

# Final Proposed Agenda 16 August 2018

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/jwVpBQ>

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/y77sb7h6>

14:00 Los Angeles; 17:00 Washington; 22:00 London; (Friday) 02:00 Islamabad; 06:00 Tokyo; 07:00 Hobart

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 27 June 2018 were posted on the 16 July 2018

Minutes of the GNSO Council meeting on the 19 July 2018 were posted on the 9 August 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)

- [Motion](#) to adopt the GNSO Council response to the GAC Communique already submitted in draft form to the ICANN Board.

## Item 4: COUNCIL VOTE – Adoption of the Final Report on the Protections for Certain Red Cross Names in All gTLDs Policy Amendment Process (10 minutes)

Following discussions around possible ways of reconciling inconsistent GAC advice and GNSO policy recommendations relating to National Society names of the Red Cross Movement and the two names of the international components of the Movement (<http://sched.co/9xr2>), the ICANN Board passed a resolution requesting that the GNSO Council initiate the process outlined in Section 16 of the GNSO's Policy Development Process (PDP) Manual, which sets forth the requisite steps for amending policy recommendations that have been approved by the GNSO Council but not yet approved by the ICANN Board (<https://www.icann.org/resources/board-material/prelim-report-2017-03-16-en#2.e.i>). The Board's request related to the 190 Red Cross National Society names and the two international movement names and a limited defined set of their variants.

On 03 May 2017, the Council [resolved](#) to initiate the Section 16 process as requested by the Board, which resulted in the limited reconvening of the original PDP on Protection of IGO and INGO Identifiers in All gTLDs.

The Reconvened WG began its deliberations on 14 June 2017 and published its Initial Report on 21 June 2018. After considering comments received, the WG made changes as applicable and completed its Final Report, which it [delivered](#) to the GNSO Council on 7 August 2018.

Here, the Council will vote to adopt the Final Report of the Reconvened WG.

4.1 – Presentation of [motion](#) (Heather Forrest)

4.2 – Council discussion

4.3 – Council vote (voting threshold: Supermajority)

Taking this action is within the GNSO's remit as outlined in ICANN's Bylaws as the GNSO 'shall be 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' (Art.11.1). Furthermore, this action complies with the requirements set out in Annex A: GNSO Policy Development Process of the ICANN Bylaws.

**Item 5: COUNCIL VOTE – Adoption of the Final GNSO2 Review Implementation Report (15 minutes)**

Along with the ICANN Board's adoption in June 2016 of certain recommendations from the 2014 GNSO Review, the GNSO Council requested that ICANN policy staff prepare a discussion paper outlining the possible options for implementation, taking into account past implementation of previous GNSO Reviews as well as existing mechanisms. At ICANN56 in Helsinki in June 2016, the GNSO Council discussed the options outlined in the [staff discussion paper](#). On 21 July 2016 the GNSO Council [chartered](#) the GNSO Review Working Group, which submitted its proposed [implementation plan](#) to the Council on 21 November. At its 15 December 2016 meeting, the Council adopted the proposed plan. The WG has since worked to implement the 30 recommendations, expecting to complete its work no later than September 2018.

Here, the Council will vote to adopt the [Final GNSO2 Review Implementation Report](#).

5.1 – Presentation of the [motion](#) (Rafik Dammak)

5.2 – Council discussion

5.3 – Council vote (voting threshold: simple majority)

**Item 6: COUNCIL DISCUSSION – Council Liaison update on Expedited PDP (EPDP) on the Temporary Specification (15 minutes)**

6.1 – Update (Rafik Dammak)

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 been working to resolve a final recommendation relating to IGO jurisdictional immunity and registrants' rights to file court proceedings. The WG has sought to determine consensus on a set of options for this final recommendation, as well as for all other recommendations. The WG Chair has 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 in which several Working Group members had indicated their intentions to file 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). On its 19 July Council meeting, the Council resolved 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.

Here, the Council will discuss a possible path forward to consider the Final Report and also seek to resolve the inconsistencies between GAC Advice and prior GNSO policy recommendations on the overall scope of IGO protections.

7.1 – Status update (Council leadership/liaison)

7.2 – Council discussion

7.3 – Next steps

**Item 8: COUNCIL DISCUSSION – Consideration of CCWG-Accountability WS2 Final Report (15 minutes)**

The Cross Community Working Group on Accountability, Work Stream 2 (CCWG-Accountability WS2), focused on addressing accountability topics that may be resolved after the IANA Stewardship Transition. In March of 2018, the CCWG-Accountability WS2 completed its [Final Report](#), for which it sought [public comment](#). Comment received did not result in any substantive changes to the Final Report. On 24 June 2018, at ICANN62, the CCWG-Accountability WS2 held its final meeting, thus concluding its work.

The CCWG-Accountability WS2 anticipates that all of the chartering organizations must consider the recommendations and approve them prior to ICANN Board consideration and possible adoption. During its July 2018 meeting, the GNSO Council received an update from Co-Chair Thomas Rickert, who indicated that the CCWG-Accountability hopes that Chartering Organizations will adopt the Final Report prior to the ICANN63 meeting.

Here, the Council will discuss if there are any challenges anticipated in adopting the Final Report at its September Council meeting.

8.1 – Update (Council Leadership)

8.2 – Council discussion

8.3 – Next steps

#### **Item 9: COUNCIL DISCUSSION – GNSO Policy Development Process 3.0 (10 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 has since been 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 by 15 August 2018, after which it was anticipated that an implementation plan could be developed for Council consideration. During its July 2018 meeting, the Council discussed anticipated next steps once all input has been received, and agreed that the Council leadership should develop a proposal leading up to presentation of the results of the PDP 3.0 effort at ICANN63 in Barcelona.

Here, Council leadership will present proposed next steps for the Council's consideration.

9.1 – Update (Council Leadership)

9.2 – Council discussion

9.3 – Next steps

#### **Item 10: COUNCIL DISCUSSION – Next steps related to the ICANN Procedure of Handling WHOIS conflicts with Privacy Law (10 minutes)**

As a result of community input and the work of the Implementation Advisory Group (IAG), ICANN made effective the revised [WHOIS Conflicts with Privacy Law Procedure](#) on 18 April 2017 to better accommodate issues where WHOIS requirements conflict with applicable laws.

As requested by this GNSO Council, ICANN published a [paper](#) for [public comment](#) to provide analysis and solicit community input on the practicality and feasibility of the triggers identified in the revised WHOIS Conflicts with Privacy Law Procedure. The public comment period was also intended to collect suggestions for moving forward with the review. The public comment period closed on 7 July 2017 and the staff [report of public comments](#) was published on 28 July 2017.

On 1 August 2017, the Council received a [letter](#) from Akram Atallah providing a collection of possible options for proceeding with the review, and offering to discuss those options or others identified by Council. On 24 August 2017, the Council received an update from GDD staff and discussed possible options for moving forward with the review of the Procedure for Handling WHOIS Conflicts with Privacy Law.

A small group of Councilors prepared a [Charter](#) (including guidelines and parameters around scope, deliverables, composition, operating procedures, etc.) that a subsequent group will operate under as it deliberates and provides suggested next steps and/or recommendations. On 22 February 2018, the Council [adopted](#) the Charter, requesting that staff circulate the call for volunteers on or after June 1, 2018. With uncertainty and time commitment from the adoption of the Temporary Specification on Registration Data Services, the Council determined it would wait until the EPDP on the Temporary Specification was launched.

Here, the Council will discuss timing and next steps for this effort.

10.1 – Update (Council leadership)

10.2 – Council Discussion

10.3 – Next steps

#### **Item 11: COUNCIL DISCUSSION – Report from funded leaders under the PDP leadership travel support pilot (10 minutes)**

In FY18, the GNSO Council successfully requested an additional budget request item for a GNSO PDP leadership travel support pilot. Starting with ICANN60 (Oct 2017), the Council is able to fund up to four PDP leaders per ICANN meeting. Noting the success of the pilot in FY18, the Council asked and received an additional budget request in FY19, though the number of supported travelers per meeting was reduced to three.

As part of the additional budget request process, the GNSO Council is to receive updates from supported travelers after each meeting, to help the

Council determine the effectiveness of the pilot.  
Here, the Council will receive an update from the travelers funded to attend ICANN62.

- 11.1 – Update (Robin Gross, Christa Taylor)
- 11.2 – Council Discussion
- 11.3 – Next steps

**Item 12: ANY OTHER BUSINESS (5 minutes)**

12.1 - ICANN63 planning - update from Production Call 1.

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Appendix 1: GNSO Council Voting Thresholds (ICANN Bylaws, Article 11, Section 11.3(ii))

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 March and October Summer in the NORTHERN hemisphere

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California, USA (PDT) UTC-7 14:00

San José, Costa Rica (CST) UTC-6 15:00

New York/Washington DC, USA (EDT) UTC-4 17:00

Buenos Aires, Argentina (ART) UTC-3 18:00

Rio de Janeiro, Brazil (BRST) UTC-3 18:00

London, United Kingdom (GMT) UTC+1 22:00

Kinshasa, Democratic Republic of Congo (WAT) UTC+1 22:00

Paris, France (CEST) UTC+2 23:00

Islamabad, Pakistan (PKT) UTC+5 (+1 day) 02:00

Singapore (SGT) UTC+8 (+1 day) 05:00

Tokyo, Japan (JST) UTC+9 (+1 day) 06:00

Sydney/Hobart, Australia (AEDT) UTC+10 (+1 day) 07:00

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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.

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