Minutes of the GNSO Council Meeting 25 May 2023
Agenda and Documents

GNSO Council meeting on Thursday, 25 May at 05:00 UTC: https://tinyurl.com/ye2a6jyh.

(Wednesday) 22:00 Los Angeles; 01:00 Washington DC; 06:00 London; 07:00 Paris; 08:00 Moscow;
15:00 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 Evan
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Osvaldo Novoa (apologies,
proxy to Thomas Rickert), Thomas Rickert, John McElwaine, Susan Payne
Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin, Bruna Martins dos Santos, Wisdom
Donkor, Tomslin Samme-Nlar, Farell Folly (apologies, proxy to Tomslin Samme-Nlar), Manju Chen
Nominating Committee Appointee (NCA): Paul McGrady
GNSO Council Liaisons/Observers :
Justine Chew : ALAC Liaison
Jeff Neuman: GNSO liaison to the GAC
Maarten Simon: ccNSO observer (absent replaced by Everton Rodrigues)

Guests: Katrina Sataki, Chair of Organizational Effectiveness Committee of the Board (OEC)
Evin Erdogdu, ICANN Org
Donna Austin, IDNs EPDP Chair

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) - apologies
Ariel Liang – Policy Development Support Senior Specialist (GNSO) - apologies
Caitlin Tubergen – Policy Development Support Director (GNSO)
Terri Agnew – Policy Operations Specialist (GNSO)
Nathalie Peregrine - Manager, Policy Operations

Zoom recording
Transcript

Item 1. Administrative Matters

1.1 - Roll Call

Sebastien Ducos, GNSO Chair, reminded councilors of the reason for the meeting time change (accommodate APAC members).

1.2 - Statements of Interest (SOI).

1.3 - Review / Amend Agenda

A request from Stephanie Perrin and Bruna Martins dos Santos, NCSG, to discuss the possibility of two SubPro IRT liaisons instead of the one, was circulated on the GNSO Council mailing list on 19 May 2023. The topic was listed as Item 10.4 of AOB. It was now added to item 5 on the SubPro Progress Update.

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 April 2023 will be posted on 07 May 2023.

Minutes of the Extraordinary GNSO Council meeting on 04 May 2023 were posted on 22 May 2023.

Action items:

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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, Council Chair encouraged councilors to review the project list and action item list regularly. He added that as per request of the Council, the updated action items have been highlighted. Councilors need to download the pdf of the GNSO Council Project list to access the links, and not read it directly on the wiki for formatting reasons.

Action items:

Item 3: Consent Agenda

There were no items on the Consent Agenda for this session.

Item 4: Board request for Council input on Nominating Committee (NomCom) rebalancing

Sebastien Ducos, GNSO Chair, reminded councilors that a request for input was sent by the Board to Council and to Stakeholder Groups (SGs) and Constituencies (Cs).

Katrina Sataki, Chair of Organizational Effectiveness Committee of the Board (OEC) joined the Council meeting to provide background. The NomCom is an independent body being tasked with finding leaders for ICANN. The OEC, when reviewing the Review Implementation Working Group recommendations, was not able to address recommendation #10. When the OEC looked at the recommendation closely, they decided to resolve the recurring issue. The first question in the Board letter is about criteria, and which should be selected to ascertain whether NomCom is efficient.

Evin Erdogdu, ICANN Org, presented on NomCom updates. NomCom has been discussing the topic of rebalancing of NomCom for over ten years, focussing on regional diversity and topical interests as main criteria for determining the number of appointees. Recommendation 10 from the second NomCom review raised that there was concern that the NomCom may not currently represent SOs and ACs. In 2021, the NomCom2 Review Implementation WG proposed that the GNSO WGs and constituencies decide how their 7 seats be allocated, with this reflected in the Bylaws, to be reviewed periodically. The GNSO opposed this, preferring a more fundamental structure. The recommendation was withdrawn.

Katrina Sataki, Chair of Organizational Effectiveness Committee of the Board (OEC), added that the OEC proposed and the Board agreed to address this topic. A set of 6 questions was developed for this aim. The questions focus on criteria to assess if the NomCom is balanced or not, on current composition, on the frequency of checks, suggestions for rebalancing, who should conduct the work, how would this be prioritized within councilors' community groups.

Sebastien Ducos, GNSO Chair, pointed out that Council does not appoint NomCom candidates, but that SGs and Cs do, so Council guidance could be of interest to move the discussion forward.

Mark Datysgeld, BC, asked if there was any reason why another seat could not be added.

Katrina Sataki, OEC Chair, replied that there is a cost impact to this decision, and that increasing numbers could reduce NomCom efficiently.

Sebastien Ducos, GNSO Chair, suggested that Council volunteers step up for a small team to respond to the Board.

Item 5: COUNCIL DISCUSSION: SubPro - Progress Update on Recommendations Marked as Pending

Paul McGrady, Chair of SubPro Pending Recommendations small team, updated councilors on latest developments. The small team has completed the triage exercise, the document is in final shape to present to the Board. It was circulated to Council, and input was provided during the extraordinary Council meeting. The ICANN Board and Council discussed the content, and constructive comments were shared during a special session on 22 May 2023. The work plan and timeline of the small team are still valid, and reflected in positive comments from the ICANN board. On other items, there is less of an alignment between Council and ICANN Board. Further feedback will be needed from the Board.

Sebastien Ducos, GNSO Chair, thanked Paul and moved the discussion to the topic of the SubPro IRT liaison. Two candidates raised their hand, Anne Aikman Scalese (NomCom) and Susan Payne (IPC). Having competition for a liaison position is a rare occurrence within Council. Council does not usually need to vote to approve liaison appointments. The liaison role to an IRT is very different from a PDP liaison. An IRT is an org-led effort. The liaison is there to report back to the Council.

Stephanie Perrin, NCSG, raised that two liaisons to the IRT was key from a perspective of keeping the IRT focused on implementation topics, and not litigating SubPro issues. There is also a question of the IRT maybe dividing into two work streams at which point two liaisons would be key. **Manju Chen, NCSG**, supported the idea pointing out that Board liaisons often function by two, relieving the burden, and ensuring nothing gets missed.

John McElwaine, GNSO Council Vice Chair, disagreed with both liaisons serving in the same capacity. A liaison may be asked to make a consensus determination, with two liaisons this may be problematic.

Jeffrey Neuman, GNSO Liaison to the GAC, in his capacity as past SubPro PDP co-chair, raised that the PDP was not only focussed on policy but also on implementation. He supported the idea of the two candidates working together.

Sebastien Ducos, GNSO Chair, encouraged all to read the IRT Liaison role, and reminded councilors that keeping the discussion limited to implementation will be Lars Hoffmann's role, as this is a staff-led endeavor.

Susan Payne, IPC, mentioned that she has not held a liaison role to date, but she has read up on the responsibilities. She has known Anne for many years, if Council decides to push for two roles, she saw no issue with working together.

Sebastien Ducos, GNSO Chair, thanked all and invited councilors to express their support or lack thereof on the GNSO Council mailing list.

Item 6: COUNCIL DISCUSSION - Internationalized Domain Names (IDNs) EPDP Timeline

Donna Austin, Chair of the IDNs EPDP, [updated] councilors on recent changes within the group's workplans.

The ICANN Board requested a work plan and a timeline for work completion as IDN EPDP topics are a dependency for the next round. The EPDP has recently published an Initial Report on Phase 1 with public comment open until the beginning of June 2023. It is likely the comment period will be extended as several requests have been received. Regular conversations have been held with the ccPDP4 group. The analysis done by the group was to identify the timeline to get to the end of Phase 2 work.

Phase 1 work estimated delivery time to Council is 10 November 2023, work will pick up once the Public Comment period closes. One of the benefits of extending the current comment period is that the group can focus on Phase 2 deliberations during ICANN77.

An impact analysis of Phase 2 was drafted. Initially the charter questions were split into two. All charter questions related to top-level domains were prioritized and worked on in Phase 1. Phase 2 charter questions were worked on for variant management at the second level, therefore not a dependency for the development of the Applicant Guidebook, nor the next round, but there will be an impact on the Registry Agreement. An assumption was made that SubPro IRT would be launched 2 years ago, and the development of the AGB depended on exchanges with the IRT.he group agreed that the 2012 AGB will serve as the basis for the next AGB. From the Phase 2 Impact Analysis Overview, 7 out of 19 questions will impact the next AGB, 3 questions will not, and the 9 remaining may not have an impact on the next AGB. Phase 2 work will not be split as it would just add extra time for a small set of questions. Time is of the essence as the EPDP is losing members gradually.

The Project Plan was based on an analysis of how long it would take to get through charter questions, Currently the group is meeting once a week for two hours.

Phase 2 estimated timeline reflects the decision to tackle Phase 2 in one go: phase 2 Initial Report 18 April 2025, phase 2 Final Report would be 24 October 2025. Estimated timeline is conservative. Phase 1 and 2 will both be considered. Phase 1 Initial Report will still be out for Public Comment during ICANN77, there are four face to face sessions scheduled for Phase 2 charter questions.

Donna Austin, Chair of the IDNs EPDP, also formally requested a face-to-face workshop for the end of 2023**.**

Sebastien Ducos, GNSO Chair, thanked Donna for her presentation and the whole IDN EPDP team for their work.

Jeff Neuman, GNSO Liaison to the GAC, suggested Council discuss with other SO/ACs implementation work in another format than the community is used to. If there is a way to start work on implementation as the EPDP work is ongoing, this could be more efficient.

Donna Austin replied that staff from the Global Domains Strategy (GDS) team, as well as two Board liaisons participate regularly in the IDN EPDP calls.

Item 7: COUNCIL DISCUSSION - Work to Prepare Draft Timeline for Closed Generics Policy Process
John McElwaine, Council liaison to the Closed Generics Facilitated Dialogue, updated Council on good progress on the desired framework. The group is down to final issues. However, the process of triage as to framework content is still in progress. Delivery is planned for May 31st, with maybe a few days delay. Council will then need to deliver a timeline for a subsequent GNSO process to the Board at ICANN77. The ensuing policy process should be, according to the leadership, an EPDP (Expedited Policy Development Process) given the groundwork already completed. Next steps will be drafting the charter, the GAC would like further information about processes and associated participation models. GNSO Council leadership recommend using standard processes established through PDP3.0. From a policy perspective please see slide 6. Tentative projected time frame is 18 months from approval of Final Framework to delivery of Final Report to GNSO Council. .

Paul McGrady, NCPH NCA, admitted it was hard to evaluate which policy process to prefer when the final framework isn't ready yet. He also encouraged narrow scope for policy work.

John McElwaine, Council liaison to the Closed Generics Facilitated Dialogue, replied that from the start, the group was not a policy-making group. It is more of a framework that the GAC, ALAC, GNSO members think will be acceptable. There will be policy approaches in definitions, application questions, manners of evaluating in the ensuing next steps.

Kurt Pritz, RySG, supported Paul's concerns about next steps. Are there other choices than a PDP or pushing the question to the Board? A PDP would delay the next round, turning the output to the Board would be swifter.

John McElwaine, Council liaison to the Closed Generics Facilitated Dialogue, clarified that there was no decision taking at this time, staff was looking into all possibilities.

Justine Chew, ALAC Liaison to the GNSO, commented on Jeff Neuman's comment in the chat, which is returning to the Board asking closed generics to be removed as a next round dependency. She also asked John if he foresaw the framework morphing into an EPDP charter? Has leadership thought about the nature of the PDP, open, representative or both?

John McElwaine, Council liaison to the Closed Generics Facilitated Dialogue, replied that the framework is intended to be used to put together a narrowly scoped charter. By virtue of the interest of the process, a more open model would be preferred for cross community involvement.

Jeff Neuman, GNSO Liaison to the GAC, and member of the Closed Generics group, expressed his disagreement with the closed and secret aspect of the group. Regarding the framework, it is very different to what was expected.

Anne Aikman Scalese, NCA, commented that within SubPro PDP, there were extreme positions on the topic of closed generics and whether they should be permitted without restrictions and whether they should be excluded. The Board replied that extreme positions were not acceptable, hence the wish for a facilitated dialogue. There may be willingness on the Board side to pursue the next round with closed generics still being discussed.

Item 8: EPDP Phase 2 Small Team Progress Update

Sebastien Ducos, EPDP phase 2 small team chair, reminded all that the success criteria were shared with Council, after heavy discussion to ensure that enough flexibility was being anticipated once the project was launched. The ICANN Board however also needs clarity. GNSO Council's concern is that the success criteria need to be sent now to the Board, Small team Board members have approved the criteria. In addition, the question of enforced participation in the program was raised. The small team decided against a policy development process to enforce participation, preferring encouragement.

Item 9: State of Progress from DNS Abuse Small Team

In the interest of time, this item was postponed.

Item 10: Any Other Business

10.1 ICANN77 Day 0 SubPro Session Planning

Steve Chan, ICANN org, noted that the day zero session agenda has been circulated on the Council mailing list. One session will be reviewing the work plans and timeline for pending recommendations. Two sessions will be spent on making progress on the pending recommendations: developing the clarifying statement for Council, next steps for non-adopted recommendations, to be refined once feedback from the Board is received. This session does not appear on the schedule, but will be open to observers, however it is a session for Council. The Informal Council Session will take place on Tuesday late afternoon, there will be no remote participation services.

10.2 Accuracy

Sebastien Ducos, GNSO Chair, noted that there has been no progress on this effort, it would be worth giving staff another 6 months to work further on the next steps of the status report.
Following verbal and in chat interventions by Councillors it was agreed to table a discussion on the matter during the June or July Council Meeting.

10.3 WS2 Framework of Interpretation for Human Rights Proposed updates to GNSO Council templates

Marika Konings, ICANN org, mentioned an [email](#) went out to the list last week with templates updated in line with the CCOICI implementation of WS2 recommendations focusing on human rights. Council input is expected.

10.4 Next Round Policy Implementation - Council liaison to the IRT

10.5 Launch of new Periodic Working Group Survey for IDN EPDP (Emily Barabas, Presented by Steve Chan)

Council adopted the CCOICi Working Group Self Assessment report, so the survey would be sent out during work and not upon work completion. The survey was sent out for the IDN EPDP, and results will be shared with Council.

10.6 Non-Registry Liaison to the CSC and Alternate (Emily Barabas, Presented by Steve Chan)

Currently Milton Mueller is serving in this position, term ends in October, though he is eligible for another term. An alternate appointee would make sense. Council leadership would like a description of alternate responsibilities, and then the Standing Selection Committee (SSC) would be able to begin its work. Need council agreement to move forward on this.

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

The next GNSO Council meeting will take place on Wednesday, 14 June 2023 at 17:45 UTC