

Minutes of the GNSO Council Meeting 24 January 2019

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

Coordinated Universal Time: 22:00 UTC: <https://tinyurl.com/ybxpm8s3>

14:00 Los Angeles; 17:00 Washington; 22:00 London; (Friday) 03:00 Islamabad; 07:00 Tokyo; 09:00 Melbourne

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: Maxim Alzoba, Keith Drazek, Rubens Kühn

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez (apology, proxy to Michele Neylon)

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Tony Harris , Paul McGrady (apology, proxy to Flip Petillion), Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Elsa Saade, Tatiana Tropina, Rafik Dammak, Ayden Férdeline, Arsène Tungali

Nominating Committee Appointee (NCA): Syed Ismail Shah (apology, proxy to Rafik Dammak)

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

Adebiyi Oladipo – ccNSO observer (apology)

Guest observers to the GNSO Strategic Planning Session:

James Bladel, Becky Burr, Matthew Shears, Avri Doria, Herb Waye.

ICANN Staff

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

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 (apology)

Ariel Liang – Policy Support Specialist

Caitlin Tubergen – Policy Senior Manager

Moises Cirillo – Technical Support

Nathalie Peregrine – Manager, Operations Support

Terri Agnew - Operations Support - GNSO Lead Administrator

[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 accepted with a 1.5 addition to the Administrative Matters for a welcome to the GNSO Council by Herb Wayne, ICANN Ombudsman.

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 29 November 2018 were posted on the 13 December 2018

[Minutes](#) of the GNSO Council meeting on the 20 December 2018 were posted on the 7 January 2019

1.5 - Welcome by Herb Wayne, ICANN Ombudsman, who introduced himself to the GNSO Council and answered questions relative to the Expedited Policy Development Process (EPDP) and to Working Group (WG) accountability mechanisms. Herb was also encouraged by Council to follow PDP 3.0 next steps.

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

Keith Drazek commented on the [Projects list](#), noting that meetings were planned with the leadership teams of the four active PDP WGs and with Council leadership prior to ICANN64 in Kobe.

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

- Cross Community Engagement Group on Internet Governance (CCEG-IG): councilors discussed the fact that the ccNSO and the GNSO had removed themselves as Chartering Organisations (CO) and the At-Large remained in the role as sole CO, with the question remaining as to whether a CO is still required given the structural shift from a Cross Community Working Group. Support was expressed in regard to the work of the group.
- Drafting Team on charter related to the next steps for the ICANN Procedure of Handling Whois conflicts with Privacy is an action item on hold until the EPDP publishes its Final Report.
- ICANN Reserve Fund: there is a need for Council to receive further clarification regarding ICANN's fiduciary and legal duties.
- IANA Functions Review Team: GNSO Council awaits resolution of issues regarding the Review Team composition before appointing a co-chair to the effort

Action Items:

- Projects List: Staff to consider new status for paused efforts (e.g., IRTs)

Item 3. Consent Agenda

There was one item on the Consent Agenda:

- [Motion](#) to confirm Jonathan Frost as one of the GNSO appointees to the CCWG Auction Proceeds.

Councilors voted unanimously in favour of the motion.

Vote result

Action item:

- GNSO Secretariat to inform CCWG Auction Proceeds leadership team of the motion vote result

Item 4: COUNCIL DISCUSSION - Review of Public Comment Drafts

There are three Public Comments for Council consideration:

- [ICANN Draft FY20 Operating Plan and Budget and Five-Year Operating Plan Update](#)
- [ICANN Strategic Plan for Fiscal Years 2021 – 2025](#)
- [Update Operating Standards for Specific Reviews](#)

Ayden Férdeline, chair of the Standing Committee on ICANN's Budget and Operations (SCBO), provided an update on the first two Public Comments. In regards to the FY20 budget, he noted that the proposed GNSO Council comment called on ICANN org to look inward at its own spending patterns, to provide the community with an appropriate level of support commensurate with their bylaw-mandated responsibilities, and to re-evaluate its spend on capacity development programs for their effectiveness in leading to engagement in GNSO policy development activities. In regards to the strategic plan, he advised that the SCBO was still in the process of reviewing this document, and it was tabled for their meeting on 28 January.

Keith Drazek reminded Council that Stakeholder Groups (SGs) and Constituencies (Cs) were also preparing comments. **Michele Neylon** commented that financial reporting, whether related to travel funding, or GNSO activities, needed to be monitored very closely.

Rafik Dammak provided an update on the public comment on the Operating Standards for Specific Reviews, it is a work in progress, and will be circulated to the Council mailing list shortly.

Action item:

- Councilors to review draft comments and provide input in a timely fashion

Item 5: COUNCIL DISCUSSION – Temporary Specification for Registration Data Expedited Policy Development Process - Recurring Update

Rafik Dammak, GNSO Council liaison to the EPDP, provided an update on the face-to-face meeting the EPDP had held the week before in Toronto, with the aim to continue working through the comments received on the Initial Report and deliberating several outstanding items. Subteams had been created to multiply review efforts. Team members should be soon in the process of reviewing the draft Final Report.

Keith Drazek noted the considerable work done so far by EPDP Team and staff and reminded councilors of the 14th February 2019 Extraordinary Council meeting scheduled which could be used as an opportunity for Council consideration of the EPDP effort.

Ayden Férdeline brought to Council's attention that a technical study group on access to nonpublic registration data was equally at work within ICANN. **Keith Drazek** agreed that both the aforementioned and the EPDP Team should be kept abreast of the each other's mandate, scope and work

Action item:

- *Keith Drazek* to send an email to Goran Marby about the need to ensure EPDP Team and the Technical Study Group on Access to Non-Public Registration Data are informed of each others' work.

Item 6: COUNCIL DISCUSSION – Managing the EPDP Implementation Gap and Back-up Plans

Keith Drazek reminded Council of where the notion of back-up plan originated: approaching the end of 2018 there were significant concerns about whether the EPDP Team was going to be able to deliver a consensus final report in a timely manner in light of the May 25 2019 expiration of the Temporary Specification. These concerns were also shared by ICANN Board who [wrote](#) to the Council on 14th November 2018 asking for an update on the Initial Report and if there was a stop gap should there be delays. Council [responded](#) to the Board on the 10 January 2019 that the face-to-face meeting of the EPDP in Toronto in January 2019 would be the key event to evaluate EPDP progress.

Given the considerable advance undertaken by the EPDP Team in Toronto, concerns have now shifted to a possible gap between the expiration of the Temporary Specification and the implementation of the recommendation. What is the solution if contracted parties need more time to be able to implement the recommendations in the Final Report? This would not be of the GNSO Council's remit but lies within the EPDP team and potentially contractual negotiations between the contracted parties and ICANN.

Erika Mann, on the subject of the implementation gap, raised concerns about the complexity of European law and noted that in 2020 the review of the current General Data Protection Regulation will begin.

Keith Drazek reminded councilors that discussions on the access model would take place in phase 2.

Action Item: none

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

On 20 December 2018, Council leadership circulated a [proposal](#) for next steps regarding the CRP recommendations: to approve the first four recommendations, which would not change nor create new consensus policies, and then refer Recommendation 5 to the GNSO Rights Protection Mechanisms (RPM) PDP Working Group for their consideration in Phase 2. **Keith Drazek** reminded councilors that Recommendation 5 proposes changes to the UDRP and the RPM PDP Working Group is shortly going to address and review the UDRP.

Flip Petillion shared with Council the Intellectual Property Constituency (IPC) view on the matter that it would be preferable to reject all five recommendations for structural issues and the fact that neither the Governmental Advisory Committee (GAC) nor the IGO INGOs themselves are in favour of the recommendations. The IPC recommends re-chartering a new PDP in accordance with the PDP 3.0 standards.

Keith Drazek clarified that recommendations 1-4 would need a simple majority vote, but that recommendation 5, as consensus policy changing, would require a supermajority vote.

Pam Little recommended councilors revisit the [IGO INGO webinar](#) held in October 2018.

Marie Pattullo, on behalf of the BC, was not in favour of sending recommendation 5 to the RPM PDP WG preferring an independent group be tasked with the effort.

Keith Drazek suggested that if the 14 February 2019 Extraordinary Council meeting is no longer needed for EPDP matters, it be repurposed for further discussion on the IGO INGO PDP WG recommendations.

Elsa Saade supported the proposal of a discussion to ensure all members of Council are fully informed on the matter, and made aware of the consequences of each proposed option.

Action Item:

- Review the [IGO INGO webinar](#)
- Consider using the special meeting on the 14th February 2019 for a discussion on IGO/INGO CRP

Item 8: ANY OTHER BUSINESS

- 8.1 - Update on the CSC Effectiveness Review (Philippe Fouquart, one of the two GNSO appointed members)

Philippe Fouquart brought Council's attention to the publication of the [initial report](#) of the CSC effectiveness review which highlighted the the CSC operated effectively. The review built up from the 2018 CSC charter review to develop criteria to assess the CSC effectiveness and equally the structure, working procedures and attendance of the team membership. Recommendations were made in relation to attendance, documenting procedures and transfer of knowledge and experience in the case of membership turnover. He commended the good spirit and efficiency of the team, liaisons and supporting ICANN staff for this work.

Keith Drazek thanked Philippe Fouquart for his contribution to the effort.

- 8.2 - IANA Function Review (IFR) Team composition: Review of the ccNSO proposal to manage deficiencies

Keith Drazek updated the Council on the matter: the ccNSO has not been able to find a ccTLD operator, not a member of the ccNSO, able to participate in this role at this time on the IANA Functions Review Team. An interim step has been proposed that they appoint an interim ccNSO member to take on that role on the IANA Functions Review team.

Rafik Dammak mentioned that the Non Commercial Stakeholder Group (NCSG) was not in favour of the interim solution as this was a process dictated by ICANN Bylaws. He also raised the concern that this was not an issue for the Council to comment upon but to restrict it to the SGs and Cs.

Michele Neylon stated that in his capacity as a member, he would seek feedback from the Policy Advisory Committee for the dotIE ccTLD which is not a member of the ccNSO.

Action item:

- Councilors to take discussion with their respective SG/C to consider their input
- 8.3 - ICANN64 Planning

Pam Little provided an update to the Council on additional High Interest Topic and Board-led sessions which had led to minor changes on the [ICANN64 Block Schedule](#).

Rafik Dammak announced the concept of the informal GNSO Council dinner for ICANN64.

- 8.4 - Discussion of proposed FY20 GNSO Council Additional Budget Requests (ABRs)

Staff provided an overview of the three ABRs to be submitted on behalf of Council, two of which are continuations of previous submissions: GNSO Council Strategic Planning Session and the PDP Leadership Travel Support Program. The third ABR originates from PDP 3.0 and is a guideline document elaborated with the help of an external consultant, to help lay out steps for consensus building.

Keith Drazek, GNSO Chair, adjourned the GNSO Council meeting at 00:04 UTC Friday 25 January 2019.