

Minutes of the GNSO Council Meeting 15 December 2022

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

GNSO Council meeting on Thursday, 15 December 2022 at 21:00 UTC: <https://tinyurl.com/y4fkdfc3>.

13:00 Los Angeles; 16:00 Washington DC; 21:00 London; 22:00 Paris; (Friday) 00:00 Moscow; 08:00 Melbourne

List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Anne Aikman Scalese

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Theo Geurts (apologies, proxy to Greg DiBiase), Greg DiBiase,

gTLD Registries Stakeholder Group: Nacho Amadoz, Kurt Pritz, Sebastien Ducos,

Nominating Committee Appointee (NCA): Desiree Miloshevic

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo , Mark Datysgeld, Osvaldo Novoa, Thomas Rickert, John McElwaine, Susan Payne

Non Commercial Stakeholder Group (NCSG): Manju Chen, Wisdom Donkor, Farrell Folly, Stephanie Perrin, Bruna Martins dos Santos, Tomslin Samme-Nlar (apologies, proxy to Stephanie Perrin),

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 - absent

Guests:

Becky Burr & Matthew Shears. GNSO Appointed ICANN Board members

Karen Lentz & Chris Bare, ICANN org

ICANN Staff

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

Mary Wong – Vice President, Strategic Policy Management

Marika Konings – Vice President Policy Development Support

Julie Hedlund – Policy Development Support Director

Steve Chan – Senior Director, Policy Development Support & GNSO Relations

Berry Cobb – Senior Program Manager, Policy Development Support

Emily Barabas – Policy Development Support Senior Manager (GNSO)

Ariel Liang – Policy Development Support Senior Specialist (GNSO)

Caitlin Tubergen – Policy Development Support Director (GNSO)

Terri Agnew – Policy Operations Specialist (GNSO)

Nathalie Peregrine – Manager, Policy Development and Operations Support (GNSO)

[Zoom recording](#)

[Transcript](#)

Item 1. Administrative Matters

1.1 - Roll Call

1.2 - Statements of Interest

There were no updates to the Statements of Interest.

1.3 - Review / Amend Agenda

The agenda was accepted as presented. **Sebastien Ducos, GNSO Chair**, welcomed all to the GNSO Council meeting, acknowledging those present in the meeting room (for the GNSO Strategic Planning Session - SPS - held in Los Angeles) as well as those participating remotely.

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 October 2022 were posted on 04 November 2022.

[Minutes](#) of the GNSO Council meeting on 17 November 2022 were posted on 01 December 2022.

Action items:

- None

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

No time assigned for this item. **Sebastien Ducos, GNSO Chair**, reminded councilors of the importance of the Project Management Portfolio and encouraged councilors to view the [recording](#) available on the topic.

Action items:

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Item 3. Consent Agenda:

The Consent Agenda had four items listed:

- Approval of Standing Selection Committee (SSC) leadership for 2022-2023
- Confirmation of the Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI) Chair and GNSO Council representative to the WS2 Community Coordination Group
- Acknowledgment of the GNSO Council liaison to the GNSO Guidance Process (GGP) for Applicant Support
- Acknowledgment of the [Work Plan](#) for the GNSO Guidance Process (GGP) for Applicant Support

Councilors present on the call voted in favor of all Consent Agenda items.

[Vote results](#)

Action Items:

- On behalf of the GNSO Council, GNSO support staff:
 1. Informs the candidates and the SSC that the GNSO Council has approved the SSC leadership team
 2. Thanks Arinola Akinyemi and Alan Woods for volunteering to serve on the SSC leadership team.
- On behalf of the GNSO Council, the ICANN org support staff thanks Olga Cavalli for her service and Manju Chen for volunteering to serve as the Chair of the CCOICI and as the GNSO Council representative to the WS2 Community Coordination Group (CCG) and requests her to report back to the GNSO Council on a regular basis on the status of the CCG's deliberations.
- On behalf of the GNSO Council, the GNSO support staff notifies Paul McGrady and the members of the Working Group that the GNSO Council has approved Paul McGrady in the position of Liaison from the GNSO Council to the GGP for Applicant Support Working Group.
- On behalf of the GNSO Council, the GNSO support staff notifies the GGP for Applicant Support WG of its approval of the WG's Work Plan and Timeline

Item 4. COUNCIL VOTE - Adopting the Council Committee for Overseeing and Implementing Continuous Improvements (CCOICI)'s Work Stream 2 (WS2) Recommendations Report

Manju Chen, NSCG, seconded by **Sebastien Ducos, GNSO Chair**, submitted a [motion](#) for Council to adopt the CCOICI's Work Stream 2 [Recommendations Report](#)

WHEREAS,

1. The GNSO Council [initiated](#) the GNSO Framework for Continuous Improvement Pilot Project on 16 June 2021;
2. As part of this Framework, a Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI) was established;
3. On 9 March 2022 the GNSO Council directed the CCOICI to undertake the following WS2 items:
 - a. Review the staff assessment of GNSO Council's implementation status of Recommendation 2 Guidelines for Good Faith Conduct (2.1, 2.2) and Recommendation 6 SO/AC Accountability (6.1-6.5);
 - b. Recommendation 1 Diversity – revisit Council's initial prioritization and carry out implementation for applicable sub recommendations, if any;
 - c. Recommendation 3 Human Rights Framework – carry out implementation from GNSO Council's perspective;
 - d. Recommendation 6.1.5 (non-mandatory) – discuss whether the GNSO Council wishes to implement, and if so, how to implement;
 - e. Rank Recommendations 1, 2.3 and 3 from Council's perspective to help inform the prioritization by the Community Coordination Group.
4. The CCOICI commenced its deliberations on 30 March 2022 by reviewing the [background briefing](#) prepared by support staff and documented its progress as part of its [work plan](#);
5. The CCOICI submitted its [recommendations report](#) to the GNSO Council on 4 April 2022;
6. The Council received a [presentation](#) and considered the report during its meeting on 17 November 2022.

RESOLVED,

1. The GNSO Council adopts [the CCOICI WS2 Recommendations Report](#);
2. The GNSO Council directs GNSO Staff Support to communicate the WS2 status designations as outlined in the Recommendations Report to the relevant ICANN org colleagues to document the Council's assessment of these recommendations;
3. The GNSO Council directs GNSO Staff Support to move forward with the implementation recommendations related to 2.1.2. (Petition for Removal of Directors);
4. In relation to 3 (Framework of Interpretation for Human Rights), the GNSO Council directs GNSO Staff Support to work on a proposed implementation of the recommendations, consulting relevant community experts as needed. This proposed implementation is to be reviewed by the GNSO Council before implementation;
5. The GNSO Council thanks the CCOICI for its work and expresses its appreciation to Olga Cavalli, who served until recently as the Chair of the CCOICI.

Susan Payne, IPC, raised a question about resolved clause 4, asking that Council review and approve the proposed implementation before implementation, rather than simply review.

Marika Konings, ICANN org, clarified that the review concerned templates which would not necessarily be submitted to vote as they are not binding to Council. Council however would review and have time to raise objections prior to the proposed implementation being approved.

Susan Payne, IPC, asked for "approved" to be considered a friendly amendment to resolved clause 4, which was accepted by submitter and seconder.

All councilors voted in favor of the motion.

[Vote results](#)

Action Items: The GNSO Council directs GNSO staff support to:

- Communicate the WS2 status designations as outlined in the Recommendations Report to the relevant ICANN org colleagues to document the Council's assessment of these recommendations;
- Move forward with the implementation recommendations related to 2.1.2. (Petition for Removal of Directors);
- Work on a proposed implementation of the recommendations, consulting relevant community experts as needed. This proposed implementation is to be reviewed by the GNSO Council before implementation; and
- Thank the CCOICI for its work and expresses its appreciation to Olga Cavalli, who served until recently as the Chair of the CCOICI.

Item 5. COUNCIL DISCUSSION - Expired Domain Deletion Policy and the Expired Registration Recovery Policy Next Steps

Greg DiBiase, GNSO Council Vice Chair, RrSG, presented the item which centered around the [report](#) from Contractual Compliance received on 1 November 2022. In addition, a briefing was provided by ICANN Compliance to the GNSO Council. There has been little reaction from Council in relation to considering requesting a Policy Status Report (PSR). There may not be sufficient material for a PSR, but this does not exclude a close study of the report. **Greg DiBiase** will lead the effort, aided by **Susan Payne, IPC**, and **Nacho Amadoz, RySG**, who both volunteered to assist during the Council meeting.

Sebastien Ducos, GNSO Chair, warned against actively seeking issues and encouraged the small team to ascertain assumptions accurately.

Kurt Pritz, RySG, raised that the Compliance report seemed very clear. He asked if there was need to look for issues if the RrSG hadn't found any. **Greg DiBiase** agreed, and would confer with his RrSG colleagues for clarification before proceeding.

Action Items:

- The GNSO Council agreed to create a small team including: Greg DiBiase, Susan Payne, and Nacho Amadoz, to review the report from Contractual Compliance in detail and determine if any of the issues raised warrant further work at present.

Item 6. COUNCIL DISCUSSION - Debrief From Council-Specific SubPro Operational Design Assessment (ODA) Webinar and Q&A

Sebastien Ducos, GNSO Chair, reminded councilors that Council specific webinars were to be considered mandatory for councilors, if not possible to attend, recordings are available on the GNSO Council mailing list.

Karen Lentz, ICANN Org, was available on the call to take questions and comments about the [ODA](#) which was circulated on 12 December 2022.

Jeff Neuman, GNSO Council SubPro ODA, asked how the ODA team came to the financial conclusions. Karen Lentz replied that there were inputs by external consultants, but the document statements were on behalf of the Council. [SubPro ODP Question set #6](#) was approved to be sent back to the ODA team.

Kurt Pritz, RySG, queried how further clarification could be brought to the attention of the ODA team in addition to the very formal Public Comment period. Could this be a small team structure?

Anne Aikman Scalese, NomCom Appointee (NCA), expressed support for the small team structure and wished to join the analysis.

Susan Payne, IPC, asked what the next steps are. The Council will have feedback and follow up questions. What will the Board do with the two options proposed, will it be a binary vote? She also volunteered to take part in the small team.

Becky Burr, GNSO Appointed ICANN Board member, responded that the Board is reviewing the document, and has considered pros and cons of option 1. There is a SubPro Caucus co chaired by Becky

and Avri Doria. There will be additional calls to deeper dive into various aspects (financial, technical, risks) of it. There is a Board workshop at the end of January where a full day will be dedicated to the ODA. The hope is that the Board will have a good sense of next steps and take some action by ICANN76 in March 2023. The Board approach needs to be expeditious but exhaustive.

Karen Lentz, ICANN org, clarified that the ODA team will be available for all questions from the Council. There is an email address: subpro-odp@icann.org which has been created to gather comments.

Mark Datysgeld, BC, asked about the amount of effort being predicted (staff, cost) and why it was so different from the resources needed for the first round of gTLDs.

Karen Lentz, ICANN org, confirmed that the ODA will not be revised, but the Board will want to hear feedback from the GNSO Council. Regarding costs and resources increasing, this is due to the recommendations themselves, to the system perspective which is more complex, and needs to be built, and also due to the inflation factor,

Mark Datysgeld, BC, thanked Karen for her input, but asked for the GNSO Council to be included in the practical development discussions around the ODA.

Kurt Pritz, RySG, asked Becky Burr what form the Board asking the GNSO Council for feedback would take. Becky Burr confirmed that it would be via multiple forms of dialogue, not via formal Public Comment. Kurt Pritz, RySG, asked whether option 2 in the ODA would involve a change in existing policy.

Becky Burr confirmed there may be items of implementation guidance impacted, but not policy changes are to be expected.

Karen Lentz, ICANN org, on the topic of option 2, existing policies were reviewed ahead of formulating this second option, but the SubPro Final Report has not been reviewed extensively in light of option 2. No impacts are expected however.

Anne Aikman Scalese, NCA, suggests that the GNSO Council SubPro ODA small team would need to review the ODA and work further once answers have been received to the clarifying questions.

Jeff Neuman, GNSO Council Liaison to the SubPro ODP, asked for councilors to provide input and comments to him, He added that on the Policy Development Process, the ODP had been added as a feature which ought to be removed as it is only an experiment, and not a procedurally approved step. Karen Lentz, ICANN org, clarified that this was an addition for a specific purpose, to illustrate where the ODP sits when it is used in the PDP.

Manju Chen, NCSG, asked for confirmation about the small team structure to review the ODA, and whether people external to Council would be welcome to the effort (as was the case for the SSAD ODA Council small team).

Sebastien Ducos, GNSO Chair, agreed that external members would be welcome with a Council representation structure.

Jeff Neuman, GNSO Council Liaison to the SubPro ODP, agreed but requested the small team be built speedily to ensure input to the Board is received on time to be useful.

Greg DiBiase, RrSG, raised that the GNSO Council small team's feedback is not essential, nor a strict requirement, initiating the small team may delay the Board's deliberations. **Sebastien Ducos, GNSO Chair**, agreed that there had not been a formal set of questions sent to the GNSO Council expecting responses as was the case with the previous ODP.

Thomas Rickert, ISPCP, asked to be added to the small team in addition to (Jeff Neuman, Anne Aikman Scalese, Susan Payne)

Action Items:

- GNSO Council to reconstitute the previous SubPro ODP Q&A small team to develop questions to the ODA ICANN Org team and feedback to the Board. Volunteers from Council include Jeff Neuman, Anne Aikman-Scalese, Thomas Rickert, and Susan Payne.
- GNSO Support staff to develop a draft assignment form to help guide the work of the small team.

Item 7. COUNCIL DISCUSSION - Review Implementation Prioritization Supplemental Fund for Implementation of Community Recommendations (SFICR) Request - Council Role?

Anne Aikman Scalese, NCA, presented the item. Given the investment of the GNSO Council on the topic of DNS Abuse, should the Council be have a role or input towards the implementation of Specific Review recommendations, in the light of the prioritization framework funded by ICANN org.

Becky Burr, GNSO Appointed ICANN Board member, provided further information to the [resolution](#).

Susan Payne, IPC, the set of recommendations being prioritized here are the ones which were approved by the Board in April/May 2022. Susan was part of the prioritization group. This is maybe a GNSO role, but not a GNSO Council role.

Becky Burr, GNSO Appointed Board Member, added that whatever implementation process is warranted, it will be followed, regardless of the funding provenance.

Stephanie Perrin, NCSG, expressed surprise at the list of items prioritized, and asked that Council pay attention to prioritizations, especially the efforts which have been going on for a while.

Greg DiBiase, RrSG, confirmed the understanding that prioritization and funding can be considered separately but that the DNS Abuse small team could monitor developments from afar.

Anne Aikman Scalese, NCA, thanked all for their input.

Action Item: None

Item 8: ANY OTHER BUSINESS

8.1 - Vacant Council Liaison positions (TPR)

Sebastien Ducos, GNSO Chair, informed councilors that in the absence of any volunteers, he would be appointing a councilor before the end of the year.

Action Items: GNSO Chair to ask a Councilor to take on the role. Osvaldo Novoa volunteered. Secretariat staff to notify the TPR PDP WG accordingly.

8.2 - Standing Committee on ICANN Budget & Operations (SCBO) new approach - any objections?

Mason Cole, BC Chair, expressed his support for the new approach. Absent objections, the new approach will be considered as moving forward.

Action Items: Staff to carry out the steps to evolve the SCBO as outlined in the evolution proposal at: <https://docs.google.com/document/d/1dQ7cAQeVpwfmeTC11H9BrF3UyWqtOvdFs2yN7kCvZRQ/edit?usp=sharing>.

8.3 - Any suggested Additional Budget Requests (ABRs)?

No additional requests were received on the Council mailing list. **Marika Konings, ICANN org**, proposed an idea from ICANN org: are there ways the Consensus Playbook could be changed into a tool useful to Working Groups such as a training video?

Kurt Pritz, RySG, expressed support for the Consensus Playbook. He was uncertain about the video format, but encouraged councilors to support any effort which would promote the Playbook.

Action Items: Staff to provide a draft of an ABR for GNSO Council to consider at its meeting on 19 January to decide whether to submit for the deadline of 30 January 2023.

8.4 - Update on RPMs IRT timeline.

John McElwaine, GNSO Council Liaison to the RPMs IRT, joined the first meeting with an 18 week first estimate, but this will be confirmed on further calls.

Action Items: John McElwaine to seek additional information during the next IRT meeting in January 2023.

8.5 - DNS abuse [draft letters](#)

Mark Datsygeld, GNSO Council DNS Abuse co-chair, brought to councilors' attention the [draft letters](#) circulated for approval on the GNSO Council mailing list. Input by Council on the topic by the end of January 2023 would be welcome. **Kurt Pritz, RySG**, on behalf of his stakeholder group, who had already reviewed the letters, asked for the term "bulk registration" to be clarified. The letters will need to be reviewed by the following week, at Mark's request.

Susan Payne, IPC, asked who specifically the letters were being sent to, who was going to be cc-ed (org, SGs/Cs?), will they be published and fully visible?

Mark Daysgeld, DNS Abuse co-chair, confirmed these letters will be open letters, as the DNS small team cannot mandate any action from the Contracted Party House (CPH)

Justine Chew, ALAC Liaison to the GNSO, raised that it would be possible to edit the letters and asked that the recipients of the letter be queried what their definition of bulk registration is, this could inform the DNS Abuse small team as to the thresholds. She added that the transparency of the effort is very important to the ALAC, and asked that notification of the sending of the letters be posted on the Council mailing list.

Paul McGrady, NCA, asked that the letters remain uni-directional and not incorporate direct questions for the time being.

Greg Dibiase, RrSG, asked for clarification that only the CPH would be responding to the letters, to the exclusion of other community groups.

Mark Datysgeld, DNS Abuse small team co-chair, confirmed this would be the case.

Action Items: DNS Abuse Team leadership to review suggestions in relation to requesting respondents to provide their definition of bulk registrations and suggest updates to the letter as deemed appropriate by Friday, 16 December.

Sebastien Ducos, GNSO Chair, adjourned the meeting at 23:45 UTC.

The next GNSO Council meeting will take place on Thursday 20 January 2023.