Final GNSO Council Agenda 24 January 2019

Please note that all documents referenced in the agenda have been gathered on a Wiki page for convenience and easier access:https://community.icann.org/x/JIoWBg
This agenda was established according to the GNSO Operating Procedures v3.3, updated on 30 January 2018
For convenience:
- An excerpt of the ICANN Bylaws defining the voting thresholds is provided in Appendix 1 at the end of this agenda.
- An excerpt from the Council Operating Procedures defining the absentee voting procedures is provided in Appendix 2 at the end of this agenda.

Coordinated Universal Time: 22:00 UTC: https://tinyurl.com/ybxpm8s3
14:00 Los Angeles; 17:00 Washington; 22:00 London; (Friday) 03:00 Islamabad; 07:00 Tokyo; 09:00 Melbourne

GNSO Council Meeting Audio Cast
Listen in browser: http://stream.icann.org:8000/stream01
Listen in application such as iTunes: http://stream.icann.org:8000/stream01.m3u

Councilors should notify the GNSO Secretariat in advance if they will not be able to attend and/or need a dial out call.
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Item 1: Administrative Matters (5 mins)
1.1 - Roll Call
1.2 - Updates to Statements of Interest
1.3 - Review / Amend Agenda
1.4 - Note the status of minutes for the previous Council meetings per the GNSO Operating Procedures:
Minutes of the GNSO Council meeting on the 29 November 2018 were posted on the 13 December 2018
Minutes of the GNSO COuncil meeting on the 20 December 2018 were posted on the 7 January 2019

Item 2: Opening Remarks / Review of Projects & Action List (15 minutes)
2.1 - Review focus areas and provide updates on specific key themes / topics, to include review of Projects List and Action Item List

Item 3: Consent Agenda (5 minutes)
- Confirmation of Jonathan Frost as one of the GNSO appointees to the CCWG Auction Proceeds

Item 4: COUNCIL DISCUSSION - Review of Public Comment Drafts (15 minutes)

The GNSO Council elects to respond to a limited number of public comment proceedings, particularly those that are relevant to the Council's principal role as manager of the gTLD Policy Development Process. Accordingly, there are several ICANN Public comment proceedings that the Council will submit a public comment:

- [ICANN Draft FY20 Operating Plan and Budget and Five-Year Operating Plan Update](#) (8 February 2019. Prepared by the Standing Committee on ICANN's Budget and Operations for Council consideration): Draft response [INSERT LINK]
- [ICANN Strategic Plan for Fiscal Years 2021 – 2025](#) (11 February 2019 close date. Prepared by the Standing Committee on ICANN's Budget and Operations for Council consideration): Draft response [INSERT LINK]
- [Update Operating Standards for Specific Reviews](#) (11 February close date): Draft response [INSERT LINK]

Here, the Council will determine if there are any objections to the draft language and if applicable, determine how to resolve those objections. In the event draft text is not yet available, the main themes for the response may be discussed.

4.1 – Update (Council leadership)

4.2 – Council discussion

4.3 – Next steps

Item 5: COUNCIL DISCUSSION – Temporary Specification for Registration Data Expedited Policy Development Process - Recurring Update (15 minutes)

On 19 July 2018, the GNSO Council [resolved](#) to initiate the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data and adopt the EPDP Team [Charter](#). Given the challenging timeline for the EPDP and the GNSO Council's role in managing the PDP process, the Council has agreed that including a recurring update on the EPDP for each Council meeting is prudent.

Here, the Council will receive an update from the GNSO Council liaison to the EPDP.

5.1 – Update (Rafik Dammak, GNSO Council liaison to the EPDP and EPDP vice-chair)

5.2 – Council discussion

5.3 – Next steps

Item 6: COUNCIL DISCUSSION – Managing the EPDP Implementation Gap and Back-up Plans (20 minutes)

In connection with the previous agenda item, on 14 November 2018, Cherine Chalaby, the Chair of the ICANN Board of Directors, sent a [letter](#) to Keith Drazek, Chair of the GNSO, submitting questions

regarding the status of the EPDP. Two specific areas from the letter where the Board is seeking an update are:

- **Deadlines** - *The Board notes that the EPDP team intends to issue its initial report by 19 November 2018, with a final report to be submitted to the GNSO Council by 1 February 2019. Does the GNSO Council foresee any risks of these deadlines not being met, and if so, is there anything the Board can do to Help?*
- **Back-up Plans** - *The Board recommends the development of back-up plans and would very much appreciate getting a better understanding of any such plans the GNSO Council may be contemplating. More specifically, what are the thoughts of the GNSO Council on next steps, consistent with the ICANN Bylaws and ICANN's contractual agreements with Contracted Parties, in the event the community has not reached agreement on a consensus policy prior to the expiration of the Temporary Specification?*

The GNSO Council sent a [response](#) to the ICANN Board on 10 January 2019. There, the Council acknowledged that alternative steps may be warranted, but should be considered in more depth following the January face-to-face meeting of the EPDP, if it appears the group is unlikely to meet projected timelines. The response also notes that there may be a need to consider:

> *"...how to avoid a gap between the adoption of these policy recommendations by the ICANN Board and the subsequent implementation, noting the impending expiration of the Temporary Specification requirements. The EPDP Team is considering various options, such as the adoption of an interim policy for a set timeframe or recommending that the Temporary Specification requirements remain in place until the completion of implementation of these policy recommendations. The EPDP Team expects to obtain further guidance from ICANN Org on the options in this regard and make a recommendation accordingly in the Final Report."*

Here, the Council will discuss the plan to manage the gap between successful adoption of policy recommendations and implementation, as well as back-up plans in the event the EPDP is unable to meet deadlines.

6.1 – Update (Council leadership)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION – IGO-INGO Access to Curative Rights Protection Mechanisms (15 minutes)

The IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG had worked to resolve a final recommendation relating to IGO jurisdictional immunity and registrants' rights to file court proceedings. The WG has determined consensus on a set of options for this final recommendation, as well as for all other recommendations. The WG Chair proposed his determination of consensus levels for all recommendations, which the WG affirmed. On 27 June 2018, the GNSO Council passed a [resolution](#),

thanking the PDP WG for its efforts and requesting that it submit its Final Report in time for the 19 July 2018 Council meeting.

After having agreed on consensus levels for its final recommendations, the WG considered the text of its Final Report. On 9 July 2018, the PDP WG submitted its [Final Report](#) to the GNSO Council for its consideration, which contains five consensus recommendations and three minority statements, documenting their disagreement either with one or more of the final recommendations or other parts of the Final Report.

There remain several inconsistencies between GAC advice and consensus recommendations from the IGO-INGO PDP WG, which have yet to be reconciled, including on the topic of appropriate protections for IGO acronyms (both preventative and curative). During its 19 July Council meeting, the Council [resolved](#) to accept the Final Report from the IGO-INGO Access to Curative Rights Mechanisms PDP Working Group and has begun considering the topic of curative rights protections for IGOs in the broader context of appropriate overall scope of protection for all IGO identifiers.

On 9 October 2018, the Council held a question and answer webinar to review the recommendations and to ask itself a series of questions, 1) Does the Council believe that the PDP has addressed the issues that it was chartered to address (i.e. What questions/topics was the Working Group chartered to consider, did it consider those charter topics/questions, and did it do so in a legitimate way)?; 2) Has the PDP followed due process?; and 3) Did the PDP Working Group address GAC advice on the topic?

A motion to consider the Final Report was originally on the 24 October 2018 Council meeting agenda but was withdrawn due to concerns around both the process followed by the PDP, as well as the substance of the PDP WG's recommendations. Council leadership and staff have developed a summary document ([Summary Paper](#) and [Slide Deck](#)) that lists issues raised by Councilors, options available, and potential considerations. During the November meeting, the Council considered a set of available options and briefly discussed possible next steps.

On 20 December 2018, Council leadership circulated a [proposal](#) for next steps. Council leadership has since sent a [reply](#) to the GAC, in response to a letter received during ICANN63.

Here, Councilors will discuss the proposal from Council leadership, as well as discuss immediate next steps.

7.1 – Presentation of topic (Council Leadership)

7.2 – Council discussion

7.3 – Next steps

Item 8: ANY OTHER BUSINESS (10 minutes)

8.1 - Update on the CSC Effectiveness Review (Philippe Fouquart, one of the two GNSO appointed members)
8.2 - IANA Function Review (IFR) Team composition: Review of the ccNSO proposal to manage deficiencies
8.3 - ICANN64 Planning
8.4 - Discussion of proposed FY20 GNSO Council Additional Budget Requests

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Appendix 1: GNSO Council Voting Thresholds (ICANN Bylaws, Article 11, Section 11.3(i))
See https://www.icann.org/resources/pages/governance/bylaws-en/#article11.
Appendix 2: GNSO Council Absentee Voting Procedures (GNSO Operating Procedures, Section 4.4)
See https://gnso.icann.org/sites/default/files/file/field-file-attach/op-procedures-30jan18-en.pdf

References for Coordinated Universal Time of 21:00 UTC
Local time between October and March Winter in the NORTHERN hemisphere
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California, USA (PST) UTC-8 14:00
San José, Costa Rica (CST) UTC-6 16:00
New York/Washington DC, USA (EST) UTC-5 17:00
Buenos Aires, Argentina (ART) UTC-3 19:00
Rio de Janeiro, Brazil (BRST) UTC-2 21:00
London, United Kingdom (GMT) UTC+0 22:00
Kinshasa, Democratic Republic of Congo (WAT) UTC+1 23:00
Paris, France (CET) UTC+1 23:00
Islamabad, Pakistan (PKT) (+1 day) UTC+5 03:00
Singapore (SGT) (+1 day) UTC+8 06:00
Tokyo, Japan (JST) (+1 day) UTC+9 07:00
Melbourne, Australia (AEDT) (+1 day) UTC+11 09:00

DST starts/ends on Sunday 31 of March 2019, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 10 of March 2018 for the US.

For other places see http://www.timeanddate.com and https://tinyurl.com/ybxpm8s3