Minutes of the GNSO Council Meeting 21 May 2020
Agenda and Documents

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

14:00 Los Angeles; 17:00 Washington DC; 22:00 London; (Friday) 02:00 Islamabad; (Friday) 06:00 Tokyo; (Friday) 07:00 Melbourne

List of attendees:
Nominating Committee Appointee (NCA): – Non-Voting – Erika Mann (absent)
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Michele Neylon, Greg DiBiase
gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Sebastien Ducos
Nominating Committee Appointee (NCA): Tom Dale
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Osvaldo Novoa, John McElwaine, Flip Petillion
Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Elsa Saade, Tatiana Tropina, Rafik Dammak, Farell Folly, James Gannon
Nominating Committee Appointee (NCA): Carlton Samuels
GNSO Council Liaisons/Observers :
Cheryl Langdon-Orr– ALAC Liaison
Julf (Johan) Helsingius– GNSO liaison to the GAC
Maarten Simon – ccNSO observer (apology)

ICANN Staff
David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional
Marika Konings – Senior Advisor, Special Projects (apology 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 (apology sent)
Ariel Liang – Policy Support Specialist
Caitlin Tubergen – Policy Senior Manager
Nathalie Peregrine – Manager, Operations (apology sent)
Terri Agnew - Operations Support - GNSO Lead Administrator
Julie Bisland - GNSO SO/AC Support coordinator

Audio Recording
Transcript

Item 1: Administrative Matters

1.1 - Roll Call

Keith Drazek welcomed all councilors to the call.

1.2 - Updates to Statements of Interest

There were no updates to Statements of Interest.

1.3 - Review / Amend Agenda

There were no changes to the agenda as presented.

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 11 March 2020 were posted on the 27 March 2020
Minutes of the GNSO Council meeting on 16 April 2020 were posted on 01 May 2020

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

2.1 - Review focus areas and provide updates on specific key themes / topics, to include review of Projects List and Action Item List

Berry Cobb from staff, as a follow up to the email he sent to the Council list prior to the Council meeting, provided an update on recent changes to the Projects List. Light changes made to the summary page were made to better highlight the span of control the GNSO Council has on certain projects. PDP3.0 initiative implementation, such as overall status and health of the projects, has positively impacted ongoing PDPs. However, once Council has deliberated on consensus policy recommendations, the span of control diminishes from a Council ownership perspective, as these recommendations will move through ICANN Board and onto Org for implementation. Other projects, with shared ownership, also show a lesser Council span of control. He reminded councilors this was an evolutionary and iterative process.

James Gannon thanked Berry Cobb for the recent adjustments which help to manage the different scope of responsibilities.

Steve Chan, ICANN org, pointed out that the differentiation between the different phases of the project was not to diminish the importance of a particular project, but to highlight that the management tools available could differ from one phase to another.

Open Action Items marked in yellow, therefore not being discussed as part of the main agenda, were reviewed:

- Report from the Transfer Policy Team: Councilors need to review the report and engage with Stakeholder Groups (SGs) and Constituencies (Cs) to provide input with an aim to eventually initiate a PDP.
- PDP3.0 Final Report: As Council prepares to initiate new PDPs (IDNs, Transfer Policy), PDP3.0 improvements need to be taken under consideration.
- Managing IDN Variant TLDs: Council received a report from the IDN Scoping team including a recommendation for policy work to be initiated around some components of the topic on variants. This group would be chartered under PDP3.0 guidance after Council discussion. Council will need to engage with the ccNSO to discuss parallel processes for the sake of consistency.
- Evolution of the Multi Stakeholder Model (MSM) of Governance: ongoing discussion since 2019 about challenges the community has in ensuring that the MSM can continue to evolve and be effective. After ICANN67, there was a discussion about sharing PDP3.0 developments with other

ICANN Supporting Organisations and Advisory Committees via a community-wide webinar which will take place in between ICANN68 and ICANN69.

Action item: none

Item 3: Consent Agenda:

There were two items for Council consideration under the Consent Agenda:

- Approval of the PTI SLA for the ccTLD Creation and Transfer Process
- Reappointment of Matthew Shears to seat 14 on the ICANN Board. The NCPH has reappointed Matthew Shears for Seat 14 on the ICANN Board of Directors. This agenda item is intended to acknowledge the selection and confirm that the notification process as outlined in Section 7.25 of the ICANN Bylaws has been completed

All councilors voted in support of the Consent Agenda items.

Vote result

Action items:

- On behalf of the GNSO Council, Staff to inform the CSC regarding the GNSO Council approval of the PTI SLA for the ccTLD Creation and Transfer Process;
- On behalf of the GNSO Council, Staff to inform the Board/Board Support regarding the GNSO Council approval of the appointment of Matthew Shears to seat 14 on the ICANN Board.

Keith Drazek raised that inviting Matthew Shears and Becky Burr, GNSO Appointed Board members to GNSO Council meetings could be an excellent engagement opportunity.

Item 4: COUNCIL DISCUSSION – GNSO Work Prioritization - 2020 Work Plan

Keith Drazek reminded councilors that discussion on this item started during the Strategic Planning Session in Los Angeles during January 2020, with an informal survey and input from SGs and Cs to pull the information received into a work plan proposal.

Steve Chan, ICANN Org, provided further information on the document which is a new form, directly related to the previous draft. The previous draft was drilling down into each project and identifying what needed to be done, what the dependencies were, and whether parts of the project could be carved out and started earlier. This draft needed to be transformed into a work plan to try to get through all the important work in the Council's pipeline. The work plan proposal attempts to look in a granular manner at which efforts could be started and when. The premise is that all the work is important, but not everything can start at the same time. Targeted for initiation in Q3 are the Transfer Policy Review where an Issue Report will be requested, topics from EPDP Phase 2, Review of All Rights Protection Mechanisms (RPM) Phase 2 Charter drafting and others which would need GDD (ICANN Org Global Domains Division) to

start the preparatory work. The IDN Scoping team had mentioned two tracks of work: one with the contracted parties and GDD working collaboratively and another drafting the Charter of the future PDP. The IGO Curative Rights work track would start in Q4.

Rafik Dammak raised that the information provided, specifically in regards to duration, was high-level, further precision could be provided when starting the efforts individually in chartering and scoping. However this information will be useful to different groups when beginning their efforts.

Juan Manuel Rojas asked why the proposed IDN Track 1 only concerned the contracted parties and GDD. **Keith Drazek** responded that the assumption is that the contracted parties and GDD have a history in developing guidelines (which have evolved into contractual requirements over time) around existing IDNs and those are the groups interested in the topic. **Steve Chan** added that the two tracks are different, one is operational related and the second is policy related. The purpose of track 1 is to look at IDN guidelines which the contracted parties are expected to adhere to, and to resolve contracted party concerns regarding these guidelines.

Philippe Fouquart asked whether there was a one-to-one mapping between the workplan and the project list deadlines.

Pam Little reminded councilors the approach was to free up community and staff resources to support new efforts. To that end, many PDPs are still ongoing, and the implementation thereof (in particular of SubPro work) will take up a lot of community resources.

Keith Drazek added that this was a very helpful framework and that it would be needed to move from a quarterly basis to a monthly basis.

Steve Chan agreed with Pam Little that dependencies were a big part of the work plan, and that PDPs needed to move forward before something new begins. To Philippe's question, Steve confirmed that the timing in the Project List is reflected in the work plan. He also added that whilst durations were certainly high-level, and re-working them into monthly increments was necessary, the suggested start dates of a specific effort were helpful.

Berry Cobb added that items such as reviews (GNSO 3 Review, CCT etc) weren't included in the work plan as timings weren't known to date. He will work to expand the work plan to include them.

Steve Chan pointed out that each of the items are not equal in terms of burden and in terms of responsibility and that this would be added to the document too.

Rafik Dammak mentioned that councilors needed to be aware of Work Stream 2 developments and that further communication with the Board or ICANN org may be needed. The GNSO is a Chartering

Organization (CO) and thus needs to begin the thought process as soon as possible and to prepare without necessarily waiting to get a referral.

Action items:

- Staff (Berry & Steve) to update the project list by adding projects such as the Specific Reviews and identifying relevant parties that are primarily responsible for that work.
- Council leadership and staff to provide a more detailed, actionable GNSO work prioritization plan and present the update during the June Council meeting.
- Keith to circulate the WS2 Implementation Assessment Report to the GNSO Council to kick off the discussion about CCWG-Accountability WS2 next steps.
- GNSO Council leadership to raise the "CCWG-Accountability WS2 next steps" topic during the next SO/AC leadership meeting and propose the idea of developing a joint letter to seek further communications from ICANN org regarding the progress.
- GNSO Council leadership, in collaboration with interested volunteers (e.g., James Gannon, Philippe Fouquart, and Tom Dale), to tee up the Council discussion of the CCWG-Accountability Workstream 2 topic for a future Council meeting.

Item 5: COUNCIL DISCUSSION – Draft Response to the Board Letter on Implementation Concerns for EPDP Phase 1 Recommendation 7, related to Thick WHOIS Transition Policy

Keith Drazek, having recused himself from discussion on the topic, handed this agenda item over to **Rafik Dammak** and **Pam Little**.

Rafik Dammak provided councilors with background on Recommendation 7 (Rec 7) from EPDP Phase 1 team. The ICANN Board reached out to the GNSO Council with concerns about a potential impasse within the Implementation Review Team (IRT) mainly about how to implement Recommendation 7 in light of the Thick Whois Transition Policy. The Board noted that the Final Report from EPDP Phase 1 did not specify whether Recommendation 7 was intended to modify the Thick Whois and if it were to modify it, it would be in contrast with EPDP Phase 1 recommendation 23 which includes specific changes to the UDRP. Councilors now need to review and determine next steps for the Thick Whois Transition Policy and evaluate if it is impacted as a result of the PDP recommendation. A small team of councilors put together a first draft of the letter in response to ICANN Board and then an updated version sent on the 21 May 2020 after receiving comments on the Council list and a letter from the CPH representatives in IRT. The later version emphasizes process over substance, in keeping with the role of the GNSO Council as policy development manager. Input is also required from the IRT team following the normal escalation process, in order for the Council to be fully informed.

Pam Little presented the updated version drafted by John McElwaine, Rafik Dammak, Marie Pattullo and herself. The small team believes the Council would need to take a step back and consider the two major topics raised by the Board: Rec 27 and Rec 7 from the EPDP Phase 1 Final Report. Rec 27 sets out certain existing consensus policies that are impacted by EPDP Phase 1 Final Report and Council action will be needed (a new PDP or other effort to address these impacts). The second topic is implementation of Rec 7. The Board raises a potential impasse within the IRT. The small team did not come to agreement regarding the resolution of the issue, and referred to the GNSO processes to seek how to address this. Next step will be to ask the GNSO Council liaison to the IRT to clarify and resolve the potential impasse, and then Council would consider how to move forward.

Sebastien Ducos, GNSO Council liaison to the IRT, confirmed he accepted the task proposed by the small team. He informed the Council he had a conversation with Dennis Chang, ICANN Org and leading the IRT effort, who agreed this was the best next step.

Tatiana Tropina asked whether there was a timeline for this next step. **Pam Little** replied that there wasn't one given this is a first for the GNSO Council and that the topic is a complex one. For the time being, she believes the Council's focus is to support Sebastien Ducos in his efforts and to follow existing GNSO processes and guidelines.

Rafik Dammak suggested councilors read up on the topic to familiarise themselves with the complexities of the topic.

Tatiana Tropina asked whether there was anything in the guidelines regarding further information about a timeline as this is an important topic and requires time but also a resolution. **Pam Little** agreed that this is time sensitive and critical, and that the letter needs to be sent to the Board.

Keith Drazek thanked the small team for their efforts.

Action items:

- GNSO Council leadership to instruct the Council Liaison to the IRT to engage with the IRT in order to understand the nature of the impasse regarding Phase 1 Recommendation 7, if it exists, and the next steps to address such impasse
- GNSO Councilors to review the draft letter and provide feedback on Council list by Thursday, 28 May COB; Pam to propose appropriate revision to the letter to reflect the GNSO Council liaison's engagement with the IRT.
- GNSO Council leadership to review the draft documents related to Registry Directory Service Review Team Recommendations and WHOIS Procedure Implementation Advisory Group (WPIAG) that Staff (Caitlin) developed and consider circulation on the Council list.
- GNSO Council leadership and staff to schedule a future prep call to discuss the RDS program management issues.

Item 6: COUNCIL DISCUSSION: Expedited PDP (EPDP) on the Temporary Specification Phase 2 Update

Keith Drazek reminded councilors that in addition to the update from Rafik, there was another topic to discuss which are the additional topics which need to be considered by Council: data accuracy, legal versus natural, and PPSAI Implementation. These are remainers from the EPDP Phase 2 work and the GNSO Council will need to decide what next steps are. EPDP Phase 3, independent chartered work on each of these items are just two options which could be discussed.

Rafik Dammak, EPDP 2 Vice Chair and GNSO Council liaison, presented an update on the EPDP 2 team's activities. Councilors received the April EPDP Phase 2 Project Package and Rafik brought their attention to the fact that due to the complexity of the content received from the Public Comment period, there is a risk the team might not be able to deliver the Final Report by the deadline. He also reminded

councilors that the current Chair of the EPDP Phase 2 team cannot continue after June 2020, Rafik Dammak as Vice Chair could step in but only for a few weeks.

Keith Drazek reminded councilors that there are parties participating in the EPDP who feel strongly that the outstanding items (data accuracy, legal vs natural) should be part of the EPDP Phase 2 work, and that without addressing these issues, these parties will find it difficult to reach consensus. He reinforced that the Council needs to consider how to handle these issues to bring confidence to the parties.

Marie Pattullo thanked both Rafik and Keith for their updates and consideration of all parties. The Business Constituency (BC) believed these issues were not to be part of EPDP Phase 1 but would be dealt with in Phase 2. In addition to this, the amount of comments received during the Public Comment period, would warrant a three-month extension. **Keith Drazek** raised the fact Janis Karklins would not be available past June 2020 to ensure the extension, and that a new Chair selection would possibly extend the duration to a year.

Michele Neylon disagreed with the notion of an extension as the issue of a new Chair has always been known. He also mentioned that consensus can be reached without all items desired being agreed upon.

Tatiana Tropina noted that on the issue of data accuracy, Council on the 11 March 2020 had discussed the issue of accuracy being out of scope for the EPDP Phase 2 team. She also agreed with Michele's stance against an extension, as one or two groups should not hinder the consensus process. She raised that the issue of data accuracy was too complex to be resolved with a three month extension.

Rafik Dammak reminded councilors that discussions on these topics had been deliberated with no agreement reached. Next steps would be to discuss how to deal with the priority two issues, out of the EPDP Phase 2, and not delay the work on them thanks to better scoping. The short-term aim will be completing the SSAD (Standardized System for Access and Disclosure) with little delay. He also raised volunteer fatigue within the EPDP Phase 2 team which was intended to be a short-lived effort and it would be better to reset for a new cycle to cover those issues.

Keith Drazek set the next step task for the Council: Rechartering EPDP Phase 3 or are there other processes? Priority two items must not be taken off the table entirely and would require scoping and a duration longer than three months.

Michele Neylon, on his personal behalf, stated that he did not believe members would be willing to engage in an EPDP Phase 3 effort due to the intense workload, hours, and pace of the group.

Flip Petillion agreed that priority two items must not be left untouched.

Action items:

- Staff (Marika) to work with Rafik to develop a framework document to identify a list of topics (e.g., accuracy, legal vs. natural, and other remainder items from the EPDP) and outline the next steps

for the EPDP for the GNSO Council to consider; GNSO Council leadership to circulate the framework document prior to the June Council meeting; Rafik to inform Janis about the upcoming framework document.
- Keith to develop a draft GNSO Council response to the [SSAC letter](#), correcting any inaccuracies.
- Staff (Berry) to develop a PCR for the EPDP to be reviewed/discussed during the June Council meeting.

Item 7: COUNCIL DISCUSSION: New gTLD Subsequent Procedures Anticipated Outcome on DNS Abuse

Keith Drazek reminded councilors that the new gTLDS Subsequent Procedures Working Group (SubPro) leadership team, Cheryl Langdon-Orr and Jeff Neuman, had sent a [letter](#) to Council referring the CCT RT recommendations related to DNS abuse back to Council for consideration. The ICANN Board forwarded these recommendations to the SubPro group, who in turn, felt that the Council was better placed to consider these recommendations holistically. The broader topic of DNS abuse has been widely discussed within the community over the last few months. Possible solutions to engaging the community could be in creating a Cross Community Working Group (CCWG) on best practices, which could also include ccTLD operators who have a lot of experience on the matter.

Michele Neylon mentioned that within these discussions, there needed to be a focus on factual data and statistics. He also raised that the conversation with ccTLD operators was positive but that they were able to work within the silo of their national law, which isn't applicable to international business. The key is to understand the problems raised and whether they apply to domains or whether they are part of a larger issue.

Keith Drazek agreed and added that if clearly-defined issues were to come up within the CCWG, they would be dealt with, possibly, within a PDP.

Maxim Alzoba reminded councilors that security companies which source tools like DAAR do not have industry wide standards, whereas registries need to gather information and often in these cases, fail to. **Keith Drazek** added that these discussions have been taking place for over a year and that there is a benefit to having a structured conversation. ICANN Org is moving forward with some efforts (a technical study group, TSG, on DNS abuse) and the community could also take part in a similar effort.

Tatiana Tropina mentioned that DNS abuse frameworks need to deal with this only, and not delve into content regulation, it needs to remain within a narrow technical definition within ICANN Bylaws.

James Gannon raised that his day job has been impacted by DNS abuse but the tools in place worked reasonably well. He preferred this framework to not be within ICANN, but within the TSG. If there are policy-related issues, then they should be handled by the GNSO.

Pam Little agreed with Michele, Tatiana and James and suggested raising the CCWG proposal to the ccNSO during the joint meeting at ICANN68.

John McElwaine suggested that having a status of what has been accomplished and collected with respect to the Board's scorecard from the CCT report, it would enable Council to better understand what is left to do and what could be done.

Action item:

- GNSO Council to reach out to the ccNSO, at an appropriate time, to discuss potential next steps to address DNS abuse issues.

Item 8: ANY OTHER BUSINESS

8.1 - ICANN68 virtual meeting planning - draft GNSO ICANN68 schedule

Terri Agnew, ICANN Org, provided an overview of ICANN68: no public forum, three plenary sessions, schedule is in Kuala Lumpur time, GNSO Council will meet on Wednesday for two joint sessions (ccNSO & Board) and for the monthly Council meeting.

Keith Drazek adjourned the meeting at 00:02 UTC on Friday 22 May 2020