

Minutes of the GNSO Council Meeting 22 April 2021

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

Coordinated Universal Time: 19:00 UTC: <https://tinyurl.com/53pezj7x>

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 (apology, proxy to Tatiana Tropina), 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: Reg Levy, Brian Cimboric, Jim Galvin from the Contracted Party House (CPH) DNS Abuse Group.

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 April 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. It was noted item 5 on the agenda had been previously part of the Consent Agenda, but removed and added to the main agenda as a standalone item.

1.4 - Note the status of minutes for the previous Council meetings per the GNSO Operating Procedures:

[Minutes](#) of the GNSO Council meeting on 18 February 2021 were posted on 4 March 2021.

[Minutes](#) of the GNSO Council meeting on 08 April 2021 were posted on 22 April 2021.

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

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

Philippe Fouquart, GNSO Chair, drew Council attention to the number of items in the Council's pipeline and the connection with the Framework of Continuous Improvement.

Steve Chan, ICANN Org, reminded councilors about a [communication](#) from **Berry Cobb, GNSO Policy Consultant**, with updates to the program management documents. He then mentioned the [Project List](#), the [Action Decision Radar](#) (ADR), and [Program Management Tool](#) which are all new tools. Focusing on the ADR, he pointed out there are a number of items which have been on the 0 to 1 month timeline for a while. This timeline can appear overwhelming. A different perspective could be to take a decision on stagnant items, without necessarily taking action to begin working on an item. The decision could be that something needs to be on hold because of external dependencies for instance and the item could be moved on the ADR or removed from it. Staff is currently reviewing the ADR range marker implications to allow Council to efficiently manage its workload.

Maxim Alzoba, Registry Stakeholder Group (RySG), reminded Council that from a program management perspective, delaying the start of a project is in and of itself a managerial decision. If councilors were to start all the efforts, there would be a bandwidth problem.

Berry Cobb, GNSO Policy Consultant, added that the suite of tools still lacks a prioritization direction and a resource management component. He noted that the two rows of the ADR are dealing with the two Implementation Review Teams (IRTs) which are paused, and this is related to the decision Council needs to make. The Council decision on the ADR items needs to be made in reference to the Project List. These tools are to be used as a suite, and not in isolation.

He highlighted two changes: 1) the Project List used to be attached in an email to Council, but to monitor document views, they were posted on the wiki page, and the url posted to Council. Viewing numbers are dwindling, councilors are encouraged to review these documents prior to all Council meetings. 2) [Project Management Framework](#) is to be reviewed too for a broader understanding of the tools. To mark the consideration of an item, resolutions, consent agenda items, and minutes can be progress trackers as well as the shifting of an item to a later time-range. Completed items are also logged at the end of the ADR.

Maxim Alzoba, RySG, added that the Council's goal is not only to make the ADR look better, but to take care of the whole Policy process.

Action Item:

- GNSO Council leadership to propose by the 20 May 2021 GNSO Council meeting how to address the items on the ADR in the 0-1-month range.

Item 3: Consent Agenda

There were two items on the Consent Agenda for the GNSO Council to confirm.

- Acknowledgment of the GNSO Council liaison to Transfer Policy PDP - Greg Dibiase
- Approval of the Chair for the Transfer Policy PDP - Roger Carney ([SOI](#))

Philippe Fouquart, GNSO Chair, noted that one item had been removed from the Consent Agenda and was a stand alone item 4 on this meeting's agenda, another was for discussion under Any Other Business.

Councilors voted in support of the Consent Agenda item.

[Vote results](#)

Action Item:

- The GNSO Secretariat to notify by Friday, 23 April 2021 Roger Carney of the Council acknowledgement of Greg Dibiase as Liaison and of approval of Roger Carney as Chair of the Transfer Policy PDP.

Item 4: COUNCIL VOTE - Second GNSO Representative to the Community Representatives Group (CRG) to nominate the Independent Review Process (IRP) Standing Panel

Carlton Samuels, Non Contracted Party House (NCSP) NomCom Appointee, seconded by **Marie Pattullo, Business Constituency councilor**, submitted a [motion](#) to approve the second GNSO representative to the Community Representatives Group (CRG) to nominate the Independent Review Process (IRP) Standing Panel.

Whereas,

1. The SO/AC Chairs agreed to the formation of a Community Representatives Group (CRG) to select nominees for the Bylaws-mandated Independent Review Process (IRP) Standing Panel.
2. The GNSO has the opportunity to appoint up to two members to serve on the CRG, but only one application was received by the GNSO in response to the initial [Expression of Interest process](#). The sole candidate, Heather Forrest, was considered and recommended by the GNSO Standing Selection Committee and subsequently appointed by the GNSO Council to serve as a GNSO representative to the CRG.
3. The SG/C Chairs agreed to initiate a [second Expression of Interest process](#) to identify an additional GNSO representative to serve on the CRG. The process opened on 8 March 2021.
4. The GNSO SG/C Chairs and GNSO Council Leadership agreed that the SSC should be deployed to select the GNSO's second representative to the CRG.
5. The SSC reviewed the three applications received, taking into account the guidance provided by the SG/C Chairs.
6. The SSC submitted its full consensus recommendation to the GNSO Council on 12 April 2021, by way of submission of the relevant motion.
7. The GNSO Council considered the recommendations of the SSC.

Resolved,

1. The GNSO appoints Donna Austin to serve as a second GNSO representative to the Community Representatives Group that will nominate the Independent Review Process (IRP) Standing Panel.
2. The GNSO Council instructs the GNSO Secretariat to communicate resolved #1 to the SO/AC Chairs and ICANN.
3. The GNSO Council instructs the GNSO Secretariat to inform the nominated candidate of the Council's decision.
4. The GNSO Council requests the GNSO Secretariat to send a response to those applicants who were not nominated, noting that all three candidates were highly qualified, thanking them for their interest and willingness to step forward for this role, and encouraging them to apply for future opportunities as they arise.

Kurt Pritz, RySG, recused himself from the discussion as Donna Austin is his spouse. Council received an RySG [Voting Direction](#) for his vote in favour of the motion.

Carlton Samuels, Chair of the GNSO Standing Selection Committee (SSC), reminded councilors Heather Forrest had already been selected as the first GNSO representative. There was an opportunity for a second representative, with criteria approved by Stakeholder Group (SG) and Constituency (C) Chairs. Three candidates presented themselves, and the SSC, as per procedure, held a poll on the candidates submitted. The SSC then reviewed criteria and had a unanimous committee decision to recommend Donna Austin as the preferred candidate.

Flip Petillion, Intellectual Property Constituency (IPC), raised that he had been one of the three candidates to the role, but that it did not in any way taint his statement, wishing all the best to Donna Austin. However, he mentioned that a new criterion of representation from the Contracted Party House (CPH) had been added by the SSC during their deliberations, but it was not communicated during the call for Expressions of Interest. He wished this had been communicated beforehand. He added that it triggered the question of representation over the best skilled person for the task. **Flip Petillion, IPC**, has taken part in many Independent Review Processes (IRP) and often represents contracted parties.

Carlton Samuels, SSC Chair, responded that the SSC is a representative body, at a higher level, the GNSO is also a representative body. The topic of balance is not new within the GNSO. The EoI invited all those who had an interest in the role. However it is stated in the SSC Charter that when there are equal qualities in candidates, a more nuanced approach can then be taken by the SSC. In this case, it was useful for all the GNSO structures to be represented by having the second representative from the CPH.

Maxim Alzoba, RySG, mentioned that the SSC decision was unanimous, and with that, the IPC supported it. The SSC also cares about the best combined team when it's possible, as it is better for the process. He added that this was therefore possibly a personal comment by an IPC member.

Philippe Fouquart, GNSO Chair, agreed but also noted that councilors had the right to discuss the decision. In this case, the SSC had been spoiled with excellent candidates with an extremely difficult decision to take.

Pam Little, RrSG, stated that Council could have adjusted when the call for the second candidate was being prepared, and clarified that balance of representation was important. She mentioned that the Charter of the SSC was revised in May 2018, originally intended for various ICANN Review Team (RT) efforts, and that the SSC shall strive to achieve balance, representativeness, diversity and sufficient expertise appropriate for the applicable selection process.

Carlton Samuels, SSC Chair, agreed with Pam, on the point of the Charter requesting members striving for diversity and balance. He added that that point could have been clarified in the criteria for the role.

Flip Petillion, IPC, thanked Pam Little and Carlton Samuels for their acknowledgement that the process could have been improved on.

GNSO Councilors voted in support of the motion, with abstentions from **Flip Petillion** and **John McElwaine**, both IPC councilors. **Flip Petillion** provided his reasons at the start of the discussion and **John McElwaine** added that there had not been enough time to discuss with IPC members the vote of this motion following its removal from the Consent Agenda, un-related to the choice of representative.

[Vote results](#)

Action Items:

- The GNSO Secretariat to communicate resolved #1 of the [motion](#) to the SO/AC Chairs and ICANN.
- The GNSO Secretariat to inform Donna Austin of the Council's decision
- The GNSO Secretariat to send a response to those applicants who were not nominated, noting that all three candidates were highly qualified, thanking them for their interest and willingness to step forward for this role, and encouraging them to apply for future opportunities as they arise.

Item 5: COUNCIL BRIEFING - Briefing from the CPH DNS Abuse Group

Pam Little, GNSO Council Vice Chair, Registrar Stakeholder Group, introduced the briefing. The DNS Abuse topic came to Council via the CCTRT recommendations which the Board passed through to the New gTLDs Subsequent Procedures Policy Development Process Working Group (SubPro) and the SubPro Co-chairs then advised the Council to take a holistic approach. Currently there are many efforts on the topic, especially for the GNSO, in the CPH.

Jim Galvin, from the CPH DNS Abuse Group, [presented](#) to councilors. There are many groups within the CPH working the DNS Abuse Topic. There are many different processes by which it is being handled and they are all geared to combating abuse. Statistics on the matter must be taken at face value as DAAR reported in 2020 there was a downward trend in DNS, the US Federation Report showed an increase in the number of victims of DNS Abuse. The CPH acts on a certain area of abuse, which is mostly under control. The CPH does not control the existence of internet abuse and therefore cannot be held accountable. The Framework for DNS Abuse, was a voluntary effort of registries and registrars launched in 2017 and drafted the DNS Abuse Definition which is endorsed by both registries and registrars. The definition covers five areas of harmful activity which align to the contracts of the CPH. There is a difference also between DNS abuse and website content abuse. Whilst some content abuse can fall under phishing and pharming, it is very clearly defined. Other parties are responsible in the DNS Abuse ecosystem: site operators, hosting providers, registrants. In the case of abuse, often the only option for the DNS Actors is to remove a domain name from the zone file. In this case, there may be collateral damage, which must be avoided.

Brian Cimolic, CPH DNS Abuse Group, added that often the hosting provider can work with the registrant to solve the issue without the domain name being removed. In the RySG Abuse Group, the DAAR Working Group (WG) put together a report to improve DAAR and make it more useful for registries and the broader community. Outreach is intended to affect outputs here, with the aim of continuing community wide conversation. The group is working with the GAC, the Public Safety Working Group on the Framework for Registry Operators to respond to Security Threats and a new Framework to Address Malware and Botnets at Scale. Future endeavours will be working on a Framework on Trusted Notifiers and Evidentiary Guidelines for Reporting Abuse.

Reg Levy, CPH DNS Abuse Group, covered the RrSG Abuse Work. The group has been active and have published guides for reporting various types of DNS Abuse, a breakdown for how registrars reacted to the Covid-19 crisis, DNS abuse is rarely linked to the domain name itself and evidence has been gathered to that point, The group also published a guide for previously requested Whois Data, a white paper on the Incentivisation Programs, Registrant Protections. A central resource for registrants dealing

with DNS Abuse complaints is currently in the works. The RrSG and the RySG have formed the CPH DNS Abuse Outreach effort and have met with other ICANN SG groups. These sessions are in a Q&A format, to cover practices, approaches. A community questionnaire is being considered, as well as a DNS Abuse newsletter and a DNS Abuse “trifold” information pamphlet.

Jim Galvin provided comments on SAC115, two RySG members contributed to the SSAC Work Party which produced this document, along with a Public Safety Working Group member. Comments: the SSAC115 took into account there are various definitions of DNS Abuse, which can be problematic. The discussion is often led from the point of view of the victim. There is a need for greater interoperability between all parties including the non-ICANN community. Actions being considered are evidentiary guidelines for abuse reporting, as further consistency is needed in this area, and a trusted notifier framework.

Mark Datysgeld, BC, welcomed the conversation taking place at a GNSO Council level. He added that he believed people looked at the CPH to solve the issue, as any given computer could become a host. Here, in the case of the CPH, the community is regulated, with known and accessible (for the ICANN community) players. He mentioned that it would be interesting to see how definitions on spam align, and to better understand where consensus lies within the CPH, in order to move the discussion forward.

Pam Little, GNSO Council Vice Chair, RrSG, thanked the speakers for their presentation and clarified that there are items within ICANN’s remit and constraints, there are only certain items which are for the CPH to take action. ICANN does not act on spam, but for the CPH, spam is taken into account when it serves as a delivery for malware and other abuse activities.

John McElwaine, IPC, thanked the presenters. He added that he would like to know more about the work on accuracy of registrant data within the CPH DNS Abuse group, and whether it had helped deal fairly and equitably with registrant complaints.

Reg Levy on behalf of the RrSG, answered that the data was not always accurate, but that it wasn’t always helpful in identifying any bad actors. **Brian Cimboric** added that between the CPH and another constituency, there are going to be areas of alignment and misalignment, and there needs to be a discussion on the common ground. Given that, the group hasn’t yet discussed the privacy area as it relates to DNS Abuse. The path forward will be to work on engagement.

John McElwaine followed up and asked if there were any work streams that are not being tackled by the GNSO Council which would be useful to the CPH work on DNS Abuse.

Jim Galvin, IPC, responded that the group has its own agenda and was now reaching out to others with successful output results, so there are no asks at this time of other groups. **Reg Levy** added that having the GNSO deal at this time with DNS Abuse would be superfluous, as outreach is the stage the work is at.

Pam Little, GNSO Council Vice Chair, RrSG, encouraged councilors to think about whether hearing other groups’ perspectives would be helpful.

Action Item:

- GNSO Council Leadership to add DNS abuse as a discussion item for the agenda of the 20 May 2021 Council meeting.

Item 6: COUNCIL DISCUSSION - IGO Work Track and Council Acknowledgement of Work Plan

John McElwine, GNSO Council liaison to the Work Track, provided an update to Council: the IGO Work Track (WT) has been meeting on a weekly basis for 90 mins. The initial proposed [timeline](#) indicates a few more months of work, At this point, a revised work place should have been provided, but the group is not ready, without being off track, There is a slight struggle with the scope restriction of the charter but member are positive that recommendations will be made, to then be discussed at the Council level. There will be a more substantive update in May or June 2021.

Action Item: none

Item 7: COUNCIL DISCUSSION - Status Update Regarding EPDP Phase 2A

Philippe Fouquart, GNSO Liaison to the EPDP Phase 2A, provided the update. The EPDP is 5 weeks away from the Initial Report, there has been a tremendous amount of work and effort on the two topics they're chartered to work on. There is no stumbling block identified as such, but it's crunch time for the report. On the topic of feasibility of unique contacts, the group is considering the question of whether or not having a uniformed anonymised email address is feasible and if yes, if it is a requirement or guidance to the CPH. The team is reviewing guidance from Bird&Bird on legal questions. On the legal vs natural distinction, the EPDP is reviewing various approaches from SG and Gs, as to whether there are any updates on the EPDP P1 recommendations. These approaches are building up from the report received by Council during the March meeting. The group is meeting twice a week and is hopeful to converge to consensus on the Final Report.

Maxim Alzoba, RySG, asked GNSO Council leadership if given that the Council granted an extension already, would that be the last extension, and if this is going to be the last phase of the EPDP, or will there be others?

Philippe Fouquart, GNSO Liaison to the EPDP Phase 2A, replied that it was too early to say, it depends on the conclusion of Phase 2A but also on the external elements, the evolution of the reglementary environment for instance related to personal data protection.

Pam Little, GNSO Council Vice Chair, RrSG, agreed to give the group its allocated time to end of May and let all decisions be made then.

Kurt Pritz, RySG, asked if there are any actions Council should prepare in advance of the May discussion. Will councilors be called upon to vote on the continuation of the EPDP P2A or does it depend on the EPDP P2 A Chair's update?

Philippe Fouquart, GNSO Council to the EPDP Phase 2A, encouraged councilors to review Bird&Bird input.

Action Item: None

Item 8: COUNCIL DISCUSSION - Wrap-up from the Extraordinary Meeting

In the interest of time, this item was postponed to the mailing list.

Action Item:

- GNSO Council leadership to provide the wrap-up from the extraordinary meeting on the Council email list by Friday, 30 April 2021.

Item 9: ANY OTHER BUSINESS

9.1- Timeline for GNSO Chair election

The GNSO Chair election procedure starts with the announcement during the GNSO Council meeting:

<https://gns0.icann.org/sites/default/files/file/field-file-attach/proposed-council-chair-08apr21-en.pdf>

9.2 - GNSO Council liaison to the SSAD Operational Design Phase

Further information and a draft framework will be circulated shortly to the list.

Action item:

Council leadership to share its proposed framework for identifying the GNSO Council liaison to the SSAD ODP by the next GNSO Council meeting on 20 May 2021. [COMPLETED 23 April 2021]

9.3 - GNSO Review of ICANN70 GAC Communique

Jeff Neuman, GNSO Council Liaison to the GAC, along with Olga Cavalli, Tom Dale and Carlton Samuels, have been working on the GNSO Review, and have been running into difficulties given most team members are unfamiliar with the response process. Given that, having more volunteers from experienced council members would be helpful.

Philippe Fouquart, GNSO Chair, added that voting on the response would possibly take place electronically.

Action Item: none

Philippe Fouquart, GNSO Chair, adjourned the meeting at 21:06 UTC on Thursday 22 April 2021