

## **Minutes of the GNSO Council Meeting 12 June 2024**

### **Agenda and Documents**

GNSO Council meeting on Wednesday, 12 June 2024 at 11:45 UTC: <https://tinyurl.com/yeykc7fm>  
04:45 Los Angeles; 07:45 Washington DC; 12:45 London; 13:45 Paris; 14:45 Moscow; 21:45 Melbourne

#### **List of attendees:**

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

#### **Contracted Parties House**

Registrar Stakeholder Group: Antonia Chu, Greg DiBiase, Prudence Malinki

gTLD Registries Stakeholder Group: Nacho Amadoz, Kurt Pritz (tentative proxy to Nacho Amadoz in case of connectivity issues), Jennifer Chung

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

#### **Non-Contracted Parties House**

Commercial Stakeholder Group (CSG): Lawrence Olawale-Roberts, Mark Datysgeld (tentative proxy to Lawrence Olawale-Roberts in case of connectivity issues), Osvaldo Novoa, Thomas Rickert, Damon Ashcraft, Susan Payne

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

#### **Guests:**

Amrita Choudhury – IGFS Chair

#### **ICANN Staff:**

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

Caitlin Tubergen - Policy Development Support Director (GNSO)

Saewon Lee - Policy Development Support Manager (GNSO)

Feodora Hamza - Policy Development Support Manager (GNSO)

John Emery - Policy Development Senior Specialist (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 - Updates to Statements of Interest

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 18 April 2024 were posted on 03 May 2024.

[Minutes](#) of the GNSO Council Meeting on 16 May 2024 were posted on 01 June 2024

### **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**

GNSO Council Aspirational Statement

\*\*\*This item has been withdrawn as of 11 June\*\*\*

Action Items: GNSO Council leadership to notify Council that no further action will be taken.

### **Item 4: COUNCIL VOTE - Request for Policy Status Report - Expiration Policies**

4.1 - Presentation of Motion (Greg DiBiase, GNSO Chair)

4.2 - Council Discussion

4.3 - Council vote (voting threshold: simple majority)

**Greg DiBiase, GNSO Chair**, noted that our first vote will be a request for a policy status report on expiration policies. Raised to the Council that the ERRP has been around for 11 years and has not yet been reviewed. As per standard practice policies are periodically reviewed to confirm if still fit for purpose. We had discussed whether this could be further delayed due to other Council items and competing priorities. In recent meetings some debate about whether to prioritize this and the compromise position reached was the requesting of a policy status report, to be completed within 1 year by staff.

Read the [resolved clauses](#) and went to a voice vote.

All Councilors present voted in favor of the motion.

### Vote Results

**Greg DiBiase, GNSO Chair**, stated that the agenda order will be switched due to some Councilor conflicts.

### Action Items:

1. The GNSO Council requests a Policy Status Report (PSR) for the Expedited Domain Deletion Policy (EDDP) and Expedited Registration Recovery Policy (ERRP).
2. The GNSO Council notes immediate work is not needed on this PSR and would request either (i) delivery of the PSR or (ii) confirmation that work on the PSR has begun and an updated estimate on when the PSR should be delivered, in one (1) year from the passage of this motion.
3. The GNSO Council leadership directs GNSO Policy Support Staff to notify ICANN org Global Domains & Services of the request for a PSR on the EDDP and ERRP.

## **Item 7: COUNCIL DISCUSSION - ICANN org Implementation Update - Second-Level International Governmental Organizations (IGO) Protections**

7.1 - Introduction of Topic (Tomslin Samme-Nlar, GNSO Council Chair)

7.2 - Council Discussion

7.3 - Next Steps

**Tomslin Samme-Nlar, GNSO Vice-Chair**, invited Mary Wong, ICANN Org to give an update on the work that ICANN Org will be doing with regard to the second-level IGO protections to Councilors and invited questions to her.

**Mary Wong, ICANN Org**, stated that there is no update from the previous update, that means from the ICANN Org the work continues at pace and making progress and sticking to the timeline. She highlighted shortly the GNSO, and community will be beginning the Implementation Review Team for the Board adopted policy on curative rights. It is on track for the 3<sup>rd</sup> quarter of this year. The timeline is as follows: implementation work Q3 2024 once consensus policy is finalized it will go to implementation review team, with a public comment period, then six months for contracted parties to implement that policy, thus a mid-2026 for completion.

The second workstream is preparing to release IGO acronyms for second level acronyms. This entails the development by ICANN system for IGOs when a 3<sup>rd</sup> party registers a domain name that exactly matches an IGO acronym. We are continuing to obtain updated contact information for each and every IGO to ensure when the system goes live, it will go to the right place and is released in an orderly and predictable fashion.

Finally, the Board at its meeting last month accepted GAC advice on the curative rights work. Accepted GAC advice is to not release these acronyms on the temporary reserve list until the mid-2026 work on implementing the curative rights policy is completed. Noted that this work is one of the strategic dependencies for the next round. This gives us room to release the acronyms before the delegation of the first round new gTLDs.

**Susan Payne, IPC**, appreciates the timeline and asked a question about dependency for the next round point.

**Mary Wong, ICANN Org**, answered that she is not in a position to answer that. It may be a question better put to members of the next round team from the Global Domains and Strategy division and handed it off to Karen Lentz of ICANN Org.

**Karen Lentz, ICANN Org**, distinguished between operational dependencies – meaning this needs to be in place to accept applications – and strategic dependencies – meaning that it was active items that we did not want to leave waiting as we focused energy on opening the next round.

**Jennifer Chung, RySG**, thanked Mary Wong for timeline. There is still some question looking at the three swim lanes or on the image sent by Mary and put on the presentation screen by staff. What is not clear is what is the internal process for the orderly release of temporarily reserved IGO acronyms? These appear interdependent, what does that mean for us? If one track is delayed, does it delay the other tracks as well?

**Mary Wong, ICANN Org**, identified for the third swim lane, we have only just started work to identify different things we need to do in addition to have the permanent notification system ready and the accurate contact list from the GAC, which is the second swim lane. This work is just beginning. We do anticipate that this will involve consultation with contracted parties to make sure that they are ready for the release.

Highlighted that timelines remain, but now that the Board has adopted the GAC advice, it does not mean that these three tracks will affect one another, because from the Org side they are three separate staffed projects.

**Jeffrey Neuman, GNSO Liaison to the GAC**, stated that ICANN released two characters in 2016 with 525 strings and here we are talking about 192 IGO acronyms. Why does Org think a process needs to be developed to release for such a small number.

**Mary Wong, ICANN Org**, replied that because this work has been on our plates for a while, we do want to be sure that we are not leaving anything out that we should be aware of. But hopefully it will be as simple and straightforward as you said.

**Paul McGrady, NCPH NCA**, answered Jeff's query that IGOs are different than two-letters and there is consumer confusion given fundraising concerns that two-letters did not have.

**Justine Chew, ALAC Liaison**, pointed out that implementation would include the need for a workable notification system as part of the agreement with the GAC.

**Greg DiBiase, GNSO Chair**, thanked Mary and Karen for their assistance.

#### **Item 5: COUNCIL DISCUSSION - Accuracy Check-in**

5.1 - Introduction of Topic (Greg DiBiase, GNSO Chair)

5.2 - Council Discussion

5.3 - Next Steps

**Greg DiBiase, GNSO Chair**, gave background on this topic. Stated that it became clear that there was more data needed to inform this work after a brief hiatus since ICANN73. Noted that ICANN Board asked ICANN staff to evaluate situations in which data could be obtained for this purpose of helping to scope the accuracy issue. Highlighted staff concern that collecting sample data for the purpose to test it for accuracy did not have legal basis. Additionally, publicly available WHOIS Data, is often redacted. Thus, two alternatives emerged. 1) look at historical ICANN compliance existing audit data to provide insights into registrar compliance with validation and verification requirements under 2013 RAA. 2) ICANN to engage with contracted parties to review ccTLD identity verification processes to tackle this issue. For today, what are other alternatives make sense beyond these two and/or should we consider alternatives? Closed by opening up the floor for an open-ended discussion.

**Damon Ashcraft, IPC**, stated that given the meeting with the GAC, there was certainly some interest in this topic, and it was something to move forward with and engage with.

**Greg DiBiase, GNSO Chair**, spoke from a registrar perspective that one challenge of scoping what the issue with accuracy is. First topic may speak to that with new data, second topic would be recommending a solution. There was commentary that ccTLD practices will not be global in scale, and any solution must be global

**Tomslin Samme-Nlar, GNSO Vice-Chair**, noted the initial concern data would not confirm the accuracy of underlying data related to registrant identities. Additionally, queried whether the new proposal to use historical data from ICANN compliance existing audit program, and is that dataset different from the one that would have been compiled from the compliance audit.

**Greg DiBiase, GNSO Chair**, cited difference between assessing accuracy and verification, as verification does not necessarily indicate whether data is accurate. Urged everyone to take this back to their stakeholder groups and discuss alternatives for a path forward on this issue.

**Lawrence Olawale Roberts, BC**, shared his understanding that there was a team looking at this and was pausing to wait for additional information. Also, raised concerns that there was an ECPO and queried if there were dependencies in place, and, if so, how can we get those so the team can continue their work?

**Greg DiBiase, GNSO Chair**, summarized that the challenge is if there is an issue with accuracy what the issue is and then determine if policy is warranted. There was a thought that when data protections was in place between ICANN and contracted parties that may allow for more data. But subsequently, ICANN staff submitted a report that sampling registrant data for accuracy might not have a legal basis, but the challenge is still the alternative to gather data and scope the issue, but it is open to interpretation.

**Thomas Rickert, ISPCP**, is unclear on next steps. Stated as a part of the small team on this they got clear advice that the data cannot be used for that purpose. Questioned whether or not Council should touch on this every few months or to bring it back in 18 months since there will be guidance from the task force established by the corporation group by the EU. He made clear that he was not stating this is something that should guide us, but he has hopes that this summer for the corporations plenary may inform the discussion of the Council. Perhaps we cannot get much further here, but there may be some assessments on how NIS2 is going to change the environment that could be worth looking into in 1.5 years.

**Greg DiBiase, GNSO Chair**, responded with a question of what is the goal? What are the next steps, if any? Ultimately, it is up to Councilors to think about this and come to a conclusion.

**Stephanie Perrin, NCSG**, queried about the decision by ICANN org for the purposes of verifying accuracy if this was based upon controller processor agreements.

**Greg DiBiase, GNSO Chair**, responded no, that was a separate analysis by ICANN staff.

**Damon Ashcraft, IPC**, asked Thomas Rickert, ISPCP about the two timeframes he brought up 2 months or 18 months to revisit this, and proposed revisiting this in two months.

**Thomas Rickert, ISPCP**, responded that we either stop the conversation entirely based on the ICANN legal response. Or one alternative is to look into outcome of NIS2 corporation group to stimulate another discussion.

**Damon Ashcraft, IPC**, asked Thomas Rickert, suggested revisiting it in a regular sequence and not putting it off for 18 months.

**Susan Payne, IPC**, believes that we need to be explaining to the community and particularly the GAC on what decision we have come to, even if it is an interim conclusion that we cannot do something until X happens. She expressed the GAC frustration on this or other issues. If there is nothing that we can do because the law doesn't allow it, we should make that clear to the GAC and get input from EU representative if that analysis is correct.

**Greg DiBiase, GNSO Chair**, agrees that the determination not to move forward (if it is our determination) at this point needs to be clearly articulated.

**Eleeza Agopian, ICANN ORG**, joined to clarify some comments regarding requesting data for further accuracy checks. In terms of requesting data from registrars, the RA limits what we can request irrespective of what the law requires. So even if we had the data protection specification in place, we couldn't just ask for whatever we want. Secondly, under EU law we have to show a legitimate purpose for requesting that data and it would have to be proportionate to the processing that we're proposing and what the scope of the question we are trying to answer. We do have historical audit data may be helpful for this purpose and that might be useful for the scoping teams or the Council's decision.

**Greg DiBiase, GNSO Chair**, queried that the historical compliance data is information on the processes of the registries and the registrars as opposed to pulling data with the purpose of assessing its accuracy.

**Eleeza Agopian, ICANN ORG**, responded that is correct

**Greg DiBiase, GNSO Chair**, proposed the Council continue to revisit this until we have a strong rationale for it.

#### Action Items:

GNSO Council leadership to send a follow-up email to Council to take the following questions back to their groups and suggest next steps:

1. Given the limitations in processing data noted by ICANN org in its write-up, does the Council believe pursuing the proposed two alternative options/scenarios would be worthwhile, or, if not, do Councilors have any additional suggestions that still take into account the limitations noted by ICANN org?
2. Given the limitations with respect to access to data, would there be value in restarting the Scoping Team at this time?
3. If not, what other ideas do Councilors have to advance this topic given its importance to the ICANN community?

#### **Item 6: COUNCIL DISCUSSION - Standing Predictability Implementation Review Team (“SPIRT”) Draft Charter**

6.1 - Introduction of Topic (Anne Aikman-Scalese, NCA)

6.2 - Council Discussion

6.3 - Next Steps

**Anne Aikman-Scalese, NCA**, introduced the SPIRT draft charter. Designed to help address these issues collaborating with ICANN Org and within the IRT process and to familiarize the Council with deliberations that have occurred especially with Annex E.

**Anne Aikman-Scalese, NCA**, presented the following [slides](#) on the SPIRT draft charter:

[Slide 4](#) discussed the objective and background of SPIRT Charter

- Publication timing for next year with a draft being finalized June 24<sup>th</sup>.
- She reviewed a few things with Council and noted it will be brought for a vote at the July meeting

[Slide 5](#) outlined the scope and progress of SPIRT Charter

[Slide 7](#) examined the structure of the Charter

[Slides 8-20](#) discussed the rationales for the proposed charter vs. Annex E

- Minor operational change, SPIRT will have responsibility to monitor and appear in a change log.

**Written in the chat:** Jeffrey Neuman, GNSO Liaison to the GAC, noted a typo in [Slide 9](#) stating that Annex E p. 324 should read: “Issues forwarded to the SPIRT Team are limited to...”

- Classified as something other than minor, ICANN needs to come to SPIRT team. Team felt it was practical to implement in this way.
- IRT level agreed notion that we ought to have three classifications of issues.
- Council’s role is to supervise SPIRT and there should be a reporting process but is not covered specifically to charter.

[Slide 21](#) discussed SPIRT’s role for the GNSO Council and allows any Council Member to raise an issue for review at the Council level.

[Slide 23](#) is a timeline for next steps

### **Item 8: COUNCIL UPDATE - Update on the Internet Governance Forum Support Association (“IGFSA”)**

8.1 - Introduction of Topic (Chris Mondini, Managing Director, VP Stakeholder Engagement, Europe ICANN org)

8.2 - Council Discussion

8.3 - Next Steps

**Amrita Choudhury, IGFSA Chair CCOCI**, gave a [presentation](#) on supporting the IGF movement to strengthen the multistakeholder model. Called on all Council members and their constituents to join, contribute, and volunteer.

**Jennifer Chung, RYSG**, cited the earlier plenary session about what ICANN can do for the multistakeholder model and what you can do personally and your organization for IGF initiatives in countries. Noted that this is a concrete step for everyone and their organizations to take.

**Greg DiBiase, GNSO Chair**, echoes zoom chat by Jeffrey Neuman, GNSO Liaison to the GAC, “I appreciate these updates because it is very difficult for many of us to participate in IGF and most of the meetings are completely unrelated to the work we do here. Yes there is some overlap, but not enough to justify small businesses or individuals to attend. That’s why these updates are key.”

### **Item 9: COUNCIL DISCUSSION: Updated Work from Council Strategic Planning Session (“SPS”)**

9.1 - Introduction of Topic (Greg DiBiase, GNSO Chair)

9.2 - Council Discussion

9.3 - Next Steps

**Nacho Amadoz, GNSO Vice-Chair**, asked ICANN Staff to give updates on three issues from December’s strategic planning session: 1) the working groups and implementation review teams 2) the public comment periods and 3) the recommendations report.

**Julie Hedlund, ICANN ORG**, went through [slides](#) to give updates on GNSO Council liaisons to working groups and went through the concrete action items. She stated that the determination was that the description of role is still valid and complete, and they did not find any gaps in the role description.

**Anne Aikman-Scalese, NCA**, queried whether the PDP manual would be amended to include the Council liaison role in the PDP manual.

**Julie Hedlund, ICANN ORG**, responded that PDP manual and operating procedures don't incorporate changes that may be made frequently. But staff can connect to where the descriptions reside on the GNSO website and the next iteration of the operating procedures.

**Anne Aikman-Scalese, NCA**, suggested linking to the latest version in the PDP manual.

**Steve Chan, ICANN ORG**, referenced [slides 7-9](#) on SPS outcome recommendations report. The goal was to investigate origins and amend as necessary 5.1 and 5.2 action items to determine whether or not any changes are in fact necessary. 5.1 notes bylaws recommendations report must be delivered by Council to Board but does not specify the format. The implication of this is that the format is requested by the Board, but at the end of the day, the report is a product of the Council. Ultimately, both parties should feel like they have the opportunity to request the amendments.

**Steve Chan, ICANN ORG**, referenced [slides 7-9](#) action item 5.2. One of the concerns that had been identified at the strategic plan session was that it seemed a little redundant and perhaps even misleading is that the recommendations report includes recommendations from the PDP final report, but not the full context. In the existing format staff pointed the Board to the full report for details and the context that do not come from just the recommendations. Thus, from the staff side, there may be an accommodation in the existing format, but there were no recommended updates that seem critical at this stage. However, he noted the Council may see it differently.

**Kurt Pritz, RySG**, questioned the purpose of the recommendations report, and why can the Board not rely on the report by the working group? What is the original purpose of requiring a recommendations report?

**Steve Chan, ICANN ORG**, answered that it is part of the bylaws requirement. In sum it is an official handoff from the Council to the Board providing additional context about what is in the report and things the Board should take into consideration as it examines the report and the recommendations.

**Kurt Pritz, RySG**, raised a concern that the Board doesn't pay attention to work group generated report and instead to the staff's elaborations on that. That is where the opportunity for clash comes in. Raised the idea that we should look at the bylaws to see whether it is necessary or not.

**Anne Aikman-Scalese, NCA**, cited SPS discussion whether recommendations are Board ready. Questioned whether that recommendations report should have any kind of aspect of checking the boxes for Board ready for the recommendations? Are we sending things that are Board ready for final recommendations?

**Steve Chan, ICANN ORG**, responded that there are separate action items for SPS for what constitutes "Board ready," so that is still pending and in development.

**Nacho Amadoz, GNSO Vice-Chair**, responded that this is a work in progress and will be adjusting as necessary and at present there is not a box to tick depending on the future context and content.

**Jeffrey Neuman, GNSO Liaison to the GAC**, noted that in PDP 1 and 2 recommendations report was usually done before there was an annex containing a summary of recommendations that we do now..



Seemed to him that it has become redundant. It was originally intended that the recommendations report goes to the Board originally would also have ICANN org staff and legal opinions added to it that the Council wouldn't see.

**Manju Chen, NCSG**, raised doubts if it is the job of staff to determine if the recommendations are ready. She feels like it's more of the working groups job to do so during their deliberations when they are consulting staff constantly, continuously, to make sure everybody's on the same page. Thus, there are no surprises on the recommendations, and it is on the working group not the staff to check the box.

**Nacho Amadoz, GNSO Vice-Chair**, agreed and called upon the working groups to be on top of what the staff provides them and consult with liaisons to see if it is Board ready.

**Steve Chan, ICANN ORG**, reiterated the point that Nacho Amadoz and Manju Chen made noting that Board readiness is not a binary checklist. It is a set of things along a continuum and actions that the PDP can take along the way to better ensure Board readiness.

**Nacho Amadoz, GNSO Vice-Chair**, reiterated that this is a work in progress, and we will look to what works and what didn't.

**Julie Hedlund, ICANN ORG**, went through the final agenda item on [slides 12-15](#) of the GNSO PDP public comment review process. Noted that Staff documented existing processes and determined that existing mechanisms are in place to ensure that commenters understand how their comments were considered by the WG.

**Greg DiBiase, GNSO Chair**, requested this information be sent to Council in a follow up.

**Kurt Pritz, RySG**, commented that there is some negative perception about how public comments are dealt with and integrated, or not, into the final report. Queried how we could handle this from a public relations standpoint and consider the communications aspect of this.

**Greg DiBiase, GNSO Chair**, will consider the feedback.

**Stephanie Perrin, NCSG**, proposed a hypothetical procedural mechanism for public comments to query the final report. She believes the Council does not currently have a good enough process to explain why their comments were not incorporated into a final report.

**Steve Chan, ICANN ORG**, differentiated the way that a PDP considers public comments versus a completely staff owned process. The way that PDPs go through their comments there is a very robust comment review tool. And it's very detailed, and it will actually show you clearly as a commenter how a comment may or may not have impacted the final product. I'd wonder if there's concerns about the public comment process in respect to how they are considered in the context of a PDP. This might make a difference whether or not the Council itself needs to make changes for its processes, for public comments.

#### **Action Items:**

Council Liaisons to PDP Working Groups

Action Items: Staff to incorporate the link to the Description of Council Liaison Roles on the GNSO Procedures web page into the next iteration of the PDP Manual.

## Recommendations Reports

Action Items: GNSO Council to revisit the origin and need for the Recommendation Report and discuss at the July meeting.

## Public Comment Review

Action Items: GNSO Councilors to continue the discussion at the July meeting.

## Item 10: Any Other Business

### 10.1 - ccNSO Liaison update

- [Joint Meeting: ccNSO & GNSO Councils](#) on 11 July 2024

### 10.2 - PPSAI Call for Volunteers

### 10.3 - Open Mic

**Desiree Miloshevic, CPH NCA**, gave an update that the GNSO and ccNSO will have a joint meeting on 11 July. Some topics to prepare for that meeting include the election of the CSC, the standing committee, the holistic review, and an update on the ccPDP 4 that is now a policy process.

**Greg DiBiase, GNSO Chair**, noted the privacy proxy service accreditation, PPSAI IRT call for volunteers and encouraged Councilors to sign up.

**Greg DiBiase, GNSO Chair**, also noted from the informal meeting that there was a discussion of the possibility of a letter on the topic of the dismissal of the IPC's RfR on recommendation 7 of the CCWG on auction proceeds. He officially asked for a call for volunteers to draft something for the Council to consider.

**Jeffrey Neuman, GNSO Liaison to the GAC**, pitched for applicants to apply for the position of GNSO liaison to the GAC.

**Anne Aikman-Scalese, NCA**, raised the topic of grant program generally noting that there are three chartering organizations that need to formally agree to the deletion that the Board requested in recommendation 7.

### Action Items:

GNSO Council to call for volunteers to draft a letter to the Board on the IPC RFR. Volunteers during the meeting were: Greg DiBiase, Nacho Amadoz, Damon Ashcraft, and Paul McGrady.

**Greg DiBiase, GNSO Chair**, adjourned the meeting at 01:41 UTC.