

Minutes of the GNSO Council Meeting 21 January 2021

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

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

List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Kristian Ørmen, Greg DiBiase

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

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 GNSO Council meeting.

1.2 - Updates to Statements of Interest.

Kristian Ørmen, Registrar Stakeholder Group (RrSG), ([SOI](#)), raised he is no longer with the same employer but in a similar position to the previous one held. **Maxim Alzoba, Registry Stakeholder Group (RySG)**, ([SOI](#)) informed councilors that he is no longer the RySG representative to the GNSO Standing Selection Committee.

1.3 - Review / Amend Agenda

The agenda was approved 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 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.

Action item:

- GNSO Secretariat to check whether Kristian Ormen's and Maxim Alzoba's SOIs reflect the update that they provided during the Council meeting

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

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

Berry Cobb, GNSO Policy Consultant, provided the latest updates to the [Action Decision Radar](#) (ADR) , the [Action items](#) and the [Project List](#) to Council:

- All tools are now located on the wiki, access is being tracked regularly.
- The Transfer Policy Issue Report was sent to the Council and therefore moved into the Initiation phase.
- Today the RPMs Phase 1 Final Report is being voted on by Council.
- The Subsequent Procedures PDP WG has sent its Final Report to Council.
- Councilors need to provide input on the NomCom role description document, the Additional Budget Request and the updated Operational Design Phase document.
- On the Action Decision Radar (ADR), in February, Council needs to decide whether to initiate a PDP stemming from the Transfer Policy Issue Report. The EPDP Phase 2A will send its monthly

project package, in February it will also include a notification of a project plan from EPDP P2A leadership holding it accountable for reaching milestones.

- IGO Work Track will be holding its first meeting in February
- EPDP Phase 1 IRT is providing feedback on the Wave 1.5 report and will send it to Council.
- The Standing Committee on Budget and Operations (SCBO) will be submitting a final draft on the Public Comment for the close of FY22 draft documents around 11 February 2021 for Council consideration.
- Org is expected to provide a briefing document on the registration data accuracy.
- Continued discussion around the Standing Committee on Continuous Improvements.

Item 3: Consent Agenda

There was one item on the Consent Agenda confirming three GNSO Standing Selection Committee (SSC) 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](#))

Councilors voted unanimously in support of the motion.

[Vote results](#)

Action Items:

- GNSO Secretariat to inform: 1) the CSC about Milton Mueller's appointment as the GNSO Non-Registry Liaison; 2) the ICANN Fellowship Program about Farell Folly's appointment as the GNSO appointed mentor for three consecutive ICANN meetings, beginning with ICANN72; and 3) the Community Representatives Group about Heather Forrest's appointment as the GNSO Representative

Item 4: COUNCIL VOTE - Affirm of intent of EPDP Phase 1 Recommendation 7 (EPDP 1 Rec 7)

Pam Little, GNSO Council Vice Chair, RrSG, seconded by **John McElwaine, Intellectual Property Constituency (IPC)**, submitted a [motion](#) to affirm the intent of EPDP Phase 1 Recommendation 7. This motion was submitted in time for the 17 December 2020 meeting, but after Council discussion, was deferred to the GNSO Council meeting on 21 January 2021.

WHEREAS

1. The [Thick RDDS \(Whois\) Transition Policy for .COM, .NET and .JOBS](#) (Thick Whois Transition Policy) is an ICANN consensus policy resulting from the implementation of the policy recommendations in the [Final Report on the Thick WHOIS Policy Development Process](#) (“[Thick Whois PDP](#)”).
2. Section 16 of [ANNEX 2: Policy Development Process Manual](#) to the [GNSO Operating Procedures v3.5](#) provides: “*Approved GNSO Council policies that have been adopted by the ICANN Board and have been implemented by ICANN Staff may only be amended by the initiation of a new PDP on the issue.*”
3. On 17 May 2018, the ICANN Board adopted the Temporary Specification for gTLD Registration Data (“Temporary Specification”).
4. On 19 July 2018, the GNSO Council initiated an Expedited Policy Development Process (“EPDP”) and chartered the EPDP on the Temporary Specification for gTLD Registration Data Team to determine if the Temporary Specification should become an ICANN consensus policy as is, **or with modifications** (emphasis added).
5. Recommendation #7 in the EPDP Phase 1 [Final Report](#) (“Final Report”) makes transfer of registrant contact information optional, depending on whether the registry operator in question has an appropriate legal basis to require the data and a data processing agreement is in place.
6. To the extent the Thick Whois Transition Policy is modified by Recommendation #7, the EPDP Team recommends the Thick Whois Transition Policy and other impacted consensus policies be updated to ensure consistency (see Recommendation #27 of the Final Report).
7. Recommendation #7 was developed in response to the questions in Section C of the EPDP Charter, with a consensus designation of “Full Consensus / Consensus” (see Annex E of the Final Report).
8. On 4 March 2019, the GNSO Council [adopted](#) all the policy recommendations in the Final Report, including Recommendation #7, with the required GNSO Supermajority.
9. On 15 May 2019, the ICANN Board passed a [resolution](#) adopting most of the policy recommendations contained in the Final Report, including Recommendation #7 and noting Recommendation #7 does not repeal or overturn the Thick WHOIS Policy [sic] and directed “*ICANN org to work with the Implementation Review Team to examine and transparently report on the extent to which these Recommendations require modification of existing Consensus Policies, including the Thick WHOIS Transition Policy*”.
10. Section 7 of Annex A-1 to the [ICANN Bylaws](#) provides: “*Upon a final decision of the Board adopting the EPDP recommendations, the Board shall, as appropriate, give authorization or direction to ICANN staff to implement the EPDP Recommendations. If deemed necessary, the Board shall direct ICANN staff to work with the GNSO Council to create a guidance implementation plan, based upon the guidance recommendations identified in the Final EPDP Recommendation(s) Report.*”
11. Section III. A of the [Consensus Policy Implementation Framework](#) provides: The GNSO Council may continue to provide input on the implementation of a policy, for example, if the GNSO Council believes that the implementation is inconsistent with the policy [recommendation]”.

RESOLVED

1. The GNSO Council confirms that the EPDP had the mandate to modify the Thick Whois Transition Policy under the EPDP
2. The GNSO Council determines that in light of the EPDP being chartered by the GNSO Council, among other things, to address the questions in Part 2(c) under “Mission and Scope” to specifically address the transfer of data from registrar to registry, the resulting recommendation #7 appropriately fulfills this purpose. Furthermore, the requirement of Section 16 of the PDP Manual is deemed satisfied for the purpose of amending the Thick Whois Transition Policy.
3. The GNSO Council determines, notwithstanding the absence of a clear statement, the intent of EPDP Phase 1 Recommendation #7 to modify the Thick Whois Transition Policy is implied, taking into account the history, background, context and purpose of the EPDP, the specific language of Recommendation #7 and the EPDP Phase 1 Final Report in its entirety.
4. The GNSO Council determines that the Recommendation #7 language, “*must be transferred from registrar to registry provided an appropriate legal basis exists and data processing agreement is in place*” should be included in the Registration Data Policy in order to conform with the intent of the EPDP Phase 1 Team’s policy recommendation and the subsequent GNSO Council adoption (“GNSO Council Input”).
5. The GNSO Council instructs the Council’s Liaison to communicate the GNSO Council Input to the Registration Data Policy Implementation Review Team pursuant to Section III.A of the [Consensus Policy Implementation Framework](#).
6. The GNSO Council shall communicate the GNSO Council Input to the ICANN Board of Directors.

RATIONALE

The Thick Whois PDP Final Report anticipated that its recommendations might be affected by evolving privacy regulation. In particular, Recommendation 3 states,

“As part of the implementation process a legal review of law applicable to the transition of data from a thin to thick model ... due consideration is given to potential privacy issues that may arise from the discussions on the transition from thin to thick Whois ... Should any privacy issues emerge from these transition discussions that were not anticipated by the WG and which would require additional policy consideration, the Implementation Review Team is expected to notify the GNSO Council of these so that appropriate action can be taken.”

In addition, the implementation advice (“Other Observations”) mentions in part,

“...the increasing number of data protection and privacy laws and regulations around the world, as well as specific Whois-related concerns raised by the public. While recognizing that this exceeds the scope of our remit, we suggest that, as part of the development of the registration data directory system model currently in process, ICANN ensure that the ramifications of data protection and privacy laws and regulations with respect to Whois requirements be examined thoroughly.”

In effect, the Temporary Specification and the EPDP accomplished the legal review of the ramifications of data protection laws required by Recommendation 3 of the Thick Whois PDP Final Report .

The requirements set out in the Temporary Specification supersede and replace the contractual requirements in the Registrar Accreditation Agreement and the Registry Agreements, which incorporate by reference all ICANN consensus policies.

There is a conflict between the data processing principles under the Temporary Specification and the requirements under existing gTLD Registry Agreements as well as the Thick Whois Transition Policy. In other words, the Thick Whois Transition Policy was modified by the Temporary Specification and further modified by Recommendation #7 in the EPDP Phase 1 Final Report, as the EPDP Team was mandated to do.

While there is no explicit reference to the Thick Whois Transition Policy, this consensus policy and others that are affected by the GDPR and other relevant data privacy laws fell squarely within the scope of the Temporary Specification and hence they are also within the scope of the EPDP. The EPDP Charter states:

“Mission and Scope

This EPDP Team is being chartered to determine if the Temporary Specification for gTLD Registration Data should become an ICANN Consensus Policy, as is or with modifications, while complying with the GDPR and other relevant privacy and data protection law. As part of this determination, the EPDP Team is, at a minimum, expected to consider the following elements of the Temporary Specification and answer the following charter questions. The EPDP Team shall consider what subsidiary recommendations it might make for future work by the GNSO which might be necessary to ensure relevant Consensus Policies, including those related to registration data, are reassessed to become consistent with applicable law.”

Specifically, Section C of the EPDP Charter contains a set of questions regarding “transfer of data from registrar to registry”:

- c1) What data should registrars be required to transfer to the registry?*
- c2) What data is required to fulfill the purpose of a registry registering and resolving a domain name?*
- c3) What data is transferred to the registry because it is necessary to deliver the service of fulfilling a domain registration versus other legitimate purposes as outlined in part (a) above?*
- c4) Is there a legal reason why registrars should not be required to transfer data to the registries, in accordance with previous consensus policy on this point?*
- c5) Should registries have the option to require contact data or not?*
- c6) Is there a valid purpose for the registrant contact data to be transferred to the registry, or should it continue to reside at the registrar?*

While the Final Report does not contain express language that the policy recommendations are intended to supersede the requirements in the existing ICANN consensus policies, in this case, the Thick Whois Transition Policy, such intent is implied (i.e., it goes without saying in light of the history, background, context and purpose of the EPDP).

The EPDP was conducted in an open and transparent manner with representatives from all GNSO Stakeholder Groups and Constituencies, as well as some ICANN Advisory Committees. As such, Recommendation #7 cannot be considered to be a “shadow repeal” of the Thick Whois Transition Policy.

The recommendations contained in the Thick WHOIS PDP Final Report anticipated that the implementation of those recommendations might be affected by new privacy regulations and the GNSO should address such an occurrence. Therefore, while there is no “clear statement in new consensus policy recommendations that the new policy is intended to supersede (in whole or part) requirements in existing consensus policies,” claiming otherwise ignores the history, background, context, purpose of the EPDP as well as the Thick Whois PDP Final Report itself.

The intent and meaning of Recommendation #7 is clear. It is the role of the Implementation Review Team (IRT) to ensure that the implementation of Recommendation #7 conforms to the intent of the policy recommendation. The IRT is not a forum for opening or revisiting policy discussions (see III.A and III.B, Implementation Review Team (IRT) Principles and Guidelines <https://www.icann.org/resources/files/1201611-2016-08-23-en>).

The Policy Development Process Manual makes clear that “Approved GNSO Council policies that have been adopted by the ICANN Board and have been implemented by ICANN Staff may only be amended by the initiation of a new PDP on the issue.” It can therefore be concluded that where there is a conflict between an existing consensus policy and subsequent policy recommendation(s) on the same subject matter, the newer policy recommendation prevails. While the EPDP was scoped differently and under different circumstances than the Thick Whois PDP, it is undeniable that the two policy development processes overlapped in covering the same issue of transfer of Registration Data from registrar to registry, and therefore, the IRT should implement Recommendation #7 as written and intended.

Pam Little, GNSO Council Vice Chair, RrSG, presented the motion, which seeks to affirm the intent of Rec 7 and clarify that the Thick Whois Transition Policy was modified as a result of the Rec 7. If there were to be a conflict, Rec 7 would prevail. The motion is presented in three parts: the Whereas where the background is set out, the Resolved Clauses and the Rationale. Usually there is no rationale, but given the complexity and importance of the matter, it was important to go into further detail. She noted that John McElwaine submitted proposed revisions to the motion.

John McElwaine, IPC, [circulated](#) a proposed [amendment](#) to the motion on the Council mailing list on the 18 January 2021. He thanked Pam Little and mentioned they had made good progress in working the revisions. They were unable to reach a final agreement on resolved clause 4. He added that the changes in the document were not controversial. The statement which garnered agreement is that Rec 7 is a substantial revision to a prior and acted ICANN Consensus Policy: the Thick Whois Transition Policy. Nothing in the EPDP Phase 1 Charter instructed them to consider the Thick Whois Transition Policy however it was in the scope of the charter to address the transfer of data elements collected in the domain name registration process which would impact Thick Whois policy. Lastly, the labelling of particular data elements as optional creates an ambiguity: available to be chosen but not obligatory. What happens when it is obligatory when it’s a law, a contract between a registry and a registrar and considered mandatory by ICANN policy? The aim of the revision therefore of the amendment is to confirm that the Thick Whois policy was modified not repealed, and that modification of Thick Whois data elements was within the scope but not a clear mandate of the EPDP. It also clarified what the meaning

was between mandatory and optional. He emphasized the importance of handling an issue where one PDP's recommendation impacts an existing policy.

Pam Little, GNSO Council Vice Chair, as proposer of the motion, did not consider the amendment as friendly. She raised that John and her had worked together but had hit a roadblock on the impact of Rec 7 on the Thick Whois Transition Policy. The fundamental difference is her interpretation of Rec 7 as an attempt to adhere to the data minimization principle under GDPR. The proposed amendments would maintain as much as possible the status quo, which would be inconsistent with the exercise of the EPDP. Going back to the EPDP Final Report and the history of the Thick Whois policy, the intentions of the EPDP team are not reflected nor consistent with the proposed amendments.

Kurt Pritz, RySG, added that the discussion about the wording of the amendment was difficult because conversations with Stakeholder Groups and Constituencies were had virtually, via text mainly. The difficulty is enhanced by the fact EPDP efforts are still ongoing. He agreed the contracted parties could be put in difficulty by the proposed amendments.

A first GNSO Council vote on the proposed amendment failed to pass.

A second vote on the original motion passed with objections from the BC ([statement](#)) and the IPC ([statement](#)).

[Vote results](#)

Philippe Fouquart, GNSO Chair, thanked Pam Little and John McElwaine for the efforts. **Pam Little, GNSO Council Vice Chair, RrSG**, expressed her regrets at not having reached agreement with John McElwaine and thanked him for his collaboration.

Action Items:

- Sebastien Ducos to communicate the GNSO Council input to the Registration Data Policy Implementation Review Team per the resolved clauses of the [motion](#) regarding the EPDP Phase 1 Rec 7.
- GNSO Council leadership to communicate the GNSO Council input to the ICANN Board of Directors per the resolved clauses of the [motion](#) regarding the EPDP Phase 1 Rec 7.

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

John McElwaine, IPC, seconded by **Maxim Alzoba, RySG**, submitted a [motion](#) for Council to approve the recommendations from the Phase 1 Final Report of the GNSO Policy Development Process (PDP) on the Review of All Rights Protection Mechanisms (RPMs) in all gTLDs, covering RPMs applicable to gTLDs launched under the 2012 New gTLD Program.

WHEREAS:

1. On 18 February 2016, the GNSO Council [resolved](#) to initiate a two-phased Policy Development Process (PDP), to review all existing rights protection mechanisms (RPMs in all gTLDs.

2. On 9 March 2016, the GNSO Council [approved](#) the PDP Charter, thereby initiating Phase One of the PDP that focused on the RPMs developed for the 2012 New gTLD Program.
3. The PDP Working Group has followed all the necessary steps and processes required by the ICANN Bylaws, the GNSO PDP Manual and the GNSO Working Group Guidelines, including the publication of an Initial Report for public comment (on 18 March 2020) and consideration of the public comments received thereto.
4. On 24 November 2020, the PDP Working Group submitted its Final Report to the GNSO Council for its review and action.
5. The PDP Working Group has reached Full Consensus for thirty-four (34) out of the thirty-five (35) final recommendations documented in the Final Report, and Consensus for the remaining one (1) final recommendation (concerning Final Recommendation #1 for the Trademark Clearinghouse).

RESOLVED:

1. The GNSO Council approves, and recommends that the ICANN Board adopt all thirty-five (35) final PDP recommendations as documented in the PDP Working Group's Final Report.
2. Should the PDP recommendations be adopted by the ICANN Board, the GNSO Council requests that ICANN org convene an RPM Implementation Review Team, to assist ICANN org in developing the implementation details for the PDP recommendations and ensure that the resultant implementation conforms to the intent of the approved recommendations. The Implementation Review Team shall operate in accordance with the Implementation Review Team Principles and Guidance approved by the GNSO Council in June 2015.
3. The GNSO Council thanks all the various Co-Chairs and members of the PDP Working Group for their commitment and hard work in completing Phase One of this PDP.

Philippe Fouquart, GNSO Chair, introduced the topic reminding council members they had attended a webinar on the topic earlier in the month.

John McElwaine, GNSO Council liaison to the PDP, raised that he had received no negative feedback from the community. The PDP received full consensus on 34 out of 35 final recommendations.

Jeff Neuman, GNSO Liaison to the GAC, asked if the motion would allow Council to join this RPM IRT with a potential SubPro IRT.

Stephanie Perrin, Non Commercial Stakeholder Group (NCSG), raised that the dissenting report on the recommendation on Work Marks was troubling. It suggests that by accepting this policy, Council would in this case be getting ahead of law and it would be worth bringing this to ICANN Board's attention. She agreed to have this captured in the accompanying letter to the Board.

Kurt Pritz, RySG, disagreed with amending any of the resolutions to combine RPM IRT and SubPro IRT, but to encourage the Board to look at ways to improve the efficiencies in the accompanying letters. He thanked PDP members and John McElwaine's liaison efforts. He added that the joint experience of the PDP group and members needed to be put to use in keeping with PDP3.0.

Philippe Fouquart, GNSO Chair, agreed with Kurt that the experience should not be allowed to fade away.

Maxim Alzoba, RySG, disagreed with combining the IRTs as SubPro is for the next round and RPMs is for ensuring the Rights Protections, it would be consensus policy combined with policy.

Mary Wong, Org, added that a combined IRT would not be prohibited by the motion. To Stephanie Perrin's point, a group submitted a minority statement, without lacking support for the overall recommendation. It was therefore not considered dissent.

After the GNSO Council discussion, councilors voted in full support of the motion.

[Vote results](#)

Action items:

- GNSO Staff to inform the RPM PDP WG on the GNSO Council approval of all its thirty-five (35) Phase 1 Final Recommendations as documented in the PDP WG's Final Report.
- GNSO Staff to prepare the Recommendations Report for the RPM Phase 1 Final Report for voting at the Council meeting in February 2021.

Item 6: COUNCIL BRIEFING - New gTLD Subsequent Procedures (SubPro) PDP Final Report

Flip Petillion, GNSO Council liaison to the SubPro Working Group (WG), [presented](#) a brief report on the topic. The PDP was chartered in early 2016. The Final Report includes final recommendations, implementation guidance and other outputs on more than forty topics within the WG Charter. There were several Public Comments and GAC, ALAC, ccNSO had leadership roles in the Geographic Names at Top Level Work Track. Topics in the Final Report are ordered in groupings. There are five types of output: affirmations, affirmation with modification, recommendations, implementation guidance and no agreement. The latter applies to one case only. All but one topic received the designation of full consensus (25), consensus (16), strong support but significant opposition (1). Annex C provides details about the consensus designations.

Four topics require further discussion: Topic 9 (mitigating DNS Abuse) which the WG referred back to the GNSO Council and did not make recommendations on. Topic 9 (Public Interest commitments and Registry Voluntary Commitments), ICANN Board raised questions, which the WG believes should be answered by the Board itself and the broader community (not a PDP). Topic 23 received full consensus

that the WG could not come to an agreement on what, if anything, should be done in respect to Closed Generics in subsequent rounds. Expertise in competition law, public policy and economics would be needed to move the discussion forward. Topic 35 (Mechanisms of Last Resort/ Private Resolution of Contention Sets), the only topic with Strong Support but Significant Opposition. There was no consensus on whether private auctions should be allowed in future rounds, whether auctions of last resorts and private auctions should be allowed to resolve contention.

A webinar on the topic will take place on 28 January 2021.

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

John McElwaine, Chair of the SCBO, provided an update on the latest activities of the SCBO. The committee is made of councilors and subject matter experts from across the community. The remit is to review ICANN's Strategic Plan and the ICANN Fiscal Year Budget. They have been meeting weekly and have prepared budget comments on PTI and IANA. The Fiscal Year 2022 ICANN plan has been released and the SCBO is drafting comments. ICANN is now using the same format for the Operations and Financial Plan as well as Operations and Strategic Plan, sections are similar, it enabled the committee to track where the SCBO comments have been taken into account. Now the SCBO can analyse how things have changed and how to lay down markers. Various members have been assigned to issues. The SCBO will meet with the ccNSO counterparts (ccNSO's Strategic and Operational Standing Committee (SOPC) to further discuss issues. A draft comment will be available in February for the GNSO Council.

Item 8: ANY OTHER BUSINESS

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

GNSO Council leadership with staff have developed a high level approach which was circulated to Council. Concerns regarding the overhead and the split responsibilities with the SGs and Cs have been taken into account and an updated version was [sent](#) subsequently.

8.2 - GNSO Council feedback on the updated Operational Design Phase (ODP) concept paper - objections to draft Council feedback (if input is available)

Philippe Fouquart, GNSO Chair, provided councilors with updates. The small Council team provided initial input on the first draft of the ODP. The updated document has now integrated several changes: the Design Feedback group has been replaced by a liaison to Council, added safeguards that the ODP does not deal with policy, early start of the ODP is now considered possible, a review mechanism once the ODP has been applied. **Kurt Pritz, RySG**, added that the specification of one GNSO Liaison may be restrictive, one or more Liaisons would be preferable. **Marie Pattullo, Business Constituency (BC)**, mentioned that the ODP webinar was interesting but that there was a slide with a diagram covering a feedback loop. The diagram seemed to state that if anybody in the community had a question about a recommendation or a query on a PDP, they could address Council directly. When the question was asked in the webinar, the reason provided was that Council needs to address policy. However, there needs to be a framework or a clarification of intention. **Jeff Neuman, GNSO Liaison to the GAC**, mentioned that the slide was an oversimplification of the process via a diagram. He also added that he is separately submitting a proposal that the GNSO Liaison position (not necessarily a GNSO councilor) be held by at least three people (from PDP leadership, Council liaison to the PDP, and another person from the GNSO). This would be needed to cover all responsibilities of the role. **Maxim Alzoba, RySG**, added that during the webinar, the presented process had a potential for loops in bureaucratic terms. Without a time limit or a limit on iterations, it has the potential to lengthen the processes significantly.

8.3 - GNSO Council Additional Budget Requests (if applicable)

There will be no ABR this year.

8.4 - Update on the ICANN Meetings strategy

ICANN70 is virtual, and preparation is on the way. GNSO feedback on the ICANN Meetings strategy was taken into account. There is a question about considering 2021 as a whole rather than approaching each meeting individually, to improve on visibility.

8.5 - Update on the IGO Work Track kickoff

The team is now on board, Chris Disspain, IGO WT Chair, has reached out to constituencies to increase representation on the team. The first meeting will take place on the 15th February 2021.

8.6 - Small team proposed input to the ICANN Board regarding the SSAD consultation

An [email](#) with the output of the small team was circulated on 14 January 2021 with no ensuing discussion on the list. Council leadership will forward to the Board. **Pam Little** added that the Board Workshop taking place this weekend with an agenda item on the SSAD, it would be good for the Board to receive the input in time for the workshop.

8.7 - GNSO liaison between the IDN Policy Track / EPDP and the ccPDP4 (Dennis Tan)

Dennis Tan has accepted to take on the role of GNSO liaison between the IDN Policy Track and the ccPDP4. There was no objection stated, Dennis Tan's GNSO Liaison role is considered confirmed. The liaison effort will be done in coordination with the GNSO Liaison to the ccNSO, Sebastien Ducos.

Action items:

- GNSO Staff to send an informal Council communication to the ICANN org on the updated Operational Design Phase concept paper, including concerns expressed by some Councilors.
- Council members to provide input by end of day tomorrow (22-Jan-2021) at the latest on the Proposed Messaging to the ICANN Board in relation to the SSAD Consultation. GNSO Staff to send the proposed messaging to the ICANN Board by EOD 22-Jan-2021.

Pam Little, GNSO Council Vice Chair, RrSG, mentioned that the Council is looking for a Council liaison to the EPDP 2A. It was confirmed this position would fall to a GNSO Councilor.

Philippe Fouquart, GNSO Chair, *adjourned the meeting at 20:57 UTC on Thursday 21 January 2021*