

Minutes of the GNSO Council Meeting 22 February 2018

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

Coordinated Universal Time: 12:00 UTC: <https://tinyurl.com/y8etlo5z>

04:00 Los Angeles; 07:00 Washington; 12:00 London; 17:00 Islamabad; 21:00 Tokyo; 23:00 Hobart

The meeting started at: 12:01 UTC

List of attendees:

Nominating Committee Appointee (NCA): – Non-Voting – Erika Mann (apology sent) **Contracted Parties House** Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell gTLD Registries Stakeholder Group: Donna Austin (apology sent – proxy to Keith Drazek), 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, Arsene Tungali

Nominating Committee Appointee (NCA): Syed Ismail Shah

GNSO Council Liaisons/Observers: Cheryl Langdon-Orr– ALAC Liaison Ben Fuller - ccNSO Observer – (apology sent) Julf (Johan) Helsingius– GNSO liaison to the GAC

Guests: Brian Aitchison

ICANN Staff

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

Berry Cobb – Policy consultant

Emily Barabas – Policy Support Senior Specialist

Ariel Liang – Policy Analyst

Caitlin Tubergen – Policy Senior Manager

Mike Brennan – Technical Support

Nathalie Peregrine- Manager, Operations Support – apology sent

Terri Agnew – Operations Support – GNSO Lead Administrator

Julie Bisland – Secretariat Operations Coordinator for the GNSO

[MP3 Recording](#)

[Adobe Chat transcript](#)

[Adobe Connect recording](#)

[Transcript](#)

Item 1: Administrative matters

1.1 – Roll call

1.2 – Updates to Statements of Interest.

Syed Ismail Shah noted that he has joined ITU as representative for Southeast Asia, based out of Jakarta.

1.3 – Review/amend [agenda](#)

There were no modifications to the agenda.

1.4 – [Minutes](#) of the GNSO Council meeting on the 21 December 2017 were posted on 8 January 2018.

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

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](#).

Heather Forrest noted certain items, being of a specific group's remit, had been moved from the Action Item list to the Projects list. **Marika Konings** added that, other than items which were part of the GNSO Council agenda for this meeting, the following items on the Project list were marked as completed: the implementation of the GAC GNSO Consultation Group on Early Engagement recommendations and the adoption of the revised GNSO Operating Procedures. **Heather Forrest** provided updates concerning an upcoming SOAC Chairs meeting on the topics of the Second Security, Stability, and Resiliency of the Domain Name System Review (SSR2) and on the third Accountability and Transparency Review (ATRT3) as well as on a consolidated timeline the New gTLD Subsequent Procedures Working Group co-chairs and the Review of all Rights Protection mechanisms Working Group co-chairs are collaborating on together.

Item 3. Consent Agenda

The Consent Agenda was empty.

Item 4: COUNCIL VOTE – Adoption of the Charter related to the next steps for the ICANN Procedure of Handling WHOIS conflicts with Privacy Law

Donna Austin submitted the [motion](#), seconded by **Heather Forrest** to adopt the proposed revisions to the GNSO Operating Procedures and the recommended amendments to the ICANN Bylaws. The motion had been deferred previous GNSO Council meeting on the 30 January 2018.

Whereas,

1. In November 2005, the Generic Names Supporting Organization (GNSO) concluded a policy development process (PDP) on WHOIS conflicts with privacy law, which recommended the creation of a procedure to address conflicts between a contracted party's WHOIS obligations and local/national privacy laws or regulations.

2. The ICANN Board of Directors adopted the recommendations in May 2006 and the final procedure was made effective in January 2008.

3. As noted in the GNSO Operating Procedures, "Periodic assessment of PDP recommendations and policies is an important tool to guard against unexpected results or inefficient processes arising from GNSO policies". As called for in Step 6 of the [ICANN Procedure For Handling WHOIS Conflicts with Privacy Law](#), "ICANN will review the effectiveness of the process annually".

4. Following a review of the procedure in May 2014 and the submission of the Final Report of the Implementation Advisory Group (IAG) in May 2016, the GNSO Council concluded that the proposed modification to the procedure with the alternative trigger as outlined in Appendix I of the [IAG Final Report](#) conforms to the intent of the original policy recommendations and confirmed its non-objection to the modification being implemented by Global Domains Division staff.

5. In conjunction, the GNSO Council requested that ICANN staff, based on their experience of administering the modification, assess the practicality and feasibility of this new trigger in comparison to the existing trigger as well as the other triggers discussed in the IAG Final Report, and report back accordingly to the GNSO Council.

6. Review of the WHOIS Procedure commenced on 3 May 2017 by [publishing for public comment](#) a paper outlining the new Alternative Trigger and soliciting public feedback on its implementation.

7. On 1 August 2017, Akram Atallah, President, ICANN Global Domains Division, [wrote](#) to the GNSO Council to provide an update on the comments received and outlining possible next steps for the GNSO Council to consider.

8. The GNSO Council reviewed the available materials, including the GDD's possible next steps, and agreed to form a drafting team to develop a charter for a new implementation advisory group to review the public comments in order to assess whether modifications to the Revised ICANN Procedure for Handling WHOIS Conflicts with Privacy Law are necessary and to make recommendations to the GNSO Council accordingly.

9. The drafting team submitted the [proposed charter](#) for the ICANN Procedure For Handling WHOIS Conflicts with Privacy Law Implementation Advisory Group (WHOIS Procedure IAG) to the GNSO Council on 20 January 2018, and a later edited version on 23 January 2018.

10. The GNSO Council has reviewed and discussed the [proposed charter](#).

Resolved,

1. The GNSO Council adopts the [proposed charter](#) for the ICANN Procedure For Handling WHOIS Conflicts with Privacy Law Implementation Advisory Group (WHOIS Procedure IAG).

2. The GNSO Council appoints Keith Drazek as the GNSO Council Liaison to the Implementation Advisory Group. Until such time the IAG has appointed a Chair, the GNSO Council Liaison will serve as the interim Chair.

3. The GNSO Council request staff to circulate the call for volunteers on or after June 1, 2018 to the GNSO Stakeholder Groups with the request for each Stakeholder Group to appoint up to 3 members to the IAG. Further, staff are requested to circulate through the normal communication channels a call to the wider ICANN community for volunteers for interested participants and observers to join the IAG.

4. The GNSO Council thanks the drafting team for its efforts.

Keith Drazek, proxy for Donna Austin, presented the motion, and reminded Councilors that Pam Little had submitted a friendly amendment requesting that the call for volunteers be deferred to the 1st June 2018, on the GNSO Council mailing list (<http://mm.icann.org/pipermail/council/2018-February/020926.html>). **Keith Drazek** noted that he, as proxy for Donna, would accept the amendment as friendly. **Heather Forrest**, seconder of the motion, also agreed to accept the amendment as friendly.

After a brief discussion regarding the deferral of the call for volunteers, Councilors voted to pass the motion unanimously.

Heather Forrest expressed thanks to Donna Austin and Keith Drazek for their work in preparing the motion.

[Vote results](#)

Action Items:

- *ICANN Staff* to circulate a call for volunteers on or after 1 June 2018 to the GNSO Stakeholder Groups, with the request for each Stakeholder Group to appoint up to 3 members to the Implementation Advisory Group (IAG). The call for volunteers should also be more widely circulated to seek volunteers to serve as participants and observers to the IAG

Item 5. COUNCIL VOTE – Replacement for GNSO member for the Second Security, Stability, and Resiliency of the DNS (SSR2) Review Team

Susan Kawaguchi submitted the [motion](#), seconded by **Rafik Dammak**.

WHEREAS,

1. On 19 January 2017, the GNSO Council nominated (see <https://gns0.icann.org/en/council/resolutions#201701>) the following candidates to serve on the SSR2-RT (in alphabetical order): James Gannon, Denise Michel, and Emily Taylor as its primary three candidates for the SSR2-RT, noting that these candidates under the new ICANN Bylaws are entitled to be selected. Furthermore, the GNSO nominated (in alphabetical order): Howard Eland, Scott

McCormick, Rao Naveed bin Rais, and Norm Ritchie to be considered for inclusion in the SSR2-RT by the SO-AC Chairs should additional places be available.

2. On 14 February 2017, ICANN announced the selection of the 16-member team (see <https://www.icann.org/news/announcement-2-2017-02-14-en>), which included the three primary candidates nominated by the GNSO Council.

3. Following the resignation of Emily Taylor on 16 July 2017 (see <http://mm.icann.org/pipermail/ssr2-review/2017-July/000468.html>), the GNSO Council tasked the GNSO Standing Selection Committee (SSC) with recommending a candidate for this vacancy. The SSC recommended Norm Ritchie, who was subsequently nominated by the GNSO Council on 24 August 2017 (see <https://gns0.icann.org/en/council/resolutions#201708>).

4. On 8 December 2017, James Gannon submitted his resignation to the SSR2-RT (see: <http://mm.icann.org/pipermail/ssr2-review/2017-December/000920.html>)

5. The GNSO Council asked the SSC to consider an analysis of the skills that existing SSR2-RT members possess (see <https://community.icann.org/download/attachments/79433986/SSR2%20Skills%20Matrix%20for%20SO%20%26%20AC%20Chairs.xlsx?version=1&modificationDate=1518099841494&api=v2>) in order to identify if one of the candidates might have specific skills that are currently underrepresented in the Review Team. The GNSO Council further tasked the GNSO Standing Selection Committee (SSC) with recommending a replacement candidate, taking into account the analysis of existing and needed skills on the Review Team, the criteria outlined in the call for volunteers, as well as the desire to ensure a RT that is balanced for diversity and expertise (<https://www.icann.org/news/announcement-3-2016-06-30-en>).

6. Out of the three candidates that were nominated in the initial selection process for consideration, beyond those that were entitled to be selected, the following two expressed that they were still interested in serving on the SSR2-RT: Scott McCormick and Rao Naveed bin Rais.

7. The SSC submitted its recommendation to the GNSO Council on 12 February 2018.

8. The GNSO Council considered the recommendation of the SSC.

Resolved,

1. The GNSO Council nominates Rao Naveed bin Rais to replace James Gannon on the SSR2-RT.
2. The GNSO Council instructs the GNSO Secretariat to communicate resolved #1 to the staff supporting the SSR2-RT as soon as possible.
3. The GNSO Council instructs the GNSO Secretariat to inform the selected applicant that he has been chosen and that the GNSO Council expects that the applicant will represent the views of the entire GNSO community in his work on the SSR2-RT, and provide regular feedback as a group on the discussions taking place in the SSR2-RT, as well as the positions being taken by GNSO Review Team Members.
4. The GNSO Council asks the GNSO Secretariat to send a response to the applicant who was not selected, thanking him for his continued interest. The response should also encourage him to follow the SSR2-RT work, and participate in Public Comments and community discussions.
5. If the Council is in a position to nominate an additional candidate for the SSR2-RT in the future, the Council will consider Scott McCormick as a first choice for this position, following the SSC's recommendation that he is also a strong and qualified candidate.

Councilors voted the motion unanimously.

Heather Forrest asked **Susan Kawaguchi**, SSC Chair, to convey thanks to the Standing Committee on behalf of the whole Council for their efforts.

[Vote results](#)

Action Items:

- *ICANN Staff* to inform the staff supporting the Second Security, Stability, and Resiliency of the DNS Review Team (SSR2-RT) that the GNSO Council nominate Rao Naveed bin Rais to replace James Gannon on the SSRT-RT.
- *ICANN Staff* to inform the selected applicant that he has been chosen and that the GNSO Council expects that the applicant will represent the views of the entire GNSO community in his work on the SSR2-RT and provide regular feedback as a group on the discussions taking place in the SSR2-RT, as well as the positions being taken by GNSO Review Team Members.
- *ICANN Staff* to send a response to the applicant who was not selected, thanking him for his continued interest. The response should also encourage him to follow the SSR2-RT work, and participate in Public Comments and community discussions.
- *GNSO Council* to be reminded that if it is in a position to nominate an additional candidate for the SSR2-RT in the future, the Council will consider Scott McCormick as a first choice for this position, following the SSC's recommendation that he is also a strong and qualified candidate.

Item 6: COUNCIL UPDATE – Updated Charter for the Cross Community Working Group on Internet Governance (CCWG IG)

Rafik Dammak, as one of the co-chairs of the CCWG IG, reminded the councilors, that the GNSO Council had provided feedback in 2017 on the possible inadequacy of the CCWG structure as vehicle for its work on Internet Governance. The group had since then focused on the advantages of preserving a cross-community space, and concluded that [Cross Community Engagement Group](#) would be a more fitting name. The group then had to re-work the recently revised CCWG charter to adjust to the new structure.

Councilors then discussed the following points:

- The new structure was a welcome evolution from the CCWG structure
- The added regular reporting capability was a positive step towards accountability
- The need to provide discussion space without formalizing consensus building, which is of other groups' remit.

Action items:

- *Council Leadership* to ensure that the Cross Community Working Group on Internet Governance topic, and its proposed new structure, be added to the March 2018 Council meeting agenda as a discussion item.
- *Council Leadership* to ensure that the Cross Community Working Group on Internet Governance topic, and its proposed new structure, be included in the list of topics to discuss with other SO/ACs during meetings at ICANN61, as appropriate.

Item 7: COUNCIL DISCUSSION – Update and discussion on the GNSO Standing Committee on Budget and Operations (SCBO) review of the Draft FY19 ICANN Operating Plan and Budget

Ayden Férdeline, chair of the SCBO, provided an update on the mission and composition of the Standing Committee which is currently focusing on preparing a draft comment as it relates to the Council's remit in managing the GNSO's policy development processes on the proposed operating plan and budget for the coming fiscal year. The intent is to provide high-level comments to avoid any duplication of the Stakeholder Groups' (SGs) or Constituencies' own comments on the operating plan and budget.

Councilors discussed the following points of the draft comment:

- The document was a good summary of feedback from all members of the SCBO
- The importance of providing GNSO Council input, thereby focusing on Policy Development Process (PDP) and not SG & C input in the document.

Action item:

- SCBO to liaise with New gTLD Subsequent Procedures PDP WG Co-Chairs to determine if and how concerns about the lack of FY19 budget allocation to the implementation of New gTLD Subsequent Procedures policy recommendations can be addressed in the Council's public comment.

Item 8: COUNCIL DISCUSSION – Discussion of the Draft Post-Implementation Review Framework

In order to streamline the post-implementation review process, ICANN.org worked on a framework as point of reference to enable them to gather documents and data in the form of a **post implementation policy status report**, submit for Public Comment and present as a final report to the GNSO Council for input. The GNSO Council would then have several steps to consider depending on the information and the assessment of the data which would have been provided. **Marika Konings** presented this [draft framework](#) to councilors for discussion.

Highlights of the discussion:

- The question of what constitutes a trigger for a review and who can request one.
- How to combine this with the other periodic reviews?
- The need for metrics to assess post-implementation efficiency

Action item:

- *ICANN Staff* to further develop the draft policy post-implementation review framework, including the development of a detailed process flow document.

Item 9: COUNCIL DISCUSSION – Planning for ICANN61

Heather Forrest presented the most recent update regarding the GNSO Schedule for ICANN61, which was the [agenda for the GNSO Working Session](#), Sunday 11 March 2018. The main change here is a shift from the traditional PDP updates to a broader discussion focused on PDP with PDP co-chairs, SG & C leaders and community members.

Action item:

- *GNSO Council* to continue discussion and seek volunteer to steward the informal council dinner scheduling.

Item 10: COUNCIL DISCUSSION – Assignment of Council Liaisons

Heather Forrest reminded councilors that the description of the [Council liaison role](#) was discussed during the GNSO Council Strategic Session last month in Los Angeles. [Jeff Neuman's proposed edits](#) to the document, specifying that there is a role for the liaison to communicate from council to the PDP, were deemed acceptable by councilors on the call.

Rubens Kuhl confirmed that he is keeping his role as Council liaison to the Translation and Transliteration of Contact Information (T/T). Implementation Review Team (IRT). **Heather Forrest** noted that she would like to stay in the position of liaison to the reconvened Red Cross working group and the SCBO. **Paul McGrady** requested to be moved from his position as new gTLD Subsequent Procedures PDP WG liaison to the Review of all Rights Protection Mechanisms PDP WG.

It was decided to further discuss the liaison role with the co-chairs of the new gTLD Subsequent Procedures PDP WG, given the specificity of the workload and work division amongst the five Work tracks and the plenary PDP WG. **Stephanie Perrin** agreed to remain in the position of liaison to the Registration Directory Services (RDS) PDP WG. **Susan Kawaguchi** will stay in the role of liaison to the IGO INGO Curative Rights Protection PDP WG. **Tatiana Tropina** will remain liaison to the ending CCWG IG and the soon-to-be formed Cross Community Engagement Group on Internet Governance. **Keith Drazek** will stay liaison to the Protection of IGO names PDP, will stand down as ccNSO liaison and has already volunteered as liaison to the Whois Conflicts IAG. **Rafik Dammak** will remain liaison with the GNSO Review WG. **Darcy Southwell** will remain liaison to the Privacy and Proxy Implementation Review Team (IRT) and **Susan Kawaguchi** will keep the role with the Whois IRT. **Julf Helsingius** confirmed he is remaining as GNSO GAC liaison.

Action Items:

- *ICANN Staff* to post updated description of Council liaisons to the GNSO Procedures web page.
- *ICANN Staff* to update Projects List to account for any new Council liaisons.
- *ICANN Staff* to circulate call for volunteers for any liaison roles where the existing liaison wishes to step down (i.e., ccNSO, New gTLD Subsequent Procedures).

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

The meeting was adjourned at 14:08 UTC Thursday 22 February 2018.

The next GNSO Council Meeting will take place on 14 March 2018 at 13:00 local time in San Juan (17:00 UTC)

For other places see: <https://tinyurl.com/y7st3et9>