

Minutes of the GNSO Council Meeting 9 March 2022

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

GNSO Council meeting held 16:30 UTC (12:30 local time): <https://tinyurl.com/yck4ykvp>

08:30 Los Angeles; 11:30 Washington DC; 16:30 London; 17:30 Paris; 19:30 Moscow; (Thursday) 03:30 Melbourne

List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Theo Geurts, Greg Dibiase,
gTLD Registries Stakeholder Group: Maxim Alzoba, Kurt Pritz, Sebastien Ducos,
Nominating Committee Appointee (NCA): Desiree Miloshevic

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Philippe Fouquart, Thomas Rickert, John McElwaine, Flip Petillion
Non Commercial Stakeholder Group (NCSG) Manju Chen, Wisdom Donkor, Farrell Folly, Stephanie Perrin, Juan Manuel Rojas, Tomslin Samme-Nlar,
Nominating Committee Appointee (NCA): Paul McGrady

GNSO Council Liaisons/Observers:

Justine Chew – ALAC Liaison
Jeffrey Neuman– GNSO liaison to the GAC
Maarten Simon – ccNSO observer (apologies)

Guest speakers: Taiwo Peter Akinremi (NomCom Outreach Subcommittee), Karen Lentz and Lars Hoffman (ICANN Org Global Domains and Strategy team)

ICANN Staff

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

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

Marika Konings - Vice President Policy Development Support

Julie Hedlund – Policy Development Support Director

Steve Chan – Senior Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Senior Manager, apologies

Ariel Liang – Policy Senior Specialist

Caitlin Tubergen – Policy Director - apologies

Terri Agnew - Operations Support, Lead Administrator

Nathalie Peregrine – Manager, Operations GNSO

[Zoom recording](#)

[Transcript](#)

Item 1. Administrative Matters

1.1 - Roll Call

1.2 - Statements of Interest

There were no updates to Statements of Interest

1.3 - Review / Amend Agenda

The agenda was accepted as presented. **Philippe Fouquart, GNSO Chair**, added Flip Petillion's [email](#) to the agenda, which would be further discussed under AOB.

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 January 2022 were posted on 03 February 2022.

[Minutes](#) of the GNSO Council meeting on 17 February 2022 were posted on 07 March 2022.

Item 2. Opening Remarks / Review of Projects and Action List

Berry Cobb, ICANN org, briefly commented on the [Projects List](#) and [Action Item List](#), including the Project Management [portfolio](#), as [circulated](#) previously on the GNSO Council mailing list.

He highlighted that the portfolio suite of tools is updated for every monthly meeting. There are two key components: the [Action Decision Radar](#) (ADR) and the [Project List](#).

The ADR has been quiet compared to previous months, however, increased activity is to be expected. The EPDP on IGO will submit its Final Report, the Policy Status Report for review of UDRP will be available soon, The Transfers Policy Review is aiming to deliver its Initial Report. In addition to this, there are three active small teams who are tackling DNS Abuse, the SSAD ODA review and modifying consensus policies. For April 2022, there will be a clearer view of activities for the Council leading to the Annual General Meeting (AGM). Following discussion about the program suite, staff will be producing materials to demystify the documents. Staff will demonstrate how these documents work together and feed into Council's projects. In addition to exchanging with the GNSO Council, there will be outreach to other Stakeholder Groups and Constituencies (SGs and Cs).

Action items: none

Item 3. Consent Agenda

There were two items for Council consideration on the Consent Agenda:

- Reappointment of Becky Burr to Seat 13 on the ICANN Board. The CPH has reappointed Becky Burr for Seat 13 on the ICANN Board of Directors. This agenda item is intended to acknowledge the selection and confirm that the notification process as outlined in Section 7.25 of the ICANN Bylaws will be completed subsequently.

- [Motion](#) to extend the GNSO Framework for Continuous Improvement Pilot Project by adding implementation of specific WS2 items.

All councilors present on the call voted in favor of the Consent Agenda.

[Vote results](#)

Action items:

- On behalf of the GNSO Council the GNSO Secretariat notifies the Contracted Parties House of the GNSO Council's acknowledgement of the reappointment of Becky Burr to Seat 13 on the ICANN Board of Directors as confirmation of the selection and that the notification process as outlined in Section 7.28 (d) of the ICANN Bylaws will be completed subsequently.
- On behalf of the GNSO Council the GNSO Secretariat to notify Olga Cavalli, CCOICI Chair, of the GNSO Council's approval of the motion to extend the GNSO Framework for Continuous Improvement Pilot Project by adding implementation of specific WS2 items.

Item 4. COUNCIL DISCUSSION - Nominating Committee Outreach Subcommittee Outreach

Taiwo Peter Akinremi (NomCom Outreach Subcommittee), [presented](#) updates from the Subcommittee. He presented the scope and responsibility of the NomCom, emphasizing the research for geographical, intellectual diversity, cultural awareness, and subject matter experts in various domains. Open NomCom applications: <https://www.icann.org/resources/pages/nomcom2022-positions-2021-12-15-en>

Skillssets are different depending on the open positions' location and responsibilities. For example, integrity, management experience, and knowledge of the ICANN architecture are key attributes for the position of ICANN Board of members, but being from outside of ICANN is also an advantage. Requirements will vary therefore and GNSO councilors are encouraged to consider the open positions currently posted.

Action Items: none

Item 5. COUNCIL DISCUSSION - Small Team Reviewing the System for Standardized Access/Disclosure (SSAD) Operational Design Assessment / Debrief From Meeting With the ICANN Board

Philippe Fouquart, GNSO Chair, reminded councilors that they received a [letter](#) from the Board outlining concerns and seeking input from Council on several questions. A small team of councilors and EPDP P2 members was created, with the aim of reviewing the ODA and developing a paper with additional questions. During the ICANN73 Joint GNSO Council & ICANN Board meeting, this was discussed at a very high level. There will be more meetings between the small team and the Board Caucus on GDPR.

Sebastien Ducos, EPDP P2 small team Chair, informed councilors that the small team engaged the Board to have concrete discussions with them before decisions were made. **Becky Burr, GNSO Appointed Board member**, is already a member of the EPDP P2 small team. Sebastien thanked the small team for their efforts from the start, and added that March meetings had been scheduled. They, will

be weekly and bi-weekly, alternating between small team calls and those including the Board Caucus on GDPR members. If a pilot was to be proposed, what would the aims of it be, is one of the main discussion topics. More information is needed to calibrate the pilot.

Kurt Pritz, Registry Stakeholder Group (RySG), commented that a pilot could take many forms, but it needs to answer questions on two topics: overall cost & usage figures being possibly overstated. The pilot would help inform these.

Sebastien Ducos, EPDP P2 small team Chair, stated he was unsure how a pilot would further inform the overall cost, but would be happy to question the ODP team as to how they came to these financial figures. As to the usage point, the pilot could be helpful.

John McEwaine Intellectual Property Constituency (IPC), mentioned he was in support of the pilot whilst recognizing it would not inform future usage. But there could be data points of interest: quality of information, time to receive the information, to fill forms, time for forms to be authenticated etc. Are there pieces of information which are more important to the users? Analyzing this ahead of time would make this more attractive to the users.

Sebastien Ducos, EPDP P2 small team Chair, agreed with the aforementioned. He did remind councilors that there is a time constraint. This task is for the months to come, and it may be hard to incorporate so many details in so little time.

Kurt Pritz, Registry Stakeholder Group (RySG), in response to Sebastien's response, mentioned that the ticketing system of the pilot would reflect the actual cost of the SSAD ticketing system, so some measure of information would be gathered. Initial usage numbers on the pilot would also help narrow the cost analysis.

Greg Dibise, Registrar Stakeholder Group (rrSG), stated that there is the open question of volume which could impact the SSAD. Compliance already has a ticketing system, could this not be used for larger volume? He added that care needed to not confuse building the SSAD with thinking of ways to provide context around SSAD and provide more details to the Board for their determination.

Philippe Fouquart, GNSO Chair, requested that the small team bear in mind primary and secondary goals. Defining the pilot is for the small team to decide. The primary goal is to see if primary recommendations stand as they are in light of the ODA or if they need to be adjusted. In addition to the primary goal, there may be the need to provide input on the implementation phase. The essential mission of the small team is to ask whether the recommendations stay or need to be amended.

Stephanie Perrin, Non Commercial Stakeholder Group (NCSG), mentioned she is concerned about how items have been pulled out, and how the small team is dealing with the oversight of doing the groundwork on definition and assumptions from the EPDP team. There are many topics which could upstage the SSAD, such as accuracy, which is being discussed in another Scoping Team. If a pilot is initiated, and then complaints are made because data is not accurate enough, the discussion will go in another circle. A more in depth study of the privacy impact would have been helpful in the earlier days.

Action Item: none

Item 6. COUNCIL DISCUSSION - Update on the SubPro ODP / Debrief From Meeting With the ICANN Board

Philippe Fouquart, GNSO Chair, provided background information on the SubPro Operational Design Phase (ODP).

Jeff Neuman, GNSO Liaison to the SubPro Operational Design Phase (ODP), informed councilors that a few weeks ago the ODP team provided a high-level timeline in response to a GNSO Council request. There was also a blog post on 28 February 2022 on the Project Governance Work Track presented during the specific ODP session during ICANN73.

Jeff Neuman, GNSO Liaison to the SubPro Operational Design Phase (ODP), circulated question [question set 2](#) to Council, where councilors were asked to consider if questions were out of scope for the CPIF. Does Council share the concerns about which issues should be for an IRT and which ones should be for other structures? He shared with the Council the comments that he added to the Google document as discussion prompts for the session.

Philippe Fouquart, GNSO Chair, thanked Jeff Neuman for creating the text to allow councilors to review.

Tomslin Samme-Nlar, GNSO Vice Chair, asked why SubPro had specifically chosen an IRT to implement those elements, and not propose any other group in its report.

Jeff Neuman, GNSO Liaison to the SubPro Operational Design Phase (ODP), replied that there was discussion during the Board / GNSO Council meeting that SubPro PDP WG had been misrepresented as passing on issues. The PDP knew that there would be work to be done after the Board approved recommendations, and that this work should be done by experts with the skills needed to create an Applicant Support Program. The reason for the IRT choice was that there was no ODP yet, the assumption was that the Final Report would be approved by Council, the Board would put it out for comment, and then the Board would approve the recommendation and an IRT would be started. Now there is an ODP and the Board has not approved the recommendations, so an IRT cannot be started.

Kurt Pritz, RySG, asked whether this is a policy or an implementation discussion. Some policy recommendations are very broad, others are very specific. The recommendation of the SubPro PDP Working Group (WG) could have been in support of an applicant support program, and not go into further detail. It is for the IRT and the follow-on work to take the policy recommendations as they are.

Jeff Neuman, GNSO Liaison to the SubPro Operational Design Phase (ODP), encouraged councilors to adjust and edit the Google docs. He also suggested not going down the rabbit hole of policy vs implementation because there will be no easy solution. The work needs to be done, so Council should consider whether some of this work should be done now, or do it all later.

Paul McGrady, NomCom Appointee, NCA, asked whether the Board had asked the Council for this.

Jeff Neuman, GNSO Liaison to the SubPro Operational Design Phase (ODP), clarified these were questions sent by the ICANN org ODP staff. He added that if something is referred to an IRT, ICANN org controls the process; if it's referred to policy, it's community-managed.

Philippe Fouquart, GNSO Chair, said that the framing paper expected from Council should be commented on by councilors.

Paul McGrady, NomCom Appointee, NCA, mentioned that the letter describing the 2012 Guidebook did not exclude closed generics; many applied for them; the PDP looked at it and discussed it extensively.

There was no consensus to ban them; the PDP was operating under the modus operandi that the 2012 Guidebook would stand as was. The Government Advisory Committee (GAC) raised the issue of public interest. Neither the GNSO nor the GAC banned them, even though there were slight differences between the reasoning of the two groups.

Tomslin Samme-Nlar, GNSO Council Vice Chair, commented that Paul's statement about the GNSO supporting closed generics was not necessarily accurate as the PDP did not reach agreement on the matter.

Jeff Neuman, GNSO Liaison to the ODP, mentioned that the group discussed this at length. Now however, a small, narrowly tailored group bridging the divide between the Board's decision and the GAC advice would prove helpful.

Action Items:

- GNSO Councilors should review the suggested responses from the GNSO liaison to the SubPro ODP at https://docs.google.com/document/d/1_A5oEnsFQHAvXDtNNRkDGzPoC2GRTxtInMCwd3rNMO M/edit and provide comments or suggestions, if any, not later than 18 March 2022.

Item 7. COUNCIL DISCUSSION - DNS Abuse Small Team

Mark Datysgeld and **Paul McGrady, small team co-chairs**, updated the GNSO Council on the small team activities. There has been a focus on the outreach aspect of the topic, as there are broad differences in opinion across the communities, whilst there are also commonalities to be found. This would help develop policies. The GNSO Council could assist the community in directing the conversation. Communications have been sent out to key players in the ICANN community. There have been exchanges with other key industry bodies. The aim is to present Council with a clear perspective and defined, realistic goals for Council to achieve. Input from the key players is expected at the end of March, for the topic to be discussed during the April Council meeting. The scope should be narrow, with an attempt to find where there is agreement as a starting point. ICANN73 sessions have been rich with data on the topic.

Tomslin Samme-Nlar, GNSO Council Vice Chair, asked how the choice was made regarding the communications sent to key players, for example, the DNS Abuse Institute which is outside of ICANN.

Mark Datysgeld, small team co-chair, replied that the DNS Abuse Institute has been very engaged with the ICANN Community, notably the Contracted Party House (CPH). There are most certainly other actors to be reached out to, agreements on which can be made by the GNSO Council.

Action Items: none

Item 8: COUNCIL DISCUSSION - Dialogue with ICANN's Global Domains and Strategy (GDS) Department

Karen Lentz and Lars Hoffman, ICANN Org Global Domains Strategy (GDS), [presented](#) an update on the SubPro Operational Design Phase ODP).

Lars Hoffman, ICANN Org Global Domains Strategy (GDS), introduced the team and presented an overview of their work.

Ongoing projects:

- Lead on UDRP Policy Status Report
- Lead of SubPro ODP Worktrack 2
- Contribution to project management of overall SubPro ODP Work
- Subject matter expertise to SubPro Board Caucus
- Provide GDS Liaisons to ongoing policy development processes
- Support EPDP Implementation
- Subject Matter expertise relating to the policy and implementation lifecycle.

Upcoming work:

Implementation work: Rights Protections Mechanisms Phase 1, subject to Board approval: SubPro, subject to Council & Board approval: EPDP On Specific Curative Rights protections for IGOs, Privacy and Proxy Accreditation Issues, Translation and Transliteration of gTLD Registration Data,

PDP Liaison Work: Rights Protection Mechanism Phase 2 and Accuracy.

Uniform Dispute Resolution Policy Status Report: public comment, finalize PSR

Areas of improvement:

- Regular progress reporting
- Alerting Council and other groups if issues arise challenging implementation work and/or timelines,
- Surveys at the end of each IRT
- Improved work planning, aligning priorities when appropriate
- Strengthen the role of the PDP Liaisons by working with PDP leadership and members to allow input from ICANN org's SMEs.

Paul McGrady, NCA, thanked Lars Hoffman, for his presentation. He asked if there were calendars or timelines for the upcoming work in order to coordinate policy and IRT efforts in terms of resources. He also suggested taking into account both PDP and IRT duration estimates, so that volunteers know what to expect when they sign onto an effort.

Stephanie Perrin, NCSG, thanked Lars for the presentation, and asked : whether the Policy and Implementation Working Group's mechanisms put in place then were working now?

Kurt Pritz, RySG, mentioned that there was a recurring blame pattern from IRT back to PDP back to the PDP Charter content when issues took too long to resolve. Maybe having an IRT viewpoint on the earlier step of the charter drafting could help streamline the process.

Philippe Fouquart, GNSO Chair, thanked Lars Hoffman for his presentation.

Action Item: none

Item 9: Any Other Business

9.1 - Question from Flip Petillion's email - "How does ICANN ensure the openness (including accessibility) of the Internet in conflict situations and how does ICANN manage the impact on the security and stability of the Internet?"

Flip Petillion, IPC, informed the GNSO Council of the question by the deputy prime minister of Ukraine and ICANN's response. He added that Council should examine what the analysis is in the case of cyber warfare, and what is the impact on the security and stability of the DNS. He encouraged all councilors to go back to their SG/Cs to discuss and come back to the Council with the determination of a need for not for policy to be worked on to handle these situations.

Action item:

- GNSO Councilors to bring this question back to their Stakeholder Groups and Constituencies and bring feedback, if any, to the Council: "How does ICANN ensure the openness (including accessibility) of the Internet in conflict situations and how does ICANN manage the impact on the security and stability of the Internet?"

9.2 - Open Mic

There were no comments or questions shared during the Open Mic.

Philippe Fouquart, GNSO Chair, adjourned the meeting at 18:35 UTC.

The next GNSO Council meeting will take place on Wednesday 14 April 2022.