Final Proposed Agenda 19 November 2020

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/7YTzC

This agenda was established according to the GNSO Operating Procedures v3.5, updated on 24 October 2019

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 21:00 UTC

Coordinated Universal Time: 21:00 UTC: https://tinyurl.com/y6g9gnt5

13:00 Los Angeles; 16:00 Washington; 21:00 London; (Friday) 00:00 Moscow; (Friday) 06:00 Tokyo; (Friday) 08:00 Melbourne

GNSO Council Meeting Remote Participation: https://icann.zoom.us/j/97102130383?pwd=NVlMcThpK0I4OC9KWkNBdmlEUmU4Zz09

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 24 September 2020 were posted on 9 October 2020.

Minutes of the GNSO Council meetings part 1 and part 2 on the 21 October 2020 were posted on 6 November 2020.

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 (10 minutes)

3.1 - Action Decision Radar - After discussing on the October 2020 meeting, Council to approve delay for the request for the Policy Status Report (PSR) for the Expired Domain Deletion Policy and the Expired Registration Recovery Policy . For clarity, delay should be considered to mean that while the Council recognizes the importance of the PSR for these consensus policies, they do not need to be at the top of the queue.

3.2 - Motion for the confirmation of GNSO representative to the Empowered Community Administration

Item 4: COUNCIL DISCUSSION - GNSO Council Strategic Planning Session (SPS) (10 minutes)

The GNSO Council has held an annual Strategic Planning Session, outside of an ICANN meeting, since 2018. The meeting was originally funded through the FY18 Additional Budget Request process, in order to allow the GNSO Council to conduct a focused and dedicated strategic planning session designed r to help prepare Councilors to better understand the role of the Council and their role on the Council and develop a work plan for the year ahead and beyond. During subsequent SPS, the focus has largely been on the same overall themes, though the specific topics have changed as the Council has developed new tools (e.g., PDP 3.0 and more recently, program and project management tools).

In the virtual environment, the Council saw an opportunity to hold the SPS earlier in the calendar, to better prepare the Council and plan for the ensuing year. As of the end of November 2020 GNSO Council meeting, the Council will have largely concluded its SPS.

Here, the Council will discuss what took place at the SPS, including potentially high-level outcomes.

4.1 - Introduction of topic (Council leadership)

4.2 – Council discussion

4.3 – Next steps

Item 5: COUNCIL DISCUSSION - Update on Ongoing GNSO Policy Development Processes (20 minutes)

The GNSO Council expects two important policy development processes (PDPs) to conclude before the end of 2020. Both the All Rights Protection Mechanisms in All gTLDs, Phase 1 (RPMs) and the New gTLD Subsequent Procedures (SubPro) PDPs started in 2016 and are expected to deliver their Final Reports to GNSO Council soon. Both Final Reports will have required a huge level of effort from the community and contain a large number of recommendations, particularly the SubPro report. In an effort to ensure that the GNSO Council is as prepared as possible to consider these two Final Reports in an efficient and effective manner, Council leadership believes that it is important for Councilors to receive updates and ask questions in advance of the delivery of the reports.

Here, the Council will receive updates on the two PDPs from the GNSO Council liaisons to the PDPs, to help the Council identify what may be new, contentious, or otherwise of importance to the Council in its role as the manager of the PDP.

5.1 - Introduction of topic (John McElwaine, GNSO Council liaison to the RPMs PDP and Flip Petillion, GNSO Council liaison to the SubPro PDP)

5.2 – Council discussion

5.3 – Next steps

Item 6: COUNCIL DISCUSSION - When to Launch Review of Policy & Implementation Recommendations Review (15 minutes)

As indicated on the Action Decision Radar, the GNSO Council is to consider when to launch the review of the Policy & Implementation Recommendations. In June of 2015, the GNSO Council adopted the Final Report and recommendations from GNSO Policy and Implementation Working Group. Significant outputs from the this non-PDP WG included the GNSO Guidance Process (see ANNEX A-2 in the ICANN Bylaws and Annex 5 in the GNSO Operating Procedures), the GNSO Input Process (see Annex 3 in the GNSO Operating Procedures), and the Expedited Policy Development Process (EPDP) (see ANNEX A-1 in the ICANN Bylaws and Annex 4 in the GNSO Operating Procedures). The group also developed the Implementation Review Team (IRT) Principles & Guidelines, which are used in conjunction with the Consensus Policy Implementation Framework (CPIF), which guides ICANN org in its implementation of GNSO policy recommendations.

In adopting the final report and recommendations, the Council resolved that it, "recommends that a review of these recommendations is carried out at the latest five years following their implementation to assess whether the recommendations have achieved what they set out to do and/or whether any further enhancements or changes are needed." Based on that timeline, a review of the recommendations should be carried out. However, based on at least two factors, the Council may want to consider deferring the review until a later date. First, only the EPDP and the IRT Principles & Guidelines have been used to date and second, there are concerns about capacity and bandwidth for the GNSO Council to initiate a review at this time.

Council leadership has suggested that a small team reviewing the Operational Design Phase paper also consider whether a review of the Policy & Implementation recommendations is both necessary and timely at this juncture.

6.1 - Introduction of topic (Council leadership)

6.2 - Council discussion

6.3 - Next steps

Item 7: COUNCIL DISCUSSION - Upcoming Generic Names Supporting Organization (GNSO3) Review (15 minutes)

On 12 October 2020, the GNSO Council received a letter from Chair of the ICANN Board of Directors, Maarten Botterman regarding the status of the upcoming third GNSO review (GNSO3). The letter notes that:

Based on the review schedule currently in effect (see ICANN Bylaws Section 4.4), the third review of the GNSO is due to start in June 2021, five years after the Board's receipt and action on the final report from the last review. To support the current organizational review sequencing, the pre-planning work would start in the coming weeks.

However, the letter also notes uncertainty stemming from the Board's consideration of the Third Accountability and Transparency Review Team (ATRT3) Report, which has implications for organizational reviews. In addition, the ATRT3 suggested that a moratorium be placed on launching organizational reviews until a decision has been made on the relevant ATRT3 recommendation.

If the review were to start in June 2021, preparatory steps would need to begin within ICANN org and the GNSO community. As such, the Board is seeking input on the timing of the GNSO Review, including the offer to schedule a meeting to discuss between the Board, GNSO Council and GNSO Stakeholder Group and Constituency leaders.

Here, the Council will discuss how it wants to respond to the Board's letter.

7.1 - Introduction of topic (Council leadership)

7.2 - Council discussion

7.3 - Next steps

Item 8: COUNCIL DISCUSSION - Continued Discussion on the Draft Motion to Affirm Intent of EPDP Phase 1 Recommendation 7 and Initiation of the Thick WHOIS Transition Policy EPDP (15 minutes)

In adopting the Expedited Policy Development Process (EPDP) on the Temporary Specification Final Report and Recommendations, the Council requested that an informal Implementation Review Team (IRT) be established, which was done. After the recommendations were approved by the ICANN Board, the informal IRT transitioned to a formal IRT and has diligently been working to implement the policy recommendations. Within the IRT, there are diverging views amongst some IRT members on how to implement recommendation 7, especially in relation to the Thick WHOIS Transition Policy for .COM, .NET, and .JOBS

The ICANN Board, taking note of the potential impasse, sent a letter to the GNSO Council on 11 March 2020. The Council considered the letter and agreed that recommendation 7 did not explicitly overturn the Thick Whois Transition Policy; to do so will require the GNSO Council to initiate policy development. The Council sent a response to the ICANN Board on 29 May 2020. The IRT has continued to try and implement recommendation 7 but has still been unable to reach agreement. As such and per the Council's letter, the Council requested a briefing from, "the GNSO Council liaison detailing the precise nature of the impasse so that the GNSO Council can make an informed determination on how to proceed." During its September Council meeting, the Council received a briefing from the GNSO Council liaison to the IRT, Sebastien Ducos. The Council agreed to convene a small team of Councilors that was charged with establishing a path forward to try and resolve the impasse. That small team met to determine what the best practical path forward may be. During the Council's October meeting, it considered a draft motion that would do two things 1) Affirm the intent of EPDP Phase 1 Recommendation 7; and 2) initiate an EPDP on the Thick WHOIS Transition Policy.

Here, the Council will continue discussions and to the extent they are available, changes in status since the previous meeting.

8.1 - Introduction of topic (Council Vice-Chair, Pam Little)

8.2 – Council discussion

8.3 – Next steps

Item 9: ANY OTHER BUSINESS (15 minutes)

9.1 - Update from the small team reviewing the Operational Design Phase concept paper

9.2 - Next steps for the Expressions of Interest Process for the EPDP Phase 2A Chair

9.3 - Proposed next steps for nomination of GNSO Fellowship Program Mentor and Selection Committee Member

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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 November and March Winter in the NORTHERN hemisphere

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California, USA (PDT) UTC-8 13:00

San José, Costa Rica (CST) UTC-6 15:00

New York/Washington DC, USA (EDT) UTC-5 16:00

Buenos Aires, Argentina (ART) UTC-3 18:00

Rio de Janeiro, Brazil (BRST) UTC-3 18:00

London, United Kingdom (GMT) UTC+0 21:00

Kinshasa, Democratic Republic of Congo (WAT) UTC+1 22:00

Paris, France (CEST) UTC+1 22:00

Moscow, Russia (MST) UTC+3 00:00

Singapore (SGT) (+1 day) UTC+8 05:00

Tokyo, Japan (JST) (+1 day) UTC+9 06:00

Melbourne, Australia (AEDT) (+1 day) UTC+11 08:00

DST starts/ends on Sunday 28 March 2021, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 14 March 2021 for the US.

For other places see http://www.timeanddate.com and https://tinyurl.com/y6g9gnt5