

Minutes of the GNSO Council Meeting 20 September 2017

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

Coordinated Universal Time: 21:00 UTC: <http://tinyurl.com/y9tpznzl>

14:00 Los Angeles; 17:00 Washington; 22:00 London; (Thursday 21 September) 00:00 Istanbul; 07:00 Hobart

The meeting started at: 21:02 UTC

List of attendees:

NCA – Non-Voting – Erika Mann

Contracted Parties House

Registrar Stakeholder Group: James Bladel, Michele Neylon (Absent-apology sent - proxy to Darcy Southwell), Darcy Southwell

gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek (Absent-apology sent - proxy given to Rubens Kühl), Rubens Kühl

Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan (Absent-apology sent, proxy to Donna Austin)

Non-Contracted Parties House

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

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Tatiana Tropina (temporary alternate for Ed Morris)

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

Invited Guests: Kathy Kleiman, Craig Schwartz

ICANN Staff

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (Absent-apology sent)

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 Support

Amr Elsadr – Policy Manager

Berry Cobb – Policy consultant

Emily Barabas – Policy Analyst

Sara Caplis – Technical Support

Terri Agnew - Operations Support - GNSO Lead Administrator

Andrea Glandon - SO/AC Collaboration Services Coordinator

Michelle DeSmyter – Secretariat Services Coordinator GNSO / GDD

[MP3 Recording](#)

[Adobe Chat Transcript](#)
[Transcript](#)

Item 1: Administrative matters

1.1 – Roll call

1.2 – Updates to Statements of Interest

Julf Helsingius indicated that he has joined the Non-Commercial Users Constituency (NCUC).

1.3 – Review/amend [agenda](#)

There were no changes requested to the agenda.

1.4 –The draft minutes of the meeting of the GNSO Council on 24 August 2017 were circulated on 4th September 2017 and posted on the 14th September 2017.

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 items on the Project list as well as the completed and pending Action items were highlighted by James Bladel.

Item 3. Consent Agenda (0 min)

There were no items on the Consent Agenda for this meeting.

Item 4: COUNCIL VOTE – Review of all Rights Protection Mechanisms in all gTLDs data request

Heather Forrest seconded by **James Bladel and Wolf-Ulrich Knoben** proposed a [motion](#) asking the Council to support the Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP Working Group request for data, in accordance with the Data & Metrics for Policy Making (DMPM) Working Group’s recommendation that PDP Working Groups use a prescribed form for submitting data collection requests to the GNSO Council.

WHEREAS:

1. In October 2015, the GNSO Council adopted all the consensus recommendations from the Data & Metrics for Policy Making (DMPM) Working Group and instructed ICANN staff to commence implementation of the recommendations (<https://gnso.icann.org/en/council/resolutions#20151021-1>);

2. The Metrics Request Decision Tree and Working Group Metrics Request Form developed by the DMPM Working Group were consequently incorporated into the GNSO’s Working Group Guidelines (<https://gnso.icann.org/en/council/annex-1-gnso-wg-guidelines-01sep16-en.pdf>);

3. The Working Group chartered by the GNSO Council to conduct the Policy Development Process (PDP) to review all Rights Protection Mechanisms (RPMs) in All gTLDs has, after extensive deliberations, developed a list of data collection tasks that it believes are critical in order for it to fulfill its Charter (<https://gnso.icann.org/en/drafts/rpm-charter-15mar16-en.pdf>);

4. As part of its chartered tasks, the PDP Working Group was urged to bear in mind that a fundamental underlying objective of its work is to “create a framework for consistent and uniform reviews of these [RPMs] in the future”;

5. The Competition, Consumer Protection and Consumer Trust (CCT) Review Team convened under the ICANN Bylaws has noted the lack of, and need for, data in order to evaluate the effectiveness of the various RPMs that were created for ICANN’s 2012 New gTLD Program round (<https://www.icann.org/en/system/files/files/cct-rt-draft-report-07mar17-en.pdf>), and

6. The PDP Working Group has developed and submitted a DMPM data request form, as required by the GNSO’s Working Group Guidelines, to the GNSO Council for its approval on 16 September 2017

(<https://gnso.icann.org/en/drafts/rpm-sunrise-trademark-claims-07sep17-en.pdf>)

RESOLVED:

1. The GNSO Council approves the DMPM request as submitted by the Review of All RPMs in All gTLDs PDP Working Group.
2. The GNSO Council instructs the leadership of the RPM PDP to work with ICANN staff and any outside experts to structure the data request in such a way that the value and relevance of the data is maximized.
3. The GNSO Council directs ICANN policy staff to forward the DMPM request to the appropriate department of ICANN Organization for the requisite budget and resource approvals, with a further request that the matter be considered and approved in as timely a fashion as practicable.
4. The GNSO Council requests a follow up report from the Review of All RPMs in All gTLDs PDP Working Group on the progress and outcomes of its DMPM request in time for the GNSO Council's meeting scheduled for 21 December 2017, and a regular written report thereafter, at intervals of not less frequently than monthly, followed by a detailed status report on the Working Group's view of the utility of the data collection exercise on the progress and timeline of Phase One of the PDP by ICANN61.

Councilors discussed the funding figures requested, and the relevance as well as availability of the data requested. It was generally agreed however that collecting data at this point is essential to the validity of the WG's activity and the point was raised that the data collection request be made part of the PDP budget and no longer an additional budget request.

Councilors then discussed Rubens Kühl's amendment circulated on the GNSO Council mailing list prior to the Council call (<http://mm.icann.org/pipermail/council/2017-September/020423.html>). Given the tardiness of the circulation of the amendment and the urgency of the data request, the amendment was considered unfriendly by the maker and seconder of the motion and put to vote. The majority of councilors voted against the amendment.

James Bladel then proposed an amendment considered friendly by the co-chairs of the PDP ensuring that the value and the relevance of the data collected is maximized.

The amended motion was passed unanimously by those present on the call.

[Vote results](#)

Action items:

- *ICANN policy staff* to forward the RPM PDP WG's DMPM request to the appropriate department of ICANN Organization for the requisite budget and resource approvals.
- *RPMs PDP WG* to provide follow-up report on the progress and outcomes of its DMPM request in time for the GNSO Council's meeting scheduled for 21 December 2017, and a regular written report thereafter, at intervals of no less frequently than monthly, followed by a detailed status report on the Working Group's view of the utility of the data collection exercise on the progress and timeline of Phase One of the PDP by ICANN61.
- Staff to include a cost tracking update in the monthly status reports,

Item 5. COUNCIL VOTE – Cross Community Working Group on the Use of Country and Territory Names (CWG UCTN)

Heather Forrest, seconded by **James Bladel**, submitted a [motion](#) requesting the GNSO Council support to adopt Recommendations 1, 2, and 4 of the CWG UCTN Final Report, as well as the underlying objective of Recommendation 3, supporting Alternative A in particular.

Whereas,

1. The GNSO and ccNSO chartered the Cross-community Working Group Framework for the Use of Country and Territory names as TLDs (CWG UCTN) in March 2014 (<https://ccnso.icann.org/workinggroups/unct-framework-charter-27mar14-en.pdf>). The formation of a cross-community working group to evaluate the feasibility of developing an overarching framework on the use of country and territory names as TLDs was the principal recommendation of a preceding ccNSO Study Group (Final Report of 8 September 2013: <https://ccnso.icann.org/workinggroups/unct-final-08sep12-en.pdf>).

2. The CWG UCTN published an Interim Paper dated 9 February 2017 (<https://ccnso.icann.org/workinggroups/ccwg-ctn-interim-paper-09feb17-en.pdf>) setting out the history and context of ICANN policy-making on country and territory names, and proposing four recommendations, with Recommendation 3 articulated in three alternatives. A public comment period on the Interim Paper was held from 24 February 2017 to 21 April 2017, with comments summarized in a report dated 3 May 2017 (<https://www.icann.org/en/system/files/files/report-comments-cwg-uctn-interim-paper-03may17-en.pdf>).

3. In addition to comments submitted by individual GNSO stakeholders, the GNSO Registry Stakeholder Group, Business Constituency and Intellectual Property Constituency submitted comments supporting Recommendations 1, 2 and 4, as follows:

1. Close this CWG in accordance with and as foreseen in the charter.
2. Recommend that the ICANN community consolidate all policy efforts relating to geographic names (as that term has traditionally very broadly been defined in the ICANN environment to this point) to enable in-depth analyses and discussions on all aspects related to all geographic-related names. This is the only way, in our view, to determine whether a harmonized framework is truly achievable.
4. Recommend that future policy development work must facilitate an all-inclusive dialogue to ensure that all members of the community have the opportunity to participate. Again, we believe that this is the only way to determine whether a harmonized framework is truly achievable.

4. Notably, no objections were raised in any submission during the public comment period to the above Recommendations 1, 2 and 4.

5. A range of support was expressed for each of the alternative wordings of Recommendation 3, with all GNSO commenters expressing support for Alternative A, as follows:

Alternative A

Future work should take place with the authority of a policy development process under ICANN's Bylaws, with a clearly drafted Charter or scope of work that sets out how conclusions and recommendations will inform that policy development process. This addresses a key deficiency of this CWG, as it has not been made clear how the group's work can or will be incorporated in policy-making pursuant to ICANN's Bylaws.

6. On 24 June 2015, the GNSO adopted the Resolution on the Request for a Preliminary Issue Report on New gTLDs Subsequent Rounds. (<https://gns0.icann.org/en/council/resolutions#201506>) The Preliminary Issue Report, which identified the "requirements around geographic names" as meriting discussion, was adopted by the GNSO Council on 17 December 2015 (<https://gns0.icann.org/en/council/resolutions#201512>). The Preliminary Issue Report notably recommended that: "A potential PDP-WG on New gTLD Subsequent Procedures could consider collaborating with other parts of the ICANN community, such as the GAC or ccNSO in particular, in determining if strings described above should be allowed and if so, what requirements would be needed to govern that process. The PDP-WG should also consider the work of the Cross-Community Working Group on Use of Country/Territory Names as TLDs before reaching any conclusions." (Preliminary Issue Report at page 59, <https://gns0.icann.org/en/issues/new-gtlds/subsequent-procedures-prelim-issue-31aug15-en.pdf>)

7. The GNSO Policy Development Process on New gTLD Subsequent Procedures ("Subsequent Procedures PDP") was chartered on 21 January 2016 to, inter alia: "Review whether geographic names requirements are appropriate." (<https://gns0.icann.org/en/issues/new-gtlds/subsequent-procedures-charter-21jan16-en.pdf>) This issue formed part of Work Track 2, covering legal issues.

8. Following two cross-community sessions led by the leadership of the Subsequent Procedures PDP WG at ICANN59 in Johannesburg on the topic of the use of geographic names, the formation of a new

Work Track 5 was proposed to better facilitate broad community participation in the discussion of policy on geographic name use.

Resolved,

1. The GNSO Council adopts Recommendations 1, 2 and 4 of the Final Report of the Cross-Community Working Group Framework for the Use of Country and Territory names as TLDs.
2. The GNSO Council adopts the underlying objective of Recommendation 3, and in particular supports Recommendation 3 Alternative A, recognizing that the use of geographic names as gTLDs is clearly within the GNSO's mandate as per ICANN's Bylaws, and also recognizing that this is a matter of interest for the ICANN community as a whole.
3. The GNSO Council instructs the leadership of the Subsequent Procedures PDP to consider the Final Report of the Cross-Community Working Group Framework for the Use of Country and Territory names as TLDs, and to ensure continued collaboration with other parts of the ICANN community in addressing issues relating to the use of geographic names.
4. The GNSO Council recognizes the significant contribution of the CWG UCTN to the ongoing development of policy on the use of geographic names in the DNS, and thanks the members of the CWG UCTN for their Final Report, which clearly documents the history and context of policy-making in relation to geographic names.
5. The GNSO Council instructs the GNSO Secretariat to communicate these resolutions to the ccNSO Council, as co-chartering organization of the CWG UCTN, as soon as possible.

James Bladel on behalf of the GNSO Council thanked all those involved in the CWG UCTN effort for their work and dedication.

The motion was voted unanimously.

[Vote results](#)

Action items:

- *GNSO Secretariat* to communicate the related resolutions (available here: <https://community.icann.org/display/gnsocouncilmeetings/Motions+20+September+2017>) to the ccNSO Council, as co-chartering organization of the CWG UCTN.
- *Staff* to communicate the related resolutions to CWG UCTN WG mailing list
- *Heather*, as co-chair of CWG UCTN, to communicate the related resolutions to SO/AC leadership and ICANN Board

Item 6. GNSO members for the ICANN Accountability and Transparency (ATRT3) Review Team

Susan Kawaguchi submitted a [motion](#), seconded by **James Bladel**, requesting the Council's approval of the Standing Selection Committee's proposed slate of GNSO nominees to the ATRT3 Review Team, including three primary candidates and four additional alternate candidates.

Whereas,

1. On 31 January 2017, ICANN launched a call for volunteers seeking individuals interested in serving as a volunteer Review Team member on the ATRT3 (see <https://www.icann.org/news/announcement-2017-01-31-en>).
2. Under the new Bylaws, each SO/AC participating in the Specific Review may nominate up to 7 members to the Review Team, for consideration by the SO/AC leadership, for a review team of no more than 21 members, plus an ICANN Board member (designated by the ICANN Board). Any SO/AC

nominating up to 3 individuals are entitled to have those nominees selected as members to the review team, so long as the nominees meet the applicable criteria for service on the team.

3. The GNSO Council tasked the GNSO Standing Selection Committee (SSC) to carry out the review and selection of GNSO endorsed candidates for the ATRT3 for Council consideration.

4. The SSC reviewed the candidates that requested GNSO endorsement (see <https://community.icann.org/display/GSSC/ATRT3>) taking into account the criteria outlined in the call for volunteers as well as the desire to ensure a RT that is balanced for diversity and expertise. The SSC submitted its full consensus recommendations to the GNSO Council on 13 September 2017 (<http://mm.icann.org/pipermail/council/2017-September/020381.html>) which confirmed the ranking of the 1-7 candidates as well as the expectation that, at a minimum, the 1-3 candidates would be considered primary candidates with a guaranteed seat for the ATRT3.

5. The GNSO Council considered the recommendations of the SSC.

Resolved,

1. The GNSO Council nominates, ranked in order: Brian Cute (RySG), Wolfgang Kleinwächter (NCSG), Stéphane Van Gelder (RySG) as its primary three candidates for the ATRT3. Furthermore, the GNSO nominates, in ranked order: Tatiana Tropina (NCSG), Michael Karanicolas (NCSG), Adetola Sogbesan (BC), Erica Varlese (RySG) to be considered for inclusion in the ATRT3 by the SO-AC Chairs should additional places be available that need to be filled.

2. The GNSO Council acknowledges concerns raised by the SSC about the general lack of diversity (gender, geographic) in the pool of candidates for Review Teams, and will encourage SG/Cs to widely publicize calls for volunteers and make efforts to promote sufficient diversity in the pool of applicants for future application processes.

3. The GNSO Council instructs the GNSO Secretariat to communicate resolved #1 to the staff supporting the ATRT3.

4. The GNSO Council instructs the GNSO Secretariat to inform the applicants that have received endorsement that the GNSO Council expects that, if selected for the ATRT3, the applicant will represent the views of the entire GNSO community in their work on the ATRT3, and provide regular feedback as a group on the discussions taking place in the ATRT3, as well as the positions being taken by GNSO Review Team members.

5. The GNSO Council requests staff supporting the ATRT3 and application process to send a response to those applicants who did not receive endorsement for this Review Team, thanking them for their interest. The response should also encourage them to follow the ATRT3 work, and participate in Public Comments and community discussions and to apply for future opportunities within the GNSO Community as they arise.

Susan Kawaguchi provided a brief update on the work of the SSC and communicated a request from the Standing Committee regarding a greater diversity in candidates moving forward.

The motion was voted unanimously.

[Vote results](#)

Action items:

- *GNSO Secretariat* to communicate resolved #1 (“The GNSO Council nominates, ranked in order: Brian Cute (RySG), Wolfgang Kleinwächter (NCSG), Stéphane Van Gelder (RySG) as its primary three candidates for the ATRT3. Furthermore, the GNSO nominates, in ranked order: Tatiana Tropina (NCSG), Michael Karanicolas (NCSG), Adetola Sogbesan (BC), Erica Varlese (RySG) to be considered for inclusion in the ATRT3 by the SO-AC Chairs should additional places be available that need to be filled.”) to the staff supporting the ATRT3.
- *GNSO Secretariat* to inform the endorsed candidates that the GNSO Council expects that if selected for the ATRT3, the applicant will represent the views of the entire GNSO community in their work on the ATRT3, and provide regular feedback as a group on the discussions taking place in the ATRT3, as well as the positions being taken by GNSO Review Team

members. (to be completed after meeting with other SO/ACs to determine final Review Team membership)

- *Staff* supporting the ATRT3 and application process to send a response to those applicants who did not receive endorsement for this Review Team, thanking them for their interest and note their importance in the event an alternate is needed in the future. The response should encourage them to follow the ATRT3 work, participate in Public Comments and community discussions, and to apply for future opportunities within the GNSO Community as they arise. (to be completed after meeting with other SO/ACs to determine final Review Team membership)

Item 7: COUNCIL DISCUSSION – Revised GNSO Operating Procedures and ICANN Bylaws

Marika Konings, ICANN staff, provided an update on the GNSO Operating Procedures and the revised ICANN Bylaws post transition, and which changes needed to be made to allow the GNSO to be a Decisional Participant in the Empowered Community. The GNSO Rights and Obligations under the revised bylaws drafting team (Bylaws Drafting Team) was tasked with this effort. The proposed changes were then posted for Public Comment. Several of these changes have already been implemented (Creation of the SSC and modification of voting thresholds). Other changes include: certain decisions being accepted automatically through the consent agenda and a waiver for timelines which do not fit into current GNSO Council timelines. Next steps would be the Council approving the adopted changes to the GNSO Operating Procedures and submitting the changes to the ICANN Bylaws to Board approval.

Action item:

- *Council leadership* to put forth recommendation on how Council can better consider topic and determine next steps (e.g., consider holding a webinar, review red-line of GNSO Operating Procedures/ICANN Bylaws, etc.)

Item 8. COUNCIL DISCUSSION – Community gTLD Change Request Process

The discussion to propose a process to change a community gTLD was introduced by a [presentation](#) by Craig Schwartz from fTLD, focusing on developing a process for community-based registry operators to amend Specification 12, their community registration policies to their Registry Agreement. Councilors then discussed next steps and how to involve the GNSO Community through public comment or a PDP for instance.

Action item:

- *Councilors* to review draft process and presentation shared by Craig Schwartz. *Councilors* to also socialize with their respective SG/Cs to attempt to try and come to agreement in October on which direction Council should go for this item (e.g., consistent with existing policy and can be treated as implementation, needs additional policy work via existing PDP, new PDP, GGP).
- Staff to add this for consideration in the Consent Agenda for the GNSO Council meeting on the 12 October 2017

Item 9: ANY OTHER BUSINESS

9.1 – There were no items under AOB

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

The meeting was adjourned at 23:05 UTC, Wednesday 20 September 2017

The next GNSO Council Meeting will take place on 12 October 2017 at 12:00 UTC

For other places see: <http://tinyurl.com/ya74wnq9>

