

Minutes of the GNSO Council Meeting 24 August 2023

Agenda and Documents

GNSO Council meeting on Thursday, 24 August 2023 at 13:00 UTC: <https://tinyurl.com/2h2mdzcd>

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** – Anne Aikman Scalese

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, John McElwaine, Susan Payne

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

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

Emily Barabas - Policy Development Support Senior Manager (GNSO) (apologies)

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 14 June were posted on 01 July 2023.

[Minutes](#) of the GNSO Council meeting on 20 July were posted on 06 August 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](#).

Sebastien Ducos, GNSO Chair, noted that a project important to him, the Implementation Review Team (IRT) on EPDP Phase 1 will be published before the end of August.

Item 3: Consent Agenda

There was one item on the consent agenda:

- Approval of the 2023 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

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

[Vote results](#)

Action Item: The GNSO Secretariat notifies ICANN Org staff supporting the CSC no later than 1 September 2023 that the GNSO has approved the 2023 CSC slate of members and liaisons

Item 4: COUNCIL VOTE - SubPro Small Team Clarifying Statement

Sebastien Ducos, GNSO Chair, shared an email on the [GNSO Council mailing list](#) from Becky Burr, ICANN Board, requesting to put several clarifying statements on hold, as well as a document shared by Steve Chan, ICANN org. This was followed by an [amendment](#) by Susan Payne, IPC, which was seconded by Justine Chew, ALAC Liaison, and Paul McGrady, NCA.

4.1 – Introduction of topic (Paul McGrady, SubPro Small Team Chair)

Paul McGrady, SubPro Small Team Chair, explained that the Council will be taking a vote on sending the proposed [SubPro clarifying statement](#). It has been out for review since the last GNSO Council meeting. The only proposed change came on 23 August 2023 from Becky Burr. The ICANN Board would like the GNSO Council to remove portions related to Public Interest Commitments (PICs). An [email](#) from Sebastien Ducos, GNSO Chair, indicated that GNSO Council Leadership would like to remove most of the things related to Registry Voluntary Commitments (RVCs) and PICs, leaving only Recommendation 9.15 in. The vote today is on the same document with certain items removed, nothing new has been added.

4.2 – Council discussion

Anne Aikman-Scalese, NCA, appreciates the need to provide a clarifying statement on the settled issues dealt with by the small team and shared support of Susan Payne, IPC's, amendment to the motion. Anne Aikman-Scalese, NCA, proposed an amendment to change "the small team considered the Board feedback" to "the Council has considered the Board feedback."

Paul McGrady, SubPro Small Team Chair, read through the [motion](#) and opened an opportunity to comment on the motion.

Steve Chan, ICANN org, updated the motion to take into account Anne Aikman-Scalese, NCA's proposed change to Whereas Clause 8 and clarified that on it previously read "The GNSO Council Small Team took into account..."

Manju Chen, NCUC, noted that the hyperlinked clarifying statement in the GNSO Council meeting agenda has not yet been updated.

Steve Chan, ICANN org, explained that the update came at the last minute and the link will be updated after the GNSO Council meeting.

Greg DiBiase, GNSO Council Vice-chair, proposer of the motion, accepted the change as friendly.

Jeffrey Neuman, GNSO Liaison to the GAC, clarified that his chat statements were made as a member of the small team, to preserve the history of the topic. He noted that the Council agreed with the Board on items that could be resolved by a clarifying statement, and indicated that he would like to preserve the small team's work and the feedback from the Board during ICANN77.

Paul McGrady, SubPro Small Team Chair, stated that the Council has been asked to remove PICs and RVCs from this clarifying statement, pending further feedback from the ICANN Board. There has not been a change of agreement about what can be resolved with a clarifying statement.

Justine Chew, ALAC Liaison, shared that she had no problems with Whereas Clause 6 and suggested using the three hyperlinks in Whereas Clause 7, Whereas Clause 8, and Resolved Clause 1 in the motion to reflect the three different versions of the Clarifying Statement, from draft, amended redline, to final in order to address Jeffrey Neuman, GNSO Liaison to the GAC's point about needing to preserve the history of this topic.

Susan Payne, IPC, recommended using Desiree Miloshevic's suggestion to state "holding this over to a future clarifying statement" to address Jeffrey Neuman, GNSO Liaison to the GAC's concern.

Greg DiBiase, GNSO Council Vice-chair, accepted this further amendment as friendly.

Anne Aikman-Scalese, NCA, noted that she has not seen the language that the Board may want to propose, in the small team exchange with the SubPro Board reps, it was suggested that adjusting some of the language could address Board concerns. She also shared her support of the amendment by Susan Payne.

4.3 – Council Vote

All Councilors present voted in favor of this motion.

[Vote results](#)

Action Items:

1. On behalf of the GNSO Council the GNSO Secretariat communicates the Clarifying Statement to the ICANN Board that the Council has approved regarding select pending SubPro recommendations.
2. The GNSO Secretariat to extend thanks from the GNSO Council to the ICANN Board for its collegial, constructive, and pragmatic approach to addressing select pending recommendations and in particular, extends thanks to the co-leads of the Board's Caucus on SubPro, Avri Doria and Becky Burr.

Item 5: COUNCIL DISCUSSION - GNSO Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI) Recommendations Report on Review of the Statement of Interest (SOI) Requirements

5.1 - Introduction of topic (Manju Chen, CCOICI Chair)

Manju Chen, CCOICI Chair, introduced the CCOICI Recommendations Report Review of Statement of Interest requirements and [presented](#) the objectives and background information regarding the SOI Task Force (slides 1-2) and the Recommendations proposed by the SOI Task Force and the CCOICI as well as the exemption language (slides 3 - 7).

Desiree Miloshevich, NCA, thanked Manju Chen, CCOICI Chair, for leading this work and noted that while this was a difficult question to address, the work of the SOI Task Force looks promising.

Sebastien Ducos, GNSO Chair, shared that this was Manju Chen, CCOICI Chair's first time leading a group and complimented her work on such a difficult topic.

Action Item: Council members to review Recommendations Report in view of a vote to consider the report for adoption at the next Council meeting.

Item 6: COUNCIL DISCUSSION - Chartering the Standing Predictability Implementation Review Team ("SPIRT")

6.1 – Introduction of Topic (Anne Aikman-Scalese and Susan Payne, SubPro IRT Liaisons)

Anne Aikman-Scalese, SubPro IRT Liaison, shared that in the Subpro Final Report there is a section on a predictability framework established to address issues that may arise during further rounds of new gTLDs, which established a standing predictability implementation review team. Anne Aikman-Scalese,

NCA, and Susan Payne, IPC, proposed establishing a small team to charter the SPIRT. They recommend including several GAC and ALAC members in the small team. One of the tasks will be looking at the workflow established by the SubPro IRT and to confirm with the Council on issues as they may arise. They are raising this now to ensure the SPIRT is consistent with work that is being done currently in the SubPro implementation review team.

Susan Payne, SubPro IRT Liaison, shared that the most important part of composition is ensuring that the volunteers are interested in actively participating and does not advocate limiting participation, though it is important to invite participation from At-Large and GAC topic leads.

Anne Aikman-Scalese, SubPro IRT Liaison, added that they would like staff to draft a small team assignment that brings their statements into consideration.

Tomslin Samme-Nlar, NCUC, asked why this team is being chartered now, when it is not needed until later, and asked for clarification on this small team needing to be consistent with the implementation review team.

Susan Payne, SubPro IRT Liaison, explained that it seems relevant now as the IRT has been working on this section of the Applicant Guide Book (AGB), and some of the information, while not relevant to the AGB, needs to be considered by the SPIRT charter.

Anne Aikman-Scalese, SubPro IRT Liaison, further explained that if ICANN org wishes to publish sections of the draft AGB for Public Comment soon, this would ensure that everyone is on the same page regarding interactions of the SPIRT and the AGB.

Jeffrey Neuman, GNSO Liaison to the GAC, thanked Susan Payne, IPC, and Anne Aikman-Scalese, NCA, for taking into consideration that the GAC may want to participate and shared the GAC's request to be included in future groups developing substantive work on topics in the Communiqué.

Steve Chan, ICANN org, shared that the GNSO Council can establish the charter now to allow for alignment with the IRT, without having the group be operational as it won't have any work. He also addressed that given the open membership composition, that this could be established as a charter drafting team, rather than a GNSO Council Small Team.

Susan Payne, SubPro IRT Liaison, agreed that the proposal is to establish the charter, not to populate the group and asked if she can take the further silence as approval to start up a charter drafting team.

Sebastien Ducos, GNSO Chair, confirmed.

Action Item: Staff to seek volunteers for a Charter Drafting Team for the Standing Predictability Implementation Review Team (“SPIRT”).

Item 7: COUNCIL DISCUSSION - SubPro Pending Recommendations - Expected Non-Adoption

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

Paul McGrady, SubPro Small Team Chair, shared that there are some recommendations the Board has indicated that they will not adopt. The options available are to just let the recommendation die, to put together a supplemental recommendation, or to do a section 16 process, which is where a supplemental recommendation is taken to the community and hopefully becomes something acceptable to the Board. The next steps, which involve drafting supplemental recommendations or a section 16 process, are not on the small team’s assignment form. Paul McGrady, SubPro Small Team Chair, asked that the Council give the small team an extension of their assignment form to begin pre-work on drafting proposed supplemental recommendations or a section 16 process based on feedback from Becky Burr, ICANN Board, and Avri Doria, ICANN Board.

Jeffrey Neuman, GNSO Liaison to the GAC, asked if the additional runway includes GAC topic leads that have not been involved in the small team to date.

Sebastien Ducos, GNSO Chair, shared that when it comes to altering recommendations, the wider community should be involved.

Paul McGrady, SubPro Small Team Chair, stated that there have been discussions on how to accomplish that, including inviting GAC and SSAC topic leads to participate in addition to the ALAC Liaison that already participates.

Anne Aikman-Scalese, NCA, asked how the small team would approach pre-work procedurally to avoid delays in any formal process that may be required.

Paul McGrady, SubPro Small Team Chair, clarified that the pre-work is just until the Board takes the action of non-adoption and begins a dialogue with the Council. The small team has been discussing a hybrid supplemental recommendation process, where it is put out for 30 days of Public Comment before being taken to the board.

Sebastien Ducos, GNSO Chair, shared that he would welcome the small team inviting other members of the GNSO Community and to bring experts in and invite them, to make the invitation clear that the aim is to resolve this as soon as possible by doing an intense amount of work.

Paul McGrady, SubPro Small Team lead, reminded all that this team is open to any members of Council and invited councilors to participate and invited further discussion on inviting outside participation on the mailing list.

Anne Aikman-Scalese, NCA, responded that she would welcome an approach that focuses on inviting GAC topic leads to participate and shared her concern about pre-work delaying any formal work that will need to be done.

Paul McGrady, SubPro Small Team Lead, confirmed that there is an appetite for increased participation.

Susan Payne, IPC, explained that it might exclude willing participants to make previous participation in the SubPro Working Group a requirement, and explained that it is a requirement to read all of the SubPro documentation including the Initial Report and Final Report. Susan Payne, IPC, also suggested inviting constituencies or stakeholder groups to suggest someone join the small team instead of their councilor.

Jeffrey Neuman, GNSO Liaison to the GAC, reminded all that the GAC has different topic leads for different issues, so the way GAC would participate is potentially sending different topic leads for different discussions.

Anne Aikman-Scalese, NCA, clarified that she had thought the next steps were to invite wider participation in regards to applicant support, as the other remaining issues would be resolved upon recommending a process to the Council.

Paul McGrady, SubPro Small Team Chair, explained that the discussion ended up to be bigger than he had expected, but the intentions are to get permission from Council to go back and review the small team assignment document and make updates to it, and send it back to Council for review.

Sebastien Ducos, GNSO Chair, confirmed that there were no further hands or objections to this plan.

Action Item: Staff to update the Small Team assignment document, including participation, for the Small Team to review at its next meeting; upon agreement the Small Team will submit the revised form to the GNSO Council for adoption.

Item 8: COUNCIL DISCUSSION - Closed Generics

8.1 - Introduction of Topic (John McElwaine, Council Liaison to Closed Generics Facilitated Dialogue)

John McElwaine, Council Liaison to the Closed Generics Facilitated Dialogue, stated that this discussion is coming to the Council from the 09 August 2023 [letter](#) providing a status update of the Closed Generics Facilitated Dialogue group. It became apparent upon receiving comments that there were fundamental concerns about the [framework](#) that was developed by the group. It became apparent that if policy could be made about this topic, it would take a lot longer than expected. Upon discussion with the GAC, ALAC, and GNSO Leadership, it became clear that it was not necessary to continue the facilitated dialogue or any policy work on the matter. The Facilitated Dialogue group has switched their focus to prepare an outcomes report. The GAC, ALAC, and GNSO Leadership proposed a joint letter to be sent to the Board explaining that Closed Generic Policy should not be a dependency on the next round.

Kurt Pritz, RySG, commented that this niche issue has taken up hundreds of hours of community time rather than on discussions about Web 3.0, UN discussions on internet governance, or internet fragmentation. Kurt Pritz, RySG, also commented that the proposed letter, as written, inappropriately changed the SubPro Final Report recommendations, which left the issue on whether to delegate Closed Generics to the Board. Kurt cited the ICANN staff letter to the Facilitated Discussion team that indicated if the Facilitated discussion did not result in a framework, the issue needed to be decided by the Board.

Susan Payne, IPC, expressed strong agreement with Kurt and disagreed with the idea that the Council would give advice to the Board that was not made by SubPro. There was strong disagreement on the status quo in the SubPro group and they were unable to reach consensus. Allowing applications for Closed Generic gTLDs has the potential to impact third parties. The resolution to maintain the status quo was unsatisfactory last time around.

Anne Aikman-Scalese, NCA, agreed with Kurt Pritz, RySG, and Susan Payne, IPC's comments and noted that if something workable came out of the Facilitated Dialogue, it would proceed to a policy process. There are unanswered questions about what happens in a situation of string contention. Anne Aikman-Scalese, NCA, noted that she is unsure if the Council can go beyond saying that they don't want this issue to delay the next round.

Sebastien Ducos, GNSO Chair, thanked everyone for their comments and clarified that he had very similar concerns. The GNSO, GAC, and ALAC leadership met several times to discuss how to best help this process, and decided jointly that it was not workable. As the group did not find a solution, they are

reverting back, though there is a difference of view on the status quo. The statement asking the Board to make a decision and that to ask the Board to take a suggested decision is out of remit.

Manju Chen, NCUC, asked what would happen if there was no agreement to change the language?

John McElwaine, Council Liaison to the Closed Generics Facilitated Dialogue, shared that the second point was generated from ALAC and GAC, rather than GNSO and that it would be wise to define the status quo to avoid confusion in the community.

Sebastian Ducos, GNSO Chair, shared that he is in favor of keeping a joint statement, and that the GNSO can send a separate clarification statement if necessary.

Anne Aikman-Scalese, NCA, stated that she is unsure if the Council can state to the Board what the status quo is without a Policy Development Process.

Jeffrey Neuman, GNSO Liaison to the GAC, shared, as a former co-chair, that the Board did define the status quo and within that definition stated that it does not set any precedent and suggests not defining status quo, and the Board has already given it a circular definition.

Action Item: GNSO Council leadership to update the joint letter based on the discussion with Council and forward it to Council for reference.

Item 9: ANY OTHER BUSINESS

9.1 Update from NIS2 Outreach Team (Thomas Rickert, Chair of Small Team)

Greg DiBiase, GNSO Council Vice-chair, reminded all that Thomas Rickert, Chair of Small Team, had highlighted references to the multistakeholder model by the European Commission (EC) and NIS2, and raised whether or not the GNSO or ICANN should respond to these references. The Small Team confirmed that ICANN will respond to the EC and GAC and decided that there does not need to be a separate letter from the GNSO.

9.2 ICANN78 Planning (Terri Agnew, ICANN org)

Terri Agnew, ICANN org, shared that ICANN78 Prep Week will take place on 09-11 October and the ICANN78 Annual General Meeting will take place on 21-26 October. The [GNSO ICANN78 Schedule](#) is available and the Council Dinner will be hosted by Thomas Rickert, ISPCP.

9.3 Discussion Paper on .Quebec

Sebastien Ducos, GNSO Chair, introduced the Discussion Paper on .quebec potentially being a variation

of .quebec, stating that this came up during Public Comment on IDNs EPDP Phase 1, but has been in conversation for about 10 years. This touches a problem with all languages in Latin script apart from English. Sebastien Ducos, GNSO Chair, noted that this problem should not be a dependency for the next round and suggested a PDP following IDNs EPDP to address this issue.

Manju Chen, NCUC, agreed that this is not an IDN problem, but asked Sebastien Ducos, GNSO Chair, to clarify what timeframe he meant when using the word “later” and stated that Council may not need to wait until IDNs EPDP is finished.

Sebastien Ducos, GNSO Chair, clarified that while .quebec is not an IDNs EPDP issue, that the members of IDNs EPDP have the most expertise in this area and are too busy to take on additional work in parallel.

Susan Payne, IPC, asked if the place to fix this issue would be in the Label Generation Rules (RZ-LGR)

Sebastien Ducos, GNSO Chair, further explained that .québec is not a variant, as accents in French are not mutually interchangeable (interchangeability being a condition for characters to be variants of each other).

Action Item: GNSO Council to provide EPDP-IDNs Team guidance that indicates that the .quebec issue is not in scope for the EPDP.

9.4 Grant Program implementation update to Chartering Organizations

This item was deferred due to time constraints.

Action Item: Council to review materials shared [via the mailing list](#) and consider the ask “please let us know if you are comfortable in having them [former CCWG-AP members] engage in this conversation or whether it should be held differently”.

Sebastien Ducos, GNSO Chair, adjourned the meeting at 15:01 UTC.

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