

Minutes of the GNSO Council Meeting 25 August 2022

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

GNSO Council meeting held 13:00 UTC: <https://tinyurl.com/45zne3b7>.

06:00 Los Angeles; 09:00 Washington DC; 14:00 London; 15:00 Paris; 16:00 Moscow; 23:00 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 (apologies, proxy to Flip Petillion), 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

Guest speakers: Lars Hoffman, ICANN org

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 - apologies

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

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 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 15 June 2022 were posted on 01 July 2022.

[Minutes](#) of the GNSO Council meeting on 21 July 2022 were posted on 05 August 2022.

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

Berry Cobb, ICANN org, mentioned the email [circulated](#) on the Council list with the GNSO Council Portfolio Management Tool Suite, highlighting structural changes to the project management tool in the implementation section of the Project List. There is now a thin version of a specific implementation project. This will act as a pointer to the implementation page managed by ICANN org GDS colleagues. IRTs are the implementation of consensus policies created by the GNSO, and have stayed on the list because they are of interest to the Council. But once they are approved by the ICANN Board and move onto the IRT, they move out of the Council's remit. This is to avoid duplication errors. The implementation page has been in existence for a while, it is the synchronization of both tools which is the most recent development.

Item 3. Consent Agenda:

- Approval of the 2022 Customer Standing Committee (CSC) Slate - In accordance with Section 17.2 (d) of the ICANN Bylaw and per the CSC Charter, the full membership of the CSC must be approved by the GNSO Council. The Council approves the full slate of members and liaisons, noting that the SSAC has declined to appoint a liaison:

Members:

Brett Carr (EU) (reappointed)

Appointing Organization: ccNSO. Term: 2022 - 2024

Rick Wilhelm (NA)

Appointing Organization: RySG. Term: 2022 - 2024

Dmitry Burkov (EU)

Appointing Organization: RySG. Term: 2021 - 2023

Federico Neves (LAC)

Appointing Organization: ccNSO. Term: 2021 – 2023

Liaisons:

Gloria Atwine Katuuku

Appointing Organization: GAC. Term: 2022 - 2024

Ken Renard

Appointing Organization: RSSAC. Term: 2022 - 2024

Holly Raiche

Appointing Organization: ALAC. Term: 2021 - 2023

Milton Mueller

Appointing Organization: GNSO (Non-Registry). Term: 2021 - 2023

Amy Creamer

Appointing Organization: PTI. Term: No term limit

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

[Vote results](#)

Action items:

- The GNSO Secretariat notifies ICANN Org staff supporting the CSC no later than 1 September 2022 that the GNSO has approved the 2022 CSC slate of members and liaisons.

Item 4. COUNCIL VOTE - Initiation of the GNSO Guidance Process on Applicant Support

Philippe Fouquart, GNSO Chair, seconded by **Sebastien Ducos, GNSO Council Vice Chair, Registry Stakeholder Group (RySG)**, submitted the [motion](#) to initiate the GNSO Guidance Process on Applicant Support. This was deferred from the July 2022 Council meeting, with the document [updated](#) and circulated to Council ahead of the August Council meeting.

Whereas,

1. In February 2021, the GNSO Council approved the consensus Affirmations, Recommendations, and Implementation Guidance (collectively referred to as "Outputs") of the New gTLD Subsequent Procedures (SubPro) PDP.
2. In September 2021, the ICANN Board directed the ICANN org to organize the resources required to begin work on an Operational Design Phase (ODP) and the ODP launched on 3 January 2022.
3. The ICANN org ODP Team identified a concern related to the Applicant Support topic, where the SubPro Final Report envisioned that a dedicated Implementation Review Team (IRT) would be responsible for performing substantive work; the ODP Team [submitted a set of questions](#) to the GNSO Council, asking whether the work required to implement Applicant Support may be beyond the scope envisioned for IRTs.
4. The GNSO Council [responded](#) to the ODP Team, communicating that it would explore avenues to perform work as envisaged by the SubPro Final Report.
5. The GNSO Council discussed and agreed that the GNSO Guidance Process (GGP) would serve as an appropriate mechanism in order to provide additional guidance to support eventual implementation efforts.
6. The GNSO Council further agreed that the GGP should be limited to the single topic of Applicant support, with an allowance to add additional scope to the GGP subject to Council vote.

7. On 13 July 2022, the [GGP Initiation Request](#) was submitted to the GNSO Council.
8. The GNSO Council determined that more time was needed to refine the Initiation Request and the vote was deferred.
9. The GGP Initiation Request was refined following input from Councilors and an [updated GGP Initiation Request](#) was shared with the GNSO Council on 16 August 2022.

Resolved,

1. The GNSO Council approves the GNSO Guidance Process Initiation Request and initiates the GGP.
2. The GNSO Council directs staff to:
 - a. communicate the results of this motion to the GNSO SG/Cs as well as ICANN SO/ACs and invite them to identify Members for the Steering Group following the Steering Group composition described in the initiation request;
 - b. communicate the results of this motion to the ICANN Org GDS Team and invite them to identify at least one (1) staff liaison for the Steering Group; and
 - c. launch a call for expressions of interest seeking interested candidates to Chair the Steering Group.

After providing background to the motion, the substance of which was discussed during ICANN74, **Philippe Fouquart, GNSO Chair**, reminded councilors that working group members would have access to external experts when needed. Two amendments were suggested and accepted as being friendly.

Sebastien Ducos, GNSO Council Vice Chair, noted that wording about the timeline was added to ensure no other process would be delayed further. The GGP will have to be completed by the time of the IRT but will work in parallel with other efforts apart from those impacted by Applicant Support.

Philippe Fouquart, GNSO Chair, also asked that the “Steering Group” structure mentioned in the motion be corrected to “Working Group”.

[Vote results](#)

Action Items:

Policy support staff:

1. communicates the results of this motion to the GNSO SG/Cs as well as ICANN SO/ACs and invites them to identify Members for the Working Group following the Working Group composition described in the initiation request;
2. communicates the results of this motion to the ICANN Org GDS Team and invites them to identify at least one (1) staff liaison for the Working Group; and
3. launches a call for expressions of interest seeking interested candidates to Chair the Working Group.

Item 5. COUNCIL DISCUSSION - Council Commitments Document

Sebastien Ducos, GNSO Vice Chair, presented the document, originally placed in the Consent Agenda, but further discussion was needed about how to communicate the document to the stakeholder groups

and constituencies (SGs and Cs). Few comments were received, but **Maxim Alzoba, RySG**, raised the issue that should there be anything in the document contrary to the SG/C Bylaws, it should be raised by the appropriate body.

Stephanie Perrin, NCSG, asked why the document was deemed necessary, adding that it could seem redundant.

Sebastian Ducos , GNSO Council Vice Chair, clarified that this request stemmed from the Council Strategic Planning Session 2021 to diminish the possibility of issues being re-litigated. It is a reinforcement needed to respect the work previously completed by others, to bring positive perspective to the Council discussions. Items in the document can be seen as a given, but the document should serve as a memory refresher.

Stephanie Perrin, NCSG, agreed with the issues of relitigation. She argued that the document needed to be more explicit. Issue relitigation should also be avoided and replaced by the acceptance that some groups cannot come to an agreeable solution to a specific issue.

Sebastien Ducos, GNSO Council Vice Chair, suggested a call may be helpful to fine tune the document.

Philippe Fouquart, ISPCP councilor, stated that he didn't see a need for a vote for this, He preferred the collegial approach especially given that it is a moving document. He added that it should be given sufficient airways to the SGs and Cs. He insisted that the direction was good and councilors needed to keep it in mind and promote it. Even if there is an overlap between this and other documents, the collegial spirit should be one to encourage.

Marie Pattullo and Paul McGrady also volunteered to take part in the call with Sebastien Ducos and Stephanie Perrin.

Action Item:

- Councilors who have volunteered to assist Sebastien Ducos in the development of a revised draft Council Commitments document – volunteers during the meeting were: Stephanie Perrin, Paul McGrady, and Marie Patullo; other interested Councilors who may wish to volunteer should state their interest on the Council list.

Item 6. COUNCIL DISCUSSION - Preparation for Joint Meetings at ICANN75

The Board has suggested spending half of the scheduled time to discuss this topic, with the other half of the time dedicated to the Council's selected topic: "What collaborative actions should the Community, Board and Org be undertaking to further progress achieving our strategic priorities?"

The ALAC has suggested the following two topics:

- The GNSO Council Small Team on DNS Abuse's work; and
- The terms of reference for the proposed pilot Holistic Review, being a recommendation of the ATRT3.

The following are potential topics for the GAC bilateral:

- SSAD Light
- Subsequent Rounds of New gTLDs
- DNS Abuse
- Accuracy

Philippe Fouquart, GNSO Chair, circulated these topics on the Council mailing list and explained that the current discussion aimed at identifying topic leads and talking points for the joint sessions.

Jeff Neuman, GNSO Liaison to the GAC, explained that the GAC topics will be further discussed during the GAC and GNSO Leadership prep call prior to ICANN75. The topic of SSAD Light (now Whois disclosure system) depends on ICANN org circulating an updated document ahead of the ICANN meeting. Other topics could also change after the Leadership calls have taken place.

Justine Chew, ALAC Liaison to the GNSO, mentioned that she received instructions from ALAC Leadership that they would like to withdraw the second topic of the holistic review. Just before the Council call, she was asked to suggest a second topic on “Council’s observations on the SubPro ODP to date and any expectations for the SubPro ODA”. On the other topic on DNS Abuse, it would be helpful for ALAC to have an update on the efforts of the DNS Abuse small team. Justine Chew proposed drafting an agenda and submitting it to Leadership.

Philippe Fouquart, GNSO Chair, agreed that the GNSO Liaison to the SubPro ODP would be helpful in the joint session. He asked that topic leads and liaisons be prepared for the calls.

Kurt Pritz, RySG, inquired as to the relevancy of the SubPro ODP conversation as there hasn’t been anything new to update on. If there is an update, it may take place during ICANN75, so it may be too late for the GNSO and ALAC to have time to discuss internally before exchanging with one another.

Justine Chew, ALAC Liaison to the GNSO suggested in response that ALAC would not then be expecting Council to address the more detailed questions on the SubPro ODP, since the whole community gets updates from the ODP team, as pointed out by Philippe. The topic suggested could be refined to trigger discussion about the GNSO Council’s observations on the ODP Concept specifically, which could be more informed through the GNSO Liaison to the SubPro ODP. The nature of the discussion then would be more process-based, and not substance-based.

Jeff Neumann, GNSO Liaison to the SubPro ODP, agreed to work with Justine on the agenda. He added that all updates to the GNSO went to the Council mailing list.

Kurt Pritz, RySG, agreed with Justine’s second refinement of the topic, and that it would be a good conversation for the Council as a whole.

Stephanie Perrin, NCSG, asked for confirmation that Jeff would engage with Justine as Liaison to the SubPro ODP and not in his role as GNSO Liaison to the GAC.

Philippe Fouquart, GNSO Chair, confirmed that this would be the case.

Justine Chew, ALAC Liaison to the GNSO, clarified that the ALAC was looking for observations from the GNSO Council of the concept and not the content, regarding the SubPro ODP topic proposed.

Philippe Fouquart, GNSO Chair, reminded councilors to suggest items for the joint meeting with the Board on the Council mailing list, the PDP improvements tracker being one possible candidate item for that meeting.

Action Item:

- GNSO Liaisons to the ALAC and GAC (Justine Chew and Jeff Neuman, respectively) to develop draft agendas for the joint meetings at ICANN75 for the Council to review; Councilors may suggest any elements they would like to share with the ALAC on the SubPro ODP as well as topics for the Board.

Item 7. COUNCIL DISCUSSION - PDP Improvements Tracker

Philippe Fouquart, GNSO Chair, provided background to the document.

Tomslin Samme Nlar, GNSO Vice Chair, reminded councilors that this had been discussed prior amongst councilors. The focus today is on the improved formatting. A survey has been created and will be circulated amongst councilors and SG/C leadership. The responses will help identify where there is agreement to move forward as suggested in the tracker or whether there is any additional discussion required. This will help plan for a discussion on specific items. A 30 minute slot is planned for the GNSO working session during ICANN75.

No further input was received.

Philippe Fouquart, GNSO Chair, suggested that the survey be circulated at this point with the SG/Cs.

Action Item:

- Staff on behalf of leadership to send the survey to GNSO Councilors and the SG/C leaders to complete.

Item 8: Revised Uniform Domain Name Resolution Policy (UDRP) Policy Status Report (PSR)

Lars Hoffman, ICANN org, [presented](#) the latest update on the UDRP PSR to Council.

Lars Hoffman, ICANN org, reminded councilors the report was presented previously to Council. It provides an overview of the policy and attached data. It focuses on efficiency of the UDRP, as well as the fairness aspect with a focus on addressing abusive registrations of domain names. The report doesn't provide conclusions on these topics, but gives data which should help Council reach their own conclusions.

The summary report of Public Comments (44 received) was published on 3 May 2022. Comments were divided into two categories: general observations and specific issues and/or suggestions concerning the

overarching goals of the UDRP. Comments were divided into approvals of the policy or criticisms based on its inadequacy to the ever evolving DNS industry.

Slides 8, 9, 10 of the [presentation](#) provide further details on the topics of efficiency, fairness and abuse.

The GNSO Council will need to consider the UDRP PSR to determine next steps, scope and possible timing for Phase 2.

Mary Wong, ICANN org, added that the PSR is to provide Council with the most updated information and supplemented public input to consider next steps. In working through the PSR and the public comments received, there needs to be consideration of Phase 1 of the RPMs PDP WG. ICANN org is also looking into how to assist the effort more efficiently, both in engaging more actively in the process and work to obtain data that Council may consider. There may be concerns and questions about how providers comply with requirements and what the challenges are. ICANN org is available to provide assistance where required.

Manju Chen, NCSG, asked why some comments were listed as references and others were incorporated.

Lars Hoffman, ICANN org, replied that he will confer with his colleagues also to provide further information. Several comments, being in approval or disapproval, without further substantive justification, were often listed, without being incorporated. Org also provided a red-lined version for a better understanding of how org incorporated the public comments into the PSR.

Philippe Fouquart, GNSO Chair, raised the question of timing to the GNSO Council.

Lars Hoffman, ICANN org, mentioned that there was a clear division on the timing question amongst the SG/Cs.

Flip Petillion, IPC, asked that other efforts be completed before the Phase 2 effort is launched. He wrote in the Zoom chat: *"Happy to take the mike but here are some of my main comments regarding this item #8: First, I think we could complete this slide 11 with the following: there are a number of other workstreams which are underway, and which require attention in order to land. I hope we have fuel for these workstreams till touch down. Let's keep in mind that volunteer resources are finite. Therefore, I think resolving the SSAD/WHOIS and implementing the phase 1 RPMs recommendations should be dealt with before embarking on the UDRP review. Maybe I can add the Privacy and Proxy Services Accreditation Implementation (PPSAI) to this. Second, I also think it is very important that any review is evidence-based and gives due deference to those with real-life expertise."*

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

Action items:

Item 9: ANY OTHER BUSINESS

9.1 – Update on action items related to the Policy Status Report (PSR) for the Expired Domain Deletion Policy and the Expired Registration Recovery Policy

Council Leadership sent a letter to ICANN org Compliance for additional data and their views on potential gaps. Compliance sent a response which the Council will reply to after ICANN75. The Contracted Party House has communicated that there is no need for further review.

9.2 – GNSO Liaison to the GAC - [Proposed approach for term limits](#)

On 5th August, Council leadership shared a proposal on the Council mailing list on the term limit (4 years with a review every year at the AGM). No objection received. No input was received for an additional Expression of Interest to the GNSO Liaison to the GAC role. Jeff Neuman will stay in the current position for another term.

Manju Chen, NCSG, asked that the GNSO Liaison to the GAC role align with councilor limits: a 2-year term, repeatable once, with a maximum of two terms.

Jeff Neuman, GNSO Liaison to the GAC, raised that currently the liaison role is reviewed every year, he asked if Manju could confirm that it be every two years.

Stephanie Perrin, NCSG, spoke in support of Manju's suggestion in the spirit of formalizing the role given its importance.

Manju Chen, NCSG, further clarified that this would not imply launching an Eol now.

Philippe Fouquart, GNSO Chair, suggested that Manju and Stephanie follow up on the email sent on the 5th August 2022.

9.3 – Closed Generics facilitated dialogue - [Proposed approach for identifying the GNSO members](#)

Philippe Fouquart, GNSO Chair, shared that leadership on 3rd August 2022 circulated an extended proposal of 6 seats to GNSO members. Deadline for input has passed. The call will be made to SGs with the criteria that the small team developed as well as expectations for members to take onboard with their selection, The discussion will then be able to begin with the GAC and ALAC.

Paul McGrady, IPC, pointed out the irony that SGs and Cs are asked to appoint members who will be expected to act in their individual capacity.

Philippe Fouquart, GNSO Chair, replied that the appointing groups will not be expecting their members to channel their views, but to work with the small group and to come to some level of agreement. The appointing groups will also be conscious of the remit of the dialogue.

Action items:

- Manju Chen and Stephanie Perrin, and other Councilors if interested, to suggest on the Council list any changes to the proposal for term limits for the role of the GNSO Liaison to the GAC.
- Philippe Fouquart to send a message to the SG/C leaders to request that they appoint members to the Facilitated Dialogue on Closed Generics per the membership proposal.

Additional item:

Mark Datysgeld, BC, requested an additional item. The small team on DNS Abuse is approaching a draft report, expected around ICANN75.

Philippe Fouquart, GNSO Chair, adjourned the meeting at 14:53 UTC.

The next GNSO Council meeting will take place on Wednesday 21 September 2022.