

Minutes of the GNSO Council Meeting 22 July 2021

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

Coordinated Universal Time: 19:00 UTC: <https://tinyurl.com/ybavc84m>

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, Greg Dibiase, Kristian Ørmen

gTLD Registries Stakeholder Group: Maxim Alzoba (apology, proxy to Kurt Pritz), 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, Tomslin Samme-Nlar, Farell Folly

Nominating Committee Appointee (NCA): Carlton Samuels

GNSO Council Liaisons/Observers :

Cheryl Langdon-Orr– ALAC Liaison

Jeff Neuman– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

Guests:

Janis Karklins – ODP SSAD

Chris Disspain – IGO WT Chair

ICANN Staff

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

Marika Konings – Senior Advisor, Special Projects

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

Julie Hedlund – Policy Director

Steve Chan – Senior Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Senior Specialist (apologies)

Caitlin Tubergen – Policy Director

Nathalie Peregrine – Manager, Operations Support (apologies)

Terri Agnew - Operations Support - GNSO Lead Administrator

Andrea Glandon – GNSO SO/AC Support

[Zoom Recording](#)

[Transcript](#)

Item 1: Administrative Matters

1.1 - Roll Call

Philippe Fouquart, GNSO Chair, welcomed all to the July 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 20 May 2021 were posted on 03 June 2021.

[Minutes](#) of the GNSO Council meeting on 16 June 2021 were posted on 03 July 2021.

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

2.1 - Review focus areas and provide updates on specific key themes / topics, to include review of [Projects List](#) and [Action Item List](#).

Philippe Fouquart, GNSO Chair, referred to Berry Cobb's email from 13 July 2021 regarding the items that were relative to COICI (Committee for Overseeing & Implementing Continuous Improvement) which have been moved to the out-of-range section of the ADR (Action Decision Radar).

Berry Cobb, GNSO Policy Consultant, is preparing a recorded webinar that will go into detail about how the projects list and action item list work. In June 2021, Council resolved to launch the Standing Committee On Continuous Improvements (COICI). The decision was made to amend the Action Decision Radar so bigger items have been moved to page 2 that is being labeled as out-of-range until there is clarity into how these items will be worked. Berry noted that the Action Decision Radar is only as good as the information that is loaded into the program management tool. Reappointment for the GNSO's representative on the Customer Standing Committee and upcoming review about Customer Standing Committee effectiveness did not make it on a prior version of the program management tool. Those have now been added. The program management tool is a master inventory of everything that is within scope of the GNSO.

Berry Cobb, GNSO Policy Consultant, reminded councilors that Council approved last year the Transfer Policy project plan. The Policy Development Process (PDP) was initiated, implementing PDP 3.0 guidelines, taking a more project plan-based approach to policy efforts. There is a project plan that

absorbs policy topics and charter questions. WG came up with expected plan delivery dates. This is an example of the direct connection between Smartsheets and the program tool.

Final message, as more information comes in there will be forecasting for future projects.

Item 3: Consent Agenda

- Approval of the Chair for the EPDP on Internationalized Domain Names - Edmon Chung (SOI)
- Acknowledgment of the GNSO Council liaison to EPDP on Internationalized Domain Names - Farrell Folly
- Motion to adopt the GNSO Review of the GAC ICANN71 Virtual Policy Forum Communiqué for submission to the ICANN Board

Philippe Fouquart, GNSO Chair, noted that there was a discussion on how far the Council should go in terms of expanding the scope of the review of the GAC Communiqué.

The GNSO Council voted unanimously in support of the Consent Agenda items.

<https://gns0.icann.org/sites/default/files/file/field-file-attach/gns0-council-motion-recorder-22jul21-en.pdf>

Action Items:

- GNSO Secretariat to notify Edmon Chung of his approval by the GNSO Council as Chair for the EPDP on Internationalized Domain Names.
- GNSO Secretariat to notify Farrell Folly of the acknowledgement of the GNSO Council of his role as liaison to the EPDP on Internationalized Domain Names.
- GNSO Council Chair to communicate the GNSO Council Review of the ICANN71 GAC Communiqué to the ICANN Board.
- GNSO Liaison to the GAC to inform the GAC of the communication between the GNSO Council and the ICANN Board.

Item 4: COUNCIL VOTE - Accuracy Scoping Team

Philippe Fouquart, GNSO Chair, noted that a small team was convened to develop the remit of a scoping team.

Jeffrey Neuman, GNSO Liaison to the GAC, asked for an AOB regarding the GAC Communiqué.

Pam Little, GNSO Council Vice Chair, RrSG submitted the motion to confirm the formation of and instructions to the Accuracy Scoping Team. There is a representative from each SG/C on the Scoping Team. The output of the small team was submitted along with the motion. The document submitted

contains a set of instructions which focuses more on the tasks for the Registration Data Accuracy Scoping Team. The Scoping Team's task was to scope the issues, to help Council do this and make recommendations for possible future actions. The team is not meant to develop solutions for the issues identified. The proposed timeline is to kick off this effort after the EPDP 2A submits its Final Report. The output document currently has 2 representatives from each community group and 3 each from the Contracted Party House, ie, the Registries Stakeholder Group and the Registrar Stakeholder Group. **Pam Little, Council vice-chair**, asked for a second to her motion. **Marie Pattullo, Business Constituency (BC), Olga Cavalli, NCA and Osvaldo Novoa (ISPCP)** seconded.

Philippe Fouquart, GNSO Chair, asked Council if there were any questions. No hands were raised.

Pam Little, Council vice-chair, read the [resolved clause](#).

The GNSO Council voted unanimously in support of the motion.

<https://gns0.icann.org/sites/default/files/file/field-file-attach/gns0-council-motion-recorder-22jul21-en.pdf>

Action Items:

- GNSO Secretariat to request interested SO/AC/SG/Cs to confirm their representatives to the Registration Data Accuracy Scoping Team as well as invite the Board and ICANN org to appoint a liaison noting that the first meeting of the Scoping Team is not expected to be scheduled until the EPDP Phase 2A delivers its Final Report.
- GNSO Policy Staff Support Team to launch a call for expressions of interest (EOI) for candidates to serve as the Chair of the Registration Data Accuracy Scoping Team.
- Council leadership to review the applications received and make its recommendation to the GNSO Council.

Item 5: COUNCIL DISCUSSION - Operational Design Phase (ODP) on the Standardized System for Access/Disclosure - Update from the GNSO Council Liaison

Philippe Fouquart, GNSO Chair, noted that in March the Board initiated the ODP. The mailing list is public, and the URL will be shared on the list. Janis Karklins was appointed in May 2021 as the GNSO Council liaison to the ODP. Janis Karklins sent a report that was forwarded to the council mailing list on 14 July 2021.

Janis Karklins, liaison, met with the team twice. It was agreed the team would meet at least once a month to review the process. Janis will send a report to the GNSO Council after each meeting. He is interested to hear the feedback on his report that he has already sent. He would like to have the conversation in two aspects, the substance of the questions raised by staff and the ODP process itself. Janis stated he was clearly instructed to be transparent with reporting to the community. He had planned on having regular briefings with the community but learned that staff will be doing webinars on a regular basis.

Philippe Fouquart, GNSO Chair, opened the floor to comments on the report and the assumptions vs responses and the broader question of transparency.

Philippe Fouquart, GNSO Chair, stated the webinar was well attended and made sure the community was informed.

Marie Pattullo, BC, thanked Janis for his work and his report. One point raised on recommendation 10.14. Marie's comment 10.14 should not prohibit a report that focuses on individual contracted parties.

Janis Karklins, liaison, said the progress of the SSAD needed to be reviewed against all in general, but the entirety is composed of exceptional cases and agrees there will be evaluation of individual cases. He does not think there is a contradiction between what Marie said and what was the response in the email.

Kurt Pritz, RySG, stated that a phased implementation might prove a good path for implementing SSAD in a risk averse way. We want to preserve an open minded approach to implement SSAD.

Philippe Fouquart, GNSO Chair, asked Janis to keep this in mind.

Janis Karklins, liaison Is unsure of how many queries will be received, which will determine many things. He believes Kurt is right that if SSAD is adopted by the board it will be implemented in phases and there will be additional information to improve in the next step.

Philippe Fouquart, GNSO Chair, thanked Janis for providing the report.

Item 6: COUNCIL DISCUSSION - Review of All Rights Protection Mechanisms in All gTLDs (RPM) PDP Phase 2. Review of UDRP Next Steps

Philippe Fouquart, GNSO Chair, Phase 1 report approved in January 2021. According to the PDP charter the next step is for the GNSO Council to initiate phase 2 to review the UDRP. The question is when and how. The proposal is to have a policy status report with 3 goals: Identify the issues reported to Org and the respective UDRP providers; include recent and relevant data that can assist with the assessment and review of process and highlight changes that have been observed since the last status report. It is necessary to do better than Phase 1. The charter was described as too wide and not data driven.

Pam Little, Council Vice-Chair stated she believes there are two options. Request the policy status report from ICANN Org or go directly to update the RPM charter for phase 2. Based on information requesting a policy status report seems feasible. Questions for staff, how long is a Policy Status Report (PSR) likely to take and what is the next step after the delivery of the status report.

Julie Hedlund, ICANN Org, stated there is no timeline at this point on the length of the Policy Status Report. Upon the completion of the PSR there would not be a need for an issue report, we could go directly to the charter drafting or scoping team.

Marie Pattullo, BC stated that the BC discussed that this should not go to GDD as they have never been involved with UDRP. WIPO developed the UDRP for ICANN in 1999 so it has all of these data points, facts and stats. The BC agrees with the PSR but feels that WIPO should be the one who leads on this.

Jeffrey Neuman, GNSO Liaison to the GAC, speaking in a personal capacity stated he doesn't think ICANN as an organization will be able to come up with all of the issues. Going to all UDRP providers is excellent, but there are a number of registrant rights organizations who have issues they would like reviewed as well.

John McElwaine, Intellectual Property Constituency (IPC) supports the idea of a PSR. Stated that the Council should go back and look at the February 3, 2010, motion that kicked off the first issues report.

Flip Petillion, Intellectual Property Constituency (IPC), agrees with Marie, Jeffrey and John. Insists that the Council call upon the experience of providers like WIPO.

Kurt Pritz, RySG, noted that WIPO and other providers are self-interested.

Tomslin Samme-Nlar, NCSG, questioned whether it was being stated that GDD should not manage this effort.

Philippe Fouquart, GNSO Chair, summarized that there is support for the PSR and questions over the sources and the collection of data.

Marie Pattullo, BC doesn't understand why it's being made out that WIPO is not neutral. It is not logical to ask GDD; a body not involved in this on a day-to-day basis, for information and facts.

Philippe Fouquart, GNSO Chair, clarified that the chartering exercise is not being discussed; the PSR is being discussed.

Julie Hedlund, ICANN Org, noted that within ICANN org GDS would be doing the PSR. The outreach that would be suggested would be to providers, not just WIPO. GDS would coordinate the data to make the inquiries and build the PSR. As a first step GDS could bring Council its suggested approach and gather ideas.

Philippe Fouquart, GNSO Chair, summarized there is support for the PSR, but the question is on the collection of data. GDS would present Council with the method of data collection. Questioned when the report to Council would happen.

Julie Hedlund, ICANN Org, will take an action item to consult with colleagues.

Action Items:

- GNSO Policy Staff to request ICANN Org/GDS to present to the GNSO Council at an upcoming meeting the framework and timing for the Policy Status Report and solicit input on suggestions for outreach.

Item 7: COUNCIL DISCUSSION - IGO Work Track Questions for Council

Philippe Fouquart, GNSO Chair, Council approved the IGO/INGO recommendations in 2019. RPMs PDP WG were instructed to consider an IGO Work Track as part of phase 2 to consider a policy solution of recommendation five on IGO jurisdictional immunity. Highlighted the three things that appear under this item. 1. The need for a project change request. 2. The ability or legitimacy of the Work Track to publish a report and 3. Question of scope of the Work Track with regards to how IGO jurisdictional immunity is addressed.

Tatiana Tropina, GNSO Council Vice Chair, Non-Commercial Stakeholder Group (NCSG), ICANN Org currently has a moratorium on public comments. The Work Track has been progressing since February to submit their report. External factors are influencing the ability for the Work Track to submit its report in August. Tatiana asked if the other councilors have any questions or objections to the project change request. None were noted. The next issue is the structure of the Work Track. RPM 1 report was approved, and RPM Phase 2 hasn't started yet. The sub team cannot deliver the policy recommendations if it doesn't belong to any other working group. Three options are outlined by staff. 1. EPDP 2. Normal PDP and 3. Wait until the start of the RPMs Phase 2.

John McElaine, IPC believes that the EPDP is the best step.

Philippe Fouquart, ISPCP, supports the idea of an EPDP.

Pam Little, Council Vice-Chair, had questions about the categorization of the Work Track as the IGO Work Track Addendum is to the RPMs PDP Charter ("Addendum"), not Phase 1 of the RPMs PDP. Wondered if a new charter would need to be drafted for the EPDP.

Steve Chan, ICANN Org, noted that the generally accepted practice is that a working group is complete once Council approves its recommendations. It has already been acknowledged that Phase 2 will need a

rechartering. Regarding the launching of the EPDP there would be two pieces, the official EPDP initiation request and the charter. Logically thinking the Addendum would form the bulk of the charter.

Jeffrey Neuman, GNSO Liaison to the GAC, stated that during PDP 2.0 it was recognized that an issue could arise during a PDP that merited its own PDP, so it was contemplated to remove it from one PDP and move it into its own.

Pam Little, Council Vice-Chair, did not feel her questions were answered and is still considering how this can be done in a logical manner.

Steve Chan, ICANN Org, added that the Work Track in its current form, without a parent PDP, is not a valid vehicle to develop consensus policy. So, a mechanism needs to be created, either PDP or EPDP, that is empowered to develop policy.

Tatiana Tropina, Council Vice Chair, noted the Work Track is supposed to look at recommendation five and the policy outcomes should be generally consistent with recommendations one to four (of the Curative Rights PDP Working Group Final Report) and other factors Council identified in the resolution. The problem identified by the Work Track is that it needs to look at access to the UDRP URS.

Chris Disspain, IGO Work Track Chair, stated that the work group is generally consistent with recommendations one, two, three and four. The way we're headed does account for the possibility that an IGO may enjoy jurisdictional immunity. When the initial report goes out for public comment, he believes there are some people who will say the Work Track is out of scope. This is the reason the members decided it was appropriate to give Council the opportunity to consider that.

Kurt Pritz, RySG, feels this is a way to reopen the discussion of curative rights. His reaction is not to expand the scope.

Chris Disspain, IGO Work Track Chair, stated his concern was making sure that Council has a clear idea that there is likely to be pushback regarding scope.

Tomslin Samme-Nlar, NCSG, agreed that more information is needed.

John McElaine, IPC, noted that there will need to be a new charter and there is going to be a question if some of the current work that is being done is within scope.

Philippe Fouquart, GNSO Chair, stated he thinks more discussion is necessary on the third point; the substance of the relationship between the approach taken on recommendation five and the overlap with the approved recommendations, at the next council call.

Action Items:

- GNSO Council to continue discussion at the meeting on 19 August 2021.

Item 8: COUNCIL UPDATE - Update on the Customer Standing Committee and Next Steps for the Council

Philippe Fouquart, GNSO Chair, gave a heads up on two items that will need to be addressed by September related to the Customer Standing Committee. First, approval of the CSC membership and second, the CSC effectiveness review. The first point needs to be approved by both the ccNSO and the GNSO Councils at the latest September. The composition of the membership is, two members from each the ccNSO and the GNSO. On the second point, there was a meeting between the ccNSO and GNSO Councils on the approach. The common suggestion was to do things the same as the previous reviews in terms of membership. The question that is to be considered is whether there is a need for diversity, given the topic is of interest mainly to the registries. He referred to the question circulated on the GNSO Council mailing list on July 15.

There were no questions or comments from the Council.

Item 9: ANY OTHER BUSINESS

9.1 - Transfer Policy Review PDP - Review of Work Plan

Philippe Fouquart, GNSO Chair, referred to the email that was sent by Greg DiBiase, Registrars Stakeholder Group, GNSO Council liaison to the Transfer Policy Review PDP, on 9 July 2021. Included in the email is a work plan with a 1B initial report planned for the end of March 2023 and final report in mid-August 2023.

There were no comments on the workplan from the other councilors.

Berry Cobb, ICANN Org, noted that there are two subphases to this part of the PDP. Phase 1A hopes to deliver its initial report by mid-June of 2022. Once complete, Phase 2B will begin and both aim to conclude into a final report by mid-August 2023.

Jeffrey Neuman, GNSO Liaison to the GAC, presented an AOB item regarding the GAC communique. He stated that the GNSO Council typically uses the response to the GAC communique as an opportunity to point out actions that the Council has previously taken on the subjects in the GAC communique. There are two items; the GAC asked if the GNSO would consider supporting the GAC's request for a tracking tool for various reviews. The second item is the GAC has asked the ICANN Board to extend the

moratorium on the reservations of IGO names in the new gTLDs, the acronyms, until the IGO Work Track on curative rights is completed. Jeffrey stated that the GNSO did not have a mechanism to respond.

Philippe Fouquart, GNSO Chair, noted that we are out of time, but this will be brought to the list and to Council.

Philippe Fouquart, GNSO Chair, adjourned the meeting at 21:02 UTC on Thursday 22 July 2021