

Final GNSO Council Agenda 22 August 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/Ba_jBg

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.

GNSO Council meeting held at 12:00 UTC

Coordinated Universal Time: 12:00 UTC: <https://tinyurl.com/y2qdox2m>

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/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 GNSO Council meeting on the 26 June 2019 were posted on the 13 July 2019
[Minutes](#) of the GNSO Council meeting on the 18 July 2019 were posted on the 02 August 2019

Item 2: Opening Remarks / Review of Projects & Action List (10 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 (0 minutes)

- None

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.

During the Council's July 2019 meeting, the Council reviewed the draft letter to be sent to the ICANN Board and the EPDP Team. Based on the input received during the call as well as subsequently on the mailing list, Council leadership circulated a revised version for review on [date].

Here, the Council will review the revised letter to be sent to the ICANN Board.

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:

- a. *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.*
- b. *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.*
- 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. 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 – Overview of updates made (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.

During its meeting on 18 July 2019, the Council had an initial exchange of views on this topic which continued on the mailing list. Here the Council will take into consideration the input provided and decide how to substantively respond to the questions and concerns from ICANN Org.

5.1 – Introduction of topic (Council leadership)

5.2 – Council discussion

5.3 – Next steps

Item 6: COUNCIL DISCUSSION – ICANN Board referrals of CCT-RT recommendations to GNSO Council and GNSO PDP WGs (15 minutes)

On 10 June 2019, ICANN org communicated to the GNSO Council that the ICANN Board resolution passed on 1 March 2019 – see <https://www.icann.org/resources/board-material/resolutions-2019-03-01-en> [icann.org] - calls for a set of Competition, Consumer Trust, and Consumer Choice Review Team (CCT-RT) Final Recommendations to be passed through to community groups. As articulated in the Board resolution, “recognizing that the Board has the obligation and responsibility to balance the work of ICANN in order to preserve the ability for ICANN org to serve its Mission and the public interest, the Board decided on three categories of action”:

- Accepting recommendations, subject to costing and implementation considerations;
- Placing recommendations (in whole or in part) in "Pending" status, directing ICANN org to perform specific actions to enable the Board to take further actions;
- Passing recommendations (in whole or in part) to community groups the CCT-RT identified for their consideration. The Board noted fourteen such recommendations (9, 10, 12, 16, 19, 20, 25, 27, 28, 29, 32, 33, 34, 35).

The Council was specifically invited to review to pages 1-4 of the scorecard <https://www.icann.org/en/system/files/files/resolutions-final-cct-recs-scorecard-01mar19-en.pdf> [icann.org] which compile pass-through recommendations, including the groups they are addressed to. The recommendations the ICANN Board resolved to pass through to the GNSO Council, in whole or in part, for its consideration:

- **Recommendation 10.**
- **Recommendation 16 (in part)** Note: this recommendation was also passed through to the New gTLD Subsequent Procedures PDP WG, Registries Stakeholder Group, Registrar Stakeholder Group, Generic Names Supporting Organization, Second Security, Stability & Resiliency of DNS Review Team as suggested by the CCT-RT. In the scorecard, the Board noted that “it is not accepting the policy directives that may be inherent here but rather, passes on such elements of the recommendation to the relevant community groups to consider”.
- **Recommendation 27.**
- **Recommendation 28.**

- **Recommendation 29.** Note: this recommendation was also passed through to the New gTLD Subsequent Procedures PDP WG, as suggested by the CCT-RT. To inform work relating to recommendations 29 and 30, the ICANN Board suggested that the New gTLD Subsequent Procedures PDP WG could take on, “should they choose to do so, defining the term ‘Global South’ or agreeing on another term to describe underserved or underrepresented regions or stakeholders in coordination with ICANN org”.

The Board noted in its resolution that: “in passing these recommendations through, the Board is neither accepting, nor rejecting the recommendations. [...] Passing recommendations through to community groups is not a directive that the groups identified should formally address any of the issues within those recommendations. It is within the purview of each group to identify whether work will be taken on and the topics that the group will address”

A small group of Council volunteers reviewed the recommendations passed through to the GNSO Council as well as a number of Recommendations were passed through to gTLD Subsequent Procedures PDP Working Group and/or Rights Protection Mechanisms (RPM) PDP Working Group. In order to have a better picture of where all the Recommendations passed to the GNSO and its PDPs stand, the GNSO Chair is planning to write to the leadership of the Working Groups seeking their feedback.

An initial draft with the small team's proposed GNSO Council response to those 5 Recommendations passed through directly to the GNSO were circulated to the GNSO Council on 23 July for review and consideration

[\[https://gnso.icann.org/sites/default/files/file/field-file-attach/proposed-council-response-cct-review-team-recommendations-23jul19-en.pdf\]](https://gnso.icann.org/sites/default/files/file/field-file-attach/proposed-council-response-cct-review-team-recommendations-23jul19-en.pdf).

Here the Council will consider the initial draft and receive an update on the feedback received from the PDP WGs to which recommendations were also passed through.

6.1 – Introduction of topic (Pam Little)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION - ICANN Org assumptions for new round of new gTLDs (15 minutes)

In December 2015 the GNSO initiated a Policy Development Process (PDP) to determine if changes to existing policy recommendations are needed before the next round of gTLDs. The PDP Working Group's final report and recommendations may lead to procedural changes for subsequent rounds of gTLD applications, which ICANN org must implement and manage.

In the course of ICANN org's preparatory work toward the planning and implementation of the new policy, ICANN org has compiled a number of fundamental operationally focused assumptions to help with the preliminary planning and operational readiness of the organization. These were shared with the ICANN Board and on 17 June these were also shared with all ICANN constituencies, including the GNSO Council

[\[https://gnso.icann.org/en/correspondence/pre-engagement-comms-assumptions-paper-17jun19-en.pdf\]](https://gnso.icann.org/en/correspondence/pre-engagement-comms-assumptions-paper-17jun19-en.pdf). ICANN org noted that if the GNSO Council members are also interested in further engagement and providing feedback and perspective on these assumptions GDD would be happy to arrange a mutually convenient time for a discussion.

This is an opportunity for the GNSO Council to ask possible clarifying questions, consider the assumptions and determine whether the GNSO Council would want to provide further feedback.

7.1 – Introduction of topic (GDD Cyrus Namazi & Trang Nguyen)

7.2 – Council discussion

7.3 – Next steps

Item 8: COUNCIL DISCUSSION – Proposed Amendments to Consensus Policy Implementation Framework (CFIP) (15 minutes)

The Consensus Policy Implementation Framework (CPIF) represents ICANN org’s Global Domains Division’s “roadmap” for implementing community-developed and approved consensus policy recommendations. Point H of the Framework mandates that ICANN org “continually review the implementation framework and related materials to encapsulate additional best-practices or to adjust the steps as a result of lessons learned with previous consensus policy projects.” In accordance with this mandate, please find attached an amended version of the CPIF for your consideration.

On 12 July 2019, ICANN org shared a proposed set of amendments focusing on establishing standardized processes for post-implementation consensus policy reviews and for amending the CPIF document on an ongoing basis with the GNSO Council

[\[https://gnso.icann.org/sites/default/files/file/field-file-attach/gdd-consensus-policy-implementation-framework-12jul19-en.pdf\]](https://gnso.icann.org/sites/default/files/file/field-file-attach/gdd-consensus-policy-implementation-framework-12jul19-en.pdf). In addition to a number of minor language updates, the following sections have been added to or created:

1. Section V, “Support and Review”: **Section expanded** to reference the proposed post-implementation consensus policy review process added in the **new** Section VI
2. Section VI, “Post-Implementation Consensus Policy Review Process”: **New section** added to detail proposed steps for carrying out reviews of implemented consensus policies
3. Section VII, “Consensus Policy Implementation Framework Amendment Process”: **New section** added to detail proposed steps for amending the CPIF

Similar to ICANN org’s effort last year to update the framework and “test” the amendment process, minor updates have been left as redlines throughout the document; more substantive changes are shown as redlines and have “rationale” comments associated with them. The amended version will ultimately be posted to icann.org’s implementation page at <https://www.icann.org/policy/implementation> [icann.org].

Here the GNSO Council will have an opportunity to review the proposed amendments and provide feedback.

8.1 – Introduction of topic (Brian Aitchison, GDD)

8.2 – Council discussion

8.3 – Next steps

Item 9 - PDP 3.0 Small Group Update/Discussion (15 minutes)

The PDP 3.0 Small Team has completed five (5) out of fourteen (14) PDP 3.0 improvements so far. The rest of the nine (9) improvements are all in the pipeline with various levels of progress.

In advance of the 22 August Council meeting, the PDP 3.0 Small Team sent the following documents for four (4) completed PDP 3.0 improvements as the first deliverable to the GNSO Council for review. They are packaged together as they are concerned with the expectations, requirements, and/or participation methods for PDP working groups members and/or leaders.

Note that Improvement #14 (Criteria to Evaluate Request for Data Gathering) has also been completed, but it will be delivered in a separate package together with other completed, related improvements prior to future GNSO Council meetings.

- **Improvement #1:** [Terms of participation for working group members \[docs.google.com\]](#)
- **Improvement #2:** [Consider alternatives to open working group model \[docs.google.com\]](#)
- **Improvement #3:** Criteria for joining of new members after a PDP working group is formed or re-chartered
 - [Main document \[docs.google.com\]](#)
 - [Working Group Member Skills Guide \[docs.google.com\]](#)
- **Improvement #6:** [Document expectations for working group leaders \(Chairs/Co- Chairs/Leads\) that outlines role & responsibilities as well as minimum skills / expertise required \[docs.google.com\]](#)

Here the GNSO Council will consider the documents for four (4) completed PDP 3.0 improvements.

9.1 - Introduction of topic (Rafik Dammak)

9.2 - Council discussion

9.3 - Next steps

Item 10: ANY OTHER BUSINESS (10 minutes)

10.1 - ICANN66 Draft Schedule Review & travel booking reminder

10.2 - GNSO Strategic Planning Session January 2020

10.3 - Confirmation of volunteers for Council liaisons to PDP/IRTs beginning at the AGM

10.4 - EPDP Phase 2 Work plan package (see <https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-phase-2-project-management-work-plan-15aug19-en.pdf>)

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 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/y2qdox2m>