

## Minutes of the GNSO Council Meeting 20 May 2021

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

Coordinated Universal Time: 19:00 UTC: <https://tinyurl.com/kd22xp43>

12:00 Los Angeles; 15:00 Washington; 20:00 London; 21:00 Paris; 22:00 Moscow; (Friday) 05:00 Melbourne

### List of attendees:

Nominating Committee Appointee (NCA): Non-Voting – Olga Cavalli

#### Contracted Parties House

Registrar Stakeholder Group: Pam Little, Kristian Ørmen, Greg DiBiase (apologies, temporary alternate Owen Smigelski), Owen Smigelski

gTLD Registries Stakeholder Group: Maxim Alzoba, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Tom Dale

#### Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Philippe Fouquart, Osvaldo Novoa, John McElwaine, Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Stephanie Perrin, Tatiana Tropina, Wisdom Donkor, Farell Folly, Tomslin Samme-Nlar

Nominating Committee Appointee (NCA): Carlton Samuels

#### GNSO Council Liaisons/Observers :

Cheryl Langdon-Orr– ALAC Liaison

Jeffrey Neuman– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

**Guest speakers:** Dennis Tan Tanaka (IDNs EPDP DT Chair, Rod Rasmussen and Jeff Bedser (SSAC speakers), Keith Drazek (EPDP P2A Chair)

### ICANN Staff

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

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

Julie Hedlund – Policy Director

Steve Chan – Senior Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Senior Specialist

Caitlin Tubergen – Policy Director

Terri Agnew - Operations Support, Lead Administrator

Nathalie Peregrine – Manager, Operations GNSO

[Zoom Recording](#)  
[Transcript](#)

### **Item 1: Administrative Matters**

1.1 - Roll Call

**Philippe Fouquart, GNSO Chair**, welcomed all to the May 2021 Council meeting.

1.2 - Updates to Statements of Interest.

There were no updates to the Statements of Interest.

1.3 - Review / Amend Agenda

The agenda was accepted 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 08 April 2021 were posted on 22 April 2021.

[Minutes](#) of the GNSO Council meeting on 22 April were posted on the 06 May 2021

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

2.1 - The review of the [Projects List](#) and [Action Item List](#)

In the interest of time, the item discussion is deferred to the GNSO Council mailing list.

### **Item 3: Consent Agenda**

There was one item on the Consent Agenda for the GNSO Council to confirm.

- Appointment of the GNSO Council liaison to the System for Standardized Access/ Disclosure Operational Design Phase - Janis Karklin

**Philippe Fouquart, GNSO Chair**, reminded council members of the proposed approach [circulated](#) by Council leads, namely to reach out to persons of interest for the role of GNSO Council liaison. Janis Karklin very kindly accepted to take on the additional responsibility in his personal capacity.

Councilors voted unanimously in support of the Consent Agenda item.

[Vote results](#)

[Action Item:](#)

- Staff will notify Janis Karklins & ICANN Board of the GNSO Council's approval of his appointment as GNSO Council Liaison to the System for Standardized Access/Disclosure Operational Design Phase

**Item 4: COUNCIL VOTE - Adoption of the motion for the GNSO Council response to GAC ICANN70 Communiqué**

**Philippe Fouquart, GNSO Chair**, seconded by **Tatiana Tropina, GNSO Council Vice Chair, Non Commercial Stakeholder Group (NCSG)**, submitted a [motion](#) to adopt the GNSO Council response to [GAC ICANN70 Communiqué](#).

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 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 hopes that the input provided through its review of the GAC Communiqué will further enhance the co-ordination 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 Review of the [ICANN70 Virtual Community Forum GAC Communiqué](#) and requests that the GNSO Council Chair communicate the GNSO Review of the ICANN70 Virtual Community Forum GAC Communiqué to the ICANN Board.
2. The GNSO Council requests that the GNSO Council Chair also informs the GAC Chair of the communication between the GNSO Council and the ICANN Board.

After reviewing the process of sending the draft GNSO response to the GAC ICANN70 Communiqué to the Board - once reviewed by Council via the Council mailing list - in order to get it to the Board in time to assist their deliberations prior to the Council vote, councilors voted unanimously to approve the motion.

**Philippe Fouquart, GNSO Chair**, noted the need for future improvement in terms of timing and cadence for producing a timely response and to allow enough time for a proper review by the Council before being sent to the Board.

[Vote results](#)

Action Items:

- The GNSO Council Chair will communicate the GNSO Council Review of the ICANN70 Virtual Community Forum GAC Communiqué to the ICANN Board.
- The GNSO Council Chair will inform the GAC Chair of the communication between the GNSO Council and the ICANN Board.

**Item 5: COUNCIL VOTE - Initiation of the Expedited Policy Development Process on Internationalized Domain Names and Approval of the EPDP Team Charter**

**Maxim Alzoba, Registry Stakeholder Group (RySG)**, seconded by **Tomslin Samme-Niar, NCSG**, presented the [motion](#) for GNSO Council to vote to initiate the Expedited Policy Development Process (EPDP) on Internationalized Domain Names (IDNs) .

Whereas,

1. On 14 March 2019, the ICANN Board approved a [set of recommendations](#) developed by ICANN org on how to allocate Internationalized Domain Name (IDN) variant TLD labels. The ICANN Board requested that the GNSO and ccNSO take into account those IDN variant TLD recommendations while developing their respective policies to define and manage IDN variant TLDs for the current TLDs and future TLD applications, while keeping each other informed of the progress in developing the relevant details of their policies and procedures to ensure a consistent solution for IDN variant gTLDs and IDN variant ccTLDs.
2. On 26 June 2019, the GNSO Council established a [Scoping Team](#) to develop recommendations for the GNSO Council's consideration on how to address the IDN variant TLD recommendations, as well as issues in the [Final Proposed Draft version 4.0 of Internationalized Domain Name \("IDN"\) Implementation Guidelines](#) ("IDN Guidelines v. 4.0"), for which the ICANN Board had [agreed](#) to the GNSO Council [request \[gns0.icann.org\]](#) to defer its adoption. The Scoping Team met between 15 August 2019 and 12 December 2019.
3. On 23 January 2020, the GNSO Council discussed the [Final Report \[gns0.icann.org\]](#) from the Scoping Team, which suggested tackling IDN related issues in two tracks: Operational Track and Policy Track. The Policy Track would be tasked to deliberate on: i) the [definition](#) and [management](#) of IDN variant TLDs, and ii) the change process of the IDN Guidelines and any policy issues related to the IDN Guidelines v. 4.0 identified by the Operational Track Team

(consisted of members in the GNSO Contracted Parties House) and agreed upon by the IDN Guidelines Working Group.

4. On 26 January 2020, the ICANN Board approved the [Recommendations for the Technical Utilization of the RZ-LGR](#) on how to employ the [RZ-LGR](#) to determine valid IDN TLDs and their variant labels. The ICANN Board requested that the GNSO and ccNSO take into account those RZ-LGR Technical Utilization recommendations while developing their respective policies to define and manage IDN variant TLDs for the current TLDs and future TLD applications.
5. On 21 October 2020, the GNSO Council agreed to establish a [Drafting Team](#) to develop both a draft charter and an Initiation Request for an EPDP on IDNs. The GNSO Council agreed with the Scoping Team's suggestion that an Issue Report is likely not needed in order to initiate the Policy Track work, and an EPDP is the desired approach. The Drafting Team met between 8 December 2020 and 4 May 2021.
6. On 10 May 2021, the Drafting Team submitted the draft EPDP [charter](#) and the [Initiation Request](#) for the GNSO Council's consideration.
7. On 20 May 2021, the Drafting Team Chair provided a briefing to the GNSO Council on the content of the draft charter prior to the Council vote to initiate the EPDP and adopt the charter.

RESOLVED,

1. The GNSO Council hereby approves the [Initiation Request](#) for the EPDP on IDNs and as such initiates the EPDP.
2. The GNSO Council approves the [Charter](#) of the EPDP on IDNs.
3. The GNSO Council directs staff to:

(a) communicate the results of this motion to the GNSO SG/Cs as well as ICANN SO/ACs and invite them to identify Members for the working group following the working group composition described in the Charter;

(b) communicate the results of this motion to the ICANN Org GDS Team and invite them to identify at least one (1) staff liaison for the working group;

(c) launch a call for expressions of interest seeking interested candidates to Chair the EPDP on IDNs; and

(d) solicit candidates for the GNSO Council liaison to the EPDP on IDNs.

**Dennis Tan Tanaka**, Chair of the IDN EPDP Drafting Team (DT), [presented](#) to the GNSO Council. He reminded councilors that ICANN Board had deferred the adoption of the IDN Implementation Guidelines v.4.0 in June 2019 and that the IDN Variant Scoping Team had been initiated by the GNSO Council in August 2019. In January 2020, the GNSO Council adopted the Scoping Team suggestion for Operational and Policy tracks. In October 2020, the GNSO Council established a Drafting Team (DT) for the Policy Track (IDN EPDP). The DT based its work on an existing body of work: SubPro recommendations under

topic 25, Variant TLD Management Staff Paper, RZ-LGR Technical Study Group (TSG) and other IDN related studies. The IDN EPDP is expected to provide policy recommendations on: a definition of all TLDs and the management of variant labels as well as how the IDN Implementation Guidelines should be updated in the future. The mission and scope of this EPDP may be expanded as a result of the Operational Track. The DT agreed that the EPDP should not revisit SubPro recommendations in the context of future new gTLDs but will consider questions asking whether such recommendations would be extended to existing gTLDs. It also agreed that where SubPro does not have a recommendation that corresponds to the Staff Paper of TSG recommendation, include questions about the impact of such recommendations on future and existing gTLDs. Finally, it suggested that SubPro IRT and IDNs EPDP should coordinate on addressing implementation issues to achieve.

There are 48 charter questions divided into 7 groups by topic.

Topic A is about the consistent definition and technical utilization of RZ-LGR. Topic B deals with the “same entity” (as a registry operator) for the Top level Domain Name, Topic C deals with the ‘same entity’ for the Second Level domain names. Certain items in Topic C overlap with items of concern in IDN Implementation Guidelines version 4.0 (same entity impact to the current rules for registry operators, mutually coherent second-level IDN tables, method for IDN table harmonisation) as identified by the RySG.

**Philippe Fouquart, GNSO Chair**, noted that there is an overlap between the Charter questions and items 6, 11 and 13 of the IDN Implementation Guidelines v.04.

**Kurt Pritz, RySG**, clarified that there are two tasks: approve the charter and initiate the EPDP, and then discuss the collision between the operational track and the EPDP. The first task has no impact on the second.

**Dennis Tan Tanaka, IDN EPDP DT Chair**, continued onto topic D, which will focus on policies and procedures related to the domain name lifecycle, for example transfers. Topic E covers objections, string similarity, string contention. Topic F covers dispute resolution procedures and trademark protection mechanisms. Topic G focuses on the process to update IDN Implementation Guidelines. Regarding expected deliverables, the intention is for the working group to submit its work plan to the GNSO Council. The group may decide to break out the work in different phases and deliver in different pieces. At the minimum they need to deliver an Initial and Final Report. The completion date would be no later than 12 months after the EPDP first convenes, given the charter questions are tightly scoped, and that there is an existing body of work to serve as basis. However it will be up to the EPDP to decide, based on resources available, what their timeline will be.

**Philippe Fouquart, GNSO Chair**, agreed that the timeline seemed aggressive, but depended on the remit of the EPDP. He asked, given this timeline was in the charter, whether councilors were comfortable with it, or whether it should be removed and leave the timeline to the EPDP to decide.

**Maxim Alzoba, RySG**, mentioned that other timelines need to be determined prior to this EPDP determining its timeline. There will be an Operational Design Phase (ODP) for instance for New gTLDs

Subsequent Procedures (SubPro) IRT, which has not begun yet. It would be good to change the charter language to something softer.

**Philippe Fouquart, GNSO Chair**, added that removing the timeline would make sense, and that the EPDP team would be directed to consider the timeline as a first point of focus.

**Pam Little, GNSO Council Vice Chair, RrSG**, agreed to not include the timeline, as anything in the Charter ought to be reasonable and achievable. She added that Maxim seemed to be advocating for a longer period, and given that there is also the proposal of an element of coordination between the SubPro Implementation track, there are uncertainties which would be challenging for the working group to meet the 12-month timeline. She reminded councilors that the Project Change Request (PCR) ought to only be a last resort.

**Jeff Neuman, GNSO Council Liaison to the GAC**, member of the Drafting Team, clarified that a year ago, ICANN Board sent a letter to Council about the fact the next round was contingent on the IDN work being completed. Any expectation of a longer timeframe would need to be communicated to the Board.

**Philippe Fouquart, GNSO Chair**, agreed that that specific dependency would explain the urgency, but added that he was hearing no objection to removing the timeline from the charter.

**Mark Datysgeld, Business Constituency (BC)**, congratulated the team on its work, and underscored the importance of its effort, which has been delayed for too long.

**Philippe Fouquart, GNSO Chair**, suggested removing the timeline from the charter and going back to the DT and DT Chair with this proposed update to the charter, without delaying the creation of the EPDP team, and avoiding at all costs a PCR.

**Dennis Tan Tanaka, IDN EPDP DT Chair**, finished his presentation with the formation of the EPDP, which will be based on a representative and open model. Each community group will be able to assign up to 3 members, One Chair and one Vice Chair will make up the leadership team.

In the interest of time, the discussion about the overlap between EPDP work and the Operational Track was postponed. **Kurt Pritz, RySG**, formally requested that the discussion take place soon, with the ICANN Board informed of the development.

#### [Vote results](#)

#### Action Items:

- Staff will revise the charter and the Initiation Request to remove the reference to the 12-month deadline for completion of the work as the first deliverable for the Working Group is to develop a work plan.
- Staff will communicate the results of the adopted motion to the GNSO SG/Cs as well as ICANN SO/ACs and invite them to identify Members for the working group following the working group composition described in the Charter;
- Staff will communicate the results of the adopted motion to the ICANN Org GDS Team and invite them to identify at least one (1) staff liaison for the working group;
- Staff will launch a call for expressions of interest seeking interested candidates to Chair the EPDP on IDNs; and

- Staff will solicit candidates for the GNSO Council liaison to the EPDP on IDNs.

#### **Item 6: COUNCIL BRIEFING - Briefing on SAC115**

**Rod Rasmussen and Jeff Bedser, SSAC**, [presented](#) a briefing on SAC115 to the GNSO Council. **Rod Rasmussen, SSAC Chair**, thanked the Council for having them here today. **Jeff Bedser, Work Party Chair**, then introduced the topic. The report is based on the understanding that the reduction of DNS abuse leads to the reduction of Internet user victims. To achieve this, an interoperable approach based on universal standards is necessary. SSAC115 should act as a catalyst. DNS abuse in SAC115 refers to the use of domain names to perpetuate abusive activities, a definition commonly used in the ICANN community: malware, botnet, phishing, pharming, spam. Many other forms of DNS exist, new types of abuse are commonly created, but these are out of scope. There are entities to block and filter abuse, processes involving notifications and takedowns, leading efforts from various groups focussing on detecting DNS abuse, and reacting to notification. The framework for interoperable approach has a primary point of responsibility for abuse resolution, escalation paths, evidentiary terminology and standards, reasonable timeframes for action, availability and quality of contact information. Each incident of DNS abuse should have a reporting entry point in the DNS ecosystem where that abuse is resolved by policy and process. When a reporter either reports to the wrong party or does not get a response, there needs to be a documented and actionable escalation path. Reporters of abuse should have the responsibility of providing evidence and documentation. Setting objective standards of evidence to support action will enhance transparency and accountability for service providers. The timely mitigation of DNS abuse is extremely important to minimize victimization of the abuse. Remediation should be no longer than 96 hours. Accurate, thorough, and accessible contact information for entities in the DNS ecosystem is critical to establishing escalation paths and mitigating abuse. Lack of coordination leads to inconsistent approaches to DNS abuse management, there is therefore an opportunity for a common abuse response facilitator. Recommendations from SAC115 suggest that the ICANN community continue to work together.

**Rod Rasmussen, SSAC Chair**, talked about findings regarding the common abuse response facilitator. Requirements would include a common space for convening among parties beyond ICANN ecosystem, evidentiary standards for people providing reports and those receiving them, ensuring the requirements are understood across the ecosystem, encouraging standardization of methodology, periodic reporting and education. He added that these recommendations are aimed at the community, not specifically ICANN Board.

**Jeff Bedser, SSAC**, acknowledged that not all actors will want to take part, but the facilitator's role would be involved in helping approach a common ground.

**Philippe Fouquart, GNSO Chair**, praised the approach which spreads beyond ICANN.

Action Item: none



#### **Item 7: COUNCIL DISCUSSION - IGO Work Track Update**

**John McElwaine, GNSO Liaison to the IGO Work Track (WT)**, provided the update. The WT has made good progress and is currently on schedule for the delivery of the Initial Report by the mid-August deadline. The WT is still struggling with the narrow scope of the charter, but members are working around it and it is not hindering issues being discussed. Legal advice may be needed to look at different ways possible for IGOs to agree to certain jurisdictions and different ways to handle appeals.

Action Item: None

#### **Item 8: COUNCIL DISCUSSION - Status Update Regarding EPDP Phase 2A**

**Keith Drazek, Chair of the EPDP P2A**, provided a status update to the GNSO Council. The group is on track at this stage to publish an Initial report for publication for public comment early June, as 31st May is an ICANN holiday. This is an important phase for the process to gather community input. At this time, there will be no consensus on new consensus policy recommendations on differentiation on topics of legal vs natural or on feasibility of unique contacts, but there will be agreement that voluntary guidance will be useful. There is one possible change to an existing EPDP P1 requirement which could result in the addition of a data element to the minimum public data set which was covered in recommendation 10. Timing is important, the expectation was that the group provided an update in March 2021, following public comments received and development of Final Report, the latter will be delivered August 2021.

**Maxim Alzoba, RySG**, mentioned that the expectation when the EPDP started was 3 months, with an extension possible when requested. When will there be a checkpoint to evaluate if consensus items have been found?

**Keith Drazek, EPDP P2A Chair**, replied that that was the original expectation, in March 2021, he provided the update that he thought there would be consensus on certain voluntary measures, and that is still the case. The next checkpoint should be following the publication of the Initial Report, once the group reconvenes to assess if there is a possibility for consensus on the Final Report.

Action Item: None

#### **Item 9: COUNCIL DISCUSSION - Accuracy Scoping Team**

**Pam Little, GNSO Council Vice Chair, RrSG**, mentioned that this has been a longstanding topic within the Council. She provided a background of what has happened to date. It stemmed from EPDP P1 recommendation and a footnote about accuracy being further discussed. It did not however get discussed in EPDP P2, but Council had committed to address it in a separate effort. Late 2020, under the consent agenda, Council confirmed its intent to initiate the Scoping Team effort, and what the responsibilities would be. This discussion picked up from the previous Council leadership proposal following a then Council small team's findings. February 2021, there was a briefing paper from ICANN Org,

recommending a study on how to measure accuracy, among other things. The current Council leadership team gathered reactions and comments from various councilors following their proposed next steps:

#1 Identify what problems if any are expected to be addressed and how

#2: Work with ICANN Org and contracted parties to identify how to gather additional data to assess accuracy and confirm problems

#3. Report back to council on 1) what problems have been identified and how these are expected to be addressed 2) how these problems can be quantified/ confirmed 3) propose next steps.

She added that in the 12 May 2021 Board [resolution](#), the Board recognized the Council response to the GAC Advice and that the Board has been very explicit about their view of accuracy, they have a different understanding of the meaning of accuracy under GDPR.

**Kurt Pritz, RySG**, mentioned that #1 was extremely broad and would need honing. The next steps need to include a definition of accuracy.

**Marie Pattullo, BC**, stated that the BC is eager for the work to start as soon as possible. It is important to remember that this effort could be leading to a charter, but initiating a Scoping Team is the step prior. She agreed a definition would be essential, but given that data accuracy experts will be taking part in the effort, they will be the ones scoping where the problems are.

**Kurt Pritz, RySG**, agreed in most part, but insisted that the characterizing of the problems needs to be approached and would not necessarily restrain the group.

**Philippe Fouquart, GNSO Chair**, summarized that there would need to be a small team to further hone the paper, without necessarily going as far as providing a definition, at least clarifying the remit.

**Stephanie Perrin, NCSG**, recommended early external legal advice in the EPDP 1, regarding data protection. Bird&Bird should fully define and look into what accuracy means in GDPR terms and data protection more generally, before starting another PDP with disagreements on definition.

**Jeff Neuman, GNSO Liaison to the GAC**, mentioned that the GAC perception was that the various definitions of accuracy were irrelevant, what was important was how it was defined under the contract

Jeff Neuman, Marie Pattullo, John McElwaine, Carlton Samuels, Olga Cavalli, Owen Smigelski and Kurt Pritz volunteered for the small team effort.

Action item:

- Staff will form a Small Team to review the path forward document and suggest changes / edits to further guide the scoping team in its work. Volunteers are: Kurt Pritz, Marie Patullo, John McElwaine, Carlton Samuels, Olga Cavalli, Jeff Neuman and Owen Smigelski.

**Item 10: ANY OTHER BUSINESS**

10.1 - Presentation of GNSO Council sessions for ICANN71 and their set up

An email will be sent to the Council mailing list shortly.

#### 10.2 - Next steps regarding the proposed Framework for Continuous Improvement

A meeting has been held with the SG/C Chairs to further work on the framework and launch a pilot with SG/C SMEs assisting the Council small committee working on specific topics, this will begin in June.

##### Action item:

- GNSO Council leadership will send the revised proposal to the GNSO Council list.

#### 10.3 - Next steps regarding Working Group Self Assessments drawing on results of [RPMs](#) and [SubPro](#) surveys

A call has been scheduled with the former leadership and liaisons for each of those PDPs, Council will be updated after the call.

##### Action item:

- GNSO Council leadership will meet with the SubPro and RPMs PDP Co-Chairs to review the results.

***Philippe Fouquart, GNSO Chair, adjourned the meeting at 21:06 UTC on Thursday 20 May 2021***