**GNSO Open Council Meeting in Nairobi Minutes 10 March 2010**

The meeting started at 05:10 UTC

Stephane van Gelder - GNSO Vice-Chair chaired the meeting.

**List of attendees:**

Andrei Kolesnikov NCA – Non Voting

**Contracted Parties House**

Registrar Stakeholder Group: Stéphane van Gelder chaired the meeting, Tim Ruiz - remote participation

Adrian Kinderis - absent, apologies

gTLD Registries Stakeholder Group: Chuck Gomes, Caroline Greer, Edmon Chung - remote participation

Nominating Committee Appointee (NCA): Terry Davis - absent with apologies

**Non-Contracted Parties House**

Commercial Stakeholder Group (CSG): Wolf-Ulrich Knoben, Jaime Wagne, Zahid Jamil, .

Kristina Rosette, Mike Rodenbaugh, David Taylor - remote participation

Non Commercial Stakeholder Group (NCSG): Rafik Dammak, Debra Hughes, Wendy Seltzer, William Drake, Mary Wong

Rosemary Sinclair - absent, apologies

Nominating Committee Appointee (NCA): Olga Cavalli - remote participation

GNSO Council Liaisons/Observers

Alan Greenberg – ALAC Liaison

Han Chuan Lee – ccNSO Observer - remote participation

**ICANN Staff**

Kurt Pritz - Senior Vice President, Services

David Olive - Vice President, Policy Development

Liz Gasster - Senior Policy Counselor, ICANN Policy Support

Margie Milam - Senior Policy Counselor

Marika Konings - Policy Director

Rob Hoggarth - Senior Policy Director

Glen de Saint Géry - GNSO Secretariat

**For detailed meeting information please refer to:**

**Audio links**

http://audio.icann.org/meetings/nairobi2010/gnso-open-council-1-10mar10-en.mp3

http://audio.icann.org/meetings/nairobi2010/gnso-open-council-2-10mar10-en.mp3

http://audio.icann.org/meetings/nairobi2010/gnso-open-council-3-10mar10-en.mp3

**Chat Room Transcript**

http://nbo.icann.org/meetings/nairobi2010/transcript-chat-gnso-open-coucil-meeting-10mar10-en.pdf

**Transcript**

<http://nbo.icann.org/meetings/nairobi2010/transcript-gnso-council-meeting10mar10-en.pdf>

**Item 1: Administrative Items**

1.2 Update any Statements of Interest

No updates

1 3 Review/amend the agenda

No changes

1.4. Note the status of minutes for the following Council meeting per the new Council Operating Procedures:  
• 18 February meeting – Approved on 1 March 2010

http://gnso.icann.org/meetings/minutes-council-18feb10-en.htm

**Item 2: Vertical Integration (VI) Policy Development Process (PDP)**

**Stéphane van Gelder,** seconded by **Mary Wong** proposed the motion to approve the Vertical Integration (VI) Charter as amended by **Caroline Greer** and **Tim Ruiz**

Whereas, on 28 January 2010, the GNSO Council approved a policy development process (PDP) on the topic of vertical integration between registries and registrars;  
Whereas, the GNSO Council created a drafting team for the purposes of drafting a charter to fulfill the requirements of the PDP; and,

Whereas the drafting team completed its work and presented its charter proposal to the GNSO Council on Friday Feb 26, 2010.

Whereas, the GNSO Council has reviewed the proposed charter to guide the working group in its PDP activities;

NOW THEREFORE, BE IT:

Resolved, that the GNSO Council approves the following charter:

http://gnso.icann.org/issues/vertical-integration/vi-chartered-objectives-10mar10-en.pdf

Resolved further, that the GNSO Council appoints Stephane van Gelder to be the GNSO Council Liaison to the Vertical Integration Working group (VI WG).

Resolved further, that the GNSO Council directs that a working group be formed to perform the work of the VI WG, and that the VI WG shall initiate its activities within 14 days after the approval of this motion. Until such time as the WG can select a chair and that chair can be confirmed by the GNSO Council, the GNSO Council Liaison shall act as interim chair.

Resolved further, that the WG is directed to develop a version of objective 5 and to recommend it to the Council within three weeks for either (a) Council approval of the WG-recommended Objective 5 or (b)Council vote on which version of Objective 5 (as reflected in the draft Charter of March 10, 2010) should apply.

**Resolution passed unanimously by voice vote of all Council members present.**

Rosemary Sinclair, Adrian Kinderis and Terry Davis absent.  
  
**AMENDMENTS**

1. **The Internet Service Providers and Connectivity Providers Constituency offered the following amendment: (text in brackets)**

Objective 5: Using all information that has been collected by ICANN to date, determine – (by imposing strict limitations on the amount of information to be collected in order to avoid harm on objective 6)- the possible effects of potential changes to the current restrictions and/or practices concerning registry-registrar separation and equivalent, non-discriminatory access contained in the options set out in DAGv3 and changes considered by ICANN staff on (a) the retail and wholesale markets for domain names and (b) on consumers of domain names.

**The amendment did not carry.**

Contracted Parties House

**Two votes against**: Stephane van Gelder, Tim Ruiz,   
**Three Abstentions:** Chuck Gomes, Caroline Greer, Edmon Chung.

Terry Davis, Adrian Kinderis - absent

**Reason for the abstentions:** The Registry Stakeholder Group councillors did not have the time to consult with all the stakeholder group members regarding the amendment.

**Non-Contracted Parties House**

**Two Votes in favour:** Wolf-Ulrich Knoben, Jaime Wagner.

**Nine votes against:** Zahid Jamil, Mike Rodenbaugh, Kristina Rosette, David Taylor, Debra Hughes, Rafik Dammak, Bill Drake, Mary Wong, Wendy Seltzer.

Olga Cavalli - offline

Absent - Apologies: Rosemary Sinclair - NCSG Adrian Kinderis - RRSG, Terry Davis - NCA

1. **Tim Ruiz proposed an amendment to the charter:   
   Strike the definition for "Relationship between VI and CO."**

**The amendment did not carry.**

**Contracted Parties House**  
**Six votes in favour**: Stephane van Gelder, Tim Ruiz, Caroline Greer, Edmon Chung, Chuck Gomes,

Terry Davis, Adrian Kinderis - absent - apologies

**Non-Contracted Parties House**

**Eight Votes against:** Wolf-Ulrich Knoben, Jaime Wagner, Debra Hughes, Rafik Dammak, Bill Drake, Mary Wong, Wendy Seltzer, Olga Cavalli.

**Four votes in favour**: Kristina Rosette David Taylor, Zahid Jamil, Mike Rodenbaugh

Absent - Apologies: Rosemary Sinclair - NCSG

1. **Tim Ruiz proposed a friendly amendment to the motion to add the following resolve:**

Resolved further, that the WG is directed to develop a version of objective 5 and to recommend it to the Council within three weeks for either (a) Council approval of the WG-recommended Objective 5 or (b) Council vote on which version of Objective 5 (as reflected in the draft Charter of March 10, 2010) should apply.

**The amendment carried unanimously by roll call vote of all present.**

Absent, apologies: Terry Davis, Adrian Kinderis, Rosemary Sinclair.

**Stephane van Gelder was selected as Council liaison.**

**Item 3: GNSO Improvements**

**Marika Konings**, Staff support to the Working Group, provided an update on the GNSO Working Group Guidelines

http://nbo.icann.org/meetings/nairobi2010/presentation-wg-guidelines-10mar10-en.pdf

as well as an update on the Operations Steering Committee Estimated Completion Dates for GNSO Council Operations work team, Constituency/Stakeholder Group work team and Communications and Coordination work team in the absence of Julie Hedlund.

http://gnso.icann.org/meetings/notes-council-10mar10-en.htm

**Chuck Gomes**, seconded by **Wolf-Ulrich Knoben** proposed a motion for the extension of the Operating Steering Committee (OSC) and the Policy Process Steering Committee (PPSC)

Whereas in October 2008, the GNSO Council established a framework for implementing the various GNSO Improvements identified and approved by the ICANN Board of Directors (see - GNSO Council Improvements Implementation Plan)

http://www.icann.org/en/topics/gnso-improvements/gnso-improvements-implementation-plan-16oct08.pdf;

Whereas that framework included the formation of two Steering Committees - the Operations Steering Committee and the Policy Process Steering Committee - to charter and coordinate the efforts of five community work teams designed to develop specific recommendations to implement specific aspects of the improvements;

Whereas the Council intended the charters of the committees (and their attendant work teams) to be temporary and not to extend beyond the 2009 annual ICANN meeting without specific action by the Council;

Whereas the Council extended the terms of those committees until the Nairobi ICANN meeting ("the end of ICANN's first general meeting in 2010") to allow the GNSO community implementation recommendations work to continue (see - 24 sept motions);

Whereas the Council acknowledges the hard work of those work teams and notes that those committees and their teams are diligently continuing their work;

RESOLVED, The Council extends the terms of the Operations Steering Committee and the Policy Process Steering Committee and their respective work teams as necessary through the end of the 2010 ICANN annual meeting. The Council directs each work team chair by the end of the Brussels ICANN meeting to identify the specific targets and benchmarks for completing their work and to be prepared to conclude their work as soon as possible but not later than the 2010 ICANN annual meeting.

The specific expectations, targets and benchmarks for each team should be shared with the appropriate Steering Committee Chair and the Council by 15 April 2010.

**Resolution passed unanimously by voice vote of all Council members present.**

Rosemary Sinclair, Adrian Kinderis and Terry Davis absent.

**Item 4: Board Seat 13 Election Confirmation**

**Chuck Gomes**, seconded by **Stephane van Gelder** proposed the motion to confirm the Board Seat #13 election and results

Whereas, the ICANN Bylaws specify that the GNSO has the right to select two individuals to serve on the ICANN Board, commonly referred to as Board Seats 13 and 14;

Whereas, under the Bylaws, the Contracted Parties House of the GNSO Council selects the individual to fill Board Seat 13, and the Non-Contracted Parties House selects the individual to fill Board Seat 14;

Whereas, on 28 January 2010, the GNSO Council approved the process proposed by the Contracted Party House to select a representative to fill Board Seat 13 for the 2010 election, and amended its Operating Procedures to include that process (see - http://gnso.icann.org/meetings/minutes-council-28jan10-en.htm);

Whereas the Contracted Parties House of the GNSO Council has utilized that process to select Bruce Tonkin to serve as the Board member for Seat 13;

RESOLVED, The GNSO Council acknowledges the selection of Bruce Tonkin by the Contracted Parties House to fill ICANN Board Seat 13 and directs the GNSO Secretariat to make the necessary notifications to the Board and the community.

**Resolution passed unanimously by roll call vote (17) and 3 absentee ballots. (Adrian Kinderis, Terry Davis, Rosemary Sinclair)**

**Item 5: New gTLD Implementation Issues**

**Kurt Pritz** noted that questions from **Chuck Gomes** would be dealt with in the Public Forum and further clarification would be sought for **Kristina Rosette's** question on the identification of Board members who did not participate in the February 4 Board discussion on Vertical Integration on the grounds of a conflict of interest .

**Item 6: GNSO endorsements of Affirmation of Commitments (AoC) Review Team volunteers**

**Bill Drake** provided an update on the endorsement process for review team volunteers

(http://gnso.icann.org/drafts/gnso-endorsement-nominees-process-proposal-10feb10-en.pdf)

and stated that on 15 March the Council would vote on the final list of GNSO proposed candidates.

(http://gnso.icann.org/aoc-reviews/)

**Item 7: Registration Abuse Policy (RAP) WG Draft Report**

**Greg Aaron**, via remote participation, provided an overview of Registration Abuse Policies working group draft report recommendations

http://nbo.icann.org/meetings/nairobi2010/presentation-rap-wg-10mar10-en.pdf

and reminded the audience that the public comment period is open until 28 March 2010.

**Item 8: Whois Studies**

**Liz Gasster** provided an update on Whois Studies.

http://nbo.icann.org/meetings/nairobi2010/presentation-update-gnso-requested-whois-studies-06mar10-en.pdf

**Item 9: Prioritization of GNSO work**

**Jaime Wagner** provided a status report on the work prioritisation model for the GNSO .

http://nbo.icann.org/meetings/nairobi2010/presentation-wpm-team-update-10mar10-en.pdf

**Item 10: Open Microphone**

The GNSO Secretariat committed to circulate the Registrants Rights Charter available on the Wiki.

There were no further comments or questions.

**Stephane van Gelder** adjourned the GNSO Open Council meeting and thanked everyone for their participation.

The meeting was adjourned at 12:10 local time (09:10 UTC).

Next GNSO Council teleconference will be on Thursday, 1 April 2010 at 20:00 UTC.

See: Calendar  
http://gnso.icann.org/calendar/