

Minutes of the GNSO Council Meeting 19 January 2023

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

GNSO Council meeting on Thursday, 19 January 2023 at 21:00 UTC: <https://tinyurl.com/2cfwppcu>.

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, 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 (apologies, proxy to Stephanie Perrin),

Wisdom Donkor, Farell Folly, Stephanie Perrin, Bruna Martins dos Santos, 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

Guests:

Roger Carney, Chair of the GNSO Transfer Policy Review Policy Development Process (PDP) Working Group (WG)

Mike Silber, Chair of the Applicant Support, GNSO Guidance Process (GGP)

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,**

1.4 - Note the status of minutes for the previous Council meetings per the GNSO Operating Procedures:

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

[Minutes](#) of the GNSO Council meeting on 15 December 2022 were posted on 03 January 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.

Action items:

- None

Item 3. Consent Agenda:

The Consent Agenda had two items listed:

- Confirmation of GNSO Council Liaison to the Transfers Policy Review - Osvaldo Novoa
- Nomination of a Mentor for the ICANN Fellowship Program - Arinola Akinyemi

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

Vote results

Action Items:

- The GNSO Council directs staff to notify Osvaldo Novoa and the members of the Working Group that the GNSO Council approves Osvaldo Novoa to serve as the GNSO Council Liaison to TPR PDP.
- The GNSO Council instructs the GNSO Secretariat to notify the staff supporting the ICANN Fellowship Program that the GNSO nominates Arinola Akinyemi to serve as a ICANN Fellowship Program mentor for three consecutive ICANN meetings, beginning with ICANN78.

- The GNSO Council instructs the GNSO Secretariat to inform Arinola Akinyemi that she has been selected to serve as a ICANN Fellowship Program mentor for three consecutive ICANN meetings, beginning with ICANN78.
- The GNSO Council requests the GNSO Secretariat to send 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.

Item 4. COUNCIL DISCUSSION - Acknowledgment of Council Input on the SubPro Operational Design Assessment (ODA) for the ICANN Board

Susan Payne, IPC, reminded Councilors of the steps decided during the GNSO Strategic Planning Session (SPS) to get Council input on the SubPro ODA to the Board , ahead of the Board workshop starting on Sunday. A small team was reconvened to produce a draft letter, which was circulated to Council ahead of the Council meeting. Input was appreciated and taken into account as far as time constraints allowed. SubPro is considered a Council priority, and everything must be done for the recommendations to be approved by the Board leading to an Implementation Review Team (IRT). The two options proposed in the SubPro ODA have been considered, and questions and concerns have been highlighted for the Board to take into account. There are some reservations that the Implementation approach, with a number of systems being built from scratch, exacerbates the Org's concerns about whether costs will be recovered, given the uncertainty of demand. Maybe an alternative system could be considered, with a buying in of services for example. Maybe an alternative system could be considered, with a buying in of services for example.

Several councilors proposed adjustments on the mailing list, those suggested by Paul McGrady, NomCom Appointee, seemed to be efficient and swift to implement. Other suggestions were equally welcomed but would have required more time for the small team to work on than was available.

Kurt Pritz, RySG, mentioned that he would have preferred a more collaborative tone leaving more of the decision to the IRT, but understood that time was of the essence. He thanked the small team for their efforts.

Anne Aikman Scalese, NCA, appreciated the conscientious work done by the Small team, and noted additional input could be provided by the Council at a later date if needed. Expressions of support for this approach were also noted in the Zoom chat.

Susan Payne, IPC, confirmed there was no objection on behalf of Council.

Sebastien Ducos, GNSO Chair, thanked the small team for their rapid work on turning this action item around.

Action Items:

- Sebastien Ducos, GNSO Chair, will submit the GNSO Council Input on the SubPro Operational Design Assessment (ODA) for the ICANN Board no later than Friday, 20 January 2023.

Item 5. COUNCIL DISCUSSION - GNSO Council Work Related to SubPro

Sebastien Ducos, GNSO Chair, explained the reason for the item, to better understand what dependencies and impacts to SubPro ongoing policy work would have. Council Liaisons [presented](#) the topic from the viewpoint of the PDP, EPDPs they observe.

Farell Folly, GNSO Council liaison to the IDN EPDP, presented the current work status. Phase 1 Charter questions have been deliberated on and the group is considering ICANN org input on draft recommendations. They are on track for publishing phase 1 Initial Report by April 2023. The leadership team is discussing with the ICANN org implementation team the dependency issues between SubPro implementation and the IDNs EPDP, with a focus on Phase 2 deliberations on second level IDN related topics.

Mike Silber, Chair of the Applicant Support GNSO Guidance Process, informed Council the WG has held four meetings, covering topic 17 of the SubPro Final Report and consists of recommendations and implementation guidance. The first two tasks assigned have been completed. The group has been working with ICANN org staff as appropriate, identifying experts with expertise to assist in the remaining 3 tasks, Members have been struggling with the very restrictive requirements, there is a tendency to expand scope. Constructive questions around success metrics have been discussed. The aim is to first deal with the requested tasks, and then maybe work on the additional questions raised by the group. The Final Report is scheduled to be delivered to Council by September 2023.

Paul McGrady, GNSO Council Liaison to the GGP, praised the collegial and academic approach taken by the group, as well as Mike's skill in chairing it.

Anne Aikman Scalese, NCA, asked about the topic of retaining experts and whether it will delay the group's progress.

Mike Silber, Chair of the GGP, responded that there is already significant expertise within the group. However if further expertise is needed, very precise framing of the ask will be necessary, but this shouldn't impact the group's advance.

Julie Hedlund, ICANN org, staff support to the GGP, added that the request for possible external experts is quite narrow.

John McElwaine, GNSO Council liaison to the Closed Generics team, reminded councilors that the structure of the group included GNSO, GAC, ALAC members working on developing a mutually acceptable framework that can be further developed through the appropriate GNSO policy process, to create a community developed consensus policy that will apply to future gTLD expansion rounds. If the facilitated dialogue does not result in an agreement, the Board will need to decide whether to permit closed generic gTLDs in the upcoming round of new gTLDs. A face to face will take place later this month in DC. He reminded councilors that group members are there in their individual capacity, not as stakeholder group or constituency representatives.

Kurt Pritz, RySG, questioned the closed nature of the group's discussions. The RySG is not getting sufficient input from their representative due to the closed nature of the sessions.

John McElwaine, GNSO Council liaison to the Closed Generics team, responded that there are Chatham House rule in application, and that members have agreed to share materials with their groups. The aim is to allow members to discuss a creative problem solving exercise.

Anne Aikman Scalese, NCA, commended the work that Jeff Neuman did as SubPro PDP WG co-chair on the Final Report, as the advice given by the GAC, as well as that provided by those against closed generic. She suggested the group review the SubPro Final Report.

John McElwaine, GNSO Council liaison to the Closed Generics team, insisted on the need for the structure to be closed, in the same way, GNSO Council small teams are closed and recordings not consistently made available. This is not a PDP,

Jeff Neuman, GNSO Council liaison to the SubPro ODP, asked if his role as OPD Liaison had now ended. He asked about what could be done to ensure the IRT is ready to start its work when the Board approves the recommendations.

Paul McGrady NCA, warned against a pre-IRT which could be duplicative in terms of effort. Having an idea of when the Board would approve recommendations would help inform the response.

Sebastien Ducos, GNSO Chair, asked if Jeff would still be available for any remaining questions which could arise. Regarding the IRT preparation, he agreed the calendar was out of the GNSO Council's hand, but that further information was needed.

Jeff Neuman, GNSO Council liaison to the SubPro ODP, encouraged early conversations with Karen Lentz' org team, to better understand how the IRT would be structured to avoid incurring delays.

Sebastien Ducos, GNSO Chair, agreed that a conversation with the Board may be necessary, but warned against volunteer overload too early in the process.

Steve Chan, ICANN org, asked for confirmation that the projects which are SubPro related and owned by Council are the ones listed in the agenda item:

- IDNs EPDP Phase 1 (top-level charter questions)
- GNSO Guidance Process on Applicant Support
- Closed Generics Facilitated Discussion
- SubPro ODA Small Team

Action Items:

- None

Item 6. COUNCIL DISCUSSION - Update on the Transfer Policy Review PDP

Roger Carney, Chair of the Transfer Policy Review PDP, presented the group's developments. The PDP is working on a phased approach (1a, 1b and 2). The aim was to work phase 1 and phase 2 in parallel. Dependencies arose from the phase 2 discussions, which would impact what was being discussed in 1a and 1b. There is no change to the scope of the assignment, but a restructuring of the work. A Project Change Request will be sent to Council next month. The request will be to have a single phased PDP with one Initial Report and Final Report on all topics and reorder the topic sequence to account for dependencies. Council received the 1a Initial Report in June 2022, but would receive a combined 1a (revised), 1b and 2 Initial Report in August 2024 after a 75 day public comment period, This would allow for iterative deliberations on interdependent topics, for the community to review the full package of recommendations and reduce the overall time of the PDP (one year less than initial planned). It would also reduce the burden on volunteers with no phase 1 IRT in parallel with Phase 2 policy development. Only one IRT will be needed. Attendance had been uneven, especially among groups outside of the Contracted Parties. The question is raised of how to sustain engagement over the life of the PDP to ensure there are no surprises at the end of the DP (new positions, new considerations not previously raised).

Action Items:

- None

Item 7. COUNCIL DISCUSSION - Review Action Items from the Strategic Planning Session

The GNSO Council [discussed](#) the Action Items from the GNSO Strategic Planning Session (SPS) held in December 2022 in LA.

Sebastien Ducos, GNSO Chair, reminded councilors of the strategic priorities identified during the session which mainly focussed around work preparation and communication with the ICANN Board including timely input. Council also discussed how to create further transparency in GNSO Council small team deliberations, as well as how to make the most of the techniques in the Consensus Playbook. There was also agreement on exploring incentives for compromising and promoting opportunities for mutual gain. He added that the council was submitting an additional budget request for an additional tool based on the Consensus Playbook to increase community members' learning.

Anne Aikman Scalese, NCA, questioned the use of Chatham House rule and discussions taken place under these rules could lead to policy development outputs. She used the example of the Closed Generics structure.

Sebastien Ducos, GNSO Chair, clarified that the discussion under the SPS was aimed at developing strategy for Council and not policy development per se.

Jeff Neuman, GNSO Liaison to the GAC, mentioned the Consensus Playbook suggesting the use of Chatham House rule in certain situations to advance consensus building so long as the results are fully transparent.

John McElwaine, GNSO Council Vice Chair, raised that the current PDP outputs don't mention who said what, but they do provide transparency on consensus attained.

Stephanie Perrin, NCSG, stated that any small team activity raises the question of whether Council is adhering to the multistakeholder transparency, She also made the difference between meetings being confidential and meetings being held under Chatham House rule, especially with a move towards small teams increasing activity.

Sebastien Ducos, GNSO Chair, then reviewed the individual action items available from slide 4 onwards of the [slide deck](#), which will be worked on by Council with a check in call to be scheduled in May 2023.

Action Item:

- GNSO Councilors to review by 27 January following which staff will post and assign action items.

Item 8: ANY OTHER BUSINESS

8.1 - ICANN76 Update

The [draft GNSO ICANN76](#) has been published, and was presented to the Council.

8.2 - Non objection to Additional Budget Requests

This was confirmed during the discussion on Strategic Planning Session action items.

Action Items:

- Staff to confirm with GNSO Council leadership that, following no objections from the Council, the Additional Budget Requests can be submitted to ICANN Org.

Sebastien Ducos, GNSO Chair, adjourned the meeting at 22:49 UTC.

The next GNSO Council meeting will take place on Thursday 16 February 2023.