

Minutes of the GNSO Council Meeting 27 September 2018

[Agenda and Documents](#)

Coordinated Universal Time: 04:00 UTC: <https://tinyurl.com/y9663p2o>

Wednesday 21:00 Los Angeles; 00:00 Washington; 05:00 London; 09:00 Islamabad; 13:00 Tokyo; 14:00 Hobart

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 (absent)

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, Arsène 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

Adebiyi Oladipo – ccNSO observer

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 – Vice President, Strategic Community Operations, Planning and Engagement

Julie Hedlund – Policy Director

Steve Chan – Policy Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Support Specialist

Caitlin Tubergen – Policy Senior Manager

Mike Brennan – 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 Statement of Interest updates.

1.3 – Review/amend [agenda](#)

The agenda was accepted as presented.

1.4 – [Minutes](#) of the GNSO Council meeting on the 19 July 2018 were posted on the 17 August 2018

[Minutes](#) of the GNSO Council meeting on the 26 August 2018 were posted on the 03 September 2018

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

Heather Forrest raised the following points from the [Projects List](#) (which would not be discussed under agenda items during the meeting):

- The WHOIS Procedure Implementation Advisory Group (WPIAG) has moved to Phase 3 Implementation with the EPDP Initial Report and WPIAG call for volunteers as prerequisites.
- The GNSO Review Working Group (WG) has moved to Phase 6 Board Vote, the timing of which is yet to be determined.
- The Consumer Choice Competition and Trust Review Team (CCT-RT) has completed its work and will be removed from the Project list in its next iteration.

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

- The IANA Function Review (IFR) will begin its work early October 2018. The Supporting Organizations (SOs), Advisory Committees (ACs) and GNSO Stakeholder Groups (SGs) and Constituencies (Cs) have already submitted appointees, the GNSO Council will need to consider a GNSO co-chair position to be shared with a ccNSO co-chair.
- The Geographic Review and the Registration Directory Services leadership team action items are still in progress.
- PDP 3.0 is in progress, the first step is completed thanks to the PDP 3.0 webinar (<https://participate.icann.org/p1s5rcio69b/>) held on the 11th September 2018 during which feedback and numerous recommendations were received. These will be consolidated during the GNSO Working Session on Sunday 21st October 2018 at ICANN63, with the intent that the PDP 3.0 report will be handed to the incoming GNSO Council leadership team, as second step, for implementation.
- The consolidated New gTLD Subsequent Procedures (SubPro) PDP and Review of all Rights Protection Mechanisms (RPM) PDP timeline is in progress and of high importance as these two PDPs work towards their major milestones. Councilors agreed that meeting face-to-face at ICANN63 on this matter would be beneficial.

- IGO INGO Access to Curative Rights Protection Mechanisms is an ongoing action item, the implications of which will be documented in the PDP 3.0 recommendations.
- Consensus Policy Implementation Framework (CPIF) efforts are still underway.

Action Items:

- IFR Team - *ICANN staff* to check on timeline for seating review team, after which GNSO would be responsible for selecting a GNSO co-chair from amongst the GNSO members. Give the SSC a heads up that they may be asked to conduct a selection process.
- SubPro/RPMs Consolidated Timeline - *ICANN staff* to schedule informal liaisons and Chairs joint timeline discussion at ICANN63.
- SubPro/RPMs Consolidated Timeline - *ICANN staff* to arrange for a prep call between respective leadership teams and Council liaisons.
- Strategic Planning Session (SPS) Action Items - *Council leadership* to take stock of action items and determine what is completed, unrealistic to achieve, etc.

Item 3. Consent Agenda

There were three items on the Consent Agenda:

- Approval of the 2018 slate of members and liaisons on the Customer Standing Committee (CSC) ([motion](#))
- Approval of the approach for the CSC Effectiveness Review and appointment of Donna Austin and Philippe Fouquart as GNSO representatives ([motion](#)).
- Acceptance of the Standing Committee on Budget and Operations After Action Report ([Standing Committee on Budget and Operations' \(SCBO\) After Action Report.](#))

Heather Forrest thanked **Donna Austin** and **Philippe Fouquart** for their contributions on the CSC item, as well as **Ayden Férdeline**, Chair of the SCBO and **Berry Cobb**, staff support, for their efforts on the SCBO.

All councilors present on the call voted in favour of the motion.

[Vote results](#)

Action items:

- Customer Standing Committee (CSC) Effectiveness Review - *GNSO Secretariat* to notify ICANN Org no later than 30 September that the GNSO has approved of the method of review the and GNSO representatives for CSC Effectiveness Review, specifically Donna Austin and Philippe Fouquart.
- Approval of the Members and Liaisons of the Customer Standing Committee (CSC) - *GNSO Secretariat* to notify ICANN Org no later than 30 September that the GNSO has approved the full list of CSC liaisons and members (which can be found here: <https://community.icann.org/x/lxlpBQ>).

Item 4: COUNCIL VOTE – Approval of the CCWG-Accountability WS2 Final Report

Heather Forrest, seconded by **Darcy Southwell**, submitted the [motion](#) for the GNSO Council to approve the Cross Community Working Group (CCWG) Accountability Work Stream 2 (WS2) Final Report.

Whereas,

1. The GNSO Council, together with other ICANN Supporting Organizations and Advisory Committees, chartered the Cross-Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) on 13 November 2014 'to deliver proposals that would enhance ICANN's accountability towards all stakeholders'.
2. The GNSO Council approved the CCWG-Accountability Supplemental Final Proposal on Work Stream 1 Recommendations on 9 March 2016, which included recommendation #12: Committing to Further Accountability Work in Work Stream 2 (WS2).
3. The GNSO Council approved on 18 May 2017 the extension of WS2 for one year to the end of June 2018.
4. The CCWG-Accountability published its WS2 Final Report for public comment on 30 March 2018 (see <https://www.icann.org/public-comments/ccwg-acct-ws2-final-2018-03-30-en>).
5. Several GNSO Stakeholder Groups (SGs) and/or Constituencies (Cs) submitted their input on WS2 Final Report (see <https://mm.icann.org/pipermail/comments-ccwg-acct-ws2-final-30mar18/2018q2/date.html>).
6. The CCWG-Accountability reviewed all the input received and submitted its WS2 Final Report Recommendations to the Chartering Organizations on 9 July 2018 (see <https://mm.icann.org/pipermail/accountability-cross-community/2018-July/014458.html>) for their consideration.
7. The GNSO Council has reviewed and discussed the CCWG-Accountability WS2 Final Report and Recommendations.

Resolved,

1. The GNSO Council adopts the CCWG-Accountability WS2 Final Report and Recommendations (see <https://community.icann.org/display/WEIA?preview=/59640761/88575033/FULL%20WS2%20REPORT%20WITH%20ANNEXES.pdf> w)
2. The GNSO Council instructs the GNSO Secretariat to share the results of this motion with the Chairs of the CCWG-Accountability as soon as possible.
3. The GNSO Council expresses its sincere appreciation to the CCWG-Accountability, the GNSO members and participants in that effort, and especially the GNSO-appointed Chair, Thomas Rickert, for all their hard work in achieving the delivery of the WS2 Final Report and Recommendations.

All councilors present on the call voted in favour of the motion unanimously.

Heather Forrest, on behalf of the GNSO Council, thanked Thomas Rickert, GNSO co-chair, for his efforts in the endeavour.

[Vote results](#)

Action items:

- *GNSO Secretariat* to share the results of this motion with the Chairs of the CCWG-Accountability as soon as possible.
- *Council leadership* to draft communication which emphasizes that the GNSO Council expresses its sincere appreciation to the CCWG-Accountability, the GNSO members and participants in that effort, and especially the GNSO-appointed Chair, Thomas Rickert, for all their hard work in achieving the delivery of the WS2 Final Report and Recommendations.

Item 5: COUNCIL VOTE – Adoption of the Final Report on the Protections for Certain Red Cross Names in All gTLDs Policy Amendment Process

Heather Forrest, seconded by **Donna Austin**, submitted the [motion](#) for the GNSO Council to adopt the Final Report on the Protections for certain Red Cross names in all gTLDs policy amendment process. This motion was first presented during the August 2018 Council meeting, from which it was deferred by Non Commercial Stakeholder Group (NCSG) request.

Whereas:

1. In November 2013, the Working Group for the Protection of International Governmental Organizations (IGO) and International Non-Governmental Organizations (INGO) in All gTLDs completed a Policy Development Process (PDP) and submitted its Final Report to the GNSO Council (<https://gnso.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf>, including Minority Statements: <https://gnso.icann.org/en/issues/igo-ingo-final-minority-positions-10nov13-en.pdf>);
2. On 20 November 2013, the GNSO Council approved all the consensus recommendations in the PDP Final Report (<http://gnso.icann.org/en/council/resolutions#20131120-2>);
3. On 30 April 2014, the ICANN Board approved those of the GNSO's consensus recommendations that were consistent with advice received from the Governmental Advisory Committee (GAC) on the topic of IGO and INGO protections (which approval, in relation to the Red Cross, was limited to withholding from registration at both the top and second levels the specific terms designated as so-called "Scope 1" identifiers by the PDP Working Group (i.e., "Red Cross", "Red Crescent", "Red Crystal" and "Red Lion & Sun" in all six official languages of the United Nations)) and requested additional time to consider those remaining consensus PDP recommendations that were not consistent with GAC advice (<http://www.icann.org/en/groups/board/documents/resolutions-30apr14-en.htm#2.a>);
4. In March 2017, representatives of the GAC and GNSO held a discussion at the ICANN58 Public Meeting in Copenhagen, facilitated by former ICANN Board member Dr. Bruce Tonkin, to discuss a possible path forward for reconciling GAC advice and GNSO policy on the topic of protection at the second level of the domain name system for IGO acronyms and the remaining names and acronyms associated with the Red Cross (being those designated by the IGO-INGO PDP Working Group as "Scope 2" identifiers);
5. Following the March 2017 facilitated discussion, the ICANN Board passed a resolution requesting that the GNSO Council consider initiating the Policy Amendment Process documented in the GNSO PDP Manual in respect of certain of the so-called "Scope 2" identifiers for the Red Cross, i.e., the full names of the National Societies recognized within the International Red Cross and

Red Crescent movement, and the full names of the International Red Cross and Red Crescent Movement, the International Committee of the Red Cross, and the International Federation of Red Cross and Red Crescent Societies (in the six official languages of the United Nations) (<https://www.icann.org/resources/board-material/resolutions-2017-03-16-en#2.e.i>);

6. In May 2017, the GNSO Council passed a resolution noting that the March 2017 facilitated discussions had highlighted a set of exceptional circumstances (in the availability of a finite list of names and documented evidence of the legal basis for their protection) constituting a justifiable basis for the Council's taking the extraordinary step of reconvening the original IGO-INGO PDP Working Group pursuant to Section 16 of the GNSO PDP Manual for the specific purpose of considering possible modifications to its previous consensus policy recommendations concerning and limited to the so-called "Scope 2" Red Cross full names noted by the Board, and including a defined, finite list of variants of those names, and with acronyms and any other names not falling within the scope of this reconvened effort (<https://gnsso.icann.org/en/council/resolutions#20170503-071>);
7. The Reconvened PDP Working Group held its first meeting on 14 June 2017, and has since worked diligently to develop a set of recommendations that were published for public comment on 21 June 2018 (<https://www.icann.org/public-comments/red-cross-protection-initial-2018-06-21-en>); and
8. Following the close of the public comment period on 31 July 2018, the Reconvened PDP Working Group reviewed the comments that were received and completed its Final Report and finite List of names, which it submitted to the GNSO Council for its consideration on 6 August 2018 (<https://gnsso.icann.org/en/issues/igo-ingo/red-cross-protection-policy-amend-process-final-06aug18-en.pdf>)(<https://gnsso.icann.org/en/issues/igo-ingo/red-cross-identifiers-proposed-reservation-06aug18-en.pdf>).

Resolved:

1. The GNSO Council has reviewed the Final Report and approves all of the consensus recommendations made by the Reconvened PDP Working Group;
2. The GNSO Council thanks the Reconvened PDP Working Group for its diligence and its successful work in attaining consensus on all recommendations;
3. The GNSO Council thanks the International Red Cross and Red Crescent Movement for its efforts in providing the documentation and information needed to justify and underpin the consensus recommendations; and
4. The GNSO Council directs ICANN staff to prepare a Recommendations Report for delivery to the ICANN Board in accordance with the process outlined in the ICANN Bylaws.

Heather Forrest reminded councilors that a follow up call after the GNSO Council meeting in August 2018 had taken place between the NCSG, reconvened PDP co-Chair Thomas Rickert, Council liaison Heather Forrest, and support staff.

Tatiana Tropina read a [statement](#) on behalf of the NCSG thanking the aforementioned for their efforts.

Council then discussed the two first agenda questions linked to the Council vote on this motion:

5.2.1 - Does the Council believe that the PDP has addressed the issues that it was chartered to address

5.2.2 - Has the PDP followed due process?

Donna Austin noted that the element of continuity was key to the success of the PDP, with members of the original PDP being able to continue working in the reconvened PDP and Thomas Rickert stepping back into the role of co-chair. **Donna Austin** also pointed out that whilst this was the first time a PDP reconvened, procedures had been elaborated in strict keeping with the PDP manual.

Heather Forrest commended Thomas Rickert's contributions to cross-community and GNSO PDP efforts.

Councilors then considered the last agenda question linked to the Council vote on this motion:
5.2.3 - Did the PDP Working Group address GAC advice on the topic?

Donna Austin reminded councilors that the PDP had reconvened upon advice from the Governmental Advisory Committee (GAC); that Bruce Tonkin had assisted the PDP members in better understanding the underlying issues; and that the GAC had taken part in the PDP, thanks to Stéphane Hankins' participation.

As per the PDP manual, a Council vote to approve the Final Recommendations of a PDP requires a supermajority vote, and the GNSO Operating Procedures allows for absentee ballots in this case.

Rubens Kühn, absent from the Council call, submitted an email ballot shortly after the end of the call.

GNSO councilors voted unanimously in favour of the motion.

Heather Forrest noted that this was an excellent achievement for the GNSO as well as for the International Red Cross Red Crescent Movement.

[Vote results](#)

Action Items:

- *ICANN staff* to prepare a Recommendations Report for delivery to the ICANN Board in accordance with the process outlined in the ICANN Bylaws.
- *Council leadership* to draft communication which emphasizes that the GNSO Council expresses its sincere appreciation to the Reconvened PDP Working Group and its members, the International Red Cross and Red Crescent Movement the PDP WG Chair, Thomas Rickert, for all their hard work in achieving the delivery of the Final Report and Recommendations.

Item 6: COUNCIL UPDATE – new gTLD Auction Proceeds CCWG

Erika Mann, co-chair of the new gTLD Auction Proceeds CCWG reminded councilors that the WG's task was to agree on the best mechanism to ensure that the auction proceed money is spent on the right project that would fall within the scope of ICANN's mission and bylaws. **Erika Mann** also highlighted the uniqueness of the structure, which was not to be considered of recurring utility.

Erika Mann then provided the GNSO Council with updates on the WG's activities. The draft Initial Report of the CCWG will be issued shortly, on the 8th October 2018, to allow for comments to be submitted and for further exchanges to take place during ICANN63.

- Four mechanisms were considered by the CCWG:
 - Creation of a new department within ICANN focussing on auction proceeds funds.
 - Merger between this new ICANN department and an outside entity that has expertise in funds.
 - Creation of a completely new mechanism and a foundation.
 - Outsource it to a different existing entity that would be tasked with running this special auction proceed fund on ICANN's behalf.

These four mechanisms would face the same limitations: the scope of ICANN's mission and bylaws, the existing oversight and fiduciary obligation as well as tax exemption.

The CCWG narrowed their consideration down to two favoured recommendations: the creation of a new department with ICANN; and the merger between this new ICANN department and an outside entity. All four mechanisms will be presented to the community who will be asked to consider the role of ICANN and the community in such structures. **Erika Mann** stressed that the reserve fund was not of the remit of the CCWG work. The CCWG also produced a preamble document aimed at future project evaluators detailing the scope of the structures and the limitations thereof.

Councilors then discussed the implications and merits of the two favoured mechanisms and how these would be developed in the implementation phase.

Heather Forrest thanked **Erika Mann** for her contributions to the CCWG, she in turn commended her co-chair Ching Chiao and staff for their support.

Action items: none

Item 7: COUNCIL UPDATE – Temporary Specification for Registration Data Expedited Policy Development Process (EPDP) - Recurring Update

Rafik Dammak, GNSO Council liaison to the EPDP, provided an update on the EPDP's recent activities:

- The EPDP has completed its first deliverable: submission of the triage report
- Members have been working on several sections and appendixes of the temporary specification.
- Progress was made during the face-to-face meeting in Los Angeles in particular in regard to the topics of purpose and data elements (<https://community.icann.org/x/rQarBQ>).
- A blog post reporting on the face-to-face meeting will be published shortly
- Aim is to have a preliminary draft ready in time for ICANN63

Councilors discussed progress to date and stressed the fact that the EPDP Charter be referred to for guidance.

Action Items: none

Item 8: ANY OTHER BUSINESS

8-1: ICANN63 Schedule

Keith Drazek volunteered to be Council sponsor for the Council informal gathering on Saturday 20 October 2018.

8.2 - Standing Selection Committee (SSC)

8.2.1 - ATRT3 nomination review

Staff is reaching out to GNSO appointees to check if they are still available to take on their position within ATRT3.

8.2.2 - Fellowship Program - Input for two-year outreach and promotion goals and selection of ICANN Fellowship Program Selection Committee Members

Heather Forrest will be interim appointee for the GNSO Council to allow the SSC to complete its selection procedure.

8.3 - Next steps for the IGO-INGO Curative Rights Protection Mechanisms PDP WG Final Report

A Q&A webinar will be scheduled to allow Council to clarify and discuss the Final Report.

Action Items:

- ICANN63 Planning - *ICANN staff and Keith Drazek* to select a restaurant for the Council's informal get together.
- 8.2.2 - ATRT3 Fellowship Program - SSC instructed to consider next steps for selections for the ATRT3, which could include re-confirming members, seeking additional volunteers, or other options as needed. Next steps could be dependent upon the SSC's assessment of the overall makeup of GNSO volunteers.
- 8.2.3 - Fellowship Program - *ICANN staff* to initiate call for volunteers, based on requirements from PRS (target post-ICANN63) and SSC to subsequently conduct selection process.
- Next steps for the IGO-INGO Curative Rights Protection Mechanisms PDP WG Final Report - *ICANN staff* to schedule webinar for questions and answers.

Heather Forrest, GNSO Council Chair, adjourned the GNSO Council meeting at 06:03 UTC Thursday 27 September 2018.

The next GNSO Council Meeting will take place is scheduled to take place during ICANN63 in Barcelona on the 24 October 2018 at 13:00 local time (11:00 UTC).

For other places see: <https://tinyurl.com/yc4sqbsu>