

Final GNSO Council Agenda 29 November 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/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: 12:00 UTC: <https://tinyurl.com/yaojzutp>

04:00 Los Angeles; 07:00 Washington; 12:00 London; 17:00 Islamabad; 21:00 Tokyo; 23:00 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 25 September 2018 were posted on the 13 October 2018. Minutes [part I](#) and [part II](#) of the GNSO Council meetings on the 24 October 2018 were posted on the 12 November 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.
- [Motion](#) for the confirmation of GNSO representative to the Empowered Community Administration

Item 4: 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 [INSERT LINK WHEN READY] that lists issues raised by Councilors, options available, and potential considerations.

Here, the Council will consider the options available and discuss appropriate next steps.

4.1 – Presentation of topic (Council Leadership)

4.2 – Council discussion

4.3 – Next steps

Item 5: COUNCIL UPDATE – Temporary Specification for Registration Data Expedited Policy Development Process - Recurring Update (25 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 – ICANN Reserve Fund (15 minutes)

The ICANN Reserve Fund was created in 2007 with a target level set at a minimum of 12 months of Operating Expenses. It has been funded through operational excesses. Over the past years, ICANN's operations have grown, its risk profile has evolved, and withdrawals have been made to fund the IANA stewardship transition expenses.

On 6 March 2018, ICANN Org sought [public comment](#) on the Reserve Fund replenishment strategy, to bring the Reserve Fund to its minimum target level of 12 months.

During the 25 October 2018 meeting of the ICANN Board, two resolutions were adopted to transfer funds to the Reserve Fund. The [first](#) transferred US\$3,000,000 from the Operating Fund. The [second](#) allocated US\$36,000,000 of auction proceeds to the Reserve Fund. Several Council members expressed concern that auction proceeds were utilized for this purpose, diminishing the pool of allocatable funds available to the recommendations of the New gTLD Auction Proceeds Cross-Community Working Group (CCWG).

Here, the Council discuss potential issues and determine if any remedial actions may be necessary at the Council level.

6.1 – Presentation of topic (Council Leadership)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION – Discussion of the Inter-Registrar Transfer Policy (IRTP) Policy Status Report (15 minutes)

The Consensus Policy Implementation Framework (CPIF) provides guidance to ICANN org and the community for implementing policy. However, there is minimal guidance in this document or in other documentation around the review of implemented policies adopted by the GNSO Council. In some cases, a review is explicitly mandated as an element of the PDP WG’s recommendations to the Council, but in some cases, the recommendations are silent in this respect.

ICANN org, in consultation with the Council, prepared a draft framework on the approach for post-implementation reviews of Council adopted policy recommendations. The framework provides guidance on a number of questions (e.g., When should a review be initiated when there is no PDP recommendation to do so? What triggers should initiate a review? What are the expected outcomes of the review? Etc.).

During its 26 April 2018 meeting, the Council tentatively agreed to have ICANN org conduct a review of the Inter-Registrar Transfer Policy (IRTP). ICANN org utilized the draft framework for conducting the post-implementation review of the IRTP. On 14 November 2018, ICANN org [published](#) the IRTP Policy Status Report for public comment.

Here, the Council will receive an update on the report, discuss its initial reactions, and consider next steps.

7.1 – Presentation of materials (Brian Aitchison)

7.2 – Council discussion

7.3 – Next steps

Item 8: ANY OTHER BUSINESS (10 minutes)

8.1 - Update on the Council Strategic Planning Session

8.2 - Permanent GNSO representative to the Fellowship Selection Committee

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 12:00 UTC

Local time between March and October Summer in the NORTHERN hemisphere

California, USA (PDT) UTC-8 04:00
San José, Costa Rica (CST) UTC-6 06:00
New York/Washington DC, USA (EDT) UTC-5 07:00
Buenos Aires, Argentina (ART) UTC-3 09:00
Rio de Janeiro, Brazil (BRST) UTC-2 10:00
London, United Kingdom (GMT) UTC+0 12:00
Kinshasa, Democratic Republic of Congo (WAT) UTC+1 13:00
Paris, France (CET) UTC+1 13:00
Islamabad, Pakistan (PKT) UTC+5 17:00
Singapore (SGT) UTC+8 20:00
Tokyo, Japan (JST) UTC+9 21:00
Melbourne, Australia (AEDT) UTC+11 23:00

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/yaojzutp>