Minutes of the GNSO Council Meeting 20 April 2023
[Agenda](#) and [Documents](#)

GNSO Council meeting on Thursday, 20 April at 21:00 UTC: https://tinyurl.com/55r3ef4s.

14:00 Los Angeles; 17:00 Washington DC; 22:00 London; 23:00 Paris; (Friday) 00:00 Moscow; (Friday) 07:00 Melbourne

List of attendees:
Nominating Committee Appointee (NCA): **– Non-Voting** – Anne Aikman Scalese
Contracted Parties House
Registrar Stakeholder Group: Antonia Chu, Theo Geurts (apology, proxy to Antonia Chu), 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 (absent for Consent Agenda vote), 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

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

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 16 February 2023 were posted on 02 March 2023.

[Minutes](#) of the GNSO Council meeting on 15 March 2023 were posted on 30 March 2023.

Action items:

- None

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

2.1 - Review focus areas and provide updates on specific key themes / topics, to include review of [Projects List](#) and [Action Item List.](#)

Sebastien Ducos, Council Chair encouraged councilors to review the project list and action item list regularly.

Action items:

- None

Item 3. Consent Agenda:

There were four items on the consent agenda.

- GNSO Review of GAC Communiqué
- GNSO Council Agreement on next steps for Expired Domain Deletion Policy (EDDP)/Expired Registration Recovery Policy (ERRP)
- Deferral of Rights Protection Mechanisms (RPMs) Phase 2 for 18 months (clock to begin in April 2023)
- GNSO Council Adoption of the Customer Standing Committee (CSC) Effectiveness Review Report

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

[Vote results](#)

GNSO Review of GAC Communiqué

Action items:

1. GNSO Council Chair communicates the GNSO Council Review of ICANN76 GAC Communiqué Advice to the ICANN Board.
2. The GNSO Liaison to the GAC informs the GAC of the communication between the GNSO Council and the ICANN Board.

GNSO Council Agreement on next steps for Expired Domain Deletion Policy (EDDP) Expired Registration Recovery Policy (ERRP)

Action Items: GNSO Policy Support Staff notifies GDS of the request for information on expiration-related educational materials for Expired Domain Deletion Policy (EDDP)/Expired Registration Recovery Policy (ERRP).

Deferral of Rights Protection Mechanisms (RPMs) Phase 2 for 18 months (clock to begin in April 2023)

Action Items: The RPMs PDP support staff to notify GDS of the deferral of RPMs Phase 2 for 18 months (clock to begin in April 2023).

GNSO Council Adoption of the Customer Standing Committee (CSC) Effectiveness Review Report

Action Items: The GNSO Secretariat notifies ICANN Org staff supporting the CSC no later than 28 April 2023 of the GNSO Council Adoption of the Customer Standing Committee (CSC) Effectiveness Review Report.

Item 4: COUNCIL DISCUSSION - Accuracy - Results of Scoping Team's Self-Assessment Survey + Update from ICANN org

Sebastien Ducos, Council Chair explained that as previously decided by the CCOICI, all GNSO policy processes would use a self-assessment survey to give feedback on their particular group. He stated that the comments are particularly interesting, and asked all to read through the feedback if they have not already done so.

Marika Konings, ICANN org noted in the chat that affiliation was an optional field, so although thirteen responses were received, affiliation is only known for nine respondents.

Marika Konings, ICANN org, shared that the survey results would be needed to decide if the Scoping Team is fit for purpose before reconvening for the remaining assignments. Survey feedback will also be used to help inform future instructions, formation, and chairing needs of the Scoping Team.

Justine Chew, ALAC Liaison, asked how might self-assessment survey results be assessed and incorporated back into Council's processes, if at all?

Marika Konings, ICANN org explained that the survey serves as a check-in for Council regarding improvements that can be made to processes including the survey itself, which may change as feedback is received.

Greg DiBiase, GNSO Council Vice-Chair affirmed the use of this survey tool with the Accuracy Scoping Team.

Brian Gutterman, ICANN org, was joined by Odeline McDonald, ICANN org and Elena Plexida, ICANN org and reviewed the letter from ICANN Board detailing four scenarios that have been identified to review the accuracy of registration data.

Sebastien Ducos, GNSO Chair, thanked Brian Gutterman, Odeline McDonald, and Elena Plexida, ICANN org, for joining during the evening in Europe.

Action Items:

- GNSO Council to consider the Scoping Team Self-Assessment survey responses to determine if/how these may inform the review of the formation & instructions of the Scoping Team as well as the search for a new Chair.

Item 5: COUNCIL DISCUSSION - Update from Council SubPro Small Team

Paul McGrady, Council SubPro Small Team Lead, explained that the small team is done deliberating the SubPro Pending Recommendations and org staff is cleaning up the document for further review. He praised the small team's hard work and confirmed that the bulk of substantive work is done. He also voiced appreciation for Board members Avri Doria and Becky Burr for attending meetings and responding to the small group's questions. **Paul McGrady, Council SubPro Small Team Lead,** detailed several approaches the GNSO Council may take regarding the pending recommendations and the next steps for the small group. **Paul McGrady, Council SubPro Small Team Lead** also reminded all of the Special Council Session on 04 May 2023 at 13:00 UTC that has been scheduled to further discuss this topic.

Sebastien Ducos, GNSO Council chair thanked **Paul McGrady, Council SubPro Small Team Lead** for taking on this work and maintaining a constructive and collegial environment.

Anne Aikman-Scalese, NCA reminded all of the [23 March 2023 GAC Correspondence](#)regarding the SubPro topic and recommends responding as soon as possible for diplomatic reasons. Some of the topics in this letter relate to pending Board concerns and may become consensus advice topics in the future.

Sebastien Ducos, GNSO Council Chair, agreed to work with **Jeffrey Neuman, GNSO Liaison to the GAC,** to draft a letter thanking the GAC for their correspondence and ensuring it is transmitted appropriately.

Action Items:

- GNSO Council Chair to send a letter to the GAC Chair thanking the GAC for their 23 March 2023 letter and acknowledging receipt.
- SubPro Small Team on the 38 Pending Recommendations to draft a letter responding to the GAC to briefly explain how each of the issues in the 23 March 2023 letter relating to SubPro are being addressed.

Item 6: COUNCIL DISCUSSION - Update from EPDP Phase 2 Small Team
Sebastien Ducos, EPDP Phase 2 Small Team Lead, explained that during ICANN76, Org staff informed the small team that they were ready to start development on defining success factors, guidelines to participation and how to ensure registrar participation - possibly including publicity work to ensure participation is made mandatory. Since regathering after ICANN76, the small team has made progress on defining success factors and ensuring that factors are flexible rather than pass/fail. He thanked Becky Burr, ICANN Board, for being helpful in understanding the Board's intentions. The next debate for the small team is regarding the data that will be extracted from the system as some team members are more interested in reports, while others are more interested in raw data. Org staff is developing the tool and it should be available for demonstrations by the end of June 2023.

Marika Konings, ICANN org, reminded all to consider responding to an outstanding item from the ICANN Board regarding how to encourage registrars to use this service.

Sebastien Ducos, EPDP Phase 2 Small Team Lead, responded that the topic was discussed previously by the small team and it was decided that voluntary means of participation would be ideal.

John McElwaine, GNSO Council Vice-chair, asked if this would be considered reasonable access under EPDP Phase 1.

Greg DiBiase, GNSO Council Vice-chair, expressed hesitancy to connect Phase 1 work with EPDP Phase 2 Small team work.

Marika Konings, ICANN org, responded that this topic has been identified as additional topic for consideration, and would be further discussed.

Susan Payne, IPC, asked that it be made clear that ICANN org must communicate directly with registrars that are not affiliated with ICANN org as well as the broader population.

Sebastien Ducos, EPDP Phase 2 Small Team Lead, clarified that there are existing methods to contact non-ICANN affiliated registrars and that promotion of the tool has been discussed. Existing registrars plan to redirect traffic to the new tool.

Greg DiBiase, GNSO Council Vice-chair, confirmed that the Registrar Stakeholder Group is already making efforts to support participation.

Kurt Pritz, RySG, voiced support for Susan Payne's intervention.

Sebastien Ducos, EPDP Phase 2 Small Team Lead, clarified that promotion of the tool is actively being addressed. He further stated that a public comment will be initiated once the demonstration is made available, and that it is important to pace the work so that all of the current SubPro work can be completed.

Action Items:

- Council Leadership to draft a response to the ICANN Board's resolution on the Whois Disclosure System implementation addressing the specific asks to Council, including the request to consider a PDP or other means to require, or strongly encourage, registrars to use the WDS.

Item 7 - COUNCIL DISCUSSION - Next Steps on Closed Generics
John McElwaine, GNSO Council liaison to the Facilitated Dialogue on Closed Generics group, explained that the Facilitated Dialogue on Closed Generics opened with a face-to-face meeting in January 2023 and has been meeting weekly since it kicked off. The group has created a draft framework that will be circulated to the community at the end of April 2023 for a month of comments. The Facilitated Dialogue on Closed Generics will account for comments like a working group and plan on finalizing the framework in the third quarter of 2023. He called for the Council to review the draft framework and provide feedback, as well as to begin talk of next steps. Potential next steps include an Expedited Policy Development Process (EPDP) and a small team to become familiar with closed generics and predict next steps after the 15 June 2023 deadline.

Paul McGrady, NCPH NCA, stated that the framework does not amend known policy, and asked why there must be policy work, as in the 2012 round the Board took action on GAC advice to add material to

the Applicant Guide Book (AGB). He also asked if this new work would be addressed by the currently existing SubPro Pending Recommendations Small team.

John McElwaine, GNSO Council liaison to the Facilitated Dialogue on Closed Generics group, clarified that the new process would ask objective and measurable questions about applicants to make the process more predictable in the future. He also expressed concern that the existing small team may not have the bandwidth to address new work.

Kurt Pritz, RySG, indicated that the previous resolution was to leave it up to the Board and move on with the next round.

Paul McGrady, NCPH NCA, raised that the phrase "closed generic" could be swapped with the word "community." Community applications have rules and evaluation criteria, but he was unclear if these rules and criteria were developed via a policy development process. He offered that the resolution may be as simple as declaring that as there is no policy for or against these issues, council has no objection on the board adopting GAC Advice that closed gTLDs should serve public interest and that this sounds like an implementation issue. He further stated that there are many paths forward that do not require multiple year policy development procedures.

Sebastien Ducos, GNSO Chair, made the following comment in his personal capacity. He stated that he wanted to make sure to not simplify months of work into a 20 minute conversation. **Paul McGrady, NCPH NCA'** comment was very relevant and was one of the paths proposed to address closed generics. He was reluctant to return it back to the Board to be taken care of, or to return to the GAC and not offer any mode of resolution.He highlighted the importance of avoiding situations that could create knee-jerk reactions and the importance in trusting work of the Closed Generics participants. He recommended consulting with **GNSO Council liaison to the Facilitated Dialogue on Closed Generics group,** to gain better understanding and remained open to suggestions for tools the Council may use to address these issues. He also reminded all that it is important to be able to get back to the Board with the elements the Board has asked the GNSO Council to provide.

Anne Aikman-Scalese, NCA, expressed concern regarding comments about contractual obligations in the RA and on the need for a Policy Development Process (PDP) and the time such process would require once initiated. She also remembered from the Closed Generics Board presentation, that one possibility would be to launch the next round for all other issues that might be resolved with a stay on Closed Generics issues to accommodate a policy process while avoiding delay.

John McElwaine, GNSO Council liaison to the Facilitated Dialogue on Closed Generics group, thanked **Anne Aikman-Scalese, NCA,** for her comments and reminded all to watch for the Closed Generics framework in their inboxes at the end of April 2023. He stated that in the 04 May 2023 meeting, what will be done to provide the ICANN board with a plan and timeline by 15 June 2023 will need to be discussed. **John McElwaine, GNSO Council liaison to the Facilitated Dialogue on Closed Generics group,** reminded all that he is available to answer questions and that the small team may need to gauge workload to see if they need to recruit other interested parties.

Sebastien Ducos, GNSO Council Chair, encouraged all to have discussions with their groups and reminded all that Council is working to find a workable solution.

Action Items: none

Item 8: COUNCIL DISCUSSION - Next Steps on DNS Abuse

Greg DiBiase, Council Vice-chair, introduced the topic on next steps regarding DNS Abuse by explaining that the small team sent letters to the community asking what abuse could be tackled by policy efforts, in particular on the subject of Bulk Registrations. The small team received input from Contractual Compliance, DNS Abuse Institute, Registrar Stakeholder Group (RrSG) and Registries Stakeholder Group (RySG). GNSO Council may need to reconstitute the small team to evaluate the feedback. There is a need to discuss bandwidth issues with the proliferation of small teams and the council may need to wait until another process is over to begin.

Mark Datysgeld, BC, thanked the remaining members of the small team and the new members for their participation. He stated that some items are still open and need scrutiny - particularly bulk registrations. He is working on summarizing them and has drafted a preliminary statement that can be circulated. He is cognizant of the bandwidth issues but sees the necessity in tackling this topic before the ICANN77, June 2023 meeting.

Greg DiBiase, GNSO Council Vice-chair, asked if there was any opposition to the small team tackling these issues.

Sebastien Ducos, GNSO Chair, shared that he had no objections to the small team continuing their efforts and that he is a member of this small team. The group could decide if they need to pause their work and Council members should be trusted to manage their time accordingly.

Greg DiBiase, GNSO Council Vice-chair, agreed that having this small team's work completed by ICANN77, June 2023, made sense.

Sebastien Ducos, GNSO Chair, thanked Greg and concluded topics of discussion for this Council meeting.

Action Items:

- The DNS Abuse small team is reviewing the input received in response to the request for input on bulk registrations and will provide a report to the GNSO Council with its findings.

Item 9: ANY OTHER BUSINESS

Sebastien Ducos, GNSO Chair, added an additional AOB item to remind all that he sent a form asking for comments to be presented by GNSO Leadership to the ICANN Board with regards to the new CEO search. He received one comment from Jeffrey Neuman, GNSO Liaison to the GAC and has heard from two stakeholder groups that are making sure all comments are compiled before entering them into the google doc. He encouraged all to go back to their SG/Cs to make sure comments are input by the deadline of 24 April 2023. He will send a reminder to GNSO leadership teams and is looking forward to continuing the conversation from ICANN76 in Cancún.

9.1 ICANN77 Day 0 SubPro Session Planning

Steve Chan, ICANN Org introduced the ICANN77 Day 0 SubPro Session Planning document and credited the GNSO Council leadership for their work on it. Session one will concentrate on the three ultimate deliverables - timelines on next steps, IDNs discussions that may impact the Applicant Guide

Book, and the 38 pending SubPro recommendations. Sessions 2 and 3 would spend time on working on the substance of the pending recommendations and work on paths forward as identified by the small team. Council will need to be aligned with the ICANN Board in these matters. Session 4 will spend time on the recommendations that have already been approved. They will identify topics where there is the most substantive change to the program and topics that are contentions and why and how they might come back to council.

Sebastien Ducos, GNSO Council Chair, announced that the GNSO Council received a letter from David Olive, Senior Vice President, Policy Development Support and Sally Costerton, Interim CEO, confirming that they are happy to support and sponsor the Day 0 effort. He will send a personal email thanking them for the quick turnaround.

Susan Payne, IPC thanked Sebastien and Steve for the useful information and asked for further clarification on sessions 2 and 3.

Steve Chan, ICANN org, responded that there are many steps and moving parts. The outputs of the small team need to be validated and endorsed by the Council and will be shared. The ideal outcome is that outside of the Extraordinary Council meeting on 04 May 2023, there is alignment on the paths forward. There is a need for Council to align with the Board in order to develop an actionable work plan. Agreement in advance of ICANN77, June 2023, will feed into the development of a work plan.

Sebastien Ducos, GNSO Chair, encouraged all to participate in comments leading up to ICANN77 and stated that part of this exercise is to ensure that all of the Council has the base knowledge to make decisions on SubPro subject matter.

Terri Agnew, ICANN org, presented the [draft GNSO Schedule for ICANN77](#) and informed councilors further information would be presented ahead of the meeting. She thanked **John McElwaine, GNSO Council Vice-Chair**, for offering to help organize the GNSO Council informal dinner.

Sebastien Ducos, GNSO Chair, stated that if there are further questions, they should be circulated to the mailing list.

9.3 Appointment of Council Liaison to the SubPro Implementation Review Team

Sebastien Ducos, GNSO Chair, raised that the call for participation in the role of Council Liaison to the SubPro Implementation Review Team was [sent](#) by staff last week. He has received one candidate so far and wants to be sure the item is raised and those interested respond to the mailing list. Council will review submissions and decide on the best person together. It will be a lot of work over a long period of time.

Anne Aikman-Scalese, NCA, asked if this requires a formal submission of interest and has asked about the candidate **Sebastien Ducos, GNSO Chair,** mentioned. She also asked if there will be more than one Implementation Review Team and if the council will need more than one liaison.

Sebastien Ducos, GNSO Chair, stated that it is a good idea for interested parties to raise their hands for candidacy on the mailing list and stated that while there will be several tracks it will remain one single implementation review team.

Jeffrey Neuman, GNSO Liaison to the GAC, raised that GNSO Council has already approved recommendations to have two implementation review teams, one being the separate Applicant Support IRT.

Ad-Hoc Item 9.4 GNSO Staff Update

Steve Chan, ICANN Org announced that Nathalie Peregrine, ICANN org, will be moving away from GNSO Council to another team. She will continue to work at ICANN in the Policy team. Her role in GNSO Council operations will be filled by Terri Agnew and Devan Reed will serve as backup. Steve

acknowledged Nathalie's amazing work, relationship building, and efforts in the GNSO and he wished her well in her new role.

<u>Action Item:</u>

- Council Leadership to send a message to the GNSO Council list requesting volunteers for the position of Council Liaison to the SubPro Implementation Review Team.

<u>Sebastien Ducos</u>, **Council Chair,** adjourned the meeting at 23:06 UTC.

The next GNSO Council meeting will take place on Thursday 25 May 2023 at 05:00 UTC