Minutes of the GNSO Council Meeting 18 April 2024
Agenda and Documents

GNSO Council meeting on Thursday, 18 April 2024 at 21:00 UTC: https://tinyurl.com/2xcnuymd

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 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 issueas), Jennifer Chung
Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Lawrence Olawale-Roberts, Mark Datysgeld , Osvaldo Novoa, Thomas Rickert, Damon Ashcraft, Susan Payne
Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin, Bruna Martins dos Santos (arrived late and absent for first vote), 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 (apologies)

Guests:
Lars Hoffmann - ICANN org
Sarmad Hussain - ICANN org

ICANN Staff:
David Olive - Senior Vice President, Policy Development Support and Managing Director, ICANN Regional (apologies)
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 Operations 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 15 February 2024 were posted on 02 March 2024

[Minutes](#) of the GNSO Council Meeting on 06 March 2024 were posted on 23 March 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 [Review of the GAC Communiqué](#)
- GNSO Council [Small Team Guidance Document](#)
- Confirmation of Standing Predictability Implementation Review Team (SPIRT) Charter Drafting Team Leadership (Chair - Nitan Walia; Vice-chair - Alan Greenberg; GNSO Council liaison - Anne Aikman-Scalese)

Jeffrey Neuman, GNSO Liaison to the GAC, asked if the GAC Liaison job description was supposed to be on the Consent Agenda.

Greg DiBiase, GNSO Chair, reminded Council that the GAC Liaison job description will be on the 16 May GNSO Council meeting agenda.

Damon Ashcraft, IPC, noted that Farzaneh Badiei was previously a temporary alternate and no longer belongs on roll call.

This was noted by staff and has been corrected.

All Councilors present voted in favor of the motion.

[Vote results.](#)

GNSO Council Review of the GAC Communiqué
Action Items:
1. On behalf of the GNSO Chair, staff informs the ICANN Board that the GNSO Council has adopted the GNSO Council Review of the ICANN79 San Juan, Puerto Rico Communiqué Advice.
2. The GNSO Liaison to the GAC informs the GAC that the GNSO Chair has informed the ICANN Board that the GNSO Council has adopted the GNSO Council Review of the ICANN79 San Juan, Puerto Rico Communiqué Advice.

GNSO Council Small Team Guidance Document
Action Items: The Policy Support Staff posts the updated Small Team Guidelines (see https://gnso.icann.org/sites/default/files/policy/2024/draft/updated-small-team-guidelines-05apr24.pdf) to the GNSO site.

Confirmation of Standing Predictability Implementation Review Team (SPIRT) Charter Drafting Team Leadership (Chair - Nitan Walia; Vice-chair - Alan Greenberg; GNSO Council liaison - Anne Aikman-Scalese)
Action Items: On behalf of the GNSO Council, ICANN org support staff informs the SPIRT Charter Drafting Team and leadership team that they have been confirmed, and thanks the members, Chair and Vice-Chair for volunteering to serve on the SPIRT Charter Drafting Team.

Item 4: COUNCIL VOTE - Deferral of Policy Status Report Request - Expiration Policies

4.1 - Presentation of [motion](#) (Greg DiBiase, Chair)

4.2 - Council Discussion

4.3 - Council vote (voting threshold: simple majority)

Greg DiBiase, GNSO Chair, explained that this vote has been changed to a discussion on the deferral of a Policy Status Report request for the expiration policies, the Expired Domain Deletion Policy (EDDP) and the Expired Registration Recovery Policy (ERRP). Previously, Council reviewed a report from ICANN org Contractual Compliance. Council leadership sent a motion to defer the Policy Status report for five years

and has received two comments. The NCSG noted that they would be more comfortable with a two-year deferral, and the IPC membership raised some concerns and would like to defer the vote.

Damon Ashcraft, IPC, thanked leadership for granting the deferral, and noted that the IPC concerns stem from the fact that when many domain names expire, they remain with the registrar and then go into an auction process. IPC Membership was concerned that there isn't any real data about the number of domain names that are recaptured or re-registered. Other concerns noted include that this may be anti-competitive, or involve bad faith registration.

Greg DiBiase, GNSO Chair, asked if the IPC is still considering whether it makes sense to defer, and if it does not, if they would ask Council to issue a PSR or possibly a study on the issues the IPC identified.

Damon Ashcraft, IPC, confirmed and shared that a five year deferral didn't make sense and that the IPC would come back in May with a more concrete plan.

Taiwo Peter Akimremi, NCSG, shared that he sent an email to the list requesting that this be deferred two years, noting concerns regarding the ICANN org Contractual Compliance report. The NCSG would like to review the experiences registrants are having with regards to these policies and reduce the deferral period.

Action Items: IPC Councilors to provide a suggested proposal for how to proceed with the Deferral of Policy Status Report Request - Expiration Policies by 06 May for consideration at the 16 May Council meeting.

Item 5: COUNCIL DISCUSSION - Diacritics in Latin Script and Singular/Plurals

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

5.2 - Council Discussion

5.3 - Next Steps

Greg DiBiase, GNSO Chair, shared that there is a Motion submitted by Paul McGrady to adopt the supplemental recommendations as developed by the SubPro Small Team. Council has received notice that the ICANN Board is not comfortable with the current supplemental recommendation language on Topic 24 on String Similarity, and may reject that recommendation. In an effort to avoid that scenario, staff has proposed a possible amendment that would capture the original intent of the recommendations while modifying some of the Board concerns. Additionally, Staff has been exploring a way to address Latin

diacritics and will present a possible solution that could involve amending the Topic 24 Supplemental Recommendation.

Steve Chan, ICANN org, explained that during the GNSO Council Wrap Up at ICANN78, Council tried to address a potential issue where the Registry Operator (RO) for an existing ASCII gTLD also wants to serve as the RO for the diacritic version of the gTLD. The issues that those parties might encounter is that in the Latin Script Rules incorporated into the RZ-LGR, those strings might not be found to be variants of each other. If they are not variants, the strings might be found to be visually similar and therefore the RO may be unable to proceed. Org has considered potential mechanisms to address this issue and has a few options. A key assumption for staff in examining procedural options is that Council is looking for an efficient and pragmatic solution. He continued to provide an overview of the 16 April 2024 [email](#) sent to councilors.

Tomslin Samme-Nlar, NCSG, shared that a couple of concerns came up at the NCSG meeting earlier this week. One of the concerns was complexity, because in some languages the diacritic might mean something else completely different. The NCSG wants to understand how the LGR Panel came about this. There was general support that it should take a process like Section 16, which better engages the community.

Greg DiBiase, GNSO Chair, asked Sarmad to clarify how the LGR rules came to be.

Sarmad Hussain, ICANN org, shared that the Root Zone LGR is the result of a proceedure by which each Generation Panel that represents the script community uses to identify variant labels. The variant labels are, by definition, what code point sequences are considered by the script community, and the definition is left up to the script community. Different script communities can come up with their own definitions. The Latin Generation Panel decided that labels containing "e" with and without diacritics were not variant labels of each other. During the next step, which is the String Similarity Review, the String Similarity Review Panel, may find the strings to be confusingly similar but since they're not defined as the same or variant labels by the Latin Generation Panel, such confusingly similar strings aren't allowed to be delegated.

Mark Datysgeld, BC, noted that in some languages the script is a variant, and in others it's not. It's very circumstantial and the LGR is not meant to accommodate languages that use the Latin script. The solution they arrived at favors some communities and takes away from others. He suggested having some flexibility for applications and making decisions based on the application. He also noted that of the known cases right now, this will be same-entity applications. That makes things easier based on one type of case.

Written in the chat: Paul McGrady, NCPH NCA, 59:06: Apologies, but what is it that Staff is specifically recommending on diacritics? Is it that we would give a pass to an applicant applying for a diacritic versions so long as they already were the registry operator for the already delegated string? Trying to shoehorn something this complex into a Supplemental Recommendation, which did not address this in the first place, seems like a stretch.

Steve Chan, ICANN org, answered that staff is not prescribing a certain solution but is suggesting a mechanism for a simple solution to leverage the Section 16 or Supplemental Recommendation process.

Greg DiBiase, GNSO Chair, asked if there was a substantive suggestion of what the modification would look like.

Steve Chan, ICANN org, explained that staff is giving an example, rather than prescribing what the Council must or should do based on the way it is implemented for the ccTLDs.

Susan Payne, IPC, stated that her comments are on the procedural aspect. She is trying to understand how new policies on diacritics can be made by shoehorning into the existing supplemental recommendation relating to a different issue of singular/plurals.

Manju Chen, NCSG, shared that the Council agreed to ask about a study on this, and she thought they would have the study at hand to help consider the issue and further noted that there are no documents available.

Greg DiBiase, GNSO Chair, shared that Mark Datysgeld drafted a study proposal with staff, and staff shared they may have an idea to resolve this expeditiously. Based on this conversation the next step is to begin the study.

Steve Chan, ICANN org, noted that the conversation has evolved from the way staff interpreted it originally. Staff can write up information from this discussion and send it to Council.

Manju Chen, NCSG, confirmed that Sarmad Hussain's LGR explanation was really helpful but is hard to digest by listening. It is much easier to see the whole rationale in text.

Greg DiBiase, GNSO Chair, noted that the obvious next step is to do the study as soon as possible.

Kurt Pritz, RySG, noted that Sarmad Hussain's explanation reminded him of how much he didn't know about diacritics, variants, and IDNs, which amplified the need for a written explanation. He also noted that the IDNs EPDP debated same entity and how that should be implemented. It is a complex issue to not upset those conclusions while allowing the delegation of competing diacritics. He also noted agreement with Susan Payne, that complex issues can't be inserted into the New gTLD Sub Pro implementation process and that a new process should be started.

Greg DiBiase, GNSO Chair, summarized that revising using the supplemental recommendations does not seem like the right path. He proposed taking what Mark Datysgeld has already delivered to leadership and beginning a formal study that can be voted on by the next GNSO Council meeting.

Steve Chan, ICANN org, shared that staff has put together a framing document on the diacritics issue in addition to a presentation explaining the issue more clearly than on this call.

Mark Datysgeld, BC, shared that Sebastien Ducos had made the presentation and Ariel Liang had also created a pre-study, prior to his work on the .québec case. He further recommended contacting the Latin LGR Panel. He asked how to move forward without taking an additional three months for this work.

Greg DiBiase, GNSO Chair, noted that what Mark Datysgeld had shared was specific to .québec, when a study would need to be broader. If everyone agrees that this is an issue, Council can vote to request an Issues Report using these various studies that have already been created.

Kurt Pritz, RySG, noted that the Council was looking for a study because they were trying to think of ways to arrive at a solution more quickly and shortcut the process in some way. However, Council could request an Issues Report and launch a targeted PDP, which seems like the best way to go.

Jennifer Chung, RySG, noted that several councilors noted that Sarmad Hussain's explanation made things a little clearer but wanted more information. She clarified that the Council is not looking to undo the work of the Latin LGR. She agreed with councilors that mentioned procedure issues and the request for an issues report.

Greg DiBiase, GNSO Chair, reiterated that Council is coalescing on Supplemental Recommendation not being the path and that Council should move forward with an Issues Report.

Taiwo Peter Akinremi, NCSG, asked if there has been a pilot study conducted to see how the diacritic issues evolve before starting a policy conversation.

Sarmad Hussain, ICANN org, noted that the Latin LGR went through extensive testing with each script, and that test labels are also published along with the [detailed document](#) on the reasons some decisions were made in addition to the XML normative definition. If the community decides that some definitions need to be updated, the LGR can be re-invoked. They may not come to the desired conclusion.

Desiree Miloshevic, CPH NCA, feels that the people know that this issue lies with the Latin LGR and that it is good to hear that this process can be updated. If councilors do not want to reopen the Latin LGR and don't see it fit in the supplemental recommendation, there has to be a third process. She suggested weighing in mechanisms re-invoking the Latin LGR as well as to discuss this with the ccTLDs.

Lawrence Olawale-Roberts, BC, supports the idea of an Issue Report and noted that this can increase and change the nature of DNS abuse.

Greg DiBiase, GNSO Chair, indicated that what work is involved can be indicated in the Issues Report. He also noted that this will not delay the next round if the Issue Report goes further. Moving on to the related topic of Topic 24 and the proposal to modify the current Supplemental Recommendation on String Similarity.

Lars Hoffman, ICANN org, noted that the [email](#) was circulated on the Council list and that there have been discussions with the Board Caucus on the SubPro Small Team Plus's Supplemental Recommendation language. Staff has been asked to assess the Board's concerns regarding the current supplemental recommendation language. He recommends to think of having Singular/Plural removed from the String Similarity assessment so that it would remain a visual assessment and determination. The Singular and Plural issue could be dealt with separately without needing a very big review of all of the strings.

Greg DiBiase, GNSO Chair, noted that the issue Council is thinking about is whether they should hold back the recommendation to further evaluate the proposal, not whether the proposal makes sense.

Lars Hoffman, ICANN org, raised that there may be timing concerns, and that it would be a very quick turnaround to turn that into Applicant Guidebook Language.

Anne Aikman-Scalese, NCA, shared that Lars Hoffman reviewed this with the SubPro PDP WG Co-Chairs, Susan Payne, and herself. She thinks that, given that Council knows that the Board Caucus would not recommend the existing Supplemental Recommendation, that Council should take this back and seriously consider it.

Kurt Pritz, RySG, is uncomfortable with the small team making recommendations and the staff and Board saying that they don't like it and providing suggestions. He recommends not voting now and taking into consideration what was proposed. He further explained that the reason Singular and Plural was not checked in the last round was for these very same reasons. He noted that the objection process opens the doors to singular and plurals, and to keep in mind that the prime objective is to mitigate user confusion.

Paul McGrady, NCPH NCA, thanked Lars Hoffman for presenting and asked if this has been pre-blessed by the Board Caucus.

Lars Hoffman, ICANN org, shared that they presented this to the Board Caucus and that the Board Caucus did not share any concerns that came up during that discussion. The Caucus further asked staff to share this with the IRT and PDP co-chairs to see if it could be sent to the Council list.

Paul McGrady, NCPH NCA, recommended that the Council consider whether or not going back to the small team plus model is the most efficient way to get this done.

Greg DiBiase, GNSO Chair, suggested amending the motion to hold this topic back to be voted on in May.

Anne Aikman-Scalese, NCA, noted that without final action from the Council, the small team was not disbanded and would not take three or four months to address the issue. She recommended that Council proceeds to send everything else to the Board and amend the small team plus assignment. She volunteered to chair.

Greg DiBiase, GNSO Chair, proposed moving on to the vote.

Action Items: The GNSO Council agreed to request an Issues Report on diacritics in Latin script. This request will require a vote to be scheduled at the 16 May Council meeting.

Item 6: COUNCIL VOTE - SubPro Supplemental Recommendations

6.1 - Presentation of motion (Paul McGrady, Small Team Plus Lead)

6.2 - Council Discussion

6.3 - Council vote (voting threshold: GNSO Supermajority in order to trigger the threshold that "the Board shall adopt the recommendation unless more than two-thirds (2/3) of the Board determines that such policy is not in the interests of the ICANN community or ICANN.")

Greg DiBiase, GNSO Chair, proposed an amendment to the [motion](#) to remove Topic 24 from the Supplemental Recommendations being sent to the Board.

Paul McGrady, NCPH NCA, accepted the amendment as friendly and further clarified that he did not say that the small team plus had disbanded or that he was unwilling to chair.

Steve Chan, ICANN org, reviewed the proposed changes made to the motion.

Justine Chew, ALAC Liaison, noted that there had been six outstanding topics and asked to clarify why the Council was only voting on four today.

Steve Chan, ICANN org, explained that the other topic omitted was related to registrant protections and that the burden to accommodate EBERO would be a shared function of the program not specific to each applicant. There is a footnote on the [explainer document](#) that talks about why it is not included.

Jeffrey Neuman, GNSO Liaison to the GAC, recommended preserving history by not removing Topic 24 from Whereas Clause 14.

Paul McGrady, NCPH NCA, amended the motion to keep Topic 24 in Whereas Clause 14.

All Councilors present voted in favor of the motion.

[Vote results.](#)

Action Items:
1. On behalf of the GNSO Council, the GNSO Secretariat transmits the Supplemental Recommendations to the ICANN Board, with the exception of the Topic 24 recommendation.
2. GNSO Council to consider 1) a proposal from Leadership for the Small Team Plus to revisit Topic 24 and, accordingly, 2) a revised Small Team Plus assignment form.

Item 7: COUNCIL DISCUSSION - New gTLD Auction Proceeds Cross Community Working Group - Auction Proceeds (CCWG-AP) - Proposed Update to Recommendation 7

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

7.2 - Council Discussion

7.3 - Next Steps

Greg DiBiase, GNSO Chair, explained that the Board had sent a [letter](#) regarding whether there are further ways to meet the community's intentions if the phrase 'from the Independent Project Applications Panel' is removed from Recommendation 7. He asked if councilors had any support or concerns, or if there is a unified position and there is a volunteer to draft a response.

Anne Aikman-Scalese, NCA, volunteered to draft something short using Susan Payne's Public Comment text. She also shared her recommendation to support the Board deleting the limitation in Recommendation 7 so that it covers all decision points in the grant making process.

Greg DiBiase, GNSO Chair, shared that the deadline is 03 May so as to be voted on at the 16 May GNSO Council Meeting and clarified that Anne Aikman-Scalese would be supporting the proposal by the Board to remove the text, and that there is no need to comment on the Bylaws Amendment Process.

Anne Aikman-Scalese, NCA, confirmed.

Greg DiBiase, GNSO Chair, shared that the Registrars also supported the deletion of the language.

Action Items: Anne-Aikman Scalese volunteered to draft a unified response for GNSO Council review by 03 May

Item 8: COUNCIL DISCUSSION - Review of Action Decision Radar

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

8.2 - Council Discussion

8.3 - Next Steps

This item was deferred due to time constraints.

Item 9: Update on Status of Privacy and Proxy Services Accreditation Implementation

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

9.2 - Council Discussion

9.3 - Next Steps

Greg DiBiase, GNSO Chair, explained that the PPSAI is in a unique situation where there is a significant gap between when the policies were adopted and when the work is planned to resume. There may or may not be new legislation or other factors that may make these policies not fit for purpose. Staff met with

councilor volunteers regarding an approach to this issue.

Paul McGrady, NCPH NCA, shared that Stephanie Perrin is the other liaison to this effort, and shared this [presentation](#).

Stephanie Perrin, NCSG, shared that she believes that there are policy issues that need to be revisited, and asked what happens if staff reports that there are no policy issues to bring back to the GNSO Council.

Greg DiBiase, GNSO Chair, clarified that this is not a traditional IRT as it is implementing settled policy where GNSO Council may have to look at things more closely. Some feedback from the Registrar Stakeholder Group is that they would like to see the IRT Proposal in writing and have a chance to comment before this goes out to the wider community.

Susan Payne, IPC, noted that during the last couple of ICANN meetings, there have been informal, last minute meetings with interested former IRT members or whoever is available in a sign-up room with no recording. She recommended ending that process and requested that meetings like that are on the schedule and recorded.

Greg DiBiase, GNSO Chair, shared that Council is now beyond the informal brainstorming phase and needs to have a formal mechanism or structure.

Action Items: None. Paul McGrady and Stephanie Perrin as Liaisons to monitor and report to Council as necessary.

Item 10: Any Other Business

10.1 - IPC's RFR decision and Council's subsequent letter (Damon Ashcraft)

Damon Ashcraft, IPC, reported that the IPC received the Board's decision on the RFR. It was dismissed because the IPC 'didn't sufficiently allege that the requester has been adversely affected by the challenged action.'

Greg DiBiase, GNSO Chair, noted that it was impossible to file an action and be harmed within the window to submit the RFR.

Action Items: Staff to add as a potential discussion item for the 16 May meeting.

10.2 - Update on ICANN80 planning and [GNSO Draft schedule](#)

Written in the chat: Terri Agnew, ICANN Org, 02:10:54: AOB item 10.2 I will put here in chat to help save time. Please be sure you check out ICANN80 GNSO Draft Schedule & Community request link: https://gnso.icann.org/sites/default/files/policy/2024/draft/icann80-gnso-draft-schedule-18apr24-en.pdf. The GNSO Council has four scheduled meetings. The GNSO Council dinner has been planned by

Tomslin (Tuesday evening) and meeting calendar invite has been sent. More information will be coming for the dinner.

10.3 - Replacement of Council representative to the Continuous Improvement Program Community Coordination Group (CIP-CCG)

Greg DiBiase, GNSO Chair, thanked Damon Ashcraft for volunteering to replace Manju Chen as the CIP-CCG Representative.

Manju Chen, NCSG, shared her intention to remain as an Alternate to the CIP-CCG.

Action Items: On behalf of the GNSO Council, the GNSO Secretariat notifies the staff support for the CIP-CCG that Damon Ashcraft has assumed the role of GNSO Council representative, replacing Manju Chen, and thanks Damon for volunteering.

10.4 - Upcoming Sessions/Updates on the Registration Data Request System (RDRS)

- Prep Week Session on RDRS: Wednesday, 29 May at 16:30 UTC
- RDRS Standing Committee Meeting at ICANN80: Monday, 10 June at 10:45 - 12:15 local time (UTC+2)

Caitlin Tubergen, ICANN org, highlighted the dates listed under Item 10.4 on the agenda and asked if Council would be interested in a separate update on the RDRS.

Tomslin Samme-Nlar, Council Vice-Chair, noted that Manju Chen's decision to stop leading the GNSO Council's participation in the CIP-CCG was related to the flexibility of timing of the meeting.

Manju Chen, Liaison to the IDNs EPDP, reminded all that the IDNs EPDP Initial Report for Phase 2 has been released for Public Comment.

Ad-hoc AOB 10.5

Steve Chan, ICANN org, introduced new staff member John Emery.

Greg DiBiase, **GNSO Chair,** adjourned the meeting at 22:57 UTC

The next GNSO Council meeting will take place on Thursday, 16 May 2024 at 05:00 UTC.