

GNSO Council Meeting Minutes 22 September 2011

[Agenda and documents](#)

The meeting started at 20:04 UTC.

List of attendees:

NCA – Non Voting - Carlos Dionisio Aguirre

Contracted Parties House

Registrar Stakeholder Group: Tim Ruiz, Stéphane van Gelder, Adrian Kinderis
gTLD Registries Stakeholder Group: Jeff Neuman, Jonathan Robinson, Ching Chiao
Nominating Committee Appointee (NCA): Andrei Kolesnikov

Non-Contracted Parties House

Commercial Stakeholder Group (CSG):, Jaime Wagner, Wolf-Ulrich Knoben, John Berard, Zahid Jamil, Kristina Rosette, David Taylor.
Non Commercial Stakeholder Group (NCSG): Rafik Dammak, Rosemary Sinclair, Mary Wong, Bill Drake, absent, apologies - proxy vote to Mary Wong, Wendy Seltzer absent, apologies - proxy vote to Rafik Dammak, Debra Hughes joined call late, Amber Sterling was temporary alternate until Debra joined the call
Nominating Committee Appointee (NCA): Olga Cavalli

GNSO Council Liaisons/Observers

Alan Greenberg – ALAC Liaison
Han Chuan Lee – ccNSO Observer -absent

ICANN Staff

David Olive - VP Policy Development -absent apologies
Liz Gasster - Senior Policy Counselor
Julie Hedlund - Policy Director
Rob Hoggarth - Senior Policy Director
Margie Milam - Senior Policy Counselor
Marika Konings - Senior Policy Director
Alexander Kulik - System Administrator
Glen de Saint Géry - GNSO Secretariat
Nathalie Peregrine - GNSO Admin. assistant

For a recording of the meeting, please refer to:

- [MP3 Recording](#)
- [Adobe Connect Chat Room transcript](#)

Item 1: Administrative Items

1.1 Roll call of Council members and update of Statements of Interest

An updated statement of interest was recorded for [Jonathan Robinson](#) and posted on the [Council mailing list](#).

1 2 Review/amend the agenda

Item 6: Registration Abuse (RAP) was moved to after Item 2.

1.3. The GNSO Council [21 July 2011 minutes were approved on 8 August 2011](#).

Item 2: Update to Pending Projects List

Stéphane Van Gelder noted the following changes to the [Pending Projects List](#) since the last Council meeting on 21 July 2011.

- GNSO activities: 10 (9 – Open Council Meeting DT added).
- Other activities: 9 (9 - no change)
- Joint SO/AC WGs: 7 (7 – no change).
- Outstanding recommendations: 2 (2– no change).

Item 6: Registration abuse (RAP) (15 minutes)

The motion to address the remaining Registration Abuse Policies working group recommendations was deferred at the request of the Registries SG to the next Council meeting on 6 October 2011.

<https://community.icann.org/display/gnsocouncilmeetings/Motions+22+September+2011>

Discussion highlighted the Registry Stakeholder Group's concern that the portion of the motion dealing with the uniformity of contracts only had strong support, with a number of contracted parties objecting to doing further work on the uniformity of contracts and the Registrar Stakeholder Group pointed out that clarity is needed on the Resolve clause #3 dealing with Fake Renewal Notices.

Item 4: Inter-Registrar Transfer Policy Part B Working Group - recommendation # 3 (Issue Report on 'Thick' WHOIS)

Tim Ruiz seconded by **Stéphane van Gelder** proposed a motion for the adoption of the IRTP Part B Recommendation #3 (Issue Report on 'Thick' WHOIS)

WHEREAS on 24 June 2009, the GNSO Council launched a Policy Development Process (PDP) on IRTP Part B addressing the following five charter questions:

a. Whether a process for urgent return/resolution of a domain name should be developed, as discussed within the SSAC hijacking report (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>); see also (<http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>)

- b. Whether additional provisions on undoing inappropriate transfers are needed, especially with regard to disputes between a Registrant and Admin Contact (AC). The policy is clear that the Registrant can overrule the AC, but how this is implemented is currently at the discretion of the registrar;
- c. Whether special provisions are needed for a change of registrant when it occurs near the time of a change of registrar. The policy does not currently deal with change of registrant, which often figures in hijacking cases;
- d. Whether standards or best practices should be implemented regarding use of a Registrar Lock status (e.g. when it may/may not, should/should not be applied);
- e. Whether, and if so, how best to clarify denial reason #7: A domain name was already in 'lock status' provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status.

WHEREAS this PDP has followed the prescribed PDP steps as stated in the Bylaws, resulting in a Final Report delivered on 30 May 2011;

WHEREAS the IRTP Part B WG has reached full consensus on the recommendations in relation to each of the five issues outlined above;

WHEREAS the GNSO Council has reviewed and discussed these recommendations;

WHEREAS the GNSO Council resolved at its meeting on 22 June to 'consider IRTP Part B Recommendation #3 concerning the request of an Issue Report on the requirement of 'thick' WHOIS for all incumbent gTLDs at its next meeting on 21 July'.

RESOLVED, the GNSO Council requests an Issue Report on the requirement of 'thick' WHOIS for all incumbent gTLDs. Such an Issue Report and possible subsequent Policy Development Process should not only consider a possible requirement of 'thick' WHOIS or all incumbent gTLDs in the context of IRTP, but should also consider any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be desirable or not. (IRTP Part B Recommendation #3)

The motion carried by voice vote.

Voting results:

Contracted Parties House:

4 votes in favour: Stéphane van Gelder, Tim Ruiz, Adrian Kinderis, Andrei Kolesnikov.

3 Abstentions: Jeff Neuman, Jonathan Robinson, Ching Chiao

The Registries Stakeholder Group reason for abstention:

"We believe this is directed just at one member of the Registry stakeholder group.

We were unable to find consensus within this in our organization. But we respect the working group model. And because the working group unanimously was in favor of this, we are not voting no. "

Jeff Neuman noted that the Council as a whole should consider all the new projects lying ahead not only in terms of limited staff resources but also in terms of volunteers in the community to address all the subjects. Prioritisation is essential and in his view the topics ranks low as it is aimed at one registry..

Non Contracted Parties House:

13 Votes in favour:

Jaime Wagner, Zahid Jamil, Wolf-Ulrich Knoben, John Berard, Kristina Rosette, David Taylor, Rafik Dammak, Rosemary Sinclair, Mary Wong, Olga Cavalli, Debra Hughes, Bill Drake proxy vote to Mary Wong, Wendy Seltzer proxy vote to Rafik Dammak,

Item 4: Inter-Registrar Transfer Policy Part C – Final Issue Report

Tim Ruiz, seconded by **Jeff Neuman** proposed a motion to Initiate a Policy Development Process (PDP) on the Inter-Registrar Transfer Policy (IRTP) Part C.

Whereas the Inter-Registrar Transfer Policy (IRTP) is an existing consensus policy under review by the GNSO;

Whereas the GNSO Transfers Working Group identified a number of issues in its review of the current Policy and those issues have been grouped into suggested PDPs, set A-E, as per the Council's resolution of 8 May 2008;

Whereas the GNSO Council requested an Issue Report on IRTP Part C at its meeting on 22 June 2011 (see <http://gns0.icann.org/resolutions/#201106>);

Whereas a Preliminary Issue Report on IRTP Part C was published on 25 July 2011 for public comment (see <http://gns0.icann.org/transfers/preliminary-issue-report-irtp-c-25jul11-en.pdf>);

Whereas a Final Issue Report on IRTP Part C was published on 29 August 2011 (see <http://gns0.icann.org/issues/issue-report-irtp-c-29aug11-en.pdf>);

Whereas, the Final Issue Report recommends that the GNSO Council proceed with a Policy Development Process limited to consideration of the issues discussed in this report, and the General Counsel of ICANN has indicated the topic is properly within the scope of the ICANN policy process and within the scope of the GNSO

RESOLVED:

The GNSO will initiate a PDP on the issues defined in the Final Issue Report on the Inter-Registrar Transfer Policy Part C (<http://gns0.icann.org/issues/issue-report-irtp-c-29aug11-en.pdf>).

A Working Group will be created for the purpose of fulfilling the requirements of the PDP.

4.3 The motion carried unanimously by voice vote.

Tim Ruiz, seconded by **Jeff Neuman** proposed a motion for the Approval of a Charter for the Inter-Registrar Transfer Policy (IRTP) Part C Working Group (WG)

Whereas on 22 September 2011 the GNSO Council initiated a Policy Development Process (PDP) on the Inter-Registrar Transfer Policy (IRTP) Part C and decided to create a PDP Working Group for the purposes of fulfilling the requirements of the PDP;

Whereas the GNSO Council has reviewed the charter.

RESOLVED,

The GNSO Council approves the charter and appoints [to be confirmed] as the GNSO Council Liaison to the IRTP Part C PDP Working Group.

The GNSO Council further directs that the work of the IRTP Part C WG be initiated no later than 14 days after the approval of this motion. Until such time as the WG can select a chair and that chair can be confirmed by the GNSO Council, the GNSO Council Liaison shall act as interim chair.

Charter

The Working Group shall consider the following questions as outlined in the Final Issue Report (<http://gns0.icann.org/issues/issue-report-irtp-c-29aug11-en.pdf>) and make recommendations to the GNSO Council:

a) "Change of Control" function, including an investigation of how this function is currently achieved, if there are any applicable models in the country-code name space that can be used as a best practice for the gTLD space, and any associated security concerns. It should also include a review of locking procedures, as described in Reasons for Denial #8 and #9, with an aim to balance legitimate transfer activity and security.

b) Whether provisions on time-limiting Form Of Authorization (FOA)s should be implemented to avoid fraudulent transfers out. For example, if a Gaining Registrar sends and receives an FOA back from a transfer contact, but the name is locked, the registrar may hold the FOA pending adjustment to the domain name status, during which time the registrant or other registration information may have changed.

c) Whether the process could be streamlined by a requirement that registries use IANA IDs for registrars rather than proprietary IDs.

The Working Group shall follow the rules outlined in the GNSO Working Group Guidelines <http://gns0.icann.org/council/annex-1-gns0-wg-guidelines-07apr11-en.pdf>.

4.6 The motion carried unanimously by voice vote.

Action Item

Call for volunteers to be Council Liaison which will stay open until the new Councilors are on the Council.

Item 5: Proxy voting - Operations Steering Committee (OSC).

Wolf-Ulrich Knoben, seconded by **Stéphane van Gelder** proposed a motion re the revision of the GNSO Council Operating Procedures Relating to Proxy Voting

WHEREAS, the GNSO Council recently identified areas for improvement in the GNSO Council Operating Procedures that would simplify and clarify the procedures relating to proxy voting;

WHEREAS, the GNSO Council tasked the Operations Steering Committee (OSC) with completing a revision to improve the procedures relating to proxy voting;

WHEREAS, the OSC submitted to the GNSO Council on 14 June 2011 recommended revisions to the GNSO Council Operating Procedures in terms of how the proxy giver assigns a vote to the proxy holder to simplify and clarify the procedures and avoid contradicting the internal procedures of some constituencies;

WHEREAS, at its meeting on 22 June the GNSO Council acknowledged receipt of the recommended revisions submitted by the OSC and directed Staff to produce a redlined revision of the GNSO Council Operating Procedures incorporating the recommended revisions and to post the document for twenty-one (21) days in the ICANN Public Comment Forum;

WHEREAS, Staff produced a redlined revision of the GNSO Council Operating Procedures of Proposed Revisions to Chapters 3 and 4 Relating to Proxy voting <http://gnso.icann.org/council/gnso-op-procedures-revisions-19jul11-en.pdf> and posted it for Public Comment beginning 19 July and ending 09 August 2011;

WHEREAS, Staff published a Report of Public Comments <http://www.icann.org/en/public-comment/report-comments-gnso-proxy-voting-11aug11-en.pdf> indicating that no comments were received;

NOW THEREFORE, BE IT:

RESOLVED that the GNSO Council adopts the Proposed Revisions to Chapters 3 and 4 of the GNSO Council Operating Procedures <http://gnso.icann.org/council/gnso-op-procedures-revisions-19jul11-en.pdf> to simplify and clarify proxy voting including three rules: 1) it may either be directed, if applicable, by the proxy giver's appointing organization; 2) the proxy giver may instruct the proxy holder how to cast the vote; and 3) in the absence of any instruction the proxy holder may vote freely on conscience.

RESOLVED FURTHER the GNSO Council instructs ICANN staff to incorporate the revisions into a new version of the GNSO Operating Procedures (GOP), which becomes effective immediately upon adoption.

RESOLVED FURTHER that as the OSC has completed all of its tasks the GNSO

Council hereby disbands the OSC and its Work Teams and expresses its gratitude and appreciation to the members of the OSC and its Work Teams for their dedication, commitment, and thoughtful recommendations.

The motion carried unanimously by voice vote.

Item 7: Joint SO/AC WG on New gTLD Applicant Support (JAS)

Rafik Dammak seconded by **Olga Cavalli** proposed a motion on the Joint SO/AC Working Group on New gTLD Applicant Support Final Report that was amended by **Jeff Neuman** on behalf of the **gTLD Registries Stakeholder Group**.

Whereas:

The GNSO Council and ALAC established the Joint SO/AC Working Group (JASWG) on support for new gTLD applicants in April of 2010; and

The Joint SO/AC Working Group released its second Milestone Report, posted for consideration by the Board, Chartering Organizations and at-large Community. This report documented the completion of work as defined in the extended charter and,

The Joint SO/AC Working Group received and discussed the public comments, and

The Joint SO/AC Working Group has completed the enumerated items as defined in its extended charter and has published a final report (<https://community.icann.org/display/jaswg/JAS+Issues+and+Recommendations#>) on 14 September 2011 covering those chartered items (<http://gnso.icann.org/resolutions/#20110113-1>) entitled Final Report of the Joint SO/AC new GTLD applicant support working group. And

The Joint SO/AC Working Group is still in the process of completing some last tasks including completion of the formal documentation of the comment responses for the second milestone community review, and

The GNSO Council has not had a chance to review the Final Report nor digest any of its contents,

However, the GNSO Council does not wish to delay implementation of support programs for applicants from developing regions,

Resolved:

The GNSO Council thanks the members of the Joint SO/AC Working Group for its efforts and its dedication to completing these work items on such a tight schedule, and

The GNSO Council approves forwarding the final Report to the ICANN Board for review, but reserves its right to provide comments to the ICANN Board on all of the recommendations contained therein; and

The GNSO Council requests ICANN staff to develop an implementation plan following the JAS WG recommendations, subject to comments received from the GNSO community , and

The GNSO Council requests that ICANN staff publish the implementation plan for public comment prior to consideration by the ICANN Board, and

The GNSO Council requests that the Joint SO/AC Working Group complete the publication of its formal Milestone 2 response document as quickly as possible, and

The GNSO Council requests that the Joint SO/AC Working Group remains on call to review the outcome of the ICANN implementation of the JAS recommendations.

Resolved further, that the GNSO Council instructs the GNSO Chair to communicate its decision to the ALAC Chair.

The motion carried by roll call vote.

Voting results:

Contracted Parties House:

7 votes in favour: Stéphane van Gelder, Tim Ruiz, Adrian Kinderis, Andrei Kolesnikov. Jeff Neuman, Jonathan Robinson, Ching Chiao.

Non Contracted Parties House:

11 Votes in favour:

Jaime Wagner, Wolf-Ulrich Knoblen, Kristina Rosette, David Taylor, Rafik Dammak, Rosemary Sinclair ,Mary Wong, Olga Cavalli, Debra Hughes, Bill Drake proxy vote to Mary Wong, Wendy Seltzer proxy vote to Rafik Dammak.

2 Abstentions: Zahid Jamil and John Berard,

Reason for abstention:

"The abstention on the JAS motion is based on three elements:

First, inclusion of "reserving the right" to send complementary comments to the Board is not specific to the point that comments will be forwarded.

Second, our position is that there should not be allowed shortcuts on technical or legal requirements for new applicants.

And, third, we need incentives for applicants to add string versions in multiple languages and scripts used in emerging markets. That this was relegated to a minority report is not adequate in the eyes of the Business Constituency."

Action Item

GNSO Chair to communicate the Council's decision to the ALAC Chair.

Item 8: Cartagena Board Resolution on Consumer Choice, Competition and Innovation

Rosemary Sinclair seconded by **Wolf-Ulrich Knoben**, and as amended by **Tim Ruiz**, proposed a motion to create a Working Group on Consumer Choice, Competition and Innovation (CCI):

Whereas, on 10 December 2010, the ICANN Board adopted Resolution 30 (<http://www.icann.org/en/minutes/resolutions-10dec10-en.htm#>) requesting advice from the GNSO, ccNSO, ALAC and GAC on establishing the definition, measures, and three year targets for those measures, for competition, consumer trust and consumer choice in the context of the domain name system, such advice to be provided for discussion at the ICANN International Public meeting in San Francisco from 13-18 March 2011;

Whereas, since the receipt of this request, the GNSO Council has conducted preliminary work (led by Rosemary Sinclair) to develop these metrics through various workshops conducted at the Cartagena ICANN Meeting, and the Singapore ICANN Meeting;

Whereas, as a result of these preliminary activities, there is a desire to form a working group with any party interested in participating in this effort to fulfill this Board request, in accordance with the Draft Charter (<http://gnso.icann.org/drafts/cci-charter-07sep11-en.pdf>) presented to the GNSO Council.
NOW THEREFORE, BE IT:

Resolved, that the GNSO Council directs that a working group be formed to produce a report for consideration by SOs /ACs to assist them to respond to the Board request for establishing the definition, measures, and three year targets for those measures, for competition, consumer trust and consumer choice in the context of the domain name system;

Resolved further, that this newly formed working group is not authorized to forward to, or otherwise communicate its findings directly with, the ICANN Board;

Resolved further, that Rosemary Sinclair shall serve as the GNSO Council Liaison for this working group;

Resolved further, it is recognized that the Consumer Choice, Competition, and Innovation (CCI) WG has already met informally and commenced activities in furtherance of this effort. Until such time as the WG can select a chair and that chair can be confirmed by the GNSO Council, the GNSO Council Liaison shall act as interim chair; and

Resolved further, that the Charter (<http://gnso.icann.org/drafts/cci-charter-07sep11-en.pdf>) is hereby approved for the CCI WG. As specified in the Charter (<http://gnso.icann.org/drafts/cci-charter-07sep11-en.pdf>), a Working Group Update is to be produced for consideration at the ICANN Dakar Meeting 2011.

The motion carried unanimously by voice vote.

It was pointed out that as **Rosemary Sinclair** may be leaving the Council after the Dakar meeting. In that case a new Council liaison would have to be selected.

Item 9: Law Enforcement assistance on addressing criminal activity

The Business Constituency requested that the [motion](#) be deferred to the next Council meeting on 6 October 2011.

Item 10: Whois Survey Drafting Team

The Registrar Stakeholder Group requested a deferral on the [motion](#) to the next Council meeting on 6 October 2011.

Discussion highlighted the change in terminology from a “drafting team” (a term typically used for short-term groups to draft motions and charters) to a “Working Group”. The GNSO Council originally convened the group as a Drafting Team, then the group proposed a change to a “Working Group” in recognition of the longer term effort that is estimated will be required to develop and validate a draft survey and the post-survey analysis activity that would be needed.

Item 11: June 20 Board resolution on new gTLDs

As part of its resolutions on the new gTLD program, the ICANN Board [passed a resolved clause during its June 20 meeting in Singapore which contained the following excerpt \(Resolved 1.b\):](#)

Incorporation of text concerning protection for specific requested Red Cross and IOC names for the top level only during the initial application round, until the GNSO and GAC develop policy advice based on the global public interest.

The GNSO Council discussed this at its July 21 meeting. A [letter](#) was sent by Kurt Pritz to Heather Dryden & Stéphane van Gelder to provide some guidance: On September 18, the GAC sent a letter to the GNSO Council providing the following advice on this topic with regard to a possible [UDRP](#) and the [IOC and Red Cross/Red Crescent names](#).

The following points were highlighted:

- A request to Staff to confer with ICANN General Counsel on the status of the advice that the GNSO receives from the GAC?
- This is a proposed topic to discuss with the GAC at the joint GAC- Council meeting in Dakar.
- Identify questions or requests for clarification and communicate these to the GAC well in advance of the joint meeting so as to have a meaningful and constructive discussion.

Item 12. Any Other Business

GNSO Agenda for Dakar

Jeff Neuman reported that work was progressing on the draft Dakar Agenda and shortly there would be a copy for the Council to review. In particular, changes are being proposed for the format of the Council meeting.

According to the arrival time of the Councillors, a decision will be made what time to start the GNSO Working sessions on Saturday in Dakar.
There will be the usual remote participation facilities for all the meetings.

[Draft Charter for the Outreach Task Force](#)

Olga Cavalli, chair of the Outreach Task Force, encouraged Councillors to review and comment on the [draft Charter for the Outreach Task Force](#).
Community participation is strongly encouraged and the next task force meeting will be convened in October.

Cross Community Working Groups

Jonathan Robinson, chair of the Cross Community Working Group, reported that the group was being challenged by lack of members and appealed for participants who have the available time or interest in the subject of joint Working Groups and their effective functioning within the structures to join the working group which meets every two weeks.

New Issues Report

Staff noted that the work on the new Issues Report will begin when some of the current work is finished and staff would appreciate guidance on prioritisation.

Stéphane van Gelder adjourned the GNSO Council meeting and thanked everyone for their participation.

The meeting was adjourned at 21:58 UTC.

Next GNSO Council meeting will be on Thursday, 6 October 2011 at 15:00 UTC.

See: [Calendar](#)