

Minutes of the GNSO Council Meeting 26 April 2018

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

Coordinated Universal Time: 21:00 UTC: <https://tinyurl.com/ycdbsh8u>

14:00 Los Angeles; 17:00 Washington; 22:00 London; 02:00 Islamabad; (Friday 27 March) 06:00 Tokyo; 07:00 Hobart

The meeting started at: 21:02 UTC

List of attendees:

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

Contracted Parties House

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

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

Nominating Committee Appointee (NCA): Carlos Raúl Gutiérrez

Non-Contracted Parties House

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

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Tatiana Tropina, Rafik Dammak, Ayden Féderline, Arsene Tungali

Nominating Committee Appointee (NCA): Syed Ismail Shah

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

Guests: Thomas Rickert for Item 5 (CCWG Accountability WS2); Brian Aitchison and Karen Lentz from ICANN Org for Item 8 (CPIF)

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

Sara Caplis – 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 without changes.

1.4 – [Minutes](#) of the GNSO Council meeting on the 22 February 2018 were posted on 9th March 2018

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

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

Heather Forrest noted that there were a few updates to the [Projects List](#) which were also going to be discussed under main agenda items, notably Policy Development Process (PDP) Working Group (WG) updates and Inter-Registrar Transfer Policy (IRTP) Review developments. Staff highlighted that the transfer policy review had now been added to the issue scoping phase, and that the updates to the Consensus Policy Implementation Framework (CPIF) and the post-implementation policy review framework had been added to the “other” Projects List category as outstanding items. In addition to this, the item on the Cross Community Working Group on Internet Governance had been marked as complete at the end of ICANN 61, when the GNSO formally withdrew as a chartering organization.

Heather Forrest noted progress made in completing items on the [Action List](#):

- PDP 3.0 was in progress and, along with the updated charter for the Cross Community Engagement Group on Internet Governance, would likely be on the agenda for the next GNSO Council meeting.
- GNSO Review of the Governmental Advisory Committee (GAC) Communiqué, ICANN62 planning and the New gTLD Subsequent Procedures (SubPro) Working Group and Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group joint timeline were on the GNSO Council meeting agenda for that day.
- Concerning the Board request regarding emojis, staff has prepared a summary of the Council’s understanding of the status for emojis within the Generic Top Level Domain (gTLD) space, which it will then forward to the Security and Stability Advisory Committee (SSAC) for review and possible advice. **Donna Austin** suggested that the small team tasked with working on emojis consult with the Country Code Names Supporting Organization (ccNSO), as it had already started work on the matter.
- **Donna Austin** reminded Council that the Report on the Review of the Customer Standing Committee (CSC) Charter was out for [Public Comment](#) and noted that the report contained a recommendation for the ccNSO and GNSO to consider concerns raised about potential overlap of the CSC effectiveness review and the IANA function review. **Phillipe Fouquart** added that conversations will take place with the ccNSO prior to the planned approval of the CSC Charter Review at ICANN62, Panama.
- The Council liaison to SubPro WG and the Council’s input to the consultation on the Fellowship Program items are both items marked as completed.
- The drafting team on the charter related to the ICANN procedure of handling Whois conflicts with privacy item will be on the GNSO Council agenda for June.
- The item relating to Third Accountability and Transparency Review (ATR3) is on standby pending input from ICANN Org.

Action items:

- *Small team of Councilors* to ensure that they coordinate with the ccNSO in addressing the Board request regarding emojis.
- *ICANN Staff* to call for volunteers to form a small drafting team (Rafik Dammak volunteered during the discussion) to develop Council input on the proposed changes to the Customer Standing Committee Charter (CSC) (see <https://www.icann.org/public-comments/csc-charter-initial-2018-04-11-en>) in time for the next GNSO Council meeting on 24 May. Deadline for submission of comments is 1 June.

Item 3. Consent Agenda

There were two items on the Consent Agenda: the [motion](#) relating to the GNSO Council approval of the GNSO Review of the GAC Communiqué and the GNSO Council confirming that ICANN Org should continue to treat the Community gTLD Change Request process as a matter of implementation.

The [motion](#) read as follows:

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 San Juan GAC Communiqué (see <https://gac.icann.org/content/Migrated/icann61-gac-communication>) and requests that the GNSO Council Chair communicate the GNSO Review of the San Juan GAC Communiqué to the ICANN Board.
2. The GNSO Council requests that the GNSO Chair also informs the GAC Chair of the communication between the GNSO Council and the ICANN Board.

The consent agenda was approved by Council unanimously.

Vote results

Action items:

- *Council Leadership* to formally communicate the GNSO Review of the San Juan GAC Communiqué to the ICANN Board with copy to the GAC.
- *ICANN Staff* to communicate agreement with ICANN Org to continue to treat the Community gTLD Change Request process as a matter of implementation.

Item 4: COUNCIL VOTE – In Memory of Stéphane Van Gelder

In March of 2018, the Council was informed of Stéphane Van Gelder's passing. With the [motion](#), submitted by **Rafik Dammak**, and initially seconded by **Donna Austin**, the Council wished to recognize the significant contributions Stéphane made to the GNSO Council during his tenure, the wonderful traits he brought to this world, and how much he will be missed.

Whereas:

1. Stéphane Van Gelder first entered the domain name business in the late 1990s when he founded Indom, a registrar in France, which later became part of the GroupNBT based in the United Kingdom. It was while Stéphane was General manager of INDOM that he was elected to the GNSO Council by the Registrar Stakeholder Group.
2. Stéphane served on the GNSO Council from 2008 through 2012, as an elected representative of the Registrars Constituency.
3. Stéphane served as Vice Chair of the GNSO Council in 2010 and was elected and served two consecutive terms as Chair of the GNSO Council in 2011 and 2012.
4. As Chair of the GNSO Council, Stéphane was an impartial and neutral facilitator on all issues. For Stéphane, remaining neutral was key to ensuring collective dialogue.
5. Stéphane made significant contributions to ICANN and was a strong and respected community leader. During his tenure as GNSO Chair, Stéphane oversaw and shepherded the:
 - a) completion of an extensive update of the GNSO's operating procedures;
 - b) establishment of the DNS Security & Stability Analysis working group jointly with the ALAC, ccNSO and NRO;
 - c) completion of the Fast Flux, Post-Expiration Domain Name Recovery and Inter-Registrar Transfer Policy (IRTP) Part B Policy Development Processes (PDPs) and the joint ccNSO-GNSO Internationalized Domain Name working group;
 - d) launch of the IRTP Part C, Thick WHOIS and Locking of Domain Names subject to Uniform Dispute Resolution Policy Proceedings PDPs; and (e) continuing work on WHOIS studies, registration abuse policies, and multiple other GNSO projects.
 - e) the completion of the Applicant Guidebook for the 2012 New gTLD Program and the launch of the Program.
6. Stéphane was a well-respected and much liked member of not only the GNSO, but of the broader ICANN Community. He was admired for his passion, his fairness, his ability to find the best in people and his true gift for uniting people.
7. Stéphane's passing is a great loss to the many people in the ICANN community that had the pleasure to work and interact with him, and for his many friends at ICANN the loss is significant.

Resolved:

1. The GNSO Council wishes to recognize the significant contribution Stéphane made to the GNSO Council during his tenure and his notable achievements during this time.
2. Stéphane's genuine passion, energy and commitment to the Internet and all that it brought to the world was second to none and we will miss him dearly.
3. On behalf of the current and previous GNSO Councils, we offer our deepest and heartfelt sympathies to his family and friends at this most difficult time.

Rafik Dammak's [earlier amendment](#) to the motion was accepted. **Donna Austin** proposed that she be replaced as seconder of the motion, and have GNSO Council second the motion.

The motion, updated accordingly, was voted unanimously by the GNSO Council.

[Vote results](#)

Action Items:

- *ICANN Staff* to update motion to reflect whole GNSO Council as seconder.
- *ICANN Staff* to communicate outcome of motion to Stéphane's family.

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

Thomas Rickert, Co-Chair of the Cross Community Working Group on Accountability, Work Stream 2 (WS2), joined the GNSO Council meeting to [present](#) an update on the current status of work of WS2. A [Public Comment](#) period is open for community members, Chartering Organizations (CO) and ICANN Board to identify inconsistencies between the various work packages sub-teams have worked on. Once the Final Report is adopted, it will be sent to the COs to then pass on the report to the Board for its consideration and formal adoption. Once ICANN Org proposes a roadmap for implementing WS2 recommendations, the community will be approached for input.

Action Items:

- *Council* to consider next steps in preparation for consideration of Final Report.
- *Council members* to encourage their respective groups to provide input to the currently open public comment forum (close date of 11 May 2018) to identify potential inconsistencies in the recommendations (see <https://www.icann.org/public-comments/ccwg-acct-ws2-final-2018-03-30-en>).

Item 6: UPDATE – IGO-INGO Access to Curative Rights Protection Mechanisms

Susan Kawaguchi, Council liaison to the IGO-INGO Access to Curative Rights Protection (CRP) Mechanisms PDP WG, provided an update to the Council on recent activity and current status of the WG. At ICANN61 in March 2018, WG members were encouraged to provide feedback on a straw man document that outlined six possible recommendations for eventual recording in a Final Report. Susan Kawaguchi drafted a [Summary Report](#) of these discussions, which was circulated to the WG in order to further discussion about next steps. It has been proposed that the WG work together to produce a draft Final Report that captures all views of the WG members.

Action Item:

- *Susan Kawaguchi* to collaborate with the PDP WG and staff to develop a draft Final Report for preliminary consideration by the GNSO Council (targeting May meeting).

Item 7: UPDATE – ICANN Board Temporary Policy Proposal

Heather Forrest presented [a briefing note](#) which GNSO Council leadership had circulated via the email list to the GNSO Council after a call with ICANN Board members to discuss overlaps between the existing Registration Directory Services (RDS) PDP and General Data Protection Regulation (GDPR). The briefing note put forward three specific recommendations as to how to proceed to move forward, specifically, what action to take if the ICANN Board were to consider implementing a temporary policy specification. RDS PDP Leadership studied this option in its [RDS Leadership Summary](#). **Heather Forrest** thanked the RDS PDP Leadership team for their work in preparing for next steps.

Erika Mann raised the concern that ICANN's approach to globalizing a European legislation runs the risk of clashing with national legislation. Another issue **Erika Mann** mentioned was that of an almost completely inaccessible Whois running parallel to law enforcement agencies requesting access to more data, implying that more data could need collecting than currently.

Michele Neylon reminded the GNSO Council that ICANN forbids the Contracted Party House from breaking national law, but ICANN Contractual Compliance has suspended taking action against any registry or registrar for noncompliance with contractual obligations related to the handling of registration data. He then highlighted the issue with not knowing how ICANN is going to proceed, and therefore uncertainty affecting how the GNSO Council is to move forward.

Donna Austin confirmed that if the ICANN Board does decide to trigger the temporary policy, this would imply immediate action from the GNSO Council given the 12-month timeframe in which to complete a policy process associated with that temporary policy.

Stephanie Perrin raised the concern that changing the current RDS PDP structure entirely would imply losing the work and experience gained from two years of PDP activity. To that aim, it would be preferable to repurpose the existing PDP whilst changing its parameters.

Donna Austin and **Michele Neylon** specified that repurposing the current PDP might lead to the same issues the PDP WG has encountered already, notably high membership counts impeding rapid and efficient policy development. This therefore is part of a broader PDP discussion the GNSO Council initiated during its GNSO Council Strategic Planning session in January 2018.

Erika Mann reminded the GNSO Council that even if the temporary policy were to be triggered, the GDPR deadline of the 25 May 2018 still remained. Councilors therefore needed to work on preparing an action plan for both deadlines.

Heather Forrest took as an action item to follow up with Cherine Chalaby, Chair of ICANN Board, to seek further information regarding a Board decision. The creation of a small team of councilors to work on this topic was also raised as a possible means of continuing this discussion.

Action Items:

- *Council* to develop next steps in preparation for possible adoption of temporary policy by the ICANN Board which would kick off a one year PDP.
- *Heather Forrest* to follow up with Cherine Chalaby to see if there is any new information from the Board.

Item 8: COUNCIL DISCUSSION – Discussion of Updates to the Consensus Policy Implementation Framework (CPIF)

Karen Lentz and **Brian Aitchison**, Global Domains Division (GDD), ICANN org, joined the GNSO Council meeting to present updates to the Consensus Policy Implementation Framework (CPIF). **Karen Lentz** gave a brief overview of the matter, reminding councilors that the CPIF was created by the non-PDP Policy and Implementation Working Group in conjunction with ICANN staff to help document the procedures the staff uses from receiving policy recommendations from the GNSO to implementation, with an Implementation Review Team (IRT). **Brian Aitchison** further developed ([slide deck](#)) this background, explaining that this was an ongoing process by which best practices are incorporated into the existing framework. GDD staff had prepared a document detailing how GDD engagement in PDPs could be improved, and a red-lined document was circulated to Council for feedback (<https://mm.icann.org/pipermail/council/2018-March/020976.html>) on two implementation-related topics: one set of proposals relating to the overall CPIF process and one relating specifically to the support and review stage of the CPIF, the Post Implementation Consensus Policy Review Framework (PICPRF). Councilors were invited to review these documents and provide feedback via the existing survey.

Action Items:

- *Councilors* to review proposed amendments to the Consensus Policy Implementation Framework (CPIF) and if desired, disseminate to their respective Stakeholder

Groups/Constituencies. The goal is to ensure feedback is returned to ICANN org in a timely manner and allow for them to provide a proposed final version by the end of July.

- *Councilors* to review Post Implementation Consensus Policy Review Framework (PICPRF) process diagram and complete survey by 18 May (see <https://www.surveymonkey.com/r/postimplreview>).

Item 9: COUNCIL DISCUSSION – Review of the Inter-Registrar Transfer Policy (IRTP)

Heather Forrest presented the summary prepared by staff ([slide deck](#)), highlighting that GDD had originally proposed to deliver a Post-Implementation Inter-Registrar Transfer Policy (IRTP) Status Report to GNSO Council by 1 May 2018, and asking councilors for feedback on the matter. Councilors raised the issue of confusion about the process, the status of the report and the impact or not of GDPR on the drafting of the report.

Staff confirmed that the first step is Council affirmatively requesting a staff-initiated report that outlines the original policy recommendations, analysis as to whether they aim to achieve some of the metrics around the data collected, with potentially some recommendations on what possible next steps would be. This report would be provided to the GNSO Council for it to make a determination as to what, if anything, should happen next. Staff also added material was being gathered in preparation for the drafting of the report, but would not be ready by the 1st May 2018, and confirmed that GDPR might impact the work in progress.

Council's questions will be shared with GDD and followed up for further clarity.

Action Items:

- *ICANN Staff* to follow up with Councilors who raised questions / issues during the call (Darcy Southwell, Michele Neylon, and Pam Little) to confirm whether these were addressed or whether there are remaining concerns and/or input that they want to provide on the suggested scope of the IRTP review.
- If no remaining concerns and/or input is provided, *ICANN Staff* to proceed with preparation of the Post-Implementation Policy Status Report for delivery to the GNSO Council, if possible by end of June 2018.

Item 10: UPDATE – Privacy and Proxy Services Accreditation Issues (PPSAI) Implementation Review Team (IRT)

Darcy Southwell, GNSO Council liaison to the Privacy and Proxy Service Provider Accreditation Implementation (PPSAI) Implementation Review Team (IRT), provided an update to the Council following her communication on the mailing list (<https://mm.icann.org/pipermail/council/2018-April/021142.html>). **Darcy Southwell** highlighted that there was generally unresolved language in the proposed accreditation agreement, a lack of understanding regarding the detail of the accreditation fees, triggering a discrepancy in the documents out for Public Comment and a delay in the submission to Public Comment.

Action Item: none

Item 11: UPDATE – Joint Timeline of the All Rights Protection Mechanisms in All gTLDs and New gTLD Subsequent Procedures PDP WGs

Paul McGrady, Council liaison to the RPM PDP WG, and **Donna Austin** and **Keith Drazek**, Council liaisons to the SubPro PDP WG, provided an update on the joint discussions held to date in an effort to move the two PDP WGs forward. Initial discussions have focused on issue scoping and understanding the requirements. The liaisons have reached out to the PDP Chairs to encourage continued open communication channels. The aim of these discussions is to conciliate the WG

timelines to ensure one WG avoids negatively impacting the other, whilst equally empowering the PDP leadership teams.

Action Item:

- *Council liaisons to WGs* to continue issue scoping to understand requirements/dependencies between the two PDP WGs.

Item 12: ANY OTHER BUSINESS

12.1 – Update on scheduling for ICANN62

Donna Austin provided an overview of the [GNSO Draft schedule](#) for ICANN62 so far, highlighting that Cross Community topics were still in discussion, that PDP WGs had been allocated more face-to-face time, with Council face-to-face time having been proportionally decreased. In addition to this, a strategic outlook planning exercise for the GNSO Council was being scheduled as an end of day session.

Action item:

- Following confirmation of Cross Community/High Interest Topics and placement in schedule, *Council leadership* to review and finalise GNSO Schedule together with staff.

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

The meeting was adjourned at 23:03 UTC Thursday 26 April 2018.

The next GNSO Council Meeting will take place on 24 May 2018 at 04:00 UTC.
For other places see: <https://tinyurl.com/ycdbsh8u>