

Final Proposed GNSO Council Agenda 21 January 2021

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/mIgmCQ>

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 19:00 UTC

Coordinated Universal Time: 19:00 UTC: <https://tinyurl.com/yahj6bpc>

11:00 Los Angeles; 14:00 Washington; 19:00 London; 20:00 Paris; 22:00 Moscow; (Friday) 06:00 Melbourne

GNSO Council Meeting Remote Participation: <https://icann.zoom.us/j/96919081324?pwd=RTN5MHBlcnBpY2tRUIRQd3lOb2IxUT09>

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 19 November 2020 were posted on 3 December 2020.

[Minutes](#) of the GNSO Council meeting on 17 December 2020 were posted on 3 January 2021.

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 (5 minutes)

3.1 - Confirmation of of SSC selection processes:

- GNSO Non-Registry Liaison to the Customer Standing Committee (CSC) - Milton Mueller ([motion](#))
- 2021 GNSO Appointed Mentor to the ICANN Fellowship Program - Farell Folly ([motion](#))
- GNSO's Representative(s) to the Community Representatives Group that will nominate the Independent Review Process (IRP) Standing Panel - Heather Forrest ([motion](#))

Item 4: COUNCIL VOTE - Affirm Intent of EPDP Phase 1 Recommendation 7 (25 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 2020 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 2020 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. This draft motion was further discussed during the November 2020 Council meeting where a number of potential approaches to resolve policy conflicts were discussed. After the November Council meeting, the small team was reconvened and worked towards a revised path forward but was unable to reach consensus. A motion was submitted to the Council list on 7 December 2020 and considered during the 17 December Council meeting, but the vote was deferred.

Here, the Council will vote to adopt the motion.

4.1 - Presentation of [motion](#) (Council Vice-Chair, Pam Little)

4.2 – Council discussion

4.3 – Council vote (voting threshold: simple majority)

Taking this action is within the GNSO’s remit as outlined in ICANN’s Bylaws as the GNSO ‘shall be responsible for developing and recommending to the Board substantive policies relating to generic top-level domains and other responsibilities of the GNSO as set forth in these Bylaws’ (Art.11.1). Furthermore, this action complies with the requirements set out in Annex A: GNSO Policy Development Process of the ICANN Bylaws.

Item 5: COUNCIL VOTE - Final Report and Recommendations From the Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP WG (15 minutes)

Chartered in March 2016 to review all the RPMs that have been developed by ICANN, the PDP is focused on RPMs developed for the 2012 New gTLD Program (i.e., Trademark Clearing House, Sunrise, Claims, and Uniform Rapid Suspension). The WG was tasked with considering the overarching issue as to whether or not the RPMs collectively fulfill their purposes or whether additional policy recommendations will be necessary.

After the Co-Chairs determined additional time was needed to accommodate substantive work, the most recent Project Change Request was submitted and granted for the Council’s September meeting, establishing a target date of no later than the end of November. The WG was able to successfully complete its work by this timeline and delivered its [Final Report](#) to the GNSO Council on 24 November 2020. A summary briefing on the Final Report and recommendations was provided during the 17 December 2020 meeting and a more comprehensive webinar was held on 11 January 2021.

Here, the Council will vote to adopt the Final Report of the PDP WG.

5.1 – Presentation of [motion](#) (GNSO Council liaison to the PDP, John McElwaine)

5.2 – Council discussion

5.3 – Council vote (voting threshold: Supermajority)

Taking this action is within the GNSO's remit as outlined in ICANN's Bylaws as the GNSO 'shall be responsible for developing and recommending to the Board substantive policies relating to generic top-level domains and other responsibilities of the GNSO as set forth in these Bylaws' (Art.11.1). Furthermore, this action complies with the requirements set out in Annex A: GNSO Policy Development Process of the ICANN Bylaws.

Item 6: COUNCIL BRIEFING – New gTLD Subsequent Procedures PDP Final Report (25 minutes)

The PDP was chartered in January 2016 to review the 2012 New gTLD Program round to determine what, if any changes may need to be made to the existing 2007 Introduction of New Generic Top-Level Domains policy recommendations. After extensive WG deliberations and a number of community consultations, the WG delivered its Final Report to the GNSO Council on [date]. Because of the volume of outcomes (e.g., recommendations, implementation guidance, etc.) and length of the report, PDP leadership believes that similar to the Final Report for the All Rights Protection Mechanisms (RPMs) in All gTLDs PDP WG, a preliminary briefing is beneficial.

Here, the Council will receive a briefing to better understand the scope of substantive recommendations that it will be asked to vote on in a future meeting.

6.1 – Introduction of topic (Council leadership)

6.2 - Briefing (GNSO Council liaison to the PDP, Flip Petillion - [presentation](#))

6.3 – Council discussion

6.4 – Next steps

Item 7: COUNCIL UPDATE - Update from the Standing Committee on Budget and Operations (SCBO) (10 minutes)

Per its charter, the GNSO Standing Committee on Budget and Operations (SCBO) was established to coordinate and facilitate dialogue to fully understand ICANN's strategic and operational planning and budgetary processes, in particular in preparation for the annual budgetary comments cycle as it relates to the GNSO Council's remit. The SCBO is currently in the midst of the annual process, considering the [Draft FY22-26 Operating & Financial Plan and Draft FY22 Operating Plan & Budget](#) that is currently available for public comment.

While the SCBO is comprised of members and experts from across the GNSO community, the input of the SCBO is limited to the GNSO Council's remit in managing the GNSO's policy development process and the GNSO's role as a Decisional Participant in the Empowered Community. As the public comment period will conclude (15 February 2021) prior to the next GNSO Council meeting, the SCBO believes it is timely to provide a status update during the January meeting.

Here, the Council will receive an update from the SCBO.

7.1 – Introduction of topic (SCBO Chair, John McElwaine)

7.2 – Council discussion

7.3 – Next steps

Item 8: ANY OTHER BUSINESS (20 minutes)

8.1 - GNSO Standing Committee for Continuous Improvement - objections to expanding upon the high-level outline and developing a more detailed draft proposal?

- 8.2 - GNSO Council feedback on the updated Operational Design Phase concept paper - objections to draft Council feedback (if input is available)
- 8.3 - GNSO Council Additional Budget Requests (if applicable)
- 8.4 - Update on the ICANN Meetings strategy
- 8.5 - Update on the IGO Work Track kickoff
- 8.6 - Small team proposed input to the ICANN Board regarding the SSAD consultation
- 8.7 - GNSO liaison between the IDN Policy Track / EPDP and the ccPDP4 (Dennis Tan)

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 19:00 UTC

Local time between November and March Winter in the NORTHERN hemisphere

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- California, USA (PDT) UTC-8 11:00
 - San José, Costa Rica (CST) UTC-6 13:00
 - New York/Washington DC, USA (EDT) UTC-5 14:00
 - Buenos Aires, Argentina (ART) UTC-3 16:00
 - Rio de Janeiro, Brazil (BRST) UTC-3 16:00
 - London, United Kingdom (GMT) UTC+0 19:00
 - Kinshasa, Democratic Republic of Congo (WAT) UTC+1 20:00
 - Paris, France (CEST) UTC+1 20:00
 - Moscow, Russia (MST) UTC+3 22:00
 - Singapore (SGT) (+1 day) UTC+8 03:00
 - Melbourne, Australia (AEDT)(+1 day) UTC+11 06:00

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/yahj6bpc>