Final Proposed Agenda 16 May 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/0IGGBg

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: 12:00 UTC: https://tinyurl.com/y3sdmvgw

05:00 Los Angeles; 08:00 Washington; 13:00 London; 17:00 Islamabad; 21:00 Tokyo; 22:00 Melbourne

GNSO Council Meeting Audio Cast

Listen in browser: http://stream.icann.org:8000/stream01

Listen in application such as iTunes: http://stream.icann.org:8000/stream01.m3u

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

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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 GNSO Council meeting on the 13th March were posted on the 30 March 2019

Minutes of the GNSO Council meeting on the 16th April were posted on the 4th May 2019

1.5 - Introduction to Zoom

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)

- Confirmation of Julf Helsingius to serve on the CWWG on New gTLD Auction Proceeds, replacing Stephanie Perrin
- Confirmation of the Recommendations Report to the ICANN Board regarding adoption of recommendations 1-4 contained in the Final Report from the IGO-INGO Access to Curative Rights Protection Mechanisms PDP.

Item 4: COUNCIL DISCUSSION – Amendments to the Review of All Rights Protection Mechanisms in All gTLDs Charter to Integrate Recommendation 5 From IGO-INGO Access to Curative Rights Protection Mechanisms Final Report (15 minutes)

On 18 April 2019, the Council voted to approve recommendations 1-4 of Final Report from the IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG. The Council also resolved to not approve Recommendation 5 and, " directs the Review of All Rights Protection Mechanisms in All gTLDs (RPM) PDP to consider, as part of its Phase 2 work, whether an appropriate policy solution can be developed that is generally consistent with Recommendations 1, 2, 3 & 4 of the PDP Final Report and:

- accounts for the possibility that an IGO may enjoy jurisdictional immunity in certain circumstances;
- does not affect the right and ability of registrants to file judicial proceedings in a court of competent jurisdiction;
- preserves registrants' rights to judicial review of an initial UDRP or URS decision; and
- recognizes that the existence and scope of IGO jurisdictional immunity in any particular situation is a legal issue to be determined by a court of competent jurisdiction."

The GNSO Council resolved also to, "amend the charter for the RPM PDP Working Group to reflect this new instruction accordingly."

Here, the Council will begin initial conversations on how best to integrate Recommendation 5 into the RPMs PDP Charter.

4.1 – Introduction of topic (Council leadership)

4.2 – Council discussion

4.3 – Next Steps

Item 5: COUNCIL DISCUSSION – Discussion of the Inter-Registrar Transfer Policy (IRTP) Policy Status Report (10 minutes)

The Consensus Policy Implementation Framework (CPIF) provides guidance to ICANN org and the community for implementing policy. However, there is minimal guidance in this document or in other documentation around the review of implemented policies adopted by the GNSO Council. In some cases, a review is explicitly mandated as an element of the PDP WG's recommendations to the Council, but in some cases, the recommendations are silent in this respect.

ICANN org, in consultation with the Council, prepared a draft framework on the approach for post-implementation reviews of Council adopted policy recommendations. The framework provides guidance on a number of questions (e.g., When should a review be initiated when there is no PDP recommendation to do so? What triggers should initiate a review? What are the expected outcomes of the review? Etc.).

During its 26 April 2018 meeting, the Council agreed to have ICANN org conduct a review of the Inter-Registrar Transfer Policy (IRTP). ICANN org utilized the draft framework for conducting the post-implementation review of the IRTP. On 14 November 2018, ICANN org published the IRTP Policy Status Report for public comment. ICANN org has worked to integrate elements identified in public comment and on 22 April 2019, shared a Revised Inter-Registrar Transfer Policy (IRTP) Status Report.

As noted in the report, there are no prescribed next steps once the Council is in receipt of the report.

As such, here, the Council will discuss possible next steps for the Transfer Policy.

5.1 – Introduction of topic (Council leadership and Brian Aitchison, ICANN org)

5.2 – Council discussion

5.3 – Next Steps

Item 6: COUNCIL DISCUSSION – Legislative / Regulatory Report (15 minutes)

As a result of the community's experience in dealing with the European Commission's General Data Protection Regulation (GDPR) legislation, and what is widely perceived as a late start in addressing the impact, the community has sought to become more aware of local law that may have an effect on the ability to create policy, conduct ongoing policy development, or enforce compliance with existing policy.

In seeking to advance this goal, ICANN org, and in particular its Governmental Engagement (GE) team, has been identifying and reporting on high-level legislative developments around the world. The GE has released three reports, the first in April 2018, the second in August 2018, and the third in January 2019. At ICANN64 in Kobe, the Council discussed the usefulness of these reports and believe that there is room for improvement, for instance, identifying the potential impact of these local laws on the GNSO and/or other ICANN communities. The Council has expressed a desire to meet with GE to help determine how the Legislative / Regulatory Reports can be made more effective and useful.

Here, the Council will receive an update from GE and discuss areas for improvement.

6.1 – Update (Mandy Carver, ICANN org)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION - GNSO Input to the Independent Review Process Standing Panel (15 minutes)

Per the ICANN org's Call to Action, "The IRP is an accountability mechanism provided by the ICANN Bylaws that allows for third-party review of actions (or inactions) by the ICANN Board or staff that are allegedly in violation of the Bylaws or Articles of Incorporation. The IRP was updated through the work of the Cross Community Working Group on Enhancing ICANN Accountability, to make the IRP more transparent, efficient, and accessible, and designed to produce consistent and coherent results that will serve as a guide for future actions. One feature of the updated IRP is the establishment of a standing panel from which panelists shall be selected to preside over each IRP dispute as initiated." At this stage, ICANN org is seeking to consult with the SOs and ACs to establish the process by which members are selected to serve on the standing panel to hear IRPs.

The Call to Action included a series of questions to help resolve pending issues. Additional questions can also be found on the Wiki. However, there was concern within the ICANN community that the Call to Action was not widely seen, as it was an alternative form of soliciting public input (e.g., the expectation is generally public comment). While the GNSO Council recognizes the importance of providing input, it wishes to better understand precisely what is being asked of it.

Here, the Council will receive an update and discuss next steps.

7.1 – Update (David McCauley, Chair of the IRP Implementation Oversight Team, Samantha Eisner, ICANN org, Liz Le, ICANN Org)

7.2 – Council discussion

7.3 – Next steps

Item 8: COUNCIL DISCUSSION - Non-registry GNSO Liaison to the Customer Standing Committee (10 minutes)

A key element of the IANA Stewardship was the establishment of the Customer Standing Committee (CSC), whose role under the ICANN Bylaws is to, "monitor PTI's performance under the IANA Naming Function Contract and IANA Naming Function SOW.

The mission of the CSC is to ensure continued satisfactory performance of the IANA naming function for the direct customers of the naming services. The direct customers of the naming services are top-level domain registry operators as well as root server operators and other non-root zone functions."

In establishing the membership of the CSC, the GNSO has the option to appoint a non-registry liaison. Since the CSC's inception in 2016, that role has been filled by James Gannon, whose term is set to expire in October of 2019, though he has indicated a willingness to continue to serve in that role for another term. The Council believes it will benefit from gaining a better understanding of James' experience serving on the CSC on behalf of the GNSO.

Here, the Council will receive an update from James and discuss next steps.

8.1 – Update (James Gannon)

8.2 – Council discussion

8.3 – Next steps

Item 9: 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 Cute as an independent facilitator, to continue the conversation with the community.

Here, recognizing the similar objectives within the Council's own PDP 3.0, Brian would like to provide an update on the efforts to improve the effectiveness of ICANN's multistakeholder model of governance.

9.1 – Update (Brian Cute)

9.2 – Council discussion

9.3 – Next steps

Item 10: ANY OTHER BUSINESS (5 minutes)

10.1 - GNSO Chair election timeline

10.2 - Possible next steps for IDNs (IDN Implementation Guidelines and Variant TLD Recommendations)

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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

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California, USA (PDT) UTC-7 05:00

San José, Costa Rica (CST) UTC-6 06:00

New York/Washington DC, USA (EDT) UTC-4 08:00

Buenos Aires, Argentina (ART) UTC-3 09:00

Rio de Janeiro, Brazil (BRT) UTC-3 09:00

London, United Kingdom (GMT) UTC+1 13:00

Kinshasa, Democratic Republic of Congo (WAT) UTC+1 13:00

Paris, France (CET) UTC+2 14:00

Moscow, Russia (MSK) UTC +3 15:00

Islamabad, Pakistan (PKT) UTC+5 17:00

Singapore (SGT) UTC+8 20:00

Tokyo, Japan (JST) UTC+9 21:00

Melbourne, Australia (AEDT) UTC+11 22:00

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/y3sdmvgw