

Minutes of the GNSO Council Meeting 18 May 2017

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

Coordinated Universal Time: 12:00 UTC: <https://tinyurl.com/ml6mx9f>
05:00 Los Angeles; 08:00 Washington; 13:00 London; 15:00 Istanbul; 22:00 Hobart

The meeting started at: 12:03 UTC

List of attendees:

NCA – Non-Voting – Erika Mann

Contracted Parties House Registrar Stakeholder Group: James Bladel, Michele Neylon, Darcy

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

Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Philip Corwin, Susan Kawaguchi, Wolf-Ulrich Knoblen, Tony Harris, Paul McGrady, Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Stefania Milan (on but sent Proxy due to sound quality – Proxy Stephanie Perrin), Edward Morris, Marilia Maciel, Rafik Dammak

Nominating Committee Appointee (NCA): Julf (Johan) Helsingius

GNSO Council Liaisons/Observers: Cheryl Langdon-Orr– ALAC Liaison Ben Fuller - ccNSO

Observer Carlos Raul Gutierrez– GNSO liaison to the GAC

Guest Presenter

Thomas Rickert – Co-Chair of the CCWG-Accountability WS2

ICANN Staff

Marcus Kummer – ICANN Board Member

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional Headquarters- Istanbul – absent - sent apologies

Marika Konings – Vice President, Policy Development Support - GNSO

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

Julie Hedlund – Policy Director

Steve Chan - Senior Policy Manager, Policy Development

Amr Elsadr – Policy Manager

Berry Cobb – Policy consultant

Emily Barabas – Policy Analyst

Nathalie Peregrine - Specialist, SO/AC

Terri Agnew - Secretariat Services Coordinator, GNSO

Sara Caplis - Manager, Meetings Technical Services, IT Infrastructure

[MP3 Recording](#)

[Adobe Chat Transcript](#)

[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 adopted without changes. It was confirmed that a GNSO Standing Selection Committee update was taking place under Any Other Business (AOB).

1.4 - The draft [minutes](#) of the meeting of the GNSO Council on 20 April 2017 were posted as approved on 8 May 2017.

1.5 – Note the Electronic vote results on the Initiation of Policy Amendment Process on Specific Red Cross and Red Crescent Names (see [results](#)).

It was noted that the motion passed with 2 abstentions and a written remark from the Intellectual Property Constituency (IPC) with the results circulated to the Council mailing list (<http://mm.icann.org/pipermail/council/2017-May/019991.html>)

Item 2: Opening Remarks / Review of Projects & Action List

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

The GNSO Council thanked councilors who volunteered for Liaison positions. The number of GNSO nominees to the Registration Data Services Review Team (RDS RT) will be confirmed once the GNSO Council Chair has discussed this further with the Supporting Organizations and Advisory Committee (SO/AC) Chairs. Staff provided information as to the progress of the GNSO Bylaws Drafting Team on their work regarding the Policy Development Process (PDP): adjustments to the Initial Issue Report and the coordination of face-to-face meetings for PDP Working Groups (WG).

The issue of Thick Whois was raised and it was noted that the Contracted Party House has directly requested ICANN provide updated legal information on General Data Protection Regulation (GDPR). The RDS PDP WG, has already reached out to EU Data Protection Commissioner for input. This is a topic which the Council will continue to follow closely.

Councilors were informed that GNSO Council leadership has had meetings with Chairs and co-Chairs of all PDP WGs, and are starting meeting with leaders of the Implementation Review Teams (IRT).

Action Item:

- James Bladel to provide update to the Council regarding GNSO Nominees for the Registration Data Services Review Team (RDS RT) after meeting with the SO/AC leaders.

Item 3. Consent Agenda (5 mins)

3.1 – Acknowledgment of the Selection of Matthew Shears for Seat 14 on the ICANN Board.

The NCPH has selected Matthew Shears to succeed Markus Kummer for Seat 14 on the ICANN Board of Directors. As required by Section 7.2 of the ICANN Bylaws, on 5 May 2017, the GNSO Council Chair has informed the Empowered Community Administration, the ICANN Secretary, and the Decisional Participants of Matthew's selection (see <https://gns0.icann.org/en/correspondence/bladel-to-empowered-community-administration-05may17-en.pdf>). This agenda item is intended to acknowledge the selection and confirm that the notification process was completed.

3.2 - GNSO validation of the CCWG-Accountability-WS2 request for extension of mandate and funding for FY18

WHEREAS,

1. The CCWG-Accountability-WS2 funding for FY17 was part of the FY17 Transition budget which was funded from ICANN's reserve fund for a total of 8.8M\$.
2. The CCWG-Accountability-WS2 confirmed at its face to face meeting at ICANN 58 in Copenhagen that it would not be able to complete its work by the end of FY17 as originally planned.
3. In working on estimating the cost of the WS2 extension for FY18 with the PCST and ICANN Finance the CCWG-Accountability-WS2 published the CCWG-Accountability-WS2 FY18 Expense Forecast and Assumptions (see [Annex B](#)) which estimates that the extension of WS2 for all of FY18, including all costs of the Transition for FY17, would still remain within the original Transition budget.
4. The CCWG-Accountability-WS2 chairs submitted a request to the GNSO, as one of the chartering organizations of the CCWG-Accountability-WS2, to support the extension of its mandate and funding for all of FY18 (see <https://mm.icann.org/pipermail/council/2017-April/019936.html>).
5. In considering this request the GNSO notes that the funding for the Transition budget was from the ICANN reserve fund and that any extension of the CCWG-Accountability-WS2 for FY18 should also be funded similarly and as such would not impact the standard operating budget for FY18.
6. The GNSO Council has discussed and reviewed all the relevant materials.

RESOLVED,

1. The GNSO Council hereby supports the CCWG-Accountability-WS2 request for an extension of its mandate and funding for FY18.
2. The GNSO Council expects to receive regular updates on actual expenditures as tracked against this adopted budget, as well as the status of WS2 activities. Additionally, the GNSO Council reserves the right to provide further input on the budget allocation in relation to the CCWG-Accountability related activities in FY18.
3. The GNSO Council expects ICANN staff, including its office of General Counsel, to continue to provide the assistance requested by the CCWG and its working groups in an expeditious, comprehensive, and unbiased manner.
4. The GNSO Council expects the CCWG-Accountability and staff to work within the constraints of the approved budget, and that excess costs or requests for additional funding beyond said budget should be recommended by the Legal Committee only when deemed essential to completion of the CCWG's work and objectives.
5. The GNSO Council requests the GNSO Secretariat to communicate this resolution to the CCWG-Accountability Chairs, and to the office of the ICANN CFO.

The acknowledgement was made that the designation of Board seat nominees was to be simply relayed to ICANN Board by the Empowered Community (EC) upon communication of the names by the SO/ACs. Councilors were reminded that the Cross Community Working Group (CCWG) Accountability Work Stream 2 (WS2) was requesting to extend its mandate and funding to FY18.

The motion passed unanimously.

[Vote results](#)

Action Item:

- GNSO Secretariat to communicate the extension request support from the GNSO Council to WS2 leadership.

Item 4. COUNCIL VOTE – Approval of GNSO Council Review of the GAC Communiqué from Copenhagen

James Bladel seconded by **Michele Neylon** proposed a motion for the approval of the GNSO Council Review of the GAC Communiqué from ICANN58 after the same motion was withdrawn at the previous Council meeting on the 20 April 2017. In the interim, the GNSO Council's draft response was submitted to ICANN Board.

Whereas,

1. The Governmental Advisory Committee advises the ICANN Board on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements. It usually does so as part of a Communiqué, which is published towards the end of every ICANN meeting.
2. The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.
3. The GNSO has expressed a desire to provide feedback to the ICANN Board on issues in the GAC Communiqué as these relate to generic top-level domains to inform the ICANN Board as well as the broader community of past, present or future gTLD policy activities that may directly or indirectly relate to advice provided by the GAC.
4. The GNSO hopes that the input provided through its review of the GAC Communiqué will further enhance the co-ordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.

Resolved,

1. The GNSO Council adopts the GNSO Review of the Copenhagen GAC Communiqué (see <https://gns0.icann.org/en/drafts/review-gac-communication-25apr17-en.pdf>) and requests that the GNSO Council Chair communicate the GNSO Review of the Copenhagen GAC Communiqué to the ICANN Board.
2. The GNSO Council requests that the GNSO Council Chair also inform the GAC Chair of the communication between the GNSO Council and the ICANN Board.

Councilors raised concerns about the precedence set during the recent Board/ Government Advisory Committee (GAC) meeting resulting in the potential direct address by individual Board members to individual countries on the two-character issues. The Board did not have sufficient time to consider the draft GNSO Council response to the GAC Communiqué.

Further points were discussed regarding the Board decision-making process itself and its keeping within the accountability restrictions enforced by the new Bylaws.

[Vote results](#)

Action Items:

- Staff to schedule meeting/discussion between GNSO Council and ICANN Board to further discuss the decision-making process
- James Bladel to inform the GAC Chair of the communication between the GNSO Council and the ICANN Board and to incorporate request that the GNSO Council would like to better understand the process and timeline for a decision on the communiqué regarding the two-letter string issue

Item 5: UPDATE – CCWG-Accountability-WS2 status of work and expected timeline for delivery of Final Report

Thomas Rickert, co-Chair of the CCWG Accountability presented an update on the status of work and timeline delivery for the CCWG's Final Report ([Slide deck](#)). Thomas shared the news that Leon Sanchez was stepping down as CCWG Co-Chair to become the ALAC Board member at the ICANN60 AGM. Jordan Carter has been appointed by the ccNSO Council as CCWG co-Chair. Thomas then gave an overview of the CCWG Plenary and individual sub-teams' work to date. The CCWG plans to send individual Accountability work packages to the Chartering Organizations to allow for input and then will, at the end, ask for input on inconsistencies between the individual packages. Councilors discussed the work and delivery of the WS2 Jurisdiction sub-team and the budget implications of the CCWG extension request.

Action items:

- Thomas Rickert to provide written update to the GNSO Council on the work of the Jurisdiction Team
- Staff to circulate presentation slide deck to the Council mailing list

Item 6: DISCUSSION ITEM – Updated Charter for the Cross Community Working Group on Internet Governance

Short term steps regarding the CCWG on Internet Governance (CCWG IG) is for the GNSO Council to decide at ICANN59 whether to extend, renew, modify or withdraw GNSO support as a chartering organization for the CCWG. Councilors discussed the need for a form of monitoring of external threats to ICANN. Co-Chair Rafik Dammak explained to the GNSO Council the need for the CCWG format and raised the point that no other Chartering Organization was questioning this choice. The need for a greater collaboration between the CCWG IG, ICANN Board and the ICANN Engagement Team was mentioned. Councilors also suggested some points of the revised Charter could be found lacking in clarity.

Discussion is to be continued via the mailing list.

Action Item:

- Council to discuss and prepare motion to either express support for a new charter or withdraw as a chartering organization.

Item 7. COUNCIL DISCUSSION – Confirmation of Voting on Initiating the GNSO’s Section 16 Process for Amending Approved GNSO Policy Recommendations Relating to Certain Red Cross Movement Names

Given that the GNSO Council passed the motion on approving GNSO Policy recommendations relating to certain Red Cross movement names, the GNSO Council will now work with staff to reconvene the IGO-INGO Protections PDP WG to address the questions that were outlined in the motion, specifically on Red Cross protections. Thomas Rickert, Chair of the IGO-INGO Protections PDP WG has agreed to lead the reconvened PDP WG. Councilors were reminded that the scope of the reconvened PDP WG should only concern one or two of the initial recommendations. Councilors then exchanged views on reinitiating participation, who should participate, the WG timeline, and the justification for reconvening the WG.

Action item:

- GNSO Council to work with staff to reconvene the IGO-INGO PDP WG to address the questions outlined in the motion, specifically on Red Cross protections.
- Staff to prepare a draft letter on behalf of GNSO Council leadership to original PDP WG members to see if they are willing to be part of the reconvened group.

Item 8: UPDATE – Multistakeholder Strategy and Strategic Initiatives (MSSI) Presentation on Specific Reviews (CCT-RT next steps, RDS & ATRT selection process, and SSR 2 Update)

This item was not discussed. MSSI staff will provide a written update to the GNSO Council mailing list.

Action item:

- Item postponed. MSSI staff to provide update to the GNSO Council via the mailing list.

Item 9: COUNCIL DISCUSSION – PLANNING FOR ICANN59 IN JOHANNESBURG, JUNE 2017

GNSO Draft schedule for ICANN59 is almost complete. The agenda for the GNSO Working session on Day 1 is being developed. Councilors discussed minimizing clashes, hotel booking confirmation delays and security in Johannesburg.

Action items:

- Staff and Council Chairs to work on agenda for GNSO Working session, Day 1
- Staff to relay hotel booking confirmation delays to Constituency Travel

Item 10: ANY OTHER BUSINESS

10.1 - Update from the GNSO Standing Selection Committee (SSC) on its work to select the GNSO representative for the Empowered Committee (Susan Kawaguchi)

Susan presented an update on the SSC’s work to date, including the current task of developing the criteria for the empowered community role for the representative from the GNSO Council ([Slide deck](#)), Susan noted that the role focusses more on communication than decision-making.

10.2 Update from Registrars Stakeholder Group (RrSG) on IRTP-C Change of Registrant issues in relation to implementation of the Privacy/Proxy Services Accreditation PDP recommendations

James Bladel provided an update on the new transfer policy with the IRTPC change of registrant transfer policy running into conflict with the privacy proxy services. Responding to the Registrar

Stakeholder Group's (as well as other Stakeholder Groups and Constituencies) request the Board asked that the GNSO convene a group to further discuss the issues. The Registrar Stakeholder Group will work together with ICANN staff to create the group and come back to the Council with proposals. Clarity was needed as to the focus of this informal group: policy or implementation. Given that it is implementation, it was proposed to attempt to gather members of the IRT first.

Action item:

- James Bladel to bring further clarification about the nature and scope of the informal discussion group to the GNSO Council mailing list.

James Bladel, GNSO Council Chair, adjourned the GNSO Council teleconference and thanked everyone for participating.

The meeting was adjourned at 14:01 UTC, Thursday 18 May 2017

The next GNSO Council Meeting will take place on Thursday 28 June 2017 at 11:00 UTC (13:00 local time Johannesburg)

For other places see: <http://tinyurl.com/lh6booo>