

Minutes of the GNSO Council Meeting 16 February 2023

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

GNSO Council meeting on Thursday, 16 February 2023 at 05:00 UTC: <https://tinyurl.com/2mx8bt8t>.

(Wednesday) 21:00 Los Angeles; (Thursday) 00:00 Washington DC; 05:00 London; 06:00 Paris; 08:00 Moscow; 16:00 Melbourne

List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Theo Geurts, 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, Farell Folly, Stephanie Perrin, Bruna Martins dos Santos (absent), 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 (absent)

Guests:

Becky Burr & Matthew Shears (apologies), GNSO Appointed ICANN Board members

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 (SOI)

Paul McGrady, NCPH NomCom Appointee (NCA) noted he updated his [SOI](#) as he has changed law firms.

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 December 2022 were posted on 03 January 2023.

[Minutes](#) of the GNSO Council meeting on 19 January 2023 were posted on 02 February 2023.

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 ask questions or make comments on the mailing list if warranted. Considerable time and effort is put in by Staff and Working Group Leaders to update and maintain the information and are key to the Council's work. These tools were also brought to the attention of the Board during the Strategic Planning Session as key to our collaboration, which implies at minima Council's active use of them.

Action items:

- None

Item 3. Consent Agenda:

The Consent Agenda had two items listed:

- Nomination of a Mentor for the ICANN Fellowship Selection Committee - Taiwo Peter Akinremi
- [Motion](#) for the Adoption of the [Revised Charter](#) for the Budget and Operations Townhall

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

[Vote results](#)

Action Items:

The GNSO Secretariat:

1. Communicates to staff supporting the ICANN Fellowship Program that the GNSO has nominated Taiwo Peter Akinremi to serve as a Fellowship Selection Committee member for six consecutive ICANN meetings, beginning with ICANN78.

2. Informs Taiwo Peter Akinremi that he has been nominated by the GNSO to serve as a Fellowship Selection Committee member for six consecutive ICANN meetings, beginning with ICANN78.
3. Sends a response to the applicants who were not nominated, thanking them for their interest and encouraging them to apply for future opportunities as they arise
 - The GNSO Council thanks the Council members and subject matter experts that have contributed to the SCBO throughout its lifespan.

Item 4. COUNCIL VOTE - Adoption of the Amended Charter for the Transfer Policy Review (TPR) PDP and Approval of the Project Change Request (PCR)

Oswaldo Novoa, GNSO Council Liaison to the Transfer Policy Review (TPR) PDP, seconded by **Greg DiBiase, GNSO Council Vice Chair**, submitted the [motion](#) for Council to approve the [amended charter](#) for the TPR PDP as well as the [Project Change Request](#) (PCR).

Oswaldo Novoa, GNSO Council Liaison to the TRP, updated councilors on the reason for the PCR. The PDP has identified dependencies between charter topics justifying a non-phased approach with an amended charter, aligned with the PCR.

Whereas,

1. On 18 February 2021, the GNSO Council [voted](#) to initiate a PDP to review the Transfer Policy.
2. On 24 March 2021, the GNSO Council [approved](#) the PDP working group's charter, which anticipated a two-phase approach to completing the PDP's work.
3. The working group began meeting in May 2021 and has made substantial progress, including publication of an Initial Report on Phase 1(a) topics, review of public comments on the Phase 1(a) Initial Report, and preliminary deliberations on Phase 1(b) topics.
4. In the course of considering the Phase 1 charter questions, the working group identified dependencies between charter topics that require the working group to make progress on certain Phase 2 topics (Transfer Emergency Action Contact (TEAC), reversal of a transfer, and Transfer Dispute Resolution Policy (TDRP)) before Phase 1 deliberations on inter-registrar and inter-registrant transfers can be completed.
5. The working group has determined that the best path forward is to consolidate its work into a single phase, which will allow the working group to consider all topics in the charter iteratively. This approach will result in delivery of a second Initial Report covering all topics in the charter and a single Final Report.
6. The working group anticipates that with this new approach, the PDP will conclude a year earlier than originally anticipated, because there will be fewer discrete deliverables and public comment periods.
7. The Working Group leadership team submitted a Project Change Request outlining the full rationale for updating the project plan.

Resolved,

1. The GNSO Council approves this Project Change Request.
2. The GNSO Council instructs policy support staff to update the TPR project plan, charter, and other materials accordingly and post on the working group wiki.

Councilors present on the call voted in favor of the motion.

[Vote results](#)

Action Items:

- Policy support staff updates the TPR project plan, charter, and other materials and posts on the working group wiki to reflect the Project Change Request approved by the GNSO Council.

Item 5. COUNCIL DISCUSSION - Update on the Board's Consideration of the SubPro Recommendations and ODA

Becky Burr, GNSO Appointed ICANN Board member, joined the Council meeting to update councilors on the Board discussions during their workshop.

Becky Burr, ICANN Board, referred councilors to Tripti Sinha's [blog](#) on the Board workshop which had a full day focussing on the SubPro ODA, including a review of the GNSO Council policy recommendations. The Board's goal is to get to decision making in Cancun, March 2023. Several recommendations triggered questions, others which raised dependencies (closed generics and IDNs, discussions to move in parallel). The majority of the recommendations can be dealt with in Cancun.

On the question of the different ODA options: Option 1 approach is to build a huge machine to handle every eventuality, without knowing what the volume of applications will be. Option 2 of the ODA is to pick an estimated number of applications, and the procedures which can handle that number and advance with that. The ODA mentioned a duration of 18 months and was priced accordingly. The Board asked org for a refined version of that approach. There are new technologies available now which didn't exist in 2012, which can automate more of the moving parts than was reflected in the ODA. There has been considerable progress and this topic is at the top of the Board's priorities.

One of the questions to discuss with Council is the rounds' issue, as the vast majority of applications would take place on Day 1. One of Council's recommendations on the topic, is what the Board wishes to discuss, focussing on the first come, first served option, rather than the rounds, which would go towards simplifying contention sets.

Kurt Pritz, RySG, asked what the prerequisites would be to start the Implementation Review Team (IRT) if the Board is looking to approve most if not all of the recommendations.

Becky Burr, ICANN Board, responded that an IRT should be launched as soon as the Board has voted on a bulk of the recommendations. whilst dependencies can be discussed in parallel with the GNSO and the GAC.

Jeff Neuman, GNSO Council Liaison to the GAC, mentioned that it would be helpful to have SubPro PDP members involved in the discussions with the Board as some of the issues raised had been discussed within the PDP.

Justine Chew, ALAC Liaison to the GNSO, asked for clarification about the subset of questions that the Board has.

Becky Burr, ICANN Board, responded that the questions would surround expectations about GAC advice, Auction Proceeds, but that the aim is to clarify certain points, rather than delving into deep discussions. The list will be shared with the GNSO Council when it meets with the Board Caucus.

Susan Payne, IPC, asked about the conversation the Board needs to have with the GAC, and whether it would be public, given it may impact the questions the Board would ask of the GNSO Council.

Becky Burr, ICANN Board, responded that given very few current GAC members were around for the 2012 round, the discussion would be mainly informative. In addition the Board would be discussing the very clear guidance coming out of IRPs regarding how the Board itself handles IRPs, which impacts the weight of the GAC advice. Recommendations coming out of the PDP are in line with the thrust of the IRPs, which since 2016 are binding precedence with the Board. This conversation would not reflect a problem with the GNSO PDP recommendations.

Sebastien Ducos, GNSO Chair, suggested that a preview of the questions that the Board would ask the Council, be available ahead of the session to evaluate whether and which SubPro PDP members would be invited to provide input.

Anne Aikman Scalese, NCA, as SubPro PDP member, and Council SubPro ODA small team member, raised that in regard to Option 2 the Council needs to know what areas org suggests differ from PDP recommendations.

Becky Burr, GNSO appointed ICANN Board member, agreed and added that Option 2 does not impact the recommendations, but maybe the guidance, and that further understanding is needed. She added that the Board is very involved in this, with a commitment to move things forward.

Action Items:

- None

Item 6. COUNCIL DISCUSSION - Update on the Council Committee for Overseeing and Implementing Continuous Improvements (CCOICI)'s Working Group Self-Assessment Recommendations Report and Update from the Statement of Interest (SOI) Task Force

Manju Chen, Chair of the CCOICI, informed Council that the Working Group Self Assessment (WGSA) [Recommendations Report](#) was published and circulated for Public Comment. The group considered the input received, and updates made in response. New developments are a new periodic survey template conducted after publication of the Initial Report, including PDP3.0 proposed survey questions regarding leadership. The survey could be modified by Council leadership if necessary. Several documents will need to be updated accordingly: Working Group Guidelines section 7.0, the GNSO Working Group Charter template, Working Group Self Assessment Survey. Council needs to review the proposed updates and materials ahead of the March Cancun meeting, and share the updated GNSO Operating Procedures with the ICANN Board, as well as update the GNSO Operating Procedures.

Kurt Pritz, RySG, wondered about why the survey could be filled anonymously, and asked what the nature of the questions would be.

Manju Chen, Chair of the CCOICI, responded that anonymity would encourage frank comments. The nature of the question covers the quality of the group leadership, group interaction.

Marie Pattullo, BC, asked what the steps are, and who receives the survey responses.

Manju Chen, Chair of the CCOICI, responded that Council would discuss the next steps in light of the responses received.

Marika Konings, ICANN org, added that an aggregate of the responses of the multiple choice questions, as well as the full open text responses would be available. The only difference is that respondent names wouldn't be included in the new version. It is not a summary edited by staff, it is an aggregate of responses.

Paul McGrady, NCPH NCA, asked for the reason for anonymity in the responses.

Manju Chen, CCOICI Chair, clarified that it was merely to encourage honest responses, and that if people wished to identify themselves in the open text responses, they could.

Mark Datysgeld, BC, stated that anonymity could be negative as active participant responses should be considered more closely than responses from passive participant responses.

Manju Chen, CCOICI Chair, responded that the Recommendation Report already suggests that the Chartering Organization has a say in how the WG membership is structured and when, how and to whom the survey can be circulated.

Justine Chew, ALAC Liaison to the GNSO Council, asked what would be the process if someone suggested an update to the GNSO PDP Charter template.

Marika Konings, ICANN org, responded that the suggestion could be submitted to the mailing list. She also added that the template can be modified on a case by case basis for every Working Group charter draft.

Manju Chen, CCOICI Chair, updated Council on the Statement of Interest (SOI) Taskforce who is working on one remaining question regarding representation (client, customer) and professional, ethical obligations that members may have to not reveal names. The alternative may be to describe the representation without naming it. This could lead to the question lacking value. The group is still in discussion.

Action Items:

- Council members to review WGSA Recommendations Report and be prepared to consider the report for adoption during the next Council meeting.

Item 7. COUNCIL DISCUSSION - ICANN76 Meeting Planning

Sebastien Ducos, GNSO Chair, reviewed the GNSO draft agenda for ICANN76.

Steve Chan, ICANN org, proposed the GNSO Working Session draft agenda topics including preparation for joint sessions, and a NomCom briefing, a session dedicated to SubPro. The last session, following suggestions from the Strategic Planning Session, would be an open mic format.

Sebastien Ducos, GNSO Chair, on this last session, informed Council that a letter to the community will be circulated to ensure people attend, and invited Councilors to relay the invitation within their groups.

Action Item:

- In coordination with GNSO Council leadership, staff to circulate to the GNSO Council for consideration a list of suggested topics for the bilateral meetings at ICANN76.

Item 8: COUNCIL DISCUSSION - PDP Improvements item #8 (Review of the Policy & Implementation recommendations)

Marika Konings, ICANN org, reminded Council that in relation to the recommendations of the Policy & Implementation it adopted, Council also committed to reviewing the recommendations after implementation. In order to better approach the review, support staff has suggested the development of a Policy Status Report (PSR) which has already been used for other review efforts. Taking into account Council member comments, staff circulated a [background note](#) on a possible PSR on the Policy and Implementation Recommendations on 20 January 2023. She also noted that the PSR is also called out in the Consensus Policy Implementation Framework (CPIF) as part of the post implementation review. The PSR would contain a general description of the original recommendations, the intent, and the use of those to date. Issues encountered would also be documented for further consideration by Council. The PSR could then be put out for public comment to gather further input. She clarified that moving forward with the PSR would not commit Council to proceeding with the review, it would help inform next steps.

Anne Aikman Scalese, NCA, mentioned that only the EPDP had gone through the guidance process, and questioned reviewing processes that hadn't been used yet.

Jeff Neuman, GNSO Liaison to the GAC, clarified that when the recommendations came out, some PDPs were already underway. It would be helpful to list which ones could be impacted by CPIF and which ones were not.

Marika Konings, ICANN org, added that CPIF was an output of the Policy and Implementation Working Group and now is owned by ICANN org GDS. It has already been updated in light of Council's comments. It is anticipated that the ODP be incorporated into the CPIF should it be necessary. The question for Council is to decide whether there is information sufficient to proceed with the Policy Status Report. Recommendation is to proceed with it, to establish conclusions, including why certain recommendations haven't been used. This would be an action item for staff.

Action Items:

- GNSO Council members to review the background information on PDP Improvements item #8 (Review of the Policy & Implementation recommendations) and indicate if they have any objections to proceeding with the Policy Status Report (PSR) by the March Council meeting. If there are no objections, staff will move forward with the PSR.

Item 9: COUNCIL DISCUSSION - Uniform Domain Name Dispute Resolution Policy (UDRP) Review Next Steps

John McElwaine, GNSO Council Vice Chair, brought to Council the topic of phase 2 of the review of the Rights Protection Mechanisms (RPMs) which is a review of the UDRP which follows phase 1, a review of the new gTLDs RPMs. After the phase 1 Final Report, there was consensus to recharter phase 2. After looking at the initial Issue Report, which was ten years old, a revised PSR on the UDRP was developed. Council agreed to pausing rechartering and launching phase 2, the review of the UDRP, whilst the community worked on the IRT for phase 1.

Phase 1 recommendations: 22 were agreed upon, divided into 5 groups. 15 recommendations in group 1, which are the easiest to implement, taking 5 to 6 months. Additional 7 recommendations in groups 2 - 5, which will take an additional 12 months. In total 18 months to have a finished implementation of phase 1 of the RPM review.. This corresponds with Council's initial estimate.

Now Council needs to discuss and get to consensus on whether the phase 2 work should be paused until the end of the IRT work.

Susan Payne, IPC, agreed that the timeline of the pause still made sense. RPM phase 1 implementation work will be finished fairly shortly.

John McElwaine, GNSO Council Vice Chair, added that the work could always be paused or moved along by Council.

Jeff Neuman, GNSO Council Liaison to the GAC, suggested asking this question during the Open Mic at ICANN76 as several community groups are discussing the UDRP review.

Paul McGrady, NCA, warned against precedence of taking Council decisions to the open mic.

Susan Payne, IPC, reminded Council that it represents the community, and discussions would have been held within the represented groups.

John McElwaine, GNSO Council Vice Chair, summarized Council input in support of the pause of phase 2.

Anne Aikman Scalese, NCA, if a vote is needed to validate the Council's decision, taking on comments would be helpful.

John McElwaine, GNSO Council Vice Chair, confirmed this would not need a vote.

Action Items:

- The GNSO Council agrees to defer for 18 months and to provide a rationale for its decision.

Item 10: ANY OTHER BUSINESS

10.1 - Standing Selection Committee (SSC) process feedback

Greg DiBiase, GNSO Council Vice Chair, brought an issue raised in the SSC, where two strong candidates were considered for a position, and the question was asked of whether a primary and secondary could be a solution for this case, rather than a single position filled, for if the primary could no longer be in place.

Mark Datysgeld, BC, approved of this suggested change.

Anne Aikman Scalese, NCA, also member of the SSC, added that it would be up to Council to decide to recommend designating a secondary to speed up the process should a primary not be able to continue. This would be on a case by case basis.

10.2 - Update on Closed Generics Facilitated Dialogue

John McElwaine, GNSO Council Liaison to the Closed Generics Facilitated Dialogue, reminded councilors that a report on the face to face in January had been circulated to Council. The group is now putting pen to paper to come up with a framework. Discussions have covered policy positions and issues. The current applicant guidebook and registry agreement have proven helpful for recommendations to be predictable and reasonable. The group is working on ways to measure public interest, to then develop a framework,. The Council will need to decide on next steps.

Paul McGrady, NCA, raised that the report could be clearer on the public interest terms to avoid this leading to policy making.

Jeff Neuman, GNSO Liaison to the GAC, confirmed that this issue was recurring.

Sebastien Ducos, GNSO Chair, adjourned the meeting at 07:04 UTC.

The next GNSO Council meeting will take place on Wednesday 15 March 2023 in Cancun..