

## **Minutes of the GNSO Council Meeting 26 June 2019**

### **[Agenda and Documents](#)**

GNSO Council meeting held in Marrakech ICANN65: 13:00 - 15:00 local time

Coordinated Universal Time: 12:00 UTC: <https://tinyurl.com/y5qgfetw>

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

### **List of attendees:**

Nominating Committee Appointee (NCA): – **Non-Voting** – Erika Mann

#### **Contracted Parties House**

Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell

gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez

#### **Non-Contracted Parties House**

Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Osvaldo Novoa, Paul McGrady, Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Elsa Saade (apologies, temporary alternate Robin Gross), Tatiana Tropina, Rafik Dammak, Ayden Férdeline, Arsène Tungali, Robin Gross

Nominating Committee Appointee (NCA): Syed Ismail Shah (apologies, proxy to Rafik Dammak)

#### **GNSO Council Liaisons/Observers:**

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

### **ICANN Staff**

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (apologies)

Marika Konings – Vice President, Policy Development Support – GNSO

Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement

Julie Hedlund – Policy Director

Steve Chan – Policy Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Support Specialist

Caitlin Tubergen – Policy Senior Manager

Nathalie Peregrine – Manager, Operations

Terri Agnew - Operations Support - GNSO Lead Administrator

[MP3 Recording](#)

[Transcript](#)

### **Item 1. Administrative Matters**

1.1 - Roll Call.

1.2 - Updates to Statements of Interest

There were no updates to Statements of Interest.

### 1.3 - Review / Amend Agenda

**Keith Drazek** reviewed the agenda which was approved without objection. He also noted the presence of Samantha Eisner, ICANN Org, in the room, to speak to agenda item 4.

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 16th April 2019 were posted on the 4th May 2019

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

### **Item 2: Opening Remarks / Review of Projects & Action List**

**Keith Drazek** reviewed the Action items which were not to be discussed under this meeting's main agenda:

- Evolution of the Multistakeholder Model of Governance Process: Council input will be required in the future
- Rights Protection Mechanisms re-chartering: Phase 1 is expected to end in April 2020, the Phase 2 charter will need to be ready at that time.
- Legislative tracker: Following discussion at the May GNSO Council meeting and further exchanges with the GAC and discussion within Cross Community Engagement Group on Internet Governance (CCEG IG), a proposal was raised to repurpose the Engagement Group to provide a forum for ICANN Board, ICANN Org, ICANN community for a dialogue about legislation tracking.
- The CSC Effectiveness Review Final Report, ICANN's 2021-25 Strategic Plan, FY20 Operating Plan and Budget, IANA Functions Review Team items will be discussed during future GNSO Council meetings.
- The Inter-Registrar Transfer Policy item was to be discussed further during the [High Interest Topic](#) the following day.

**Action item: none**

### **Item 3: Consent Agenda (none)**

### **Item 4: COUNCIL DISCUSSION - Re-populating the Independent Review Process Implementation Oversight Team (IOT) / GNSO Input to the Independent Review Process (IRP) Standing Panel**

**Keith Drazek** summarised the two separate issues under discussion: the need to re-populate the IOT and the need to establish a standing panel for IRPs. **Samantha Eisner**, ICANN Org, provided input on both topics. There is a need for increased participation in the IOT as there is an issue reaching quorum. A communication from the Board Accountability Mechanisms Committee (BAMC) is expected shortly to clarify IOT needs. Key strengths for potential members would be an understanding of international arbitration, dispute resolution and ICANN's accountability mechanisms.

**Keith Drazek** reminded councilors that the IPR is a very important accountability mechanism.

To **Paul McGrady's** question about the timeframe, **Samantha Eisner** replied that for the time being there is no hard deadline, but a strict timeline would be provided once all volunteers are ready. Both **Keith Drazek** and **Paul McGrady** emphasized the need for a strict deadline to begin with. **Flip Petillion**, having had experience with parties from current IRPs, offered to share his views if requested.

**Greg Shatan** came to the standing microphone to offer input as an IOT member participating from the start. He pointed out that establishing a timeframe without a determined group of volunteers is near impossible.

Action Item:

- *Council* to convene small team to review questions posed by ICANN org. (Volunteers: **Flip Petillion as lead**, Elsa Saade)

**Item 5: COUNCIL DISCUSSION – IGO-INGO Access to Curative Rights Protection (CRP) Mechanisms Next Steps**

**Keith Drazek** updated the councilors on the conversation held the previous day with a small group of representatives from the Government Advisory Committee (GAC) on the curative rights topic. The GNSO Council had adopted recommendations 1-4 of the IGO INGO CRP Policy Development Process (PDP) Working Group (WG) and referred recommendation 5 to phase 2 of the Rights Protection Mechanisms (RPM) PDP WG.

**Keith Drazek** referred to the recent letter from the Board indicating that the Board will be initiating a public comment period on the Council's approved recommendations 1-4, and will not enter into a facilitated dialogue at this time. However the Board encourages dialogue between the GAC and the GNSO on the matter, and the two groups met in a closed session on Tuesday 25 June 2019 to exchange on the topic.

Whereas the focus of the GNSO is recommendation 5 and its referral to RPM Phase 2, the GAC's concern remains recommendations 1-4 which have been sent for Board approval.

The GNSO Council's wish is to secure a form of expression of interest from GAC members and IGOs in particular stating their willingness to participate in and contribute to the RPM subteam. This is a key element in preparation for rechartering this subteam. The GAC wishes the issue to be considered holistically and there would be an option for the future RPM's subteam recommendations to be incorporated to the existing consensus policy in accordance with the GNSO Operating Procedures. In the case that the Board rejects the recommendations, the GNSO Council would possibly need to recharter a new PDP. GAC participation will be key for whichever new group the Board's decision triggers.

**Pam Little** added that from the Registrar Stakeholder Group's perspective, the primary goal of the new working group will be to find a way of amending the UDRP and URS, or developing a new dispute resolution mechanism for IGOs and INGOs.

**Paul McGrady** nuanced the impact of the Board's vote on recommendations 1-4 given that they could still be impacted by the ensuing work. **Martin Silva Valent** asked for further clarification regarding the mandate of the future rechartered subteam and whether it would take into account previous IGO INGO PDP WG work. **Keith Drazek**, supported by **Pam Little**, clarified that the previous work would be neither ignored nor discarded. **Martin Silva Valent** and **Paul McGrady** expressed their preference for a blank slate model with previous work being taken into account as suggestions, with **Paul McGrady** adding that it would be better for the work, in reference to PDP3.0 efforts, to start prior to the end of RPM Phase 1. **Martin Silva Valent**, **Elsa Saade** and **Paul McGrady** volunteered to assist in the drafting team.

Action Item:

- *Small team* to prepare draft RPMs charter amendments (which will likely include engagement with the IGOs/GAC afterwards) (Volunteers, **Paul McGrady as lead**, Martin Silva Valent, Elsa Saade, Keith Drazek)

**Item 6: COUNCIL DISCUSSION – Next Steps For Internationalized Domain Names (IDN)**

**Keith Drazek** reminded councilors that this was a follow up from the discussion in ICANN64, when the Board approved the resolution to discuss IDN variants at the top level, identifying the need for policy work and collaboration both for gTLDs and ccTLDs. In addition to this, the GNSO Council needs to look at the IDN topic holistically with the implications of IDN Guidelines 4.0 which, if adopted, will become contractual obligations.

**Rubens Kühl** pointed out that in some transcripts there was confusion between an IDN conversation held at the GNSO Working Session level and GNSO Council meeting triggered commitments.

**Michele Neylon** noted that there were several discussions to be held around IDNs and splitting them into conversational tracks would be helpful, he also insisted on the urgency of the effort.

**Keith Drazek** agreed with Michele Neylon, but added that to better understand the different angles, approaching IDNs holistically would be a good first step.

**Maxim Alzoba** raised the complexity (linguistic, technical, legal and operational) and the importance (contractual obligations for the registries) of the issue. **Rubens Kühl** suggested referring the issues to the existing new gTLD Subsequent Procedures (SubPro) PDP WG. He also mentioned that Maxim Alzoba and him were already attending a ccNSO PDP on the topic and have been informally providing GNSO input.

**Edmon Chung** came forward to the standalone microphone to add that it would be good to broach the discussion at the joint GNSO ccNSO Councils discussion later that day.

**Keith Drazek** thanked Edmon for his intervention and add that this effort should not be confined to GNSO councilors only but extended to other community members.

Action Item:

- *GNSO Chair* to send message to Council list to expand volunteer pool expertise beyond Council. Small team to consider and propose scope of holistic IDN review, prior to outreach with ccNSO. (Volunteers: Rubens Kühl, Maxim Alzoba, Philippe Fouquart, Edmon Chun, Michele Neylon)

**Item 7: COUNCIL DISCUSSION - Board Consultation on the Expedited PDP on the Temporary Specification Phase 1 - Next Steps**

**Keith Drazek** provided the background to the discussion, the Board has accepted two EPDP Phase 1 recommendations in part: Recommendation 1, Purpose 2 (no council action) and Recommendation 12 component on deletion of data in the organisational field if, after a request, the registrant did not certify or confirm the data validity (the Board had questions). Regarding Recommendation 12, there was no time for the Board to engage with the EPDP team to clarify the question. After discussion with the Board during ICANN65, the Council in coordination with the EPDP team, will be able to provide a response to the Board seeking full acceptance of the recommendation.

**Michele Neylon** acknowledged that the timing had been tight, but also reminded councilors of the existence of Board liaisons to the EPDP, he equally clarified the notion of deletion of data.

Action Item:

- *Council* to, in consultation with the EPDP team, write communication to ICANN Board and seek to secure board support for Rec #12.

**Item 8: COUNCIL DISCUSSION – Consideration of Updates From PDPs and Determination if Follow-Up or Council Action is Needed**

This item is a follow up from the GNSO Policy webinar held during [ICANN65 Prep Week](#). **Keith Drazek** asked if councilors had any questions for the PDP leadership teams.

**Michele Neylon** noted that having the GNSO Policy webinar prior to ICANN65 provided the face-to-face sessions with more productive discussions among councilors, but that it would be good to extend these discussions to PDP leadership teams too.

**Paul McGrady** added that the close monitoring of PDP efforts by the Council, in particular in regard to timelines and milestones, as well as the improved role of the Council liaison, had led to PDP improvements.

**Rafik Dammak** agreed and mentioned that having a more coordinated approach to the webinar updates would allow for a more fruitful discussion face-to-face. **Darcy Southwell** suggested having the PDP liaisons provide their input to Council ahead of the face-to-face sessions, so councilors better understand priorities and key points of the PDPs efforts.

**Cheryl Langdon-Orr** added that holding the webinar a few weeks earlier would enable follow up discussions before the ICANN meeting, and save valuable time and resources.

**Maxim Alzoba** suggested a reporting format (initial timeline, timeline at the time of the presentation, issues, progress and comments)

Action Item:

- *ICANN Staff* to consider timing for webinar (e.g., two weeks prior). *ICANN Staff* to consider suggested changes to slide format raised during meeting.

**Item 9: COUNCIL DISCUSSION – Consideration of Competition, Consumer Trust & Consumer Choice Review Team (CCT-RT) Recommendations Passed to the GNSO**

ICANN Board, during ICANN64, reviewed the recommendations forwarded by the CCT RT and referred many to different parts of the community. Members of the CCT RT discussed this with the GNSO, during the [GNSO Working Session ICANN65](#). **Keith Drazek** reminded the GNSO Council of the importance of Review Teams in ICANN's accountability mechanisms but also of the cost of implementing certain recommendations and that the work put into produce them.

**Carlos Gutierrez** mentioned that in order to provide reports with accuracy, data was essential, even more so when measuring competition, and it comes at a high cost.

**Michele Neylon** asked for clarification about the timeline, and then raised the point about the difficulty of gathering data which supposes data has been stored and kept in a specific manner.

**Keith Drazek** mentioned that given certain recommendations could impact ongoing PDP work, it would be good to form a small team to look at them closely. He also reminded councilors of the work ahead and asked council members to engage in GNSO Council efforts.

**Pam Little** mentioned the Data and Metrics for Policy Making (DMPM) non-PDP Working Group which dealt with data metrics for policy making. The guidelines were incorporated into the GNSO Charter template. She insisted that data collection should start much earlier than during the review phase, but that clarity on what data is needed is key. She volunteered to lead the small Council group reviewing the recommendations.

Action Item:

- *Council* to convene small team to consider CCT-RT recommendations referred to the GNSO and GNSO PDPs and determine next steps (Volunteers: **Pam Little to lead**, Carlos Gutierrez, Michele Neylon)

**Item 10: COUNCIL UPDATE – Progress Made For the Implementation of PDP 3.0**

In the interest of time, this item was postponed and will be follow up on the GNSO Council mailing list.

**Rafik Dammak** informed the GNSO Council that the PDP3.0 small team met informally earlier than day to agree on next steps.

**Item 11: ANY OTHER BUSINESS**

**11.1 - Open microphone**

**Jeff Neuman** had a follow-up comment about the questions directed at the GNSO Council on the SubPro slide deck during the GNSO Policy Webinar. He also suggested adding non-councilors to the PDP3.0 effort. **Marie Pattullo** replied that in view of time constraints, PDP3.0 members would reach out to non-councilors - PDP leaders for instance - on a case by case basis to gather input. **Michele Neylon**, **Maxim Alzoba** and **Martin Silva Valent** agreed, mentioning that certain issues were of the GNSO Council's remit, albeit with needing other groups' input, and that a small team composition allowed for speedier progress.

**Edmon Chung** added to Michele Neylon's comment about IDNs, saying that it would be better to have one main group during the initial process which would then split to work on distinctive tracks. **Keith Drazek** agreed that this group would need to be set up swiftly.

**Keith Drazek** adjourned the GNSO Council meeting on Wednesday 26 June 2019 at 14:01 UTC.