

Minutes of the GNSO Council Meeting 24 May 2018

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

Coordinated Universal Time: 04:00 UTC: <https://tinyurl.com/y7r9wfy8>

(Wednesday 23 May) 21:00 Los Angeles; (Thursday 24 May) 00:00 Washington; 05:00 London; 09:00 Islamabad; 13:00 Tokyo; 14:00 Hobart

The meeting started at: 04:03 UTC

List of attendees:

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

Contracted Parties House

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

gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl (absent)

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Susan Kawaguchi (joined late, proxy to Marie Pattullo), Philippe Fouquart, Tony Harris, Paul McGrady (apology sent- proxy to Heather Forrest), Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Tatiana Tropina, Rafik Dammak, Ayden Férdeline, Arsène Tungali (apology sent – proxy to Martin Silva Valent)

Nominating Committee Appointee (NCA): Syed Ismail Shah

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

We note that the position of ccNSO liaison to the GNSO Council, previously held by Ben Fuller, had not yet been filled.

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 – Sr Director, Special Adviser for Strategic Policy Planning (apology sent)

Julie Hedlund – Policy Director

Steve Chan – Policy Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Support Senior Specialist (apology sent)

Ariel Liang – Policy Analyst

Caitlin Tubergen – Policy Senior Manager

Nathalie Peregrine – Manager, Operations Support

Terri Agnew - Operations Support - GNSO Lead Administrator

[MP3 Recording](#)

[Transcript](#)

Item 1: Administrative matters

1.1 – Roll call

Paul McGrady sent his apologies and assigned his proxy to Heather Forrest. Arsène Tungali sent his apologies and assigned his proxy to Martin Silva Valent. Rubens Kühn was noted as absent.

1.2 – Updates to Statements of Interest.

There were no updates to Statements of Interest.

1.3 – Review/amend [agenda](#)

The agenda was accepted without changes.

1.4 – [Minutes](#) of the GNSO Council meeting on the 14 March 2018 were posted on 5th April 2018

[Minutes](#) of the GNSO Council meeting on the 26 April 2018 were posted on 14th May 2018

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

Heather Forrest noted the following updates to the [Projects List](#) :

- Staff had followed up with several councilors following the previous Council call regarding the Inter-Registrar Transfer Policy – Policy Review item and was working on the report.
- The target completion date for the reconvened IGO INGO Policy Development Process (PDP) Working Group (WG) is now July/ August 2018. Heather thanked Thomas Rickert and Berry Cobb for their efforts.
- Regarding the GNSO Registration Directory Services (RDS) PDP WG, Chair Chuck Gomes resigned, **Heather Forrest** asked that Council send him a note of thanks for his services to the GNSO in general, councilors showed a virtual round of applause in the Adobe Connect room.
- Phil Corwin, co-chair of GNSO IGO INGO Curative Rights Protection Mechanisms PDP WG, also resigned, leaving Petter Rindforth as Chair. Council also applauded virtually and Heather Forrest recognised Phil Corwin for his services to the WG.
- **Heather Forrest** reminded councilors to provide input in response to Ayden Férdeline's posts on the Council mailing list in regards to the Final Proposed FY19 Operating Plan and Budget.

Heather Forrest raised the following points from the [Action Items' list](#):

- Staff has circulated the PDP 3.0 discussion paper to the Council mailing list (<https://mm.icann.org/pipermail/council/2018-May/021299.html>)
- The Board request regarding emojis, the Customer Standing Committee (CSC) and IANA Function Review, as well as the consolidated New gTLD Subsequent Procedures (SubPro) PDP WG/ Review all Rights Protection Mechanisms (RPMs) in all gTLDs PDP WG timeline are all in progress.
- The Cross Community Engagement Group on Internet Governance will be added to the GNSO Council meeting agenda as soon as time permits.
- Staff reminded councilors to please provide feedback on the post implementation consensus policy review framework survey.

- **Heather Forrest** reminded Council that the Board approved the change in voting thresholds. She also noted that councilors would provide input to staff regarding the templates being created in response to the ICANN Bylaws review when time permits.

Action items:

- *Council Leadership* to prepare note of thanks for Chuck Gomes for his work on the gTLD Registration Data Services PDP, as well as his overall contributions to the GNSO.
- *Council Leadership* to prepare note of thanks for Phil Corwin for his work on the IGO-INGO Access to Curative Rights Protection Mechanisms PDP.
- *Council Leadership* to prepare note of thanks for J. Scott Evans for his work on the Review of All Rights Protection Mechanisms in All gTLDs PDP.

Item 3. Consent Agenda

There was one item on the Consent Agenda:

Approval of the appointment of Brian Beckham as an additional co-chair for the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process Working Group, to join current co-chairs Phil Corwin and Kathy Kleiman, along with Council liaison Paul McGrady.

J.Scott Evans resigned from his position as co-chair, and Brian Beckham offered to step into the position. **Heather Forrest** thanked both J.Scott Evans for his services and Brian Beckham for taking up the role of co-chair.

Councilors present on the call voted the [motion](#) unanimously, after a second vote was needed to correct an error in the first vote regarding the proxy votes.

Vote results

Action Items:

- *ICANN Staff* to communicate Council approval of the appointment of Brian Beckham as an additional co-chair for the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process Working Group.

Item 4: COUNCIL VOTE – Adoption of Revised Charter for the GNSO Standing Selection Committee

Rafik Dammak, seconded by Heather Forrest, submitted the [motion](#) to adopt the [revised charter](#) for the GNSO Standing Selection.

WHEREAS,

1. On 15 March 2017, the GNSO Council adopted on an interim basis a Charter for the GNSO Standing Selection Committee, which is tasked to “1) where applicable, prepare and issue calls for applications related to the selection or nomination of candidates for ICANN structures such as ICANN review teams as well as structures related to the Empowered Community, 2) review and evaluate all relevant applicants/candidates, 3) rank candidates and make selection/appointment recommendations for review and approval by Council and 4) communicate selections to all interested parties.”
2. The resolution adopting the Charter on an interim basis states, “Following the completion of two selection processes, the GNSO Council requests the SSC to report back to the GNSO Council with its assessment of whether the charter provides sufficient guidance and flexibility to carry out its work, and/or whether any modifications should be considered. Acknowledging that this is a work in progress, the GNSO Council will review this assessment as well as whether any modifications should be considered, as well as any inconsistencies that may need to be addressed as a result of the finalization of the work of the Bylaws Drafting Team.”
3. Whereas, the SSC has successfully completed selections for the following: GNSO Representative on the Empowered Community Administration, replacement candidate for the Second Security and Stability Review Team (SSR2-RT) in 2017, candidates for the Third Review of ICANN Accountability and Transparency (ATRT3), GNSO Liaison to the GAC, and replacement candidate for the Second Security and Stability Review Team (SSR2-RT) in 2018.
4. The SSC has completed a review of its Charter (see working document [here](#)) and proposed revisions to the Charter.
5. The GNSO Council has reviewed these proposed changes and agreed that these revisions are appropriate, noting that the [revised Charter](#) states that the GNSO Council may initiate future Charter reviews at the request of the SSC or at the Council’s own discretion.

RESOLVED,

1. The GNSO Council adopts the [revised Charter](#) of the SSC.
2. The GNSO Council reconfirms Susan Kawaguchi as Chair and Maxim Alzoba as Vice-Chair of the SSC.
3. The GNSO Council notes that the term of an SSC member, as defined in the revised Charter, is one year beginning and ending at the Annual General Meeting, with the possibility to renew for a second term. The GNSO Council considers the period between the adoption of the interim Charter on 15 March 2017 to the 2017 Annual General meeting to be a “ramp up” period for the SSC, with the first term of SSC members beginning at the 2017 Annual General Meeting.
4. The GNSO Council requests that the SO/AC Support Team sends the updated Charter to the Stakeholder Groups/Constituencies and Nominating Committee appointees on the GNSO Council and reminds SG/Cs/NomCom appointees that they should reconfirm their SSC representatives within three weeks following the 2018 Annual General Meeting.
5. The GNSO Council leadership team will confirm at its earliest convenience whether the GNSO Chair or one of the GNSO Council Vice-Chairs will serve as an ex-officio member of the SSC.
6. The GNSO Council thanks the SSC for its review of the Charter and looks forward to continuing to work with the SSC on future selection processes.

After discussion and clarification about the NomCom appointees representation within the SSC, councilors present on the call voted in favour of the motion unanimously.

Vote results

Action Items:

- *ICANN Staff* to send the updated Charter to the Stakeholder Groups/Constituencies and Nominating Committee (NomCom) appointees on the GNSO Council and remind SG/Cs/NomCom appointees that they should reconfirm their SSC representatives within three weeks following the 2018 Annual General Meeting.
- *Council Leadership* to confirm at its earliest convenience whether a member of the GNSO Council leadership team will serve as an ex-officio member of the SSC and communicate this decision to the SSC.

Item 5: UPDATE – IGO-INGO Access to Curative Rights Protection Mechanisms

Susan Kawaguchi, GNSO Council liaison to the IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG, provided an update to the Council as to what the next steps are for the WG. A [Summary Report](#) was circulated to the WG and a call scheduled in order to further discussion about next steps. The 2-week consensus period will begin at that point.

Donna Austin requested that the process put in place during the 3.7 Appeal be documented for future reference. **Heather Forrest** agreed, noting that lack of information had made the process lengthier and thanked the co-chairs, the liaison and staff for their efforts. **Susan Kawaguchi** informed the Council that the WG hopes to deliver the final report by the document deadline for the agenda for June meeting.

Action items:

- *Susan Kawaguchi and Heather Forrest* to prepare report on the usage of the 3.7 Appeal Process contained in the GNSO Operating Procedure that is intended to capture the process used and lessons learned.;

Item 6: UPDATE – Review of the Customer Standing Committee (CSC) Charter

Rafik Dammak, Chair of the Council small team (Donna Austin, Philippe Fouquart, Rafik Dammak) tasked with reviewing the report from the CSC Charter review, updated the Council on the conclusions the team drew after reviewing the document:

- The GNSO Council should support the amendments in the charter.
- The team made edits resulting in “The two individuals representing gTLD registry operators to be appointed by the Registry Stakeholder Group and two individuals representing ccTLD registry operators to be appointed by the ccNSO”.
- The ccNSO and GNSO Councils will consider the overall composition of the proposed CSC.

The question of the diversity criteria in the selection process was raised. **Donna Austin** clarified that both the RySG and the ccNSO have their own internal selection processes and criteria, and that diversity,

albeit secondary to skill set and knowledge of the IANA function in criteria prioritisation, would be considered by both ccNSO and GNSO councils in reviewing the full composition of the CSC.

Rafik Dammak reminded councilors that the deadline for this public comment is the 1st of June 2018, and that lack of objection on the GNSO Council mailing list would be considered approval of the draft comments.

Action items:

- *Councilors* to review draft comments on the “Review of the Customer Standing Committee (CSC) Charter” and provide suggested edits.
- *Rafik Dammak* to submit comments on behalf of Council, on the basis of non-objection, by 1 June deadline.

Item 7: COUNCIL DISCUSSION – Short-Term and Long-Term Options to Adjust the Timeline for Specific Reviews

On 14 May 2018, ICANN published [short-term](#) and [long-term options](#) to adjust the timeline for the Specific Reviews as required by the ICANN Bylaws. The short-term options relate to the third Accountability and Transparency Review (ATR3) and the second Registration Directory Service Review (RDS-WHOIS2).

Susan Kawaguchi noted that RDS WHOIS2 Review Team (RT) had not been consulted on this matter, and that the RT was already working on the draft report which is to be submitted to Public Comment at the end of July 2018. It is therefore possible that after talks with the Multistakeholder Strategy and Strategic Initiatives (MSSI) department, the RDS WHOIS2 RT will be removed from the Specific Reviews Public Comment.

Keith Drazek raised the concern, in the light of the recent suspension by ICANN Board of the second Security, Stability, and Resiliency of the DNS Review (SSR2), of the lack of independence of review teams within ICANN. He reminded councilors that RT independence is one of the accountability mechanisms mentioned in the new ICANN Bylaws.

Rafik Dammak noted that this also applied to the Accountability and Transparency Review Team 3 (ATR3) for which the GNSO has already appointed candidates, and that any further delay may impact their willingness or availability to take part in the RT.

Action Items:

- *Council* to determine next steps, which could include 1) requesting Q&A with MSSI; 2) convening a drafting team and drafting a letter, and/or; 3) filing a public comment to one or both of the short-term and long-term public comment proceedings.

Item 8: COUNCIL DISCUSSION – Next steps following adoption of ICANN Board Temporary Specification

Heather Forrest reminded councilors that this discussion was a continuation of the webinar on the same topic held on 21 May 2018 ([Adobe Connect recording](#)) for councilors and Stakeholder Group (SG) and Constituency (C) chairs only.

The main points raised during the webinar covered the question of the need for an Expedited Policy Development Process (EPDP), how to select the leadership of the EPDP, how to define the composition of the team and how to better apply the progress made outlined in the PDP 3.0 discussion paper to the future EPDP working methods. If the EPDP were to be the way forward, next steps would be for Council to submit an initiation request, either at the next Council meeting in Panama, or during an extraordinary Council meeting mid-June 2018, and to communicate with ICANN Board to get a better sense of scope. **Donna Austin** agreed that the communication with the Board was a key step to understanding how best to proceed.

Keith Drazek updated the Council on discussions within the Registry Stakeholder Group (RySG), which is still in the process of reviewing and assessing the temporary specification in order to understand what exactly is in the scope of a potential EPDP and what opportunities there are to bring improvements to issues which might exist in relation to the temporary specification.

Michele Neylon mentioned that whilst the temporary specification was issued by ICANN the previous week, many businesses had already started updating their own policies in regards to General Data Protection Regulation (GDPR).

Donna Austin noted that the RySG was going through the temporary specification specifically to look at what's within and what's outside of the picket fence.

Susan Kawaguchi requested that the Council take into account other Supporting Organizations (SOs) and Advisory Committees (ACs) thereby not limiting the potential conclusions drawn to the GNSO exclusively. This point was nuanced by **Michele Neylon** and **Keith Drazek** on the basis that the Contracted Party House will be strongly impacted by the consequences of an EPDP and as a result, the chosen structure will need to abide by the GNSO PDP Operating Procedures. A structure similar to the new gTLD Subsequent Procedures PDP WG Work Track 5 (WT5), a GNSO structure with SOAC participation, was raised as a possibility.

Several additional points remain to be addressed:

- How much flexibility would need to be built into an EPDP draft charter to accommodate further information to be received on the temporary specification?
- How should the Council approach picket fence questions?
- Size and structure of the EPDP.

It was agreed that councilors would report back on their respective SG & C input on the matter prior to the GNSO Council call with the Board by the means of a Google doc created by staff.

Action Items:

- *ICANN Staff* to create Google Doc to capture input from Councilors and their respective SG/Cs about what should be discussed in meeting with the ICANN Board. [COMPLETE]
- By 1 June, *Councilors* to seek input from their respective SG/Cs to determine what they believe should be discussed in meeting the with the ICANN Board, and enter the information in the Google Doc created.
- *ICANN Staff* to schedule meeting with the Board to take place shortly after 1 June.
- *ICANN Staff* to create doodle poll to schedule extraordinary meeting on or around 14 June.
- *RDS PDP Leadership* to prepare post mortem on what took place in the PDP

Item 9: ANY OTHER BUSINESS

9.1 – Update on scheduling for [ICANN62](#)

Heather Forrest presented the latest draft of the GNSO Schedule for ICANN62 and invited councilors to provide feedback on the Council mailing list.

9.2 – Update on the ICANN FY19 ICANN Operating Plan and Budget

Ayden Férdeline, Chair of the Standing Committee on ICANN Budget and Operations (SCBO), reminded the councilors that they were encouraged to provide input on the response from ICANN Org to the feedback that the SCBO submitted in regards to the FY'19 operating plan and budget.

Ayden Férdeline then updated the Council on the following:

- The GNSO Council Strategic Planning session has been allocated two days of meeting funding.
- The Community Regional Outreach Program (CROP) budget has been partially restored.
- The Fellowship program has had a further 15 seats allocated
- Budget has been allocated for GDPR compliance activities

Heather Forrest, GNSO Council Chair, adjourned the GNSO Council meeting at 06:04 UTC Thursday 24 May 2018.

The next GNSO Council Meeting will take place is scheduled for the 27 June 2018 at 13:00 local time in Panama (18:00 UTC).

For other places see: <https://tinyurl.com/ycdbsh8u>

An extraordinary GNSO Council meeting is yet to be scheduled for mid-June 2018.