

## Minutes of the GNSO Council Meeting 14 March 2018

### [Agenda](#) and [Documents](#)

Local time 13:00 San Juan. Coordinated Universal Time: 17:00 UTC: <https://tinyurl.com/y7st3et9>

10:00 Los Angeles; 13:00 Washington; 17:00 London; 22:00 Islamabad; (Thursday 15 March) 02:00 Tokyo; 04:00 Hobart

The meeting started at: 17:02 UTC

#### **List of attendees:**

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

#### **Contracted Parties House**

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

gTLD 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, Arsène Tungali

Nominating Committee Appointee (NCA): Syed Ismail Shah

#### **GNSO Council Liaisons/Observers:**

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

**Guests:** Xavier Calvez, Becky Nash, Jennifer Gore and Wolf-Ulrich Knoben

#### **ICANN Staff**

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional

Marika Konings – Vice President, Policy Development Support – GNSO

Mary Wong – Senior Director, Special Adviser for Strategic Policy Planning

Julie Hedlund – Policy Director

Steve Chan – Policy Director

Berry Cobb – Policy consultant

Emily Barabas – Policy Support Senior Specialist

Ariel Liang – Policy Analyst

Caitlin Tubergen – Policy Senior Manager

Nathalie Peregrine – Manager, Operations Support

Terri Agnew - Operations Support - GNSO Lead Administrator

Julie Bisland - Secretariat Operations Coordinator for the GNSO

#### [MP3 Recording](#)

#### [Transcript](#)

**Heather Forrest** shared the news that Ben Fuller, ccNSO liaison to the GNSO Council, had passed away. She expressed condolences on behalf of the Council, and reminded councilors that a book of condolences was being circulated for those who wanted to pay their respects. Flowers will be sent to Ben's family on behalf of the Council.

#### **Item 1: Administrative matters**

##### 1.1 – Roll call

**Heather Forrest** reminded all that in the absence of the Adobe Connect tool, and to encourage participation, there was an open mic section scheduled at the end of the GNSO Council meeting.

1.2 – Updates to Statements of Interest.

**Paul McGrady** noted that he updated his Statement of Interest to reflect his new position as liaison to the GNSO Review of all Rights Protection Mechanisms Policy Development Process (PDP) Working Group (WG), and his current job title.

1.3 – Review/amend [agenda](#)

There were no modifications to the agenda. Susan Kawaguchi offered to circulate the BC/IPC-developed accreditation model she initially wanted to add as Any Other Business (AOB) to the Council mailing list in the interest of time.

1.4 – [Minutes](#) of the GNSO Council meeting on the 30 January 2018 were posted on 16 February 2018

[Minutes](#) of the GNSO Council meeting on the 22 February 2018 were posted on 09 March 2018

## **Item 2: COUNCIL DISCUSSION – Discussion with ICANN Finance on the Draft FY19 ICANN Operating Plan and Budget**

**Xavier Calvez**, ICANN Chief of Finance and Operations, followed up on interactions with the Supporting Organizations and Advisory Committees (SO and ACs) to bring further clarification to the GNSO Council on the budget process and lead a question and answer session. ([Slide deck](#))

As the Public Comment period on the Operating Plan and Budget process is now closed, the Finance team has compiled the comments received, and distributed them to the relevant ICANN org departments to draft responses. The responses will then be sent back to Finance for consolidation and presentation to the Board Finance Committee. The Board will then study the budget for approval in light of the comments and responses received. Upon Board approval, a 28 day period then commences during which the Empowered Community decides to approve or reject the Board's decision. **Xavier Calvez** then provided further detail about the caretaker budget that would be in place should the Board's decision be vetoed.

Councilors then asked questions about the leadership of the Board Finance Committee, how comments were counted (an individual comment compared to a comment submitted on behalf of the Registrar Stakeholder Group (RrSG)), whether a possible solution to replenishing the Reserve Fund could be using a portion of the funds from the Auction Proceeds, and how to proceed were this to be a selected option. On the latter, concerns were then raised about the process, and equally if this were to be a unique occurrence. The issue of the increase in reviews, and associated operating costs was mentioned. **Xavier Calvez** provided further clarification as to the total amount to date of the auction proceeds funds.

In the light of time, **Heather Forrest** asked that further questions or comments be channeled through the Standing Committee on Budget and Operations (SCB) and requested that the Cross Community Working Group (CCWG) on new gTLD Auction Proceeds also provide updates to the Council whenever warranted.

### **Action Items:**

- *Standing Committee on Budget and Operations (SCBO)* to help facilitate the collection and channelling of any Council questions or comments for ICANN Finance related to the FY19 Budget and Operating Plan by inviting input on the Council email list.
- *SCBO* to develop possible Council input concerning Reserve Fund replenishment strategy public comment forum, if there are no objections to the SCBO undertaking this task. (Note, deadline for comments is 25 April 2018)
- *SCBO Chair* to request support / objections from Council to the SCBO developing possible Council input concerning Reserve Fund replenishment strategy.

### **Item 3: Opening Remarks / Review of Projects & Action List**

3.1 – Review focus areas and provide updates on specific key themes / topics, to include review of [Projects List](#) and [Action List](#).

**Heather Forrest** noted that not many changes had taken place on the Projects list since the last Council meetings.

**Donna Austin** requested to raise a point about the IGO/INGO discussion held between the Registries Stakeholder Group (RySG) and ICANN Board the day prior, mainly about the question of why the IGO acronyms had not yet been released to registry operators. The discussion will continue at the Global Domains Division summit in Vancouver in May 2018.

**Heather Forrest** noted that excellent progress has been made on the Action Item list. It was noted that **Philippe Fouquart** has volunteered to replace **Keith Drazek** as GNSO Council liaison to the ccNSO. There was no objection from the Council and **Heather Forrest** thanked **Keith Drazek** for his effort in the liaison role.

The question of the remaining liaison position to the GNSO New gTLDs Subsequent Procedures PDP WG (SubPro) was raised, specifically in regard to the 5 Work Tracks deriving from the main PDP WG.

**Paul McGrady**, current liaison to both SubPro and the GNSO Review of all Rights Protection Mechanisms PDP WG (RPM) remarked that the workload warranted a 2 person liaison position. It was decided to pursue discussion on this item during the GNSO wrap up session the following day.

**Heather Forrest** then covered standing items, and those part of the day's meeting agenda, with specific thanks to the SCBO and **Ayden Férdeline** for successfully submitting comment on behalf of the GNSO Council on time in relation to the FY19 budget. The post-implementation framework is still being worked on by staff and GNSO applicants to the Accountability, Transparency Review Team 3 have been reached out to confirm their readiness and availability. To that note, **Michele Neylon** then raised to the Council that the frequency and length of reviews had been discussed during the Contracted Party House meeting with the Board the previous day. The GNSO Operating Procedures and Bylaws action items have been completed and the joint RPM & SubPro consolidated timeline is nearing completion. **Heather Forrest** thanked all those involved for their efforts.

### **Item 4. Consent Agenda**

The Consent Agenda was empty.

### **Item 5: COUNCIL UPDATE – Updated Charter for the Cross Community Engagement Group on Internet Governance (CCEG IG)**

Councilors discussed the updated charter they had been presented at the February GNSO Council meeting,

**Keith Drazek** noted that a great deal of effort had been put into adjusting the name and the structure of the group based on the recommendations provided by the GNSO Council, Stakeholder Groups and Constituencies (SGs and Cs) in 2017.

**Rafik Dammak**, co-chair of the CCEG IG, raised the question of coordinating approval of the updated charter with the two remaining Chartering Organizations (COs), At-Large and the ccNSO, as well as next steps for the GNSO as withdrawn CO at this date.

**Darcy Southwell** agreed that the changes proposed were positive but raised the question of the Engagement Group structure with the perspective of a declining budget. **Rafik Dammak** clarified that the current structure was receiving part time support from the Global Stakeholder Engagement team but that he would confirm this would still be the case with the new structure. **Cheryl Langdon-Orr** confirmed that the At-Large would still be supportive of the new structure.

Councilors agreed that in the light of this discussion and those held during the GNSO Council Strategic Session in January 2018, clearer information on all costs relative to WG, CCWG activities was necessary to evaluate next steps. It was decided to await the ccNSO's input on the Engagement Group structure before moving ahead with a decision on the GNSO's role as CO for the CCEG IG.

#### **Action Items:**

- *GNSO Council* to seek clarification about the level of resources expected to be allocated to the Cross Community Engagement Group on Internet Governance.
- *GNSO Council Liaison to the ccNSO* to coordinate with the Country Codes Names Supporting Organization (ccNSO) as the Cross Community Engagement Group on Internet Governance seeks to resolve concerns identified by the ccNSO Council.

- *GNSO Council* to determine if it will serve as a Chartering Organization, if the Cross Community Engagement Group mechanism supports Chartering Organizations.

#### **Item 6: COUNCIL DISCUSSION – Update on the GNSO Council’s input to the consultation on the Fellowship Program**

Following the February GNSO Council meeting, **Rafik Dammak, Martin Silva Valent, Michele Neylon, Ayden Férdeline** and **Tatiana Tropina** formed a small group tasked with formulating a response to a community-wide questionnaire on the Fellowship program. The group emphasized the need for metrics focusing not only on attendance but active participation in PDP WGs. Councilors then discussed the need for realistic expectations as to how quickly a Fellow can be acquainted with a PDP topic and then activity involved, to not lose focus on other bigger ongoing issues, and to also address the need for additional expertise over training newcomers. The question of budget concerns over additional value of Fellows entering PDPs and strengthening involvement was also raised. **Philippe Fouquart** mentioned that the Internet Service Providers and Connectivity Providers (ISPCP) were also preparing a response to the questionnaire at an ICANN overall level, less focused on the PDP level.

Councilors were reminded that the questionnaire focused on the GNSO Council’s input regarding Fellowship Program’s impact on council activities and potential role in the selection process, not the GNSO Council’s observation on the Fellowship Program per se.

#### **Action Item:**

- *Small Group of Councilors* to consider input received during the 14 March 2018 Council meeting, circulate the updated version for Council feedback, and, if no objections are received, submit comments by the 30 March 2018 deadline.

#### **Item 7: COUNCIL DISCUSSION – Review of the Inter-Registrar Transfer Policy (IRTP)**

**Jennifer Gore**, Director, Registrar Services & Engagement within the Global Domains Division, joined the GNSO Council to present on the post-implementation IRTP status report that is due to be delivered to the GNSO Council by the end of May 2018. The staff-led review, implemented as of December 2016, was to determine if the policy updates resulted in improvements to the IRTP process and dispute mechanisms and, finally, to identify possible remaining shortcomings. The status report will include the following: A summary of the policy recommendations of the IRTP working group, A, B, C, D and stated goals or intentions of the policy recommendations, details regarding the subsequent implementation of the policy recommendations, and relevant data points ICANN org has collected that may inform the subsequently formed panel review of the impact of the policy recommendations, potential issues or gaps that ICANN organization and the community have identified via specific complaints and potential options for the next step for council consideration.

Councilors then discussed the question of the frequency of reviews, and the timeliness of the review the light of the Privacy Proxy Services Accreditation Implementation (PPSAI) and General Data Protection Regulation (GDPR) developments. It was suggested in the interest of time, to collect further questions and comments to be communicated to Jennifer Gore after the meeting.

#### **Action Item:**

- *GNSO Council* to consider next steps, timing and provide guidance to ICANN Org on if, how, and when the review of the Inter-Registrar Transfer Policy (IRTP) should take place, factoring in ongoing discussion on the post-implementation policy review framework as well as the transfer issue that is being considered by the Privacy & Proxy Services Accreditation Issues Implementation Review Team.

#### **Item 8: ANY OTHER BUSINESS**

Heather Forrest requested, in order to allow time for the open mic session, that item 8.2 be removed from the agenda and discussed on the Council list. Michele Neylon agreed and added on behalf of the Registrar stakeholder Group is that the registrars have written to ICANN in relation to policies impacted by GDPR and a way forward for operationalizing transfers.

#### **8.1 – Update from the GNSO Review Working Group ([Slide deck](#))**

**Wolf Ulrich Knobon** provided an overview of the GNSO Review WG accomplishments to date, and clarified the dependencies on which further recommendations were hinging. He requested input from the Council on the current recommendation the group is working on with a focus on transcriptions and translations. It was agreed for councilors to provide input via the Council mailing list.

#### **Item 9: Open Microphone**

##### **9.1 - PDP 3.0**

**Greg Shatan**, member of the current CCWG IG, confirmed that the only support the CCWG IG was receiving was in call and meeting staff support.

**Chuck Gomes**, Chair of the GNSO Registration Directory Services (RDS) PDP WG, expressed thanks to the GNSO Council for its focus on PDP improvements.

**Bruce Tonkin** noted that nine projects are underway on the [GNSO Project list](#) and advised a traffic light rating to illustrate state of advancement of each project. He also proposed much shorter review periods to ensure the review is accurate.

**Michele Neylon** and **Paul McGrady** agreed with **Bruce Tonkin's** suggestion to end a project if it was failing to advance.

**Phil Corwin**, co-chair of both the RPM and IGO INGO Curative Rights Protections Mechanisms (CRP) PDP WG, expressed agreement with the need for PDPs to look for alternative solutions to progress and also suggested bringing improvements to informing PDP leadership about what tools and actions they have at their disposal and how to best use them.

**Heather Forrest** announced that the discussion on PDP improvements would continue at the GNSO Wrap Up session the following day. She then expressed thanks to all members of the ICANN org GNSO Support team in behalf of the GNSO Council.

**Heather Forrest**, GNSO Council Chair, adjourned the GNSO Council meeting.

The meeting was adjourned at 19:04 UTC Wednesday 14 March 2018.

The next GNSO Council Meeting will take place on 26 April 2018 at 21:00 UTC  
For other places see: <https://tinyurl.com/ycdbsh8u>