

Minutes of the GNSO Council Meeting 21 September 2023

Agenda and Documents

GNSO Council meeting on Thursday, 21 September 2023 at 21:00 UTC: <https://tinyurl.com/3h2a9edd>.

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

List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Greg DiBiase, Theo Geurts

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

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

Non-Contracted Parties House

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

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

Nominating Committee Appointee (NCA): Paul McGrady

GNSO Council Liaisons/Observers :

Justine Chew : ALAC Liaison

Jeff Neuman: GNSO liaison to the GAC

Everton Rodrigues: ccNSO observer

ICANN Staff:

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

Marika Konings - Vice President, Policy Development Support

Mary Wong - Vice President, Strategic Policy Management

Steve Chan – Vice President, Policy Development Support & GNSO Relations

Julie Hedlund - Policy Development Support Director (GNSO)

Berry Cobb - Senior Program Manager, Policy Development Support

Ariel Liang - Policy Development Support Manager (GNSO)

Caitlin Tubergen - Policy Development Support Director (GNSO)

Terri Agnew - Policy Operations Specialist (GNSO)

Devan Reed - Secretariat Operations Coordinator

[Zoom recording](#)

[Transcript](#)

Item 1. Administrative Matters

1.1 - Roll Call

1.2 - Statements of Interest (SOI).

1.3 - Review / Amend Agenda

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 July were posted on 06 August 2023. [Minutes](#) of the GNSO Council meeting on 24 August 2023 were posted on 09 September 2023.

Item 2: Opening Remarks / Review of Projects & 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](#).

Item 3: Consent Agenda

There were no items on the consent agenda.

Item 4: COUNCIL VOTE - GNSO Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI) Recommendations Report on Review of the Statement of Interest (SOI) Requirements

4.1 – Presentation of [motion](#) (Manju Chen, CCOICI Chair)

4.2 – Council discussion

4.3 – Council Vote (voting threshold: simple majority)

Manju Chen, CCOICI Chair, explained that the overall SOI Recommendations report represents improvement in the overall process and asked that GNSO Council adopt the report. The recommendation

regarding when there is an ethical obligation for community members to participate without stating who they represent did not reach consensus. She [withdrew the motion](#) upon hearing that some would not be able to vote to adopt the report if it included this recommendation. In order to preserve the other good recommendations while not including this one recommendation, Manju Chen, CCOICI Chair, agrees to withdraw the motion and to reword the motion to adopt the recommendations that reached consensus.

Sebastien Ducos, GNSO Chair, shared that it was he who contacted Manju Chen, CCOICI chair, on behalf of the CPH.

Mark Datysgeld, BC, shared that he fully trusts Manju Chen, CCOICI Chair's stewardship of the group and her leadership. He is concerned about the timing of this change as this is very close to the meeting, and is difficult to revert back to stakeholder groups and recommends to find a path that avoids generating a sense of distrust by laying it out very clearly so that the councilors can describe this to their constituencies.

Theo Geurts, RrSG, indicated a problem with transparency before being able to move forward and adopt anything in the report.

Sebastien Ducos, GNSO Chair, shared that the Contracted Parties House (CPH) was going to vote this down based on the fact that the motion contained a recap of the article that would allow somebody not to keep private, and that was seen as a positive confirmation of the status quo.

Greg DiBiase, GNSO Council Vice-chair, reiterated that from the perspective of the CPH, the issue came down to the exemption provision on which certain parties were not compelled to say who they were working on behalf of, which undermined any other improvements.

Marie Pattullo, BC, reminded all of the statistics ([slide 9](#)) that SOIs are rarely used, are kept on an honor system which is not enforced. This is a concern because it was worked on for such a long time and a lot of different compromises were made.

Kurt Pritz, RySG, thanked Marie Patullo, shared that the CPH thought this was the way to proceed with the most alacrity instead of voting to reject the entire resolution. Those that are interested in the transparency issue would look to the Council to approach the issue in some other way.

Sebastien Ducos, GNSO Chair, thanked Manju Chen, CCOICI Chair, for steering this difficult discussion.

The vote was withdrawn.

[Vote results](#)

Item 5: COUNCIL VOTE - Charter for Registration Data Request Service (RDRS) Standing Committee to help inform the next steps on the SSAD policy recommendations

5.1 - Presentation of [motion](#) (Sebastien Ducos, Chair of EPDP Phase 2 Small Team)

5.2 - Council Discussion

5.3 - Council Vote (voting threshold: simple majority)

Sebastien Ducos, Chair of EPDP Phase 2 Small Team, explained that the RDRS Standing Committee started its work through a small team that was quickly chartered when Council received the System for Standardized Access/Disclosure Operational Design Phase (SSAD ODP) from the ICANN Board, directing Council to find a way to simplify the development of an SSAD. The RDRS will be launched in November and the small team will pivot its task to monitoring the RDRS usage and analyzing usage data to evaluate and develop the full SSAD.

Kurt Pritz, RySG, stated that this effort will be a lot of work and will require technical expertise. He thinks that Council should approve this motion, and shared concerns with regards to involving people with the appropriate knowledge base.

Sebastien Ducos, Chair of EPDP Phase 2 Small Team, confirmed that some of the expertise may come from within the community or it may need to be contracted. It is important that the Council receives a budget from ICANN for these items.

Theo Geurts, RrSG, agreed and fully supported the Standing Committee. He shared that the lack of data regarding cyber crime is going to be very telling and the amount of requests is going to be very low.

Sebastien Ducos, Chair of EPDP Phase 2 Small Team, shared that this has been discussed by the small team, and asked Council to focus on the Standing Committee charter.

Jeffrey Neuman, GNSO Liaison to the GAC, asked if the only members of the GAC that can participate are those that were a member of the EPDP P2 Small Team or if they were invited as an expert?

Sebastien Ducos, Chair of the EPDP Phase 2 Small Team, stated that if there is an interest for GAC members to join the team, there is a fair amount of background knowledge that participants will need to effectively participate. Major decisions are not going to be taken by the Standing Committee behind closed doors.

Jeffrey Neuman, GNSO Liaison to the GAC, shared that he just wanted to make sure that his understanding was correct. Part two of his question is that since this is a Standing Committee, there may need to be instances of member replacement.

Susan Payne, IPC, shared that the charter language suggests that EPDP Phase 2 Small Team members will be asked to continue and select alternates that replace them in the case of absence. If someone's Phase 2 member is not longer in the committee they must be able to appoint a replacement instead.

Sebastien Ducos, Chair of the EPDP Phase 2 small team, shared that the intent is to have a representative from each community group and have an alternate to replace them if need be. If people are no longer part of the work they will need to be replaced.

Theo Geurts, RrSG, reiterated that the lack of data compared to the data from the Domain Abuse Activity Reporting (DAAR) System will be very telling.

Sebastien Ducos, Chair of the EPDP Phase 2 small team, shared that this discussion is out of time and proceeded to read the motion.

Stephanie Perrin, NCUC, entered an amendment in [the chat](#) "for greater clarity, alternates mean in some cases replacements as required" and it was accepted by the submitter and seconder of the motion as friendly on the call. [For Zoom chat, please use Zoom Recording, Chat tab]

All Councilors present voted in favor of the motion.

[Vote results](#)

Action Items:

1. The GNSO Secretariat will confirm with the existing EPDP Phase 2 small team members if they are willing to continue as members of the RDRS Standing Committee and/or identify any alternates that may take their place in case of absence. For greater clarity, alternates mean in some cases replacements as required.
2. Prior to the launch of the RDRS Standing Committee, the GNSO Council will identify a Chair.
3. The GNSO Secretariat will reach out to the EPDP Phase 2 ICANN Board liaison and ICANN org liaison to confirm their willingness to continue in their role on the Standing Committee. If not, a new liaison(s) will be requested to be identified.
4. On behalf of the GNSO Council the GNSO Secretariat thanks the EPDP Phase 2 small team for its work to date and appreciates the willingness of its members to continue contributing to this important topic.

Item 6: COUNCIL VOTE - SubPro Clarifying Statement on Registry Voluntary Commitments (RVCs) and Public Interest Commitments (PICs)

6.1 – Presentation of [motion](#) (Paul McGrady, SubPro Small Team Chair)

6.2 – Council discussion

6.3 - Council Vote (voting threshold: simple majority)

Paul McGrady, Chair of SubPro Small Team, explained that the Clarifying Statement on Registry Voluntary Commitments (RVCs) and Public Interest Commitments (PICs) was not ready for voting. The small team has been hung up on some of the language around making sure that PICs and RVCs are enforceable as a practical matter. Small team is hoping to get additional feedback from Avri Doria, ICANN Board and Becky Burr, ICANN Board regarding the statement “enforceable as a practical matter.”

Kurt Pritz, RySG, asked that the small team keeps the Council informed and wants to understand what the discussion is and the motivations of the parties.

Paul McGrady, Chair of SubPro Small team, shared that small team is trying to share just the right amount of information so that the Council is satisfied, while also acknowledging that this discussion is incomplete. He hopes to come back to the Council to better answer their questions.

Mark Datysgeld, BC, seconded Kurt Pritz, RySG’s point, asked how much communication the small team has with the Board, and whether the small team and the Board’s discussions are synchronized.

Paul McGrady, Chair of SubPro Small Team, confirmed that the cooperation has been good, and that there were ambiguities with the draft Clarifying Statement on RVCs and PICs that are being cleared up.

The vote was deferred.

[Vote results](#)

Item 7: COUNCIL DISCUSSION - SubPro Small Team Updated Assignment Form

7.1 - Introduction of Topic (Paul McGrady, Chair of SubPro Small Team)

Paul McGrady, Chair of SubPro Small Team, asked for more time from Council to begin work on considering recommendations the Board has not adopted. Small team’s proposal for an updated assignment list includes taking the analysis done on non-adopted recommendations in triage to move them forward to the next step and to start considering supplemental recommendations or a Section 16 process. He thanked the small team for their helpful contributions, specifically Anne Aikman-Scalese, Jeffrey Neuman, and Susan Payne.

Action Items: As there were no questions, comments, or objections the GNSO Council is deemed to have accepted the updated Assignment Form.

Item 8: ICANN78 Planning

8.1 - Introduction of Topic (Greg DiBiase, Council Vice Chair)

Greg DiBiase, GNSO Council Vice Chair, shared that ICANN78 is rapidly approaching and reviewed an outline of the [schedule](#) and [GNSO Council Related Meetings for ICANN78](#).

Terri Agnew, ICANN org, shared that agendas will be posted on the GNSO Meetings [wiki page](#) and that there will be an email sent with information on getting organized for ICANN78. She shared that ICANN78 Prep Week will be held on 09 - 11 October 2023, with the GNSO Council Policy Webinar taking place on 10 October 2023 at 13:00 UTC. GNSO Council Dinner was sponsored by Thomas Rickert, please respond by following directions in the email. GNSO Council Informal meeting with SG/C chairs to discuss the agenda is on 24 October 2023 at 17:45 - 18:45 local time.

Greg DiBiase, GNSO Council Vice Chair, reviewed the At-Large and GNSO meeting topics and highlighted the GNSO Celebration session ([slide 1](#)) and further reviewed the ICANN78 GNSO Meetings schedule ([slides 1-3](#)).

Manju Chen, NCUC, noted that previously the agenda-setting meeting with the GAC was too close to the ICANN Meeting and the councilors were unable to appropriately prepare.

Jeffrey Neuman, GNSO Liaison to the GAC, confirmed that the agenda would be ready in advance of the ICANN78 GAC & GNSO meeting. He also noted that the GAC sends around talking points prior to ICANN meetings, and suggested that the GNSO council sends talking points as well.

Greg DiBiase, GNSO Council Vice Chair, thanked Jeffrey Neuman and confirmed that the agenda will be sent to the Council prior to the meeting. He asked about topics for the ICANN Board & GNSO Council meeting on 25 October 2023 ([slide 4](#)).

Jeffrey Neuman, GNSO Liaison to the GAC, pointed out the 2014 GNSO recommendations on releasing the International Governmental Organizations (IGO) acronyms.

Greg DiBiase, GNSO Council Vice Chair, noted that Paul McGrady, NCA, and Susan Payne, IPC, legitimized Jeffrey Neuman's request in the chat.

Sebastien Ducos, GNSO Chair, suggested a discussion with ICANN Board and the interim CEO regarding the Next Round launch date and application window.

Action Items:

1. Staff to develop and distribute a list of agreed-upon topics for the bilateral GNSO meetings at ICANN78 with At-Large, ccNSO, GAC, and ICANN Board.
2. GNSO Councilors are encouraged to review and suggest additions or revisions.

Item 9: Cross Community Working Group - Auction Proceeds Response

9.1 - Introduction of Topic (John McElwaine, Council Vice Chair)

John McElwaine, GNSO Council Vice Chair, read an excerpt of a [written update](#) from Xavier Calvez, ICANN org, to Sebastien Ducos, GNSO Chair ([link](#)) and shared that this was a CCWG Final Report approved in 2020 by the GNSO Council and other chartering organizations. That Recommendation 7 is being looked at to be changed in implementation by the ICANN Board. They are engaging in a transparent process to discuss those changes. This asks if the former members are comfortable engaging with ICANN org or if this should be handled differently.

Susan Payne, IPC, asked if the CCWG-AP has been disbanded, is there any reason it couldn't be reinstated as this aspect needs follow up? These members seem to have the background to answer these questions appropriately. If the group was disbanded, they lack any mandate.

John McElwaine, GNSO Council Vice Chair, clarified that according to their [charter](#), the CCWG is not expected to play any role in implementation, though it was contemplated in the charter that there could be additional work for the members.

Anne Aikman-Scalese, NCA, shared that there doesn't seem to be anything that accommodates this informal process of reconstituting with an invitation to the former members. As far as the Council is concerned, if they want to move forward with this process, any solution that comes out of this informal listserv would need to be under the CCWG Guidelines.. The former chairs of Auction Proceeds didn't think that the recommendations should be changed in this manner, however other members favored a hybrid approach.

Paul McGrady, NCA, agreed the Council should reserve the right to approve the results as a chartering organization and asked if the CCWG on Accountability should be involved as their recommendation is being undermined and that this is essentially a stealthy bylaws change, which may seem harmless but there is nothing keeping this stuff out of Registry and Registrar Agreements, contracting away basic protections from the community.

John McElwaine, GNSO Council Vice Chair, confirmed that Council is in favor of responding to this written update, and that there is a bigger procedural issue going on regarding how changes to a working group's recommendations should occur. He noted that the next step is to put together a draft response to Xavier Calvez, ICANN org, with some of these concerns and circulate it on the GNSO Council mailing list.

Sebastien Ducos, GNSO Chair, confirmed that he sees several +1 responses in the chat.

Action Items: GNSO Council Leadership to draft a response for Council review to the written update from Xavier Calvez on the progress of ICANN org's implementation of the Cross Community Working Group's - Auction Proceeds (CCWG-AP) Final Report, including the concerns expressed during the Council meeting.

Item 10: ANY OTHER BUSINESS

10.1 GNSO Prep Week Webinar - Tuesday - 10 October at 13:00 UTC

Caitlin Tubergen, ICANN org, shared that the purpose of the webinar is for the council to hear from Current EPDP and Small team chairs in preparation for ICANN78. Attendance is mandatory and the call is scheduled at standard GNSO Council Meeting time of 13:00 UTC on 10 October 2023. Following this Webinar, at the next Council meeting after ICANN78, Council will discuss if this webinar is the best format for this information.

Tomslin Samme-Nlar, NCUC, asked if this is also an opportunity for councilors to ask questions or voice concerns they have on working groups directly to the chairs?

Sebastien Ducos, GNSO Chair, confirmed that is correct, however if questions are tricky to answer it may be best to send them in advance.

Action Items: GNSO Councilors should note that attendance at the GNSO Prep Week Webinar is mandatory.

10.2 Planning for GNSO Council Strategic Planning Session

Marika Konings, ICANN org, noted that the SPS save the Date has been sent and that staff is working on the agenda based on the feedback provided after the last meeting. Please reach out to GNSO Support staff if you have further thoughts, ideas, or suggestions.

10.3 ccNSO [& GAC] Liaison updates

Desiree Miloshevic, ccNSO Liaison, shared the [Draft Agenda](#) for the ICANN78 meeting with GNSO and ccNSO Councils and reviewed the agenda topic ([slide 3](#)) for this meeting.

10.4 Review of CCOICI pilot

Marika Konings, ICANN org, shared that this item was in anticipation that the CCOICI vote had passed. This item is to tee up a discussion on the CCOICI pilot program. Staff will work with Manju Chen, CCOICI Chair, on conducting a review. Please reach out if there are any suggestions or recommendations from the Council.

Action Items: The staff support team will work with the Chair of the CCOICI to identify the proposed approach for the review that will be shared with the GNSO Council for its input.

10.5 IGO next steps

Susan Payne, IPC, stated that this was on the agenda a couple of meetings ago as an AOB to consider if this was still a priority. There was no conclusion on whether this is a priority or not. Sebastien Ducos had received an email from Mary Wong, ICANN org, that addresses some of the concerns voiced previously. It would be useful for the Council to seek an overarching update on IGO related actions and a clear explanation of next steps and anticipated timelines.

Mary Wong, ICANN org, shared that there may be more to share at the next meeting. There are various work streams that relate to IGOs and the GNSO Policy recommendations. The ones that Susan Payne, IPC, focused on relate to the development by ICANN org of a permanent system that will notify an IGO when a third party registers an acronym matching that IGOs acronym. The development work is moving ahead and there will be a timeline published in conjunction with Curative Rights recommendations.

10.6 [WS2 Community Coordination Group \(CCG\)](#) (Manju Chen)

Manju Chen, WS2 CCG representative, referenced her 20 September 2023 [email](#) to the GNSO Council mailing list regarding some WS2 implementation questions. She recommended that the CCOICI handles these questions and brings a recommendation back to Council as they have previously handled WS2 matters.

Action Items: The Chair of the CCOICI will communicate to the CCOICI that it is expected to continue to assist with any remaining WS2 items from the CCG that may need a Council response or input.

Ad hoc 10.7 Confusing Similarity / IDN in Latin Script

Sebastien Ducos, GNSO Chair, addressed the issue of accents and diacritics in Latin languages that could be deemed confusingly similar to existing strings or other applications. He suggested chartering something with a narrow scope to ensure that this topic does not slide elsewhere into the string similarity discussion and ensure that solutions are found that match requirements imposed on variants.

Manju Chen, NCUC, noted that as previously discussed, this project may need to wait because staff and community members are both stretched thin.

Mark Datysgeld, BC, volunteered for the work that follows from this discussion.

Steve Chan, ICANN org, clarified that next steps from the staff perspective would be for the Council to request an Issue Report.

Sebastien Ducos, GNSO Chair, thanked Steve Chan, ICANN org, and confirmed that he would like to scope this discussion and give answers to the IRT or any other interested parties.

Anne Aikman-Scalese, NCA, shared that this may be a topic to establish communication lines with the GAC early on, and for Jeffrey Neuman, as GNSO Liaison to the GAC, to be able to share perspectives from the GAC leadership on this matter.

Jeffrey Neuman, GNSO Liaison to the GAC, confirmed that he is able to ask for the GAC position on this but will need further information to share with the GAC.

Sebastien Ducos, GNSO Chair, clarified that he will discuss with staff and then share the next steps on the GNSO Council mailing list.

Action Items: Council Leadership to consult with staff to determine the appropriate steps to initiate work on this issue.

Ad-hoc AOB

Marie Pattullo, BC, added an additional AOB item to congratulate Mark Datysgeld, BC, on his marriage, which was followed by all in voice or on chat!

Sebastien Ducos, GNSO Chair, adjourned the meeting at 22:59 UTC.

The next GNSO Council meeting will take place on Thursday, 21 September 2023 at 21:00 UTC.