

Minutes of the GNSO Council Meeting 24 October part I 2018

[Agenda and Documents](#)

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

List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Erika Mann

Contracted Parties House

Registrars Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell

Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Susan Kawaguchi, Philippe Fouquart, Tony Harris, Paul McGrady, Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Tatiana Tropina, Rafik Dammak, Ayden Férdeline (absent, proxy to Martin Silva Valent), Arsène Tungali (absent, temporary alternate Farrell Folly), Farrell Folly

Nominating Committee Appointee (NCA): Syed Ismail Shah (absent, proxy to Heather Forrest)

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

Adebiyi Oladipo – ccNSO observer

ICANN Staff

David Olive -Senior Vice President, Policy Development Support and Managing Manager
Marika Konings – Vice President, Policy Development Support – GNSO

Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement

Julie Hedlund – Policy Director

Steve Chan – Policy Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Support Specialist

Caitlin Tubergen – Policy Senior Manager

Mike Brennan – Technical Support

Nathalie Peregrine – Manager, Operations Support

Terri Agnew - Operations Support - GNSO Lead Administrator

Andrea Glandon - Operations Support - Coordinator

[MP3 Recording](#)

[Transcript](#)

Item 1. Administrative Matters

1.1 - Roll Call

1.2 - Updates to Statements of Interest

There were no updates to Statements of Interest.

1.3 - Review / Amend Agenda

The agenda was approved by councilors.

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

Heather Forrest raised the following point from the [Projects List](#) (which would not be discussed under agenda items during the meeting):

- GNSO Reconvened Policy Development Process (PDP) Working Group (WG) IGO Red Cross Names has moved to the Board vote stage, as Final Report was approved by Council during the September 2018 GNSO Council meeting.

Heather Forrest noted the following updates to the [Action Items' list](#) (which would not be discussed under agenda items during the meeting):

- The Fellowship program action item is ongoing, with **Heather Forrest** as interim GNSO representative until the GNSO Standing Selection Committee selects an appointment.
- The GNSO Council drinks and tapas event was completed. **Keith Drazek** confirmed all councilors had contributed to the bill.
- **Heather Forrest** noted that the Expedited Policy Development Process (EPDP) item was marked as completed, as the update has now become an internalized procedure.
- The GNSO Review action item to disband the Working Group (WG) will be completed only once the implementation final report has been approved by the ICANN Board of Directors.
- The IANA Function Review (IFR) item is in progress, the GNSO Council needs to determine a selection process for its representative as GNSO co-chair. Further coordination with the ccNSO is encouraged.
- The Geographic Regions Review item was on ICANN Board's consent agenda..
- The GNSO, with the help of coordination with the GNSO liaison to the ccNSO, needs to determine whether it will be a Chartering Organization for the Cross Community Engagement Group on Internet Governance (CCWG IG).
- WHOIS conflicts with privacy laws remains open but postponed until such point as the work done by the EPDP warrants it resumes.
- **Heather Forrest** noted that most action items from the January 2018 GNSO Council Strategic Planning Session have been completed. Councilors need to review the framework for post-implementation reviews and provide input.

Action Items:

- **IANA Function Review (IFR) Team** - *Council* to consider how best to coordinate co-chair selection with ccNSO, which will be responsible for selecting the ccNSO co-chair.
- **Effects to GDD projects from GDPR** - *Council* to reach out to GDD staff to request a written update on which projects involving / affecting the GNSO have been paused or otherwise impacted by GDPR compliance, as well as detailed rationale for actions taken.

Item 3. Consent Agenda

There were two items on the Consent Agenda:

- 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.

Councilors voted unanimously in favour of the Consent Agenda.

[Vote results](#)

Action items:

- *GNSO Secretariat* to inform the GAC leadership the the GNSO Council has re-appointed Julf Helsingius to the role of GNSO Liaison to the Governmental Advisory Committee until the end of the ICANN AGM 2019.
- *ICANN staff* to provide the GNSO Council Recommendations Report to the Board regarding Adoption of the Final Recommendations from the Reconvened Policy Development Process Working Group on Red Cross National Society and International Movement Names.

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

Ayden Férdeline, seconded by **Darcy Southwell**, submitted the [motion](#) for the GNSO Council to adopt the charter of the SCBO on a permanent basis.

Whereas,

1. In 2017 the GNSO Council expressed its desire to establish the GNSO Standing Committee on Budget and Operations (SCBO) to assist with the development of GNSO Council comments that relate to ICANN’s Budgetary and Finance matters;
2. On 21 December 2017, the GNSO Council adopted the formation of the SCBO and its interim charter;
3. In late 2017 and early 2018, GNSO Council members as well as subject matter experts from GNSO Stakeholder Groups and Constituencies joined the SCBO;

4. In FY18, the SCBO developed four public comments (IANA-PTI FY19 Budget, ICANN's Reserve Fund Target Level, ICANN's Draft FY19 Budget and Operating Plan, and ICANN Reserve Fund: Proposed Replenishment Strategy) on behalf of the GNSO Council that were later accepted and posted to ICANN's public forum; and

5. On 17 September 2018, the SCBO delivered an After-Action Report on the SCBO experiences and lessons learned wherein the report suggested that the SCBO charter did not warrant any changes and that the SCBO become a permanent Standing Committee of the GNSO Council.

Resolved,

1. The GNSO Council adopts the GNSO Standing Committee on Budget and Operations (SCBO) charter on a permanent basis (see: https://community.icann.org/download/attachments/74580767/gnsocouncilbudgetcharter_v1.0.pdf?version=1&modificationDate=1515083358000&api=v2);

2. The GNSO Council thanks the Council members and subject matter experts for their contributions through the FY19 budget planning cycle;

3. The GNSO Council will appoint the incoming Council Chair as the Council liaison to the SCBO and add Council Vice-Chairs as observers;

4. The GNSO Council instructs the GNSO Secretariat to launch a fresh call for volunteers per the membership criteria outlined in the SCBO Charter as soon as possible; and

5. The GNSO Council tasks the SCBO to carry out the review and comment formulation for future ICANN fiscal-year draft budget planning cycles and to submit its proposed recommendations to the GNSO Council with sufficient time for its consideration.

Ayden Férdeline summarized the activity of the SCBO to date. Councilors expressed their thanks to **Ayden Férdeline** for chairing this committee successfully. **Philippe Fouquart**, on behalf of the Internet Service Providers and Connectivity Providers (ISPCP) constituency, reminded councilors that the SCBO should not replace Stakeholder Group (SG) and Constituency (C) input on matters relating to ICANN's budget and operations. Both **Michele Neylon** and **Ayden Férdeline** supported this reminder.

All councilors present on the call voted in favour of the motion unanimously.

[Vote results](#)

Action items:

- *GNSO Secretariat* to launch a fresh call for volunteers per the membership criteria outlined in the SCBO Charter as soon as possible.

Item 5: COUNCIL VOTE – GNSO Policy Development Process 3.0

Rafik Dammak, seconded by **Donna Austin**, submitted the [motion](#) for the GNSO Council to adopt the GNSO PDP 3.0 Implementation Plan.

Whereas,

1. In January 2018, the GNSO Council held an inaugural three-day Strategic Planning Session during which it, amongst other activities, 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.
2. The GNSO Council began 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.
3. In order to engage the broader GNSO community in this discussion, the GNSO Council organized a collaborative session involving the members of the current PDP Leadership Teams as well as the broader community to summarize key points from the Strategic Planning Session, elaborate on the challenges that PDPs presently face and identified, and begin to brainstorm possible solutions.
4. As a result of these discussions, staff was tasked to publish a discussion paper that synthesizes the challenges that were identified as part of these discussions as well as possible improvements — both immediate and longer term — that the Council and PDP Working Groups could consider implementing to enhance efficiency and effectiveness of GNSO policy development activities. This discussion paper was published on 8 May 2018 (see <https://gns0.icann.org/en/drafts/pdp-discussion-paper-11may18-en.pdf>).
5. GNSO Stakeholder Groups, Constituencies as well as other SO/ACs were invited to provide their input and feedback on the discussion paper. A summary report of the feedback received was shared with the Council on 10 September 2018 (see <https://gns0.icann.org/en/drafts/pdp-summary-feedback-10sep18-en.pdf>) followed by a dedicated webinar on 11 September 2018 to further review and discuss the input received (see <https://participate.icann.org/p1s5rcio69b/>).
6. Based on the input received as well as the subsequent webinar, Council leadership developed a proposed GNSO PDP 3.0 Final Report and Recommendations for Council consideration (see (<https://gns0.icann.org/sites/default/files/file/field-file-attach/pdp-increase-effectiveness-efficiency-23oct18-en.pdf>)).
7. The GNSO Council and broader community reviewed and discussed the GNSO PDP 3.0 Final Report and Recommendations during the GNSO Weekend Session at ICANN63 (Oct 2018).

Resolved,

1. The GNSO Council hereby adopts the GNSO PDP 3.0 Final Report and Recommendations and instructs GNSO Support Staff to work with the incoming Council leadership on the roll out of the Implementation Plan.

2. The GNSO Council requests the incoming 2018/19 Council leadership to report on a quarterly basis on the status of implementation.

3. The GNSO Council thanks all those that have contributed to the discussions on GNSO PDP 3.0 as well as the proposed improvements to enhance the efficiency and effectiveness of the GNSO PDP.

After general applause from the councilors, the motion was passed unanimously by those present in the room. **Pam Little** and **Paul McGrady** were momentarily absent from the room at the time of vote, but recorded their votes in favour of the motion minutes later.

[Vote results](#)

Action Items:

- *Council leadership* to work with ICANN staff to work on the roll out of an Implementation Plan based on the GNSO PDP 3.0 Final Report and Recommendations, prior to the Strategic Planning Session at the latest.
- *Council leadership/staff* to report on a quarterly basis on the status of implementation.

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

Stephanie Perrin, seconded by **Darcy Southwell**, submitted the [motion](#) for councilors to vote to terminate the Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS Policy Development Process.

Whereas,

1. Following submission of the WHOIS Policy Review Team's Final Report, the ICANN Board passed a resolution on 8 November, 2012, launching an Expert Working Group on gTLD Registration Directory Services (EWG) to (1) help redefine the purpose of gTLD registration data and consider how to safeguard the data, and (2) propose a model for gTLD registration directory services to address accuracy, privacy, and access issues.

2. Upon publication of the EWG's Final Report in June, 2014, an informal group of Generic Names Supporting Organization (GNSO) Councilors and ICANN Board members collaborated to propose a Process Framework for structuring a GNSO Policy Development Process (PDP) to successfully address these challenging issues.

3. On 26 May, 2015, the ICANN Board adopted that Process Framework and reaffirmed its 2012 request for a Board-initiated PDP to define the purpose of collecting, maintaining and providing access to gTLD registration data, and to consider safeguards for protecting data, using the recommendations in the EWG's Final Report as an input to, and, if appropriate, as the foundation for a new gTLD policy.

4. 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.

5. 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.

6. Following the initiation by the GNSO Council of the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration data, the RDS PDP on 17 July 2018, the GNSO Council Liaison to the RDS PDP WG, Stephanie Perrin, submitted, at the request of the RDS PDP WG, the required Termination Summary [<https://gnso.icann.org/sites/default/files/file/field-file-attach/next-gen-rds-12oct18-en.pdf>] to recommend to the GNSO Council that the RDS PDP WG be terminated as per section 15 of the PDP Manual.

7. The GNSO Council has reviewed the Termination Summary.

Resolved,

1. The GNSO Council hereby terminates the next-generation gTLD Registration Directory Service (RDS) to replace WHOIS Policy Development Process.

2. The GNSO Chair will share the Termination Summary as well as the Council decision with the ICANN Board for its information.

3. The GNSO Secretariat will inform the RDS PDP WG of this decision.

4. The GNSO Council expresses its sincere appreciation to the members of the RDS PDP Working Group, leadership team and ICANN support staff for all its work and efforts.

Michele Neylon, as part of the RDS PDP WG leadership team, welcomed the motion and encouraged councilors to read the [Termination Summary document](#). Amr Elsadr came to the microphone and reminded councilors of the Internationalized Registration Data (IRD) WG's three high-level recommendations and two of those were supposed to be addressed in the RDS PDP.

Councilors voted unanimously in favour of the motion.

[Vote results](#)

Action Items:

- *The GNSO Chair* to share the Termination Summary as well as the Council decision to terminate the Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS Policy Development Process with the ICANN Board for its information.
- *GNSO Secretariat* will inform the RDS PDP WG of the decision to terminate the PDP

Item 7: COUNCIL DISCUSSION – IGO-INGO Access to Curative Rights Protection Mechanisms

Donna Austin, withdrew the [motion](#) for the GNSO Council to accept to recommendation and Final Report of the IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG prior to the start of the GNSO Council meeting.

Whereas:

1. On 5 June 2014, the GNSO Council launched a Policy Development Process (PDP) on access to curative rights mechanisms at the second level of the domain name system by International Governmental Organizations (IGOs) and Non-Governmental Organizations;
2. On 25 June 2014, the GNSO Council approved the initial Charter for the PDP Working Group, which was subsequently amended on 16 April 2015;
3. This PDP has followed the prescribed PDP steps as stated in the Bylaws, resulting in a Final Report delivered to the GNSO Council on 9 July 2018;
4. The PDP Working Group has reached consensus on all the recommendations in its Final Report;
5. At its 19 July 2018 meeting, the GNSO Council had acknowledged the report and *“the need to consider the topic of curative rights protections for IGOs in the broader context of appropriate overall scope of protection for all IGO identifiers (including IGO acronyms)”*. The GNSO Council had declared its intention to review the Final Report (including the Minority Statements submitted) *“with a view toward developing a possible path forward that will also facilitate the resolution of the outstanding inconsistencies between GAC advice and prior GNSO policy recommendations on the overall scope of IGO protections”* as well as act on the recommendations *“at the earliest opportunity following its review and deliberations on these topics”*;
6. The GNSO Council had also noted that, until outstanding issues concerning protections for IGO names and acronyms are resolved, IGO acronyms remain reserved on an interim basis at the second level of the domain name system for those gTLDs delegated under the 2012 New gTLD Program round; and
7. The GNSO Council has reviewed and discussed the Working Group’s recommendations, including at a special Council discussion on 9 October 2018 where the Council also discussed the following questions:
 - a. What questions/topics was the Working Group chartered to consider?
 - b. Did the Working Group consider those charter topics/questions, and did it do so in a legitimate way?
 - c. Has the Working Group followed due process?
 - d. What were the process issues (if any) encountered by the Working Group?
 - e. Did the Working Group address GAC advice on this topic?

Resolved:

1. The GNSO Council adopts all the PDP Working Group’s final recommendations as contained in the Final Report.
2. The GNSO Council thanks the members of the PDP Working Group for their hard work in developing the recommendations.
3. Should the PDP recommendations be adopted by the ICANN Board, the GNSO Council directs ICANN staff to convene an Implementation Review Team. The Implementation Review Team will be tasked with assisting ICANN staff in developing the implementation details for the PDP

recommendations, evaluating the proposed implementation of the recommendations as approved by the Board, and working with ICANN staff to ensure that the resultant implementation conforms to the intent of the approved recommendations. The Implementation Review Team shall operate in accordance with the Implementation Review Team Principles and Guidance approved by the GNSO Council in June 2015.

4. The GNSO Council requests that, following the adoption by the ICANN Board of the PDP recommendations, ICANN staff issue a call for volunteers for the Implementation Review Team, to be circulated at a minimum to the members of the PDP Working Group.

Donna Austin explained the rationale behind the withdrawal of the motion, highlighting the numerous concerns still outstanding. Phil Corwin, ex-co-chair of the PDP, came to the microphone and reminded councilors of the complications encountered by the WG. **Susan Kawaguchi**, GNSO Council liaison to the PDP, expressed support at the withdrawal. **Heather Forrest** thanked **Susan Kawaguchi** for her efforts in her role as liaison. **Paul McGrady** reminded councilors that a withdrawn motion differs to a deferral, and that a new motion will need to be submitted in that regard.

[Vote results](#)

Action Items:

- *Council leadership/staff* to develop a summary document to capture concerns and issues with the PDP, as well as next step options available to the Council.

Item 8: COUNCIL UPDATE – Temporary Specification for Registration Data Expedited Policy Development Process - Recurring Update

The Council received an update from the GNSO Council liaison to the EPDP, **Rafik Dammak**. He highlighted that the Initial Report will now be planned for November 2018. The triage process was expected to bring to light more areas of consensus in the EPDP than it did. EPDP members are now working with other tools such as data element and purposes workbooks and has adopted small team work as new method. **Rafik Dammak** also noted that on the GNSO Council's recommendation, the format of the EPDP newsletter had been updated.

Keith Drazek thanked **Rafik Dammak** for his efforts in his role as GNSO Council liaison, and asked that once the adjusted expected date for the Initial Report was finalized, it be communicated to the Council.

Keith Drazek also noted the positive effect face-to-face meetings had on the overall productivity of the EPDP.

Several EPDP members thanked CBI for their helpful facilitation. Kristina Rosette, Registries Stakeholder Group (RySG) EPDP member, came to the microphone raised the potential need for legal counsel. Kristina Rosette also urged SGs and Cs to not request an extension to the Public Comment on the Initial Report given the very short timeline the EPDP was restricted to. **Michele Neylon** noted that whilst legal counsel was clearly necessary, it could be received negatively in certain situations, and add to the workload rather than ease it.

Stephanie Perrin raised the concern that not enough work had been done to clarify the terms being used in the EPDP and that moving forward, including a risk assessment in the drafting of the charter could help anticipate work delays. **Pam Little** and **Tatiana Tropina** raised the question of how the legality of the EPDP team's recommendations would be ascertained. Greg Shatan, at the microphone, offered advice in the light of how the Cross Community Working Group (CCWG) on Accountability benefitted from legal counsel. James Bladel and other EPDP members noted the presence of ICANN Legal in the EPDP team, and encouraged them to raise any issues as they encountered them, rather than waiting for the Initial

Report. **Stephanie Perrin** reminded Council that ICANN Legal have to protect ICANN's best interests, and can therefore not be the necessary neutral body in the EPDP.

The EPDP team was encouraged to look into the question of legal counsel for the Final Report, and to evaluate whether accepting delays in the timeline now would actually trigger delays in the timeline overall, or speed up the overall process by clearly defining input from the start.

Heather Forrest expressed appreciation for the discussion, and urged councilors to not wait for the next Council meeting to provide input, but to read and exchange feedback on the weekly EPDP newsletters.

Action item:

- *Council leadership* to consider scheduling an update call prior to the November Council meeting, depending on the status of the EPDP's Initial Report.

Item 9: ANY OTHER BUSINESS (10 minutes)

9.1 - Assign the Call for SOs/ACs to Nominate Fellowship Program Mentors to the SSC

Heather Forrest attended the initial meeting on Fellowship Program Mentors, and noted an important time commitment was expected of the mentors. **Heather Forrest** asked the SSC to reach out to ICANN Org to seek clarification about the timeline and the work commitment expected. The appointment deadline is the 14th December 2018.

9.2 - Open Microphone

Brian Beckham and Phil Corwin, co-chair of the GNSO Review of all Rights Protection Mechanisms (RPM) PDP WG informed the Council that they had received correspondence regarding an ongoing dispute between two members of the RPM PDP WG and that they would forward it to the GNSO Council. Councilors then discussed PDP chairs' and members' liability and subsequent coverage when similar issues arise.

9.3 - Thank you to outgoing Councilors

Heather Forrest acknowledged **Stephanie Perrin** (NCSG) and **Susan Kawaguchi** (BC) for their contributions to the GNSO Council.

Heather Forrest then thanked **Donna Austin**, GNSO Council Vice Chair (RySG) for her commitment to the stakeholder model, her ability to appreciate all perspectives on an issue and her experience in the policy-making process.

Donna Austin thanked **Heather Forrest** for her dedication to the GNSO Chair role despite working from a difficult time-zone, and to the efforts she put into making councilors aware of their commitment to the GNSO.

Heather Forrest then thanked the GNSO Council for its collaboration and support.

Action Items:

- *Standing Selection Committee* to reach out to Ergys Ramaj to better understand the time commitment for the ICANN Fellowship Mentoring Program.

Heather Forrest, GNSO Council Chair, adjourned the GNSO Council meeting part I at 13:05 UTC Wednesday 24 October 2018.

