

Minutes of the GNSO Council Meeting 4 March 2019

[Agenda and Documents](#)

Coordinated Universal Time: 21:00 UTC: <http://tinyurl.com/y6o8vtdz>

13:00 Los Angeles; 16:00 Washington; 21:00 London; (Tuesday) 02:00 Islamabad; 06:00 Tokyo; 08:00 Melbourne

List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Michele Neylon (present, Darcy Southwell as proxy in case of connectivity issues), Darcy Southwell

gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart (apologies sent – proxy to Osvaldo Novoa), Osvaldo Novoa, Paul McGrady, Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent (present, gave proxy to Tatiana due to audio issues) Elsa Saade, 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

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 (apologies sent)

Ariel Liang – Policy Support Specialist

Caitlin Tubergen – Policy Senior Manager

Nathalie Peregrine – Manager, Operations (apologies sent)

Terri Agnew - Operations Support - GNSO Lead Administrator

Andrea Glandon – GNSO Operations Support

[MP3 Recording](#)

[Transcript](#)

Item 1. Administrative Matters

1.1 - Roll Call

1.2 - Updates to Statements of Interest

There were no updates to existing Statements of Interest.

1.3 - Review / Amend Agenda

Agenda was approved without objection.

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 14 February 2019 were posted on the 28 February 2019

[Minutes](#) of the GNSO Council meeting on the 21 February 2019 were posted on the 7 March 2019

Item 2: Consent Agenda - no item

Item 3: COUNCIL VOTE - Adoption of the Final Report on Expedited PDP on the Temporary Specification for gTLD Registration Data

Keith Drazek, seconder of the [motion](#), reminded councilors that the vote had been [deferred](#) from the GNSO Council meeting held on the 21st February 2019.

Rafik Dammak, submitter of the [motion](#), read out the resolved clauses.

1. On [17 May 2018](#), the ICANN Board adopted the [Temporary Specification for gTLD Registration Data](#) pursuant to the procedures in the Registry Agreement and Registrar Accreditation Agreement concerning the establishment of temporary policies.
2. Following the adoption of the Temporary Specification, and per the procedure for Temporary Policies as outlined in the Registry Agreement and Registrar Accreditation Agreement, a Consensus Policy development process as set forth in ICANN's Bylaws needs to be initiated immediately and completed within a one-year time period from the implementation effective date (25 May 2018) of the Temporary Specification.
3. The GNSO Council has had a number of discussions about next steps to clarify issues around scope, timing and expectations, including a meeting between the GNSO Stakeholder Group and Constituency Chairs on [21 May 2018](#), the Council meeting on [24 May 2018](#), a meeting between the ICANN Board and the GNSO Council on [5 June 2018](#) and an extraordinary GNSO Council meeting on [12 June 2018](#).
4. Subsequently, the GNSO Council agreed to form a drafting team, consisting of Council leadership and interested Council members, to develop the EPDP Initiation Request and EPDP Team Charter. The drafting team submitted the proposed EPDP Initiation Request and EPDP Team Charter to the GNSO Council on 19 July 2018.
5. The GNSO Council approved the EPDP Initiation Request (<https://gns0.icann.org/sites/default/files/file/field-file-attach/temp-spec-gtld-rd-epdp-initiation-request-19jul18-en.pdf>) and the EPDP Team Charter (<https://gns0.icann.org/sites/default/files/file/field-file-attach/temp-spec-gtld-rd-epdp-19jul18-en.pdf>) on 19 July 2018;
6. The EPDP Team was formed and held its first meeting on 1 August 2018, followed by the publication of the Charter-required "Triage" Report on 15 September 2018 and its Initial Report on 21 November;

7. In its deliberations, the EPDP Team developed a recommendation for the transition between the lapse of the Temporary Specification and the completion of implementation work on the Policy Recommendations now submitted for approval.
8. Due to the unique circumstances concerning the deadline for implementation, and in order to minimize the transition period, the EPDP Leadership and Team informally recommends that discussion around implementation deliverables be initiated immediately. This preliminary work will inform the deliberations of the formal Implementation Recommendation Team upon Board approval of the Policy Recommendations.
9. The EPDP has followed the prescribed EPDP steps as stated in the Bylaws, including the publication of an Initial Report on 21 November (see <https://www.icann.org/public-comments/epdp-gtld-registration-data-specs-initial-2018-11-21-en>) and resulting in a Final Report delivered on 20 February 2019;
10. The EPDP Team has reached full consensus / consensus on the recommendations contained in the Final Report apart from two recommendations (#2 and #16);
11. The GNSO Council has reviewed and discussed these recommendations.

RESOLVED

1. The GNSO Council recommends to the ICANN Board of Directors the adoption of EPDP on the Temporary Specification for gTLD Registration Data policy recommendations as detailed in section 5 of the Final Report (<https://gns0.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf>);
2. Noting the unique circumstances and external deadlines associated with the Temporary Specification and the work of this EPDP, the GNSO Council supports the EPDP Team's recommendation to informally convene the Implementation Review Team now to allow additional time for the necessary planning to take place before ICANN Board consideration of this Final Report. The IRT would be formally convened upon Board approval. As such, the GNSO Council directs ICANN Org to informally convene the Implementation Review team as soon as possible. The Implementation Review Team will be tasked with assisting ICANN org in developing the implementation details for the EPDP recommendations, evaluating the proposed implementation of the recommendations as approved by the Board, and working with ICANN staff to ensure that the resultant implementation conforms to the intent of the approved recommendations. The Implementation Review Team shall operate in accordance with the Implementation Review Team Principles and Guidance approved by the GNSO Council in June 2015.
3. The GNSO Council hereby indicates its non-objection, as required per the EPDP Team Charter, for the EPDP Team to commence work on a System for Standardized Access to Non-Public Registration Data as well as other topics identified in Phase 2 of the Charter. The Council does request that the EPDP Team, as a first step, develops its work plan for phase 2 and, furthermore, identifies whether the GNSO Council should consider any updates to the EPDP Team Charter to facilitate the EPDP Team's work.
4. The GNSO Council extends its sincere appreciation to the Chair, Vice-Chair, members, alternates and support staff of the EPDP Team for their tireless efforts to complete Phase 1 in the timeline available.

Pam Little proposed an amendment to resolved clause 3 which was deemed friendly by both Rafik Dammak and Keith Drazek.

Keith Drazek asked that given that discussions about the motion had taken place during the GNSO Council meeting on the 21st February 2019, that if there were any statements ready on behalf of Stakeholder Groups and Constituencies, they be shared after the vote had taken place.

Rubens Kuhl proposed an amendment to resolved clause 4 which was deemed friendly by both Rafik Dammak and Keith Drazek.

Paul McGrady expressed surprise that the Council discussion of the motion had been pushed to after the vote instead of before, citing precedent of his time on Council..

Councilors voted in support of the motion with 100% of the Contracted Party House in favour and 69.23% of the Non Contracted Party House in favour.

Keith Drazek congratulated all those involved in the EPDP effort and expressed his satisfaction at the community moving onto Phase 2 and working on the Uniform Access Model.

Paul McGrady read out a [statement](#) on behalf of the Intellectual Property Constituency (IPC).

Marie Pattullo read out a [statement](#) on behalf of the Business Constituency (BC).

Ayden Férdeline read out a [statement](#) on behalf of the Non Commercial Stakeholder Group (NCSG).

Michele Neylon read out a [statement](#) on behalf of the Registrar Stakeholder Group (RrSG).

Keith Drazek reminded the Council that it would next need to be focused on developing a work plan and properly scoping the next phase.

Staff added that the next step will be the preparation of GNSO Council recommendations report to the ICANN Board, which absent objections, staff would be happy to draft and circulate shortly on the GNSO Council mailing list.

[Vote results](#)

Action items:

- *ICANN Staff* to inform GDD that the GNSO Council directs ICANN Org to informally convene the Implementation Review team for the EPDP as soon as possible.
- *Council Leadership* to inform the EPDP Team that the GNSO Council indicates its non-objection, as required per the EPDP Team Charter, for the EPDP Team to commence work on the System for Standardized Access to Non-Public Registration Data as well as other topics identified in Phase 2 of the Charter.
- *ICANN Staff* to prepare the draft recommendations report for the ICANN Board, to be considered and adopted by the GNSO Council.

Item 4: COUNCIL DISCUSSION - Expedited PDP on the Temporary Specification for gTLD Registration Data - Phase 2 Work

Keith Drazek presented to Council a [slide deck](#), result of a collaboration between the Council and EPDP leadership teams as well as staff support, introducing the framework for discussions on Phase 2. The scope of Phase 2 has been introduced in the existing team charter for Phase 2: a system for standardized access to nonpublic registration data; a number of issues in the Annex to the Temporary Specification and several items deferred from Phase 1 EPDP team.

Councilors then reviewed the [mindmap](#) included in the slide deck to discuss workflow prioritization.

Keith Drazek then commented on the items highlighted for Council consideration:

- The existing charter would probably be retained for Phase 2 but the Council is to provide additional guidance and additional clarification to the EPDP team to maintain the momentum and the current membership of the team to the extent possible. On this point, **Keith Drazek** has reached out to the Supporting Organizations (SOs), the Advisory Committees (ACs), the SGs and Cs for an update on their representatives in the EPDP team. **Rafik Dammak** requested the same of the EPDP team members.
- Kurt Pritz has resigned as EPDP Chair and **Rafik Dammak** as Vice Chair is Acting Chair.
- An expression of interest call for a replacement chair for Phase 2 has been sent out to the community with a deadline of the 22 March 2019. The aim is to approve and appoint the next chair of the EPDP during the 18 April 2019 GNSO Council meeting

Michele Neylon raised that within the RrSG, most EPDP representatives would agree to continue with Phase 2 if the work decreased slightly.

Tatiana Tropina expressed her support for retaining the existing charter, noted that there would have to be restrictions in regard to new issues which could be raised during Phase 2 and echoed Michele Neylon's point about work pace.

Keith Drazek agreed and said that whilst the GNSO Council could provide guidance and direction, it would be up to the EPDP team to produce their own work plan.

Darcy Southwell reminded Council that in light of PDP3.0, the GNSO Council would be responsible for reviewing the work plan and monitoring the team's progress.

Flip Petillion concurred and suggested that regarding work plan and membership, this was also a discussion to be had within the different SGs and Cs.

Elsa Saade mentioned that having access to a "lessons learned" document from Phase 1 would be extremely helpful for Phase 2 and equally for PDP3.0.

Keith Drazek then noted the dependencies the GNSO Council needed to be aware of:

- The Phase 1 Final Report which will go to the Board
- The Technical Study Group (TSG) which is holding technical discussions about how to enable a Uniform Access Model
- The RDAP Pilot that has been announced and launched and contracted parties now have 180 days to implement it.
- During Phase 1, it was planned that the Initial Report be shared with a Data Protection Agency (DPA) or the Data Protection Board (DPB), this wasn't done, but it will be necessary for the community to have better guidance and better interface with the Data Protection Board or a DPA on the viability of a Uniform Access Model.

Rafik Dammak then outlined next steps for ICANN64. Discussions need to be held regarding workload and a timeline. As Council liaison to the EPDP team, he insisted on the necessity for the Council to establish a timeline to better monitor the team's progress. There will also need to be discussions on on

budget for possible F2F, legal counsel and on staff resources. He agreed that a “lessons learnt” discussion would be crucial but encouraged all to focus on the process, and avoid blaming .

Keith Drazek then brought the councilors’ attention to the [Expression of Interest for EPDP Chair](#). The deadline is the 22 March 2019, date at which Council leadership with the assistance of the Standing Selection Committee leadership will review the applications and recommend the proposed chair to the GNSO Council for consideration. Council will vote and approve the new EPDP Chair at its 18 April 2019 meeting.

Marika Konings, ICANN staff, provided an overview of the EPDP sessions in Kobe during ICANN64 which aim to cover discussions about Phase 2, membership commitment, resources, work plan and timeline. It is also expected to receive an update from Global Domains Division (GDD) regarding implementation of Phase 1 and to begin discussions with the Technical Study Group.

Elsa Saade asked for clarity regarding the GNSO Council’s responsibilities versus the EPDP team’s responsibilities.

Keith Drazek clarified that the charter drafted by the GNSO Council was to remain as is, and that the GNSO Council was to provide guidance and recommendations. The work plan however is of the EPDP team’s remit. He agreed that the work pace of Phase 1 had been intense, and noted that a balance between work pace and the urgency of the task ahead would be key.

Flip Petillion concurred that a balance must be sought in light of the urgency of Phase 2 for various stakeholders and the fact that Phase 2 is an equally important part of the EPDP as Phase 1.

Keith Drazek added that councilors had delivered on the obligations and the expectations of the GNSO Council as the process and policy manager for the PDP on this EPDP and thanked all for their participation.

Action items:

- *Council* to seek to provide guidance to the EPDP Team around timelines and deliverables for the EPDP Team in its phase 2 work.

Item 5: ANY OTHER BUSINESS

No item.

Keith Drazek adjourned the GNSO Council meeting on Monday 4th March 2019 at 22:32 UTC.