Minutes of the GNSO Council Meeting 18 July 2019
[Agenda](#) **and** [Documents](#)

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

List of attendees:
Nominating Committee Appointee (NCA): **– Non-Voting** – Erika Mann (apologies)
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Michele Neylon (apologies, proxy to Darcy Southwell), Darcy Southwell
gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Rubens Kühl (apologies, proxy to Maxim Alzoba)
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, Tatiana Tropina, Rafik Dammak, Ayden Férdeline (apologies, proxy to Martin Silva Valent), Arsène Tungali (apologies, proxy to Rafik Dammak)
Nominating Committee Appointee (NCA): Syed Ismail Shah (apologies, proxy to Elsa Saade)
GNSO Council Liaisons/Observers:
Cheryl Langdon-Orr– ALAC Liaison
Julf (Johan) Helsingius– GNSO liaison to the GAC
Maarten Simon – ccNSO observer

Guest speakers: Jeff Neuman, Kathy Kleiman, Phil Corwin, Brian Cute

ICANN Staff
David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (apologies sent)
Marika Konings – Vice President, Policy Development Support – GNSO (apologies sent)
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
Sara Caplis - Manager, Meetings Technical Services
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

Both **Elsa Saade** (SOI) and **Rafik Dammak** (SOI) had updates to their Statements of Interest.

1.3 - Review / Amend Agenda

Keith Drazek reviewed the agenda which was approved without objection.

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 were posted on the 13 July 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:
- Second Security, Stability and Resiliency Review: SSR 2 had requested a technical writer to assist with their efforts, the writer has now been appointed. **Scott McCormick** confirmed there had been recent improvements.
- Council liaisons: the handover process will begin shortly, staff having identified which liaison positions will need to be filled after the 2019 Annual General Meeting (AGM)
- ICANN org's preparation toward implementation of a new round of gTLDs: Staff will invite Cyrus Namazi, ICANN Org, to take part in an upcoming GNSO Council meeting.
- Competition, Consumer Choice, Consumer Trust Review Team (CCT RT) recommendations: several were rejected by ICANN Board and referred back for further consideration. A Council small team is to come up with the next steps. **Pam Little** confirmed things were moving along in the small team, with a focus first on recommendations sent to the GNSO Council to be followed by those concerning the Working Groups (WG) and Stakeholder Groups (SG).
- Third Accountability and Transparency Review Team (ATRT3): Erica Varlese has resigned as GNSO appointee, in order to save time, there will not be a call for volunteers for the position, given the GNSO already has seven appointees seated. **Keith Drazek** reminded councilors that they and the SGs and Constituencies (Cs) were expected to provide input on the questions asked by the ATRT3 team members (https://mm.icann.org/pipermail/council/2019-July/022889.html)
- Rights Protection Mechanisms (RPM) re-chartering: Phase 1 is expected to end in April 2020, the Phase 2 charter will need to be ready at that time. Paul Mcgrady (Council liaison to the RPM WG), Elsa Saade and Martin Valent have volunteered to date. Two components: Work on RPM Charter to integrate work on the IGO effort following discussions with the GAC in Marrakech and rechartering the Phase 2 RPM Charter generally.
- 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 draft letter from the GNSO Council with recommended improvements to ICANN's Legislative Tracker has triggered discussion on the GNSO Council mailing list (https://mm.icann.org/pipermail/council/2019-June/022828.html)
- The CSC Effectiveness Review Final Report, ICANN's 2021-25 Strategic Plan, FY20 Operating Plan and Budget, IANA Functions Review Team and items will be discussed during future GNSO Council meetings.
- The Inter-Registrar Transfer Policy review: **Pam Little** clarified that In addition to the GDPR impact on the transfer policy, a review of the transfer policy has already started with ICANN Org's

Status Report. Discussions between ICANN Org and registrars took place in Marrakech but Council still needs to consider and decide the appropriate mechanism to carry out the review, possibly at the upcoming Council meeting in August.

- International Domain Names (IDN) Variant TLDs: the small team is composed of councilors and experts to take part in the scoping effort to determine what requires policy effort and what needs implementation.
- IGO INGO Curative Rights Protection Mechanisms Recommendations: ICANN Board has put these out for Public Comment, the GNSO Council should now continue discussing with the GAC on next steps.

Action Items:
- *ICANN staff* to mark SSR2 action item as complete. Scott McCormick to bring back future concerns to GNSO Council as applicable. [COMPLETED]
- *ICANN staff* to add CCT-RT to the August Council meeting agenda planning document [COMPLETED]

Item 3: Consent Agenda

- Motion to adopt the GNSO Council response to the GAC Marrakech Communique

Whereas,

1. The Governmental Advisory Committee advises the ICANN Board on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements. It usually does so as part of a Communiqué, which is published towards the end of every ICANN meeting.
2. The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.
3. The GNSO Council has expressed a desire to provide feedback to the ICANN Board on issues in the GAC Communiqué as these relate to generic top-level domains to inform the ICANN Board as well as the broader community of past, present or future gTLD policy activities that may directly or indirectly relate to advice provided by the GAC.
4. The GNSO Council hopes that the input provided through its review of the GAC Communiqué will further enhance the coordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.

Resolved,

1. The GNSO Council adopts the GNSO Council Review of the Marrakech GAC Communiqué (see [https://gnso.icann.org/sites/default/files/file/field-file-attach/review-gac-communique-18jul19-en.pdf) and requests that the GNSO Council Chair communicate the GNSO Council Review of the Marrakech GAC Communiqué to the ICANN Board.
2. The GNSO Council requests that the GNSO Chair also informs the GAC Chair of the communication between the GNSO Council and the ICANN Board.

GNSO councilors voted unanimously in favour of the GNSO Review of the GAC Communiqué.

[Vote results](#)

Action items:
- *GNSO Council Chair/ GNSO Secretariat* to communicate the GNSO Council Review of the Marrakech GAC Communiqué to the ICANN Board copying in the GAC Chair [COMPLETED]

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)

Keith Drazek reminded councilors that the ICANN Board sent a letter to the GNSO Council on the 15 May 2019 regarding the Board's action in relation to the GNSO's Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (EPDP Phase 1) policy recommendations: https://gnso.icann.org/sites/default/files/file/field-file-attach/chalaby-to-drazek-15may19-en.pdf

On the non acceptance of purpose 2, recommendation # 1, the GNSO Council's draft response indicates clearly that this is not problematic. For recommendation #12, further exchanges need to take place between the ICANN Board and the GNSO Council, the GNSO Council would like the ICANN Board to reconsider its non-acceptance of recommendation #12 as all recommendations were approved by the GNSO Council and in addition to this, had consensus within the EPDP Phase 1 Working Group.

Marie Pattullo commented on the letter on behalf of the Business Constituency. For recommendation #1, purpose 2, both ICANN Board and GNSO Council would benefit from clearer language from the EPDP Phase 1 team. For recommendation #12, an amendment should be made to remove deletion and it should not be re-submitted in its current status.

Keith Drazek responded that he did not believe the GNSO Council could recommend changes to recommendations which it had already approved and which had consensus within the EPDP team.

Rafik Dammak clarified that purpose 2, recommendation #1 is planned in priority in phase 2 and will be reviewed by EPDP team

Keith Drazek asked if the GNSO Council had any action items to complete to assist EPDP Phase 2 in its work and confirmed that all councilors needed to take the draft response back to their SGs and Cs for further input.

Darcy Southwell, on recommendation #1, suggested reviewing language later on, as information from the legal analysis will be necessary before proceeding. On recommendation #12, she warned against relitigating the issue preferring providing additional information to the ICANN Board.

Maxim Alzoba on recommendation #12 agreed with Darcy Southwell that additional information to the Board would be the best next step.

Rafik Dammak on recommendation #12 suggested not re-working the text of the recommendation. It is not the GNSO Council's role to amend substance on recommendations.

Action Item:

- Councilors to take draft letter back to their SGs and Cs for further input and continue discussion on the Council mailing list.

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

Keith Drazek provided the councilors with background information. On 21 June 2019, the GNSO Council received a letter from ICANN Org, which was seeking a better understanding of the 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).

Marie Pattullo added that the Council's response to ICANN Org should be that EPDP phase 2 is looking at the ARS, that ICANN should continue to publish ARS reports and that the legal team is looking at data accuracy requirements.

Rafik Dammak warned against adding more tasks to the EPDP Phase 2 team and raised the point that not all Whois related matters, especially those not in the scope of consensus policy, would be dealt with in Phase 2, but might warrant a new effort.

Keith Drazek agreed with Rafik Dammak on the addition of further tasks, as EPDP Phase 2 has its scope and its own charter and suggested continuing the discussion on the GNSO Council mailing list to avoid awaiting a month before the next GNSO Council meeting.

Action items:
- *Council leadership* to draft response to ICANN org, acknowledging receipt of the letter, acknowledgment of the underlying issue, and committing to determine next steps as a Council.
- *Council leadership* to send note, encouraging substantive discussion on the Council email list, to towards agreement on next steps.

Item 6: COUNCIL DISCUSSION – PDP Updates on ICANN65 Activity

PDP leadership teams presented to the GNSO Council an update on their activities during ICANN65.

Review of All Rights Protection Mechanisms in all gTLDs PDP WG
Phil Corwin and Kathy Kleiman, WG co-chairs, presented the slide deck highlighting the progress made thanks to the creation of sub-teams who have submitted their final recommendations to the full Working Group. The aim is to submit the Initial Report to Public Comment in January 2020. The co-chairs thanked the GNSO Council for its role as mediator in resolving WG internal issues, and insisted on the WG's motivation to keep to the current timeline.

New gTLD Subsequent Procedures PDP WG
Jeff Neuman and Cheryl Langdon-Orr, WG co-chairs, presented the slide deck and summarised the WG and Work Track 5 (WT5) ICANN65 productive activities which focused on the Assumptions Document and application prioritization for the full WG, and working on preliminary recommendations for WT5. The usefulness of PDP3.0 in narrowing WG scope, the issue of bringing new members up to speed with the work already accomplished as well as the difficulties to gain consensus were raised by the co-chairs who will continue to welcome GNSO Council's input on the matter.

Keith Drazek noted that there had been asks to the GNSO Council on behalf of the PDP WG and commented specifically on bullets 3 and 7 relating to interdependent topics in ongoing PDPs which are the most actionable for the GNSO Council which then needs to discuss how to move forward in the most effective way possible.

Pam Little thanked the WG co-chairs and the Council liaisons for maintaining a steady communication with the GNSO Council. Pam also thanked them for bringing challenges and issues to the Council's attention and expressed strong support for one of their "asks" that Council to reinforce the notion that all substantive discussions will take place at Working Group level.

EPDP Phase 2

Rafik Dammak, EPDP Phase 2 vice-chair, provided an [update](#) of team activities since Marrakech which have focused on use cases with a target to finish the review by August 2019 to prepare for the face-to-face meeting in September 2019. The Phase 2 team is also working on the Worksheet to discuss outstanding issues from Phase 1, the EPDP legal team is also tasked with additional focus points.

Keith Drazek expressed concern at the EPDP Phase 2 team having an ever-increasing workload. **Rafik Damma**k responded that there is a clear consolidation and grouping effort of the use cases within the team to condense the workload to remain within the strict timeline.

Action items:
- *Council leadership* to provide guidance to SubPro PDP on how to navigate interdependent topics (e.g., assumptions doc, Name Collisions Analysis Project, string similarity, IDNs) and potentially dependent PDPs (e.g., RPMs).
- *Council leadership* to draft a note to the ICANN Board on NCAP.
- *Council leadership* to draft a note to the ccNSO on string similarity and IDNs (together or separate).
- Input for future updates, Council to suggest one presenter. Also, focus on post-ICANN meeting updates.

Item 7: COUNCIL DISCUSSION - Evolution of the Multistakeholder Model of Governance

Brian Cute provided councilors with an [update](#) on the evolution of the multistakeholder model of governance and noted that a call for Public Comment would be going out shortly. The effort has compiled a list of issues identified as hampering the effectiveness of the multistakeholder model. The next step is to provide a work plan in response to the input received during the Public Comment with two angles: how to identify duplication to avoid creating a competing work stream and if an issue is not being addressed which entity should take on the task to improve the function? **Brian Cute** then ran through the detailed approach to each question and the individual criteria applied with an emphasis on prioritization.

Keith Drazek thanked Brian Cute for taking into account existing processes (PDP3.0 amongst others) and for attempting to improve communication amongst them.

Tatiana Tropina commented on the tendency in responses to the first Public Comment which were focussing on the GNSO Council's PDP3.0 efforts, and asked about who will be responsible for filtering responses on the second Public Comment.

Brian Cute clarified that this workstream will not be focussing on issues which have been dealt with previously, but on those which affect the multistakeholder model moving forward.

Darcy Southwell thanked Brian for his update and asked about prioritization and ownership following the Public Comment, specifically about how community feedback will be managed regarding PDP3.0.

Brian Cute clarified that this effort is focussing on prioritization of the issue across ICANN, not of work in progress.

Action items:
- Continue discussion on list and future next meeting
- *Council* to establish a small team to develop a public comment and/or further feedback to Brian concerning review of his document and questions about what comes next. Consider inviting Brian to the August or September GNSO Council meeting.

Item 8: Any Other Business

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

Keith Drazek reminded councilors that the Public Comment deadline is the 26 July 2019.

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

Cheryl Langdon-Orr, IPT co-chair, volunteered to respond to any questions on the matter on the GNSO Council mailing list in the interest of time, and that GNSO Council input should be submitted swiftly.

Action items:
- Staff to advise how to provide input to the NomCom about a GNSO NonCom appointee who is not participating, also what the GNSO Operating Procedures say with respect to the NomCom appointee.

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](#)

Keith Drazek sent an [email](#) to the Council mailing list flagging that the GNSO as Decisional Participant in the Empowered Community could trigger a reaction to the Operating and Financial Plan. The closing date of the Public Comment is the 8 August 2019.

8.4 - Repopulating the Independent Review Process Implementation Oversight Team (IRP-IOT)

Keith Drazek provided background on the IRP IOT, the GNSO Council leadership accepted 7 Expressions of Interest from GNSO applicants, and after review, decided that all 7 would be worthy of endorsement and welcomed input from councilors. Deadline for submission to ICANN Board is the 31 July 2019.

Keith Drazek adjourned the GNSO Council meeting on Thursday 18 July 2019 at 23:10 UTC.