

Final GNSO Council Agenda 24 October 2018 - Part I

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/wRVpBQ>

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: 11:00 UTC: <https://tinyurl.com/y9663p2o>

04:00 Los Angeles; 07:00 Washington; 10:00 London; 16:00 Islamabad; 20:00 Tokyo; 22:00 Hobart

GNSO Council Meeting remote participation details: <https://63.schedule.icann.org/meetings/901654>

Councilors should notify the GNSO Secretariat in advance if they will not be able to attend and/or need a dial out call.

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 26 August 2018 were posted on the 03 September 2018
[Minutes](#) of the GNSO Council meeting on the 25 September 2018 were posted on the 13 October 2018

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)

- Reconfirmation of Julf Helsingius as GNSO Council Liaison to the Governmental Advisory Committee ([motion](#))
- [Recommendations Report](#) to the ICANN Board regarding adoption of the Final Report from the Reconvened Working Group on Red Cross Names Policy Development Process (PDP) Working Group.

Item 4: COUNCIL VOTE – Confirmation of Standing Committee on ICANN’s Budget and Operations Charter (10 minutes)

Standing Committee on ICANN's Budget and Operations Charter (SCBO) has operated under an interim charter since its adoption on 21 December 2017. In FY18 under this interim charter, the SCBO developed four public comments (IANA-PTI FY19 Budget, ICANN's Reserve Fund Target Level, ICANN's Draft FY19 Budget and Operating Plan, & ICANN Reserve Fund: Proposed Replenishment Strategy) on behalf of the GNSO Council that were later accepted and posted to ICANN's public forum

On 17 September 2018, the SCBO delivered an After Action Report on the SCBO experiences and lessons learned where the report suggested that the SCBO charter did not warrant any change and that the SCBO become a permanent standing committee of the GNSO Council

Here, the Council will vote to adopt the charter of the SCBO on a permanent basis.

4.1 – Presentation of [motion](#) (Ayden Férdeline)

4.2 – Council discussion

4.3 – Council vote (voting threshold: simple majority)

Taking this action is within the GNSO's remit, in respect of the financial impact on the GNSO's responsibility "for developing and recommending to the Board substantive policies relating to generic top-level domains and other responsibilities of the GNSO as set forth in these Bylaws."

Item 5: COUNCIL VOTE – GNSO Policy Development Process 3.0 (20 minutes)

In January 2018, the GNSO Council held an inaugural three-day Strategic Planning Session. On Day 3 of this meeting, the GNSO Council reviewed the workload for the year ahead and identified potential milestones, noting that the current average timeline for delivery of an Initial Report has increased at least 2-4 times compared to previous PDPs. In addition to noting the increased duration of the PDP lifecycle, the Council began to identify challenges being encountered in PDPs, informed by a staff discussion paper on optimizing increased engagement and participation while ensuring efficient and effective policy development.

The effort to increase the effectiveness and efficiency of the GNSO PDP process is called GNSO PDP 3.0. On 11 May 2018, a summary paper was shared with the Council, summarizing input received to date, as well as some proposed incremental improvements. The Council members and their respective Stakeholder Groups and Constituencies were invited to provide input, after which a [summary report](#) was prepared and shared with the Council on 10 September 2018, followed by a dedicated [webinar](#) on 11 September 2018.

Based on the input received as well as the subsequent webinar, Council leadership developed a proposed [GNSO Policy Development Process 3.0 How to increase the effectiveness and efficiency of the GNSO Policy Development Process](#) document for Council consideration. The GNSO Council and broader community will have reviewed and discussed the GNSO PDP 3.0 Implementation Plan during the GNSO Weekend Session at ICANN63.

Here, the Council will vote to adopt the GNSO PDP 3.0 Implementation Plan.

5.1 – Presentation of [motion](#) (TBD)

5.2 – Council discussion

5.3 – Council vote (voting threshold: simple majority)

Taking this action is within the GNSO’s remit, in the GNSO’s pursuit to improve on its responsibility “for developing and recommending to the Board substantive policies relating to generic top-level domains and other responsibilities of the GNSO as set forth in these Bylaws.”

Item 6: COUNCIL VOTE – Termination of the Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS Policy Development Process (15 minutes)

On 19 November 2015, the GNSO Council adopted the [charter](#) for the next-generation gTLD Registration Directory Service (RDS) to replace WHOIS Policy Development Process Working group. Following ICANN61 (March 2018), the RDS PDP Leadership decided to put on hold WG meetings indefinitely. This decision was made in light of the uncertain status of GDPR-related work and the possible duplication of efforts as a result of the adoption by the ICANN Board of the Temporary Specification for gTLD Registration Data.

Following the initiation by the GNSO Council of the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration data, Stephanie Perrin in her role as the GNSO Council Liaison to the RDS PDP WG, submitted the required Termination Summary on 17 July 2018 to recommend to the GNSO Council that the RDS PDP WG be terminated as per section 15 of the PDP Manual.

Here, the Council will vote to terminate the Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS Policy Development Process.

6.1 – Presentation of [motion](#) (Stephanie Perrin)

6.2 – Council discussion

6.3 – Council vote (voting threshold: Supermajority)

Taking this action is within the GNSO’s remit as indicated in section 11.3.i.vii of the ICANN Bylaws, where the Council may “Terminate a PDP: Once initiated, and prior to the publication of a Final Report, the GNSO Council may terminate a PDP only for significant cause, upon a motion that passes with a GNSO Supermajority Vote in favor of termination.”

Item 7: COUNCIL VOTE – 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?

Here, the Council will vote on to accept to recommendation and Final Report of the IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG.

7.1 – Presentation of [motion](#) (TBD)

7.2 – Council discussion

7.2.1: 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)?

7.2.2: Has the PDP followed due process?

7.2.3: Did the PDP Working Group address GAC advice on the topic?

7.3 – Council vote (voting threshold: approval of PDP recommendations imposing contractual obligations on Contracted Parties: Supermajority; approval of other PDP recommendations: 50% of each House plus 1 Councilor from 3 out of 4 Stakeholder Groups in favor)

Taking this action is within the GNSO's remit as indicated in section 11.1 of the ICANN Bylaws, where it states that the GNSO is "responsible for developing and recommending to the Board substantive policies relating to generic top-level domains and other responsibilities of the GNSO as set forth in these Bylaws."

Item 8: COUNCIL UPDATE – 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.

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

8.2 – Council discussion

8.3 – Next steps

Item 9: ANY OTHER BUSINESS (10 minutes)

9.1 - Open Microphone

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 11:00 UTC

Local time between March and October Summer in the NORTHERN hemisphere

California, USA (PDT) UTC-7 04:00
San José, Costa Rica (CST) UTC-6 05:00
New York/Washington DC, USA (EDT) UTC-4 07:00
Buenos Aires, Argentina (ART) UTC-3 08:00
Rio de Janeiro, Brazil (BRST) UTC-3 08:00
London, United Kingdom (GMT) UTC+1 12:00
Kinshasa, Democratic Republic of Congo (WAT) UTC+1 12:00
Paris, France (CEST) UTC+2 13:00
Islamabad, Pakistan (PKT) UTC+5 16:00
Singapore (SGT) UTC+8 19:00
Tokyo, Japan (JST) UTC+9 20:00
Sydney/Hobart, Australia (AEST) UTC+10 22:00

DST starts/ends on Sunday 28 of October 2018, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 4 of November 2018 for the US.

For other places see <http://www.timeanddate.com> and <https://tinyurl.com/y82s88vu>