

Minutes of the GNSO Council Meeting 17 October 2024

GNSO Council meeting on Thursday, 17 October 2024 at 13:00 UTC: <https://tinyurl.com/4yjj9kpi>
06:00 Los Angeles; 09:00 Washington DC; 14:00 London; 15:00 Paris; 16:00 Moscow; 00:00 Melbourne (Friday)

List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Hong-Fu Meng, Greg DiBiase, Prudence Malinki

gTLD Registries Stakeholder Group: Nacho Amadoz, Kurt Pritz, Jennifer Chung

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Lawrence Olawale-Roberts, Mark Datysgeld, Osvaldo Nova (absent) Thomas Rickert, Damon Ashcraft, Susan Payne

Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin, 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:

Donna Austin, EPDP-IDNs Chair

Sebastien Ducos, Chair of RDRS Standing Committee

ICANN Staff:

Mary Wong - Vice President, Strategic Policy Management (apologies)

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 Support Senior Specialist (GNSO)

Terri Agnew - Policy Operations Senior Specialist (GNSO)

Devan Reed – Policy 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 08 August 2024 were posted on 23 August 2024.

[Minutes](#) of the GNSO Council Meeting on 19 September 2024 were posted on 07 October 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

****Deferred to November 2024 meeting**

- Motion to Defer the Rights Protection Mechanisms (RPMs) Policy Development Process (PDP) Phase 2 for an Additional Six Months

Greg DiBiase, GNSO Chair, noted that this motion would be deferred until the November meeting to give adequate time for discussion.

Item 4: COUNCIL DISCUSSION - Expedited Policy Development Process on Internationalized Domain Names (IDNs) Phase 2 Final Report

4.1 - Introduction of Topic (Donna Austin, EPDP-IDNs Chair)

4.2 - Council Discussion

4.3 - Next Steps

Greg DiBiase, GNSO Chair, reminded Councilors that they will be voting on this during the November meeting.

Donna Austin, EPDP IDNs Chair, gave a [slide presentation](#) on the EPDP on IDNs Phase 2 Final Report.

Donna Austin, EPDP IDNs Chair, highlighted that this EPDP was a Representative + Open model that worked well, but for consensus it was only required to check in with the representative group. The mission was to develop policy that would allow for the introduction of variant gTLDs at the top level (Phase 1) and second level (Phase 2). In total this EPDP had 20 final outputs with 14 final recommendations and 6 implementation guidelines. Furthermore, there was a large discussion on the term “grandfathered” based on Public Comment, which was replaced with “exempted” or “excluded” depending on context. She also gave praise to Sarmad Hussain, ICANN org

for his work on IDN table harmonization. Ultimately, she thanked the work of the team for their diligence and hard work on this complex topic and opened it up for questions.

Anne Aikman Scalese, NCA, raised the question from an implementation standpoint for a recommendation involving the transfer (not exempted or excluded) if there is a UDRP action that the variants would be transferred. Would the rules have to end up being modified so that a dispute resolution provider can discover those variant labels?

Donna Austin, EPDP IDNs Chair, referred to the implementation team, but also pointed to recommendation 1 that it ought to follow the same entity principle. The intent is if there is a UDRP and an IDN from a variant set is transferred to somebody else, then the rest have to go with it. Ultimately, the implementation team will have to address that particular issue.

Anne Aikman Scalese, NCA, asked for definitions of source domain name and initial source domain name.

Donna Austin, EPDP IDNs Chair, referred her to the glossary of definitions.

Anne Aikman Scalese, NCA, queried about the Representative + Open Model

Donna Austin, EPDP IDNs Chair, replied that when it came to working out the consensus level delegations it was done over email and as chair, she determined full consensus on outputs. The team was looking for agreement or responses from representative groups on the EPDP and not those as individuals. However, as a courtesy the individuals participating in the three plus year process had a say in consensus calls, so it was a hybrid model to include everybody.

Item 5: COUNCIL DISCUSSION - Final Issue Report on a Policy Development Process for Latin Script Diacritics

5.1 - Introduction of Topic (John Emery, ICANN GNSO Support Staff)

5.2 - Council Discussion

5.3 - Next Steps

John Emery, ICANN Org, shared a [slide presentation](#) covering the Final Issue Report on a PDP for Latin Script Diacritics and reminded Councilors that this would be a vote at the November meeting. He outlined the background information on the Final Issue Report, discussed the public comments overwhelmingly in support of initiating a PDP, and discussed the next steps with Councilors and drew their attention to the draft charter in Annex A of the report.

Mark Datysgeld, NCPH, voiced his support for initiating a PDP on this quickly and stated that staff had established a tightly scoped charter. This is well timed along with IDNs EPDP, universal acceptance, and aligns with other projects and discussions. Many communities have expressed support for this since previous gTLDs and the issue of linguistic rights is central and should be advanced and this PDP would align with broader GNSO interests.

Justine Chew, ALAC Liaison, informed Council that ALAC and At-Large are in support of the PDP going ahead. She raised the following questions regarding timing with respect to the charter: Is the draft charter supposed to be considered in conjunction with the Council making a decision in November about whether or not to proceed with the PDP? Is there still time to relook at the charter after the November meeting?

John Emery, ICANN Org, stated that there would be time to look at the draft charter after the November meeting as that will be a vote to initiate a PDP.

Steve Chan, ICANN Org, clarified that technically the Council could initiate the PDP and also adopt the charter in a single motion. However, if that is not what the Council would like to do, they can separate it to initiate the PDP and then adjust the charter as needed.

Kurt Prtiz, RySG, noted that the draft charter what the Latin LGR group decided, but not why the group made those decisions that made the registration or delegation of diacritic TLDs more difficult. Suggested to augment the membership of the PDP to include former LGR member to explain why those decisions were made.

Susan Payne, IPC, queried about the structure as to why every PDP needs to be representative plus open, rather than simply open, why would we restrict it to limited numbers from certain groups.

Greg DiBiase, GNSO Chair, suggested that since she is the third person to ask a question on the charter, Council should allow more time for discussion and separate the votes.

Jeffrey Neuman, GNSO Council Liaison to the GAC, stated that GAC members very interested in this PDP and to have this go as quickly as possible. He agreed with Susan that more of an open model is a good idea, but noted of Donna's earlier statement that when it came down to having consensus, the representative model was helpful. He encouraged no delay for initiating the PDP.

Mark Datysgeld, NCPH, summarized that the concern was with structure and not subject matter, thus this should go ahead with the vote and smaller considerations should be dealt with when the time comes. He noted a lot of community pressure and that it should proceed. Focus on that to get to smaller charter questions. He offered an answer for Kurt about having Sarmad on the team as there is no clear cut answer as to why the LGR members settled on their decisions. Cited that there is no clear-cut general answers and the LGR can advise us in the process, but it does not necessarily preclude us from going a different direction.

Greg DiBiase, GNSO Chair, stated alignment on separating the vote for PDP and then the charter.

Steve Chan, ICANN Org, offered an explanation for the purpose of the representative plus open model. It is the best of both worlds in that it has structure for the consensus call, also when

inputs and opinions of those representative orgs can be sought. It is also open that any interested parties can contribute substantively. The experience is that this model provides the flexibility that you need for structure for representation when it is needed, but does not hamper any member being involved in that process.

Paul McGrady, NCPH NCA, commented in the chat: Any vote to initiate a PDP must make it clear that this work is not a dependency for the next round.

Greg DiBiase, GNSO Chair, noted this and there was consensus that it would not delay the next round.

Action Items: By 24 October, GNSO Council leadership will send a reminder to Councilors to discuss the charter with their groups.

Item 6: COUNCIL DISCUSSION - Accuracy of Registration Data

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

6.2 - Council Discussion

6.3 - Next Steps

Greg DiBiase, GNSO Chair, summarized past issues of deferred recommendations from the scoping team and ICANN's determination that there was not a valid legal purpose for the use of this data. Furthermore, there is ambiguity on upcoming legislation, so the path forward was a set of questions for ICANN Staff to compile a summary of upcoming legislation and how it might impact our work. Then these questions could be brought to relevant stakeholder groups to help form a mutual understanding of the issue to be solved and whether a small team or other mechanism is best suited for this. A couple of comments worth noting, the IPC had some clarifications on these legal questions that ICANN should not be saying whether policy work is advisable, but simply giving feedback on upcoming legislation.

Greg DiBiase, GNSO Chair, stated that leadership would like to move forward with the questions circulated first to ICANN, then to the stakeholder groups. What needs to be decided on is a time period for feedback.

Jeffrey Neuman, GNSO Council Liaison to the GAC, corrected Greg that he said stakeholder groups, but probably meant advisory committees. Noted for the record GAC is interested and would want to provide feedback.

Anne Aikman Scalse, NCA, questioned what the Council is asking for, a legal opinion from ICANN legal, are we asking them to determine where the summary is properly advised?

Damon Ashcraft, IPC, offered a clarification that ICANN legal will not opine on the issue as a whole, but to flag potential legislation as a whole that would be germane to the topic.

Greg DiBiase, GNSO Chair, noting no objections, he moved forward with sending this to ICANN and that the time period for SGC's to respond would be sorted out over email.

Action Items:

1. GNSO Council leadership will confirm the next steps for information gathering with the Council via email. The next steps include: GNSO Council agreeing on a timeline and sharing the assignment with ICANN, Stakeholder Groups and relevant advisory committees, etc.
2. Leadership to share the draft letter to GAC on "DPS is not a dependency" via email with Council and ask for feedback by 25 October.

Item 7: COUNCIL DISCUSSION - Update on Board Readiness Project

7.1 - Introduction of Topic (Kurt Pritz, Board Readiness Small Team Chair)

7.2 - Council Discussion

7.3 - Next Steps

Kurt Pritz, Board Readiness Small Team Chair, shared a [slide presentation](#) discussing the progress of the Board Readiness small team

Anne Aikman Scalese, NCA, raised a point about the SubPro slide noting that the Board raised questions or concerns via letters, but did not imply it violated the bylaws. Volunteered to be interviewed for SubPro.

Kurt Pritz, Board Readiness Small Team Chair, replied that the interviewing process is open whether this bullet was the understanding of SubPro, or whether Board advice was subtle. Ultimately, this would be established in the interview process and was simply blunt in a single slide.

Kurt Pritz, Board Readiness Small Team Chair, flagged for Council one final issue that he is the current chair and would be leaving the Council in shortly, but volunteered to remain chair of this Small Team if Council agrees

Greg DiBiase, GNSO Chair, thanked Kurt for being willing to continue to chair even when he is no longer on the Council.

Item 8: COUNCIL UPDATE: Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI) and Continuous Improvement Program Community Coordination Group (CIP-CCG)

8.1 - Introduction of Topic (Manju Chen, Chair of CCOICI)

8.2 - Council Discussion

8.3 - Next Steps

Manju Chen, NCSG, gave an update on CCOICI through a [slide presentation](#) and requested that Councilors review the charter with respective groups. She noted that the current membership structure is untenable given the workload coming down the pipeline. Asked that Councilors seek support or opposition from their respective groups and provide input on what to do better to fix it. She highlighted specifically the major changes to the charter including the formation, membership, and staffing.

Action Item: By 24 October, GNSO Council leadership will send a reminder to Councilors to discuss the charter with their groups, focusing on the membership structure.

Item 9: COUNCIL UPDATE: Registration Data Request Service (RDRS) Standing Committee Update

9.1 - Introduction of Topic (Sebastien Ducos, Chair of RDRS Standing Committee)

9.2 - Council Discussion

9.3 - Next Steps

Sebastien Ducos, ccTLD, shared the RDRS [slide presentation](#) on RDRS with information from the first year pilot study. He highlighted the pressing questions of how to improve the approval rate and reduce the denial rate. There is a political issue that he wanted to make sure that the Council was aware of in order to possibly spin another discussion specifically on that more political topic.

Greg DiBiase, GNSO Chair, instructed Councilors to review the slides and further the discussion with Sebastien at ICANN81.

Action Items:

GNSO Council leadership will:

1. Invite Sebastien Ducos to present RDRS metrics during ICANN81; and
2. Work with Sebastien to frame questions for Council.

Item 10: COUNCIL DISCUSSION - Next Steps on Board Letter Re: Contention Sets

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

10.2 - Council Discussion

10.3 - Next Steps

Greg DiBiase, GNSO Chair, discussed the meeting with the Board where they explained their rationale for reversing or un-adopting their decision on recommendation 20.5 on joint ventures. On that call and on the list, there seemed to be consensus that this might be acceptable, or at least Council isn't formally pushing back, but a letter would be required to cite potential procedural concerns. He proposed a path forward that leadership is suggesting is not to formally object to the Board action here, but to draft a letter explaining what we were thinking in regards to the process going forward and to raise any concerns we might have.

Greg DiBiase, GNSO Chair, noted support for a letter in the chat and asked for volunteers to help with the letter. Also, raised the registrar concern on potentially interfering with the relations of private business actors.

Anne Aikman Scalese, NCA, volunteered in chat to draft the Board letter.

Action Items: GNSO Council leadership will send a reminder email to Council to call for volunteers to draft a response letter to the Board. Anne Aikman-Scalese and Greg DiBiase volunteered during the meeting.

Item 11: Any Other Business

10.1 - ICANN 81 Planning

Greg DiBiase, GNSO Chair, due to time constraints stated that staff would follow up on the Council list.

Action Items: Staff will follow up on the Council list.

10.2 - GNSO Prep Week Webinar - 24 Oct at 13:00 UTC

Greg DiBiase, GNSO Chair, reminded Councilors that attendance is mandatory.

10.3 - RySG and RrSG Questions on Board Letter re: Contention Resolution Sets

Greg DiBiase, GNSO Chair, stated that this would be addressed over email as there were no objections to the new format.

Action Items: Staff will confirm with Damon Ashcraft that the draft letter is ready to send.

End Time: 15:01 UTC