizations on these issues on 15 October 2014, and as such became a Chartering Organization.
2. The GNSO Council adopted the "Uniform Framework of Principles and Recommendations for Cross Community Working Groups" (CCWG Framework) in October 2016. The CCWG Framework details the lifecycle of a CCWG including initiation, operation, decision-making, and closure, and the GNSO Council has observed that the CCWG-IG, whose formation predated the adoption of the CCWG Framework, does not follow this lifecycle or some of the principles outlined in the CCWG Framework.
3. The GNSO Council recognizes the importance of a continued discussion of the topic of Internet governance within an ICANN context, and the continued participation by the GNSO in this discussion.
4. The GNSO Council has shared its concerns with the ccNSO Council and representatives of other SO/ACs on the current scope of the CCWG-IG and the appropriate vehicle through which ICANN SO/ACs may continue to participate in Internet governance discussions within the ICANN context.
5. During its meeting on 7 November 2016, the GNSO Council confirmed it would continue to participate as a Chartering Organization for the CCWG-IG. However, this participation was conditioned upon a comprehensive review of the CCWG-IG Charter by the CCWG-IG, in accordance with the CCWG Framework, including the possibility that another vehicle may be more suitable for cross community discussions on the topic of Internet governance (http://gnso.icann.org/en/drafts/uniform-framework-principles-recommendations-16sep16-en.pdf).
6. On 11 March 2017, the CCWG-IG submitted a revised charter to the GNSO Council (https://mm.icann.org/pipermail/council/2017-March/019819.html) for its consideration.
7. The GNSO Council reviewed the charter and discussed it during a number of meetings as well as in its meetings with the ccNSO Council. These discussions highlighted remaining concerns over the group's compliance with the CCWG Framework as well as its accountability vis-à-vis the Chartering Organizations.
8. During ICANN 59 in Johannesburg, the CCWG-IG held a face-to-face meeting that included members of the ICANN Board's Internet Governance Committee. There was discussion about the future of the group, challenges with the ongoing nature of Internet Governance, and the constraints imposed by the community-developed requirements for CCWG structures. Members from multiple SOs and ACs recognized the challenges and generally agreed that a CCWG is not a required vehicle for the important and legitimate work of the group, provided the group is able to continue its engagement with adequate ICANN support and resources and there is no gap between the retirement of the CCWG-IG and the establishment of its successor.

Resolved,

1.   The GNSO Council expresses its gratitude to the CCWG-IG for its work in ensuring that discussions on Internet governance take place within the ICANN context.
2.   The GNSO Council emphasizes that it fully recognizes the importance of the continued involvement of the ICANN community in Internet governance-related activities that are appropriate to ICANN's mission.
3.   The GNSO Council requests that members of the CCWG-IG and others interested parties come together to explore a framework / model that more fully addresses the concerns that have been expressed by the GNSO Council, and submit this framework / model to the GNSO Council for its consideration by ICANN60.
4.   To facilitate the work as requested under Resolved clause #3, allowing for a reasonable time to coordinate with other SOs and ACs to develop a new structure, and to ensure there is no gap between the retirement of the CCWG-IC and the establishment of its successor group, the GNSO Council shall withdraw as a Chartering Organization from the CCWG-IG effective at the conclusion of ICANN 60 in Abu Dhabi.
5.   The GNSO Council emphasizes that its planned withdrawal as a Chartering Organization from the CCWG-IG reflects solely the Council's conclusion that, based on the reports it has received from the CCWG-IG, a CCWG is not an appropriate vehicle for the CCWG-IG's work, and the GNSO Council's decision on this narrow point is not intended to prevent any GNSO community members who have been participating in the CCWG-IG from continuing to participate in the group's activities should they decide to do so.
6.   The GNSO Council requests that the GNSO Secretariat communicate this decision to the CCWG-IG and the other Chartering Organizations.

Avri Doria, temporary alternate for Edward Morris, requested a deferral of the motion on behalf of the NCSG to allow for time to discuss friendly amendments. Paul McGrady, on behalf of the IPC, also supported the request for a deferral.

The motion was deferred.

Vote results

Action items:
- GNSO leadership to add this item to the Council agenda for August meeting.
- All Council members to provide input and proposed amendments to the motions as soon as possible so that discussion can continue on the mailing list ahead of the meeting.

Item 8. COUNCIL DISCUSSION – Possible Change to the Name of the GNSO

In the interest of time, this agenda item was postponed until the next GNSO Council meeting.

Action item:
- GNSO Council leadership to add this item to the Council agenda for August meeting

Item 9: COUNCIL DISCUSSION – Cross Community Working Group on the Use of Country and Territory Names (CCWG UCTN)

Heather Forrest updated the councilors with the developments taking place regarding the next steps for the CCWG UCTN after having published its final report. The ccNSO and GAC both expressed disagreement at the remaining work to be handled by the GNSO New gTLD Subsequent Procedures PDP WG.
Jeff Neuman, co-chair of the GNSO New gTLD Subsequent Procedures PDP WG reminded the GNSO Council that the GNSO Council approved charter of the WG specifically stated that it is to consider any of the findings of the CCWG on the Use of Country and Territory Names.

It was decided, because of the previous fast track process to implement IDN ccTLDs the GAC and ccNSO had initially had access to, which could explain the reticence to see the work handed over to the GNSO, to ask the ccNSO directly for input on the matter.

Action items:
- Council members to consider drafting Motion before ICANN60 on this topic.
- Ben Fuller to solicit input from ccNSO on this topic and provide feedback to the GNSO Council

Item 10: COUNCIL DISCUSSION – PLANNING FOR ICANN60

Councilors will receive the draft GNSO Schedule for input, once it has been reviewed by GNSO Council leadership. They were also reminded of the deadline of the 21 July 2017 for submission of topics for the Cross-Community discussions of ICANN60.

Item 11: ANY OTHER BUSINESS

The New gTLD Subsequent Procedures PDP WG co-chairs provided an update to the Council regarding the next steps of the WG for collaborating with the community to address geographic names at the top-level. Avri Doria and Jeff Neuman will send invitation letters out to the Chairs of the GNSO, the ccNSO, At-Large and the GAC to nominate one community member to serve as co-chair on Work Track 5 with the aim of starting the work in early September 2017.It was then clarified that the co-chair would not need to be a current member of the PDP WG. In the GNSO's case, this appointment would therefore be of the remit of the GNSO Selection Standing Committee (SSC).

James Bladel, GNSO Council Chair, adjourned the GNSO Council meeting and thanked everyone for participating.
The meeting was adjourned at 01:07 UTC, Friday 14 July 2017

The next GNSO Council Meeting will take place on 24 August 2017 at 12:00 UTC
For other places see: http://tinyurl.com/y8tmfkkd