

Final GNSO Council Agenda 14 February 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/ZwWBg>

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: 21:00 UTC: <https://tinyurl.com/yaxwuj6w>

13:00 Los Angeles; 16:00 Washington; 21:00 London; (Friday) 02:00 Islamabad; 06:00 Tokyo; 08:00 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.

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 20 December 2018 were posted on the 7 January 2019

Minutes of the GNSO Council meeting on the 24 January 2019 were posted on the XXXXXXXX

Item 2: Consent Agenda (0 minutes)

- None

Item 3: COUNCIL DISCUSSION – Final Report of the Expedited Policy Development Process on the ICANN Board Temporary Specification on gTLD Registration Data (50 minutes)

On 11 May 2018, ICANN released the [Temporary Specification](#) on gTLD Registration Data, which served as the main agenda topic for the subsequent Board Workshop in Vancouver. This proposed Temporary Specification provides an interim solution until the community completes a policy development process on the temporary specification which is expected to complete within a one year period.

On 17 May 2017, the ICANN Board [approved](#) the proposed [Temporary Specification for gTLD Registration Data](#), which establishes temporary requirements for how ICANN and its Contracted Parties will comply with both ICANN contractual requirements and the European Union's General Data Protection Regulation (GDPR).

On 12 June 2018, the Council held an Extraordinary Council Meeting to discuss next steps on addressing the Temporary Specification. There, the Council agreed in principle that an EPDP was the right way to address the issue and took steps to draft the charter and prepare for EPDP initiation. On 19 July 2018, the Council voted to [initiate an EPDP on the Temporary Specification](#), as well as to adopt the [EPDP's charter](#).

The EPDP Team held its first meeting on 1 August 2018 and on 21 November 2018, the EPDP published its [Initial Report for public comment](#). After taking into account public comment received, the EPDP Team has worked to deliver its Final Report to the GNSO Council for its consideration.

Here, the Council will receive an update on the Final Report from the EPDP Team Chair, Kurt Pritz, and discuss next steps.

3.1 – Status update (Kurt Pritz, Chair of the EPDP on the Temporary Specification for gTLD Registration Data)

3.2 – Council discussion

3.3 – Next steps

Item 4: COUNCIL DISCUSSION – IGO-INGO Access to Curative Rights Protection Mechanisms (50 minutes)

The IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG worked to resolve a final recommendation relating to IGO jurisdictional immunity and registrants' rights to file court proceedings. The WG reached agreement on a single recommendation amongst several options for their final recommendation on this area, as well as for all other recommendations. The WG Chair proposed his determination of consensus levels for all recommendations, which the WG has 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 has 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 Working Group member

minority statements, documenting their disagreement either with one or more of the final recommendations or other parts of the Final Report.

On 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, where it noted that it would consider the topic of curative rights protections for IGOs in the broader context of the 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 submitted 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. On the 24 January 2018 Council meeting, the Council discussed the proposal prepared by Council leadership.

Here, the Council will consider next steps for the Final Report from the IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG.

4.1 – Status update (Council leadership)

4.2 – Council discussion

4.3 –Next steps

Item 5: ANY OTHER BUSINESS (0 minutes)

- None

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

California, USA (PST) UTC-8 13:00
San José, Costa Rica (CST) UTC-6 15:00
New York/Washington DC, USA (EST) UTC-5 16:00
Buenos Aires, Argentina (ART) UTC-3 18:00
Rio de Janeiro, Brazil (BRST) UTC-2 20:00
London, United Kingdom (GMT) UTC+0 21:00
Kinshasa, Democratic Republic of Congo (WAT) UTC+1 22:00
Paris, France (CET) UTC+1 22:00
Islamabad, Pakistan (PKT) (+1 day) UTC+5 02:00
Singapore (SGT) (+1 day) UTC+8 05:00
Tokyo, Japan (JST) (+1 day) UTC+9 06:00
Melbourne, Australia (AEDT) (+1 day) UTC+11 08:00

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/yaxwuj6w>