

Final Proposed Agenda 19 September 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/MY-kBg>

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 21:00 UTC

Coordinated Universal Time: 21:00 UTC: <https://tinyurl.com/y29q6mfl>

14:00 Los Angeles; 17:00 Washington; 22:00 London; (next day) 02:00 Islamabad; 06:00 Tokyo; 07:00 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.

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 18 July 2019 were posted on the 02 August 2019

[Minutes](#) of the GNSO Council meeting on the 22 August 2019 were posted on the 6 September 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 – ICANN Board referrals of CCT-RT recommendations to GNSO Council and GNSO PDP WGs (10 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 with an updated version circulated on 30 August [<https://gns0.icann.org/sites/default/files/file/field-file-attach/proposed-council-response-cct-review-team-recommendations-30aug19-en.pdf>].

Here the Council will consider the initial draft and whether and how to coordinate with the PDP WGs to which recommendations were also passed through.

4.1 – Introduction of topic (Pam Little)

4.2 – Council discussion

4.3 – Next steps

Item 5: COUNCIL DISCUSSION – Discussion of the Inter-Registrar Transfer Policy (IRTP) Policy Status Report and Council next steps (15 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 taking into account the [Transfer Policy Review briefing document](#) prepared by staff and the recent feedback from the Registrar Stakeholder Group (RrSG) regarding its suggested approach.

5.1 – Introduction of topic (Council leadership)

5.2 – Council discussion

5.3 – Next Steps

Item 6: COUNCIL DISCUSSION – Draft 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 RPMs PDP Working Group to reflect this new instruction accordingly.” Some members of the GNSO Council met with certain members of the GAC and IGOs at ICANN65, where there appeared to be agreement from the GAC/IGOs to support the chartering of this separate work.

A small team of Councilors was convened to prepare [draft amendments](#) to the RPMs PDP charter, which was shared with the Council on 10 September 2019.

Here, the Council will discuss the draft, but take no action at this time. Consultation with the GAC/IGOs is still required before a motion can be submitted.

6.1 – Introduction of topic (Council leadership / Small team)

6.2 – Council discussion

6.3 – Next Steps

Item 7: 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 (10 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.”

The GNSO Council prepared a response to acknowledge the letter reception. However, the Council still needs to prepare its substantive input to the request from ICANN org. A small team has been working on that substantive response and will provide their initial thoughts on the key themes to be contained in the response.

Here, the small team will lead a discussion on the themes of the substantive response.

7.1 – Introduction of topic (Council leadership / small team)

7.2 – Council discussion

7.3 – Next steps

Item 8: COUNCIL DISCUSSION - EPDP P1 Recommendation 27: ICANN Org’s Assessment of Impact From GDPR on Existing Policies / Procedures (15 minutes)

In the Temporary Specification for gTLD Registration Data Expedited Policy Development Process Team Phase 1 (EPDP P1) [Final Report](#), recommendation #27 asked that during the implementation of the policy recommendations, existing policies / procedures be made consistent with the changes to required data elements.

ICANN org prepared a draft work plan to address EPDP Phase 1 Recommendation 27, which was [shared](#) with the GNSO Council and IRT on 27 August.

Here, the Council will receive an update from ICANN Org on the status of its implementation work to date on this recommendation.

8.1 – Introduction of topic (ICANN org - Karen Lentz) [Presentation](#)

8.2 – Council discussion

8.3 – Next steps

Item 9: COUNCIL DISCUSSION - PDP 3.0 Small Group Update/Discussion (10 minutes)

In advance of the 22 August 2019 GNSO Council meeting, the PDP 3.0 Small Team completed five (5) out of fourteen (14) PDP 3.0 improvements, provided an update, and requested feedback by 13 September 2019. Work continued

on the rest of the nine (9) improvements in the pipeline, which are at various levels of progress. While a number of improvements are nearing completion, they are not yet at a point where they are ready for Council review.

The PDP 3.0 small group has prepared a work plan that covers items leading up to ICANN66, as well as additional elements needed to complete the project.

The PDP 3.0 small group is expected to provide a factual update of the work to date to the public comment period for the [Next Steps to Improve the Effectiveness of ICANN's Multistakeholder Model](#). Given the connections between the topics, the PDP 3.0 small group believes that it is in a good position to provide that update.

Here, the Council will receive an update on progress made to date and the work plan to complete the PDP 3.0 implementation.

9.1 - Introduction of topic (Rafik Dammak) [Slide deck](#)

9.2 - Council discussion

9.3 - Next steps

Item 10: COUNCIL DISCUSSION - Draft Response to the Verisign Request to Defer Enforcement of the Thick WHOIS Transition Policy (10 minutes)

On 29 July 2019, Verisign [wrote](#) to ICANN org again requesting an extension to the current implementation plan for the Thick WHOIS Transition Policy by one year. The ICANN Board [wrote](#) to the GNSO Council, asking for the Council's views on whether it believes the request should be granted. The ICANN Board requested response during or immediately following the GNSO Council meeting on 19 September. A [draft response](#) was circulated on 6 September, which notes the expected policy work related to the Thick WHOIS Transition Policy, but also notes that the request for deferral is from an ICANN Contracted Party and is not a matter of policy development.

Here, the Council will discuss the draft and the underlying conclusions and rationale.

10.1 - Introduction of topic (Rafik Dammak and Pam Little)

10.2 - Council discussion

10.3 - Next steps

Item 11: COUNCIL DISCUSSION - Draft Response to Questions on the Independent Review Process Oversight Team (IRP-IOT) (10 minutes)

On 09 May 2019, ICANN org published a Call to Action for the Independent Review Process Standing Panel, which was intended to help the Independent Review Process Implementation Oversight Team (IRP-IOT) in its critical role of implementing the updated IRP. ICANN org published a series of questions, posed to the various Supporting Organizations and Advisory Committees, seeking input to pending issues.

The GNSO convened a small team, tasked with preparing a [draft response](#) on behalf of the Council.

Here, the small team will seek feedback from the Council on its draft response.

11.1 - Introduction of topic (Small Team)

11.2 - Council discussion

11.3 - Next steps

Item 12: ANY OTHER BUSINESS (5 minutes)

12.1 - [Draft GNSO Council letter](#) to the ICANN Board regarding potential dependencies between the Name Collisions Analysis Project (NCAP) and New gTLD Subsequent Procedures.

12.2 - Approval of the 2019 slate of Members and Liaisons on the Customer Standing Committee (CSC) - possible email vote

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://gns0.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 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/y29q6mfl>