

Final Proposed Agenda 18 July 2019

Please note that all documents referenced in the agenda have been gathered on a Wiki page for convenience and easier access: <https://community.icann.org/x/haOjBg>

This agenda was established according to the [GNSO Operating Procedures](#) v3.3, updated on 30 January 2018

For convenience:

- An excerpt of the ICANN Bylaws defining the voting thresholds is provided in Appendix 1 at the end of this agenda.
- An excerpt from the Council Operating Procedures defining the absentee voting procedures is provided in Appendix 2 at the end of this agenda.

Coordinated Universal Time: 21:00 UTC: <https://tinyurl.com/y35nu9lu>

14:00 Los Angeles; 17:00 Washington; 21:00 London; (+1 day) 02:00 Islamabad; 06:00 Tokyo; 07:00 Melbourne

GNSO Council Meeting Audio Cast

To join the event, click on the link:

Listen in browser: <http://stream.icann.org:8000/stream02>

Listen in application such as iTunes: <http://stream.icann.org:8000/stream02.m3u>

Councilors should notify the GNSO Secretariat in advance if they will not be able to attend and/or need a dial out call.

Item 1: Administrative Matters (10 mins)

1.1 - Roll Call

1.2 - Updates to Statements of Interest

1.3 - Review / Amend Agenda

1.4 - Note the status of minutes for the previous Council meetings per the GNSO Operating Procedures:

[Minutes](#) of the extraordinary GNSO Council meeting on the 28th May 2019 were posted on the 13th June 2019

[Minutes](#) of the GNSO Council meeting on the 26 June 2019 will be posted on the 13 July 2019

Item 2: Opening Remarks / Review of Projects & Action List (15 minutes)

2.1 - Review focus areas and provide updates on specific key themes / topics, to include review of [Projects List](#) and [Action Item List](#)

Item 3: Consent Agenda (10 minutes)

- [Motion](#) to adopt the [GNSO Council response](#) to the [GAC Marrakech Communiqué](#)

Item 4: COUNCIL DISCUSSION - GNSO Council Letter on Status of Consultation in Relation to Non-Adopted EPDP Phase 1 Parts of Recommendations (purpose 2 and recommendation #12) (15 minutes)

On 15 May, the ICANN Board [informed](#) the GNSO Council of the Board's action in relation to the GNSO's EPDP Phase 1 policy recommendations. The Board did not adopt two of the recommendations in full, where the Board has identified that portions of those recommendations are not in the best interests of the ICANN Community or ICANN and is initiating the consultation process between the Board and the GNSO Council. This concerns recommendation #1, purpose 2 and recommendation #12, deletion of data in the Organization field. As required under the ICANN Bylaws at Annex A-1, Section 6.b, a Board Statement is attached as Annex A to the letter, articulating the reasons for the Board's non-adoption of these two items. As per the Bylaw requirements (Annex A-1, Section 6.c), "the Council shall review the Board Statement for discussion with the Board as soon as feasible after the Council's receipt of the Board Statement." During the Council's Extraordinary Meeting on 28 May 2019, it reviewed the Board Statement and conducted a lengthy discussion on the best path forward.

On 30 May 2019, Keith Drazek, the GNSO Chair provided an update to the EPDP Team on the expected next steps in relation to the ICANN Board's action on Phase 1 recommendations and requested that the EPDP Team provide input to identify any questions, comments or concerns in relation to ICANN Board's action on the EPDP Phase 1 Recommendations. Subsequently, on 9 June 2019, Janis Karklins, Chair of the EPDP, informed the GNSO Chair of the following preliminary input noting that there was not sufficient time to formalize and agree on an EPDP Team response:

“• In relation to purpose 2, there is a general understanding for why the Board decided to not adopt this purpose and the EPDP Team confirms that it considers it firmly within its scope for phase 2 to further review this purpose in the context of the System for Standardized Access / Disclosure (SSAD);

- For recommendation #12, some additional context has been provided that may help explain the thinking behind the EPDP Team's original recommendation. However, there is no agreement at this stage on whether or not the Board's non-adoption should be supported.”

During the Council's June 2019 meeting, it continued to consider the [next steps](#), taking into account a discussion with the ICANN Board at ICANN65. The reasoning and intent of the deletion part of recommendation #12 was explained to the Board, as well as the intent of purpose 2 and it was agreed that a letter should be drafted and sent to the ICANN Board as well as the EPDP Team to provide an update on the current thinking of the GNSO Council and likely next steps.

Here, the Council will review the draft letter to be sent to the ICANN Board and the EPDP Team.

See also Annex A-1, Section 6. Board Approval Process below for further details.

Section 6. Board Approval Processes

The Board will meet to discuss the EPDP recommendation(s) as soon as feasible, but preferably not later than the second meeting after receipt of the Recommendations Report from the Staff Manager. Board deliberation on the EPDP Recommendations contained within the Recommendations Report shall proceed as follows:

- 1. Any EPDP Recommendations approved by a GNSO Supermajority Vote shall be adopted by the Board unless, by a vote of more than two-thirds (2/3) of the Board, the Board determines that such policy is not in the best interests of the ICANN community or ICANN. If the GNSO Council recommendation was approved by less than a GNSO Supermajority Vote, a majority vote of the Board will be sufficient to determine that such policy is not in the best interests of the ICANN community or ICANN.*
- 2. In the event that the Board determines, in accordance with paragraph a above, that the proposed EPDP Recommendations are not in the best interests of the ICANN community or ICANN (the Corporation), the Board shall (i) articulate the reasons for its determination in a report to the Council (the "Board Statement"); and (ii) submit the Board Statement to the Council.*
- 3. The Council shall review the Board Statement for discussion with the Board as soon as feasible after the Council's receipt of the Board Statement. The Board shall determine the method (e.g., by teleconference, email, or otherwise) by which the Council and Board will discuss the Board Statement.*

At the conclusion of the Council and Board discussions, the Council shall meet to affirm or modify its recommendation, and communicate that conclusion (the "Supplemental Recommendation") to the Board, including an explanation for the then-current recommendation. In the event that the Council is able to reach a GNSO Supermajority Vote on the Supplemental Recommendation, the Board shall adopt the recommendation unless more than two-thirds (2/3) of the Board determines that such guidance is not in the interests of the ICANN community or ICANN. For any Supplemental Recommendation approved by less than a GNSO Supermajority Vote, a majority vote of the Board shall be sufficient to determine that the guidance in the Supplemental Recommendation is not in the best interest of the ICANN community or ICANN.

4.1 – Introduction of topic (Council leadership)

4.2 – Council discussion

4.3 – Next steps

Item 5: COUNCIL DISCUSSION – ICANN Org’s Request for Clarification on Data Accuracy and Phase-2 of the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data (15 minutes)

On 21 June 2019, the GNSO Council received a [letter](#) from ICANN Org, which was seeking a better understanding of the Expedited Policy Development Process (EPDP) Team’s plans “to consider the subject of “data accuracy” as it relates to gTLD registration data and related services, such as the [WHOIS Accuracy Reporting System \(ARS\)](#).”

Further, “ICANN org notes that footnote #6 on page 7 of the EPDP Phase 1 Final Report states: “The topic of accuracy as related to GDPR compliance is expected to be considered further as well as the WHOIS Accuracy Reporting System.” However, it is not clear who would consider this topic and when. Therefore, ICANN org seeks the GNSO Council’s clarification on whether the Phase 2 EPDP Team will be considering the subject of data accuracy, including projects that utilize gTLD registration data, such as WHOIS ARS.”

On 8 July 2019, GNSO Council Liaison to the EPDP Team, Rafik Dammak forwarded the letter to the EPDP Team seeking their input to better inform the Council in its preparation for a response to ICANN org.

Here, the Council will take into consideration the questions and concerns from ICANN Org and input from the EPDP Team (if any) and seek to agree in principle on how to respond.

5.1 – Introduction of topic (Council leadership)

5.2 – Council discussion

5.3 – Next steps

Item 6: COUNCIL DISCUSSION – PDP Updates on ICANN65 Activity (30 minutes)

The GNSO Council, as the manager of the GNSO PDP, is seeking to ensure that it is staying current on the operations of the PDPs currently underway and to the extent that any assistance is needed from the Council, that it is considered in a timely manner. With ICANN65 recently concluded and all of the PDPs (1. PDP Review of All Rights Protection Mechanisms in All gTLDs; 2. PDP New gTLD Subsequent Procedures; and 3. Temporary Specification for gTLD Registration Data Expedited Policy Development Process Team, Phase 2) having held a number of sessions during the course of the meeting, the Council is seeking an update on each of the groups’ activities at ICANN65.

Here, the Council, subject to availability, will receive an update from the respective leadership teams of the PDPs on the activities conducted at ICANN65. In addition, the Council and PDP leadership teams will have an opportunity to have a dialogue on the “asks” of Council raised during the pre-ICANN65 [webinar](#) (see pages 7, 13, and 20).

6.1 – Introduction of topic (PDP Leadership Teams)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION - Evolution of the Multistakeholder Model of Governance (15 minutes)

At ICANN63, the ICANN Board asked the community, “How should ICANN’s multistakeholder model of governance and policy development process evolve to balance the increasing need for inclusivity, accountability and transparency, with the imperative of getting our work done and our policies developed in a more effective and timely manner, and with the efficient utilization of ICANN’s resources?” Based on community input to that question, as well as other input that resulted in the inclusion of Strategic Objective 2 in the Draft ICANN Strategic Plan for FY 2021-2025, “Improve the effectiveness of ICANN’s multistakeholder model of governance,” the ICANN Board organized a session at ICANN64, led by Brian Cote as an independent facilitator, to continue the conversation with the community. At ICANN65, the dialogue was continued, where the identified issues were consolidated and the work pivoted to developing a work plan.

Here, recognizing the similar objectives within the Council’s own PDP 3.0, the Council would like to avoid duplicative or conflicting work, yet also seek to work together where synergies exist.

7.1 – Introduction of topic (Council leadership, Brian Cote)

7.2 – Council discussion

7.3 – Next steps

Item 8: ANY OTHER BUSINESS (5 minutes)

8.1 - [Public comment on the Fundamental Bylaw amendment](#) and expected next steps for the GNSO as a member of the Empowered Community.

8.2 - Opportunity to ask any follow up questions after the [webinar](#) on the Nominating Committee (NomCom) Review Implementation Planning Team (IPT).

8.3 - Reminder of open public comment period on the [Draft Financial Assumptions & Projections and Operating Initiatives for the development of Fiscal Years 2021-2025 Operating & Financial Plan](#)

Appendix 1: GNSO Council Voting Thresholds (ICANN Bylaws, Article 11, Section 11.3(i))

See <https://www.icann.org/resources/pages/governance/bylaws-en/#article11>.

Appendix 2: GNSO Council Absentee Voting Procedures (GNSO Operating Procedures, Section 4.4)

See <https://gnso.icann.org/sites/default/files/file/field-file-attach/op-procedures-30jan18-en.pdf>

References for Coordinated Universal Time of 21:00 UTC

Local time between March and October Summer in the NORTHERN hemisphere

California, USA (PDT) UTC-7 14:00

San José, Costa Rica (CST) UTC-6 15:00

New York/Washington DC, USA (EDT) UTC-4 17:00

Buenos Aires, Argentina (ART) UTC-3 18:00

Rio de Janeiro, Brazil (BRT) UTC-3 18:00

London, United Kingdom (GMT) UTC+1 22:00

Kinshasa, Democratic Republic of Congo (WAT) UTC+1 22:00

Paris, France (CET) UTC+2 23:00

Moscow, Russia (MSK) UTC +3 (+1 day) 00:00

Islamabad, Pakistan (PKT) UTC+5 (+1 day) 02:00

Singapore (SGT) UTC+8 (+1 day) 05:00

Tokyo, Japan (JST) UTC+9 (+1 day) 06:00

Melbourne, Australia (AEDT) UTC+11 (+1 day) 07:00

DST starts/ends on Sunday 27 of October 2019, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 03 of November 2019 for the US.

For other places see <http://www.timeanddate.com> and <https://tinyurl.com/y35nu9lu>