

Minutes of the GNSO Council Meeting 19 December 2024

GNSO Council meeting on Thursday, 19 December 2024 at 21:00 UTC: <https://tinyurl.com/ybse6rda>
13:00 Los Angeles; 16:00 Washington DC; 21:00 London; 22:00 Paris; 00:00 Moscow (Friday); 08:00 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, Samantha Demetriou, Jennifer Chung

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Lawrence Olawale-Roberts, Vivek Goyal, Osvaldo Novoa, Thomas Rickert (apologies, proxy to Osvaldo Novoa), Damon Ashcraft, Susan Payne

Non-Commercial Stakeholder Group (NCSG): Farzaneh Badii, Bruna Martins dos Santos (apologies, proxy to Farzaneh Badii), Julf Helsingius, Tomslin Samme-Nlar (connectivity issue, joined after first vote), Peter Akinremi (apologies, proxy to Julf Helsingius), Manju Chen

Nominating Committee Appointee (NCA): Paul McGrady

GNSO Council Liaisons/Observers :

Justine Chew : ALAC Liaison

Sebastien Ducos: GNSO liaison to the GAC

Antonia Chu: ccNSO observer

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)

Julie Bisland – Policy Operations Sr. Coordinator (GNSO)

[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 17 October 2024 were posted on 01 November 2024.

[Minutes](#) (Part 1) [Minutes](#) (Part 2) of the GNSO Council Meeting on 13 November 2024 were posted on 02 December 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 Review of the GAC Communiqué
- Recommendations Report for the Expedited Policy Development Process (EPDP) on Internationalized Domain Names (IDNs) Phase 2
- Confirmation of GNSO Empowered Community Representative (Tomslin Samme-Nlar)

All Councilors present voted in favor of the motion

[Vote Results](#)

COUNCIL VOTE - Empowered Community Approval Action on Fundamental Bylaws Amendments to Article 4 Accountability and Review, 4.2 Reconsideration

4.1 - Presentation of [Motion](#) (Tomslin Samme-Nlar, GNSO Council Vice Chair)

4.2 - Council Discussion

4.3 - Council Vote (voting threshold: Supermajority)

Greg DiBiase, GNSO Chair, outlined this bylaw amendment proposed by the Board as a recommendation from CCWG on auction proceeds and carved out an exception for accountability mechanisms. The rationale behind this was that money for applicant support was going to applicants and not legal fees. The Board proposed something scoped narrowly along the lines of CCWG original recommendation and nothing beyond that. Greg DiBiase presented the motion and read the [resolved clauses](#).

All Councilors present voted in favor of the motion.

[Vote results](#)

Justine Chew, ALAC Liaison, informed Council that the ALAC had sent a [letter \[at\]large.icann.org](mailto:letter[at]large.icann.org) to the ICANN Board Chair in support of the [GNSO letter \[gnsso.icann.org\]](#) that Greg had sent to Tripti expressing concern about how the Board had approached this issue prior to the present action described in item 4.

Greg DiBiase, GNSO Chair, thanked ALAC for their support and stated that the GNSO letter and others from the community helped to get our point across.

Item 5: COUNCIL VOTE - Charter for Policy Development Process on Latin Script Diacritics

5.1 - Presentation of [Motion](#) (Jennifer Chung)

5.2 - Council Discussion

5.3 - Council Vote (voting threshold: affirmative vote of more than one-third (1/3) of each House or more than two-thirds (2/3) of one House)

Greg DiBiase, GNSO Chair, stated that in the last meeting we voted to approve a PDP on this topic. Now we are voting on the charter, which has been graciously updated by Jen Chung, who will present this motion for a vote.

Jennifer Chung, RYSG, gave an overview of the changes to the Charter with three key changes: 1) Addition of language referencing Latin RZ LGR (section three: variants) to clarify scope. 2) Addition of the Global Public Interest and the reference to the checklist. 3) Adjustment of the WG membership structure to make it “Open model.”

Jennifer Chung, RYSG, read the [resolved clauses](#).

All Councilors present voted in favor of the motion.

[Vote results](#)

Item 6: COUNCIL DISCUSSION - EPDP Temporary Specification Phase 1, Recommendation 18 - Urgent Requests

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

6.2 - Council Discussion

6.3 - Next Steps

Greg DiBiase, GNSO Chair, outlined the topic of EPDP Temp Spec Phase 1, Rec 18. He discussed the letter from the GAC and the topic of urgent requests of 1 business day or less as being difficult or impossible if requests could not be authenticated as coming from law enforcement. The Board cited difficulty with this and GAC began work on an authentication mechanism and asked if GNSO Council could continue work on the policy side simultaneously. Last meeting we asked Councilors to get feedback from their stakeholder groups.

Greg DiBiase, GNSO Chair, leadership noted that in EPDP Phase II, which has not been adopted, contained the SSAD that had a timeline of 1 business day not to exceed 3 calendar days. It is worth noting that the IRT did not proceed with this.

Greg DiBiase, GNSO Chair, offered a strawman argument to GAC that starting policy work all over again would not be necessary and could start with this timeline as an example. He then opened it up to discussion in response to the letter from the GAC.

Anne Aikman Scalese, NCA, queried if there was a two step process for authentication

Greg DiBiase, GNSO Chair, there was indeed a concern that even if there is an authentication method there might be additional steps.

Anne Aikman Scalese, NCA, stated that in a call it appeared as though GAC assumed that once law enforcement was authenticated then information would be disclosed. While GAC should work on authentication, we should not mislead anyone to think that it results in automatic disclosure

Greg DiBiase, GNSO Chair, responded that we need to make sure that it is crystal clear that the timeline is for a response and not necessarily that the data will be disclosed.

Samantha Demetriou, RySG, echoed Anne's understanding that it is not solely a matter of ensuring the requestor is authenticated. But the other question is if the request truly meets the definition of urgent however that is defined. One definition was put forth from the EPDP recommendations, but it got removed. So, it becomes a question of where does that policy question get answered. The issue of knowing that a request is coming from who they say it is coming from and also truly meets the definition of urgent should be taken off the plate of the registrar who receives the request will impact the timeline. That remains an open question.

Greg DiBiase, GNSO Chair, thinks the timeline is to respond to a request, and the response could be that there is an issue with the request or it is not classified as urgent.

Samantha Demetriou, RySG, questioned if a response gets sent and is that the satisfactory resolution to the issue?

Farzaneh Badii, NCSG, expressed her support for Sam's points. She stated that in the 15 October GAC letter they stated that they are going to work on authentication in a parallel process. She questioned what sort of process would that be, who would be involved, and whether they would involve the GNSO? She expressed the NCSG position on urgent requests that authentication should not automatically lead to disclosure of private information to law enforcement. Suggested that Council should look at what they really want, if it is just a response, but generally that should be a red line for us as the registrar has to balance fundamental rights and legitimate purpose even when the request is urgent. Additionally, she is uneasy about the fact that they want to come up with an authentication process to go along with urgent requests as they are both related to each other.

Greg DiBiase, GNSO Chair, responded that we do not know their process yet and we will raise that in our trilateral meeting. The more immediate question for us is if there is additional policy work to be done by Council at this time. He did not believe there was. Are we starting policy here, or do we have foundations in the recommendations we could work with?

Susan Payne, IPC, noted her understanding of the GAC letter was that they know the authentication process is not an automatic disclosure. But that they will be working on developing authentication while the Council works on policy situations whether to disclose or not and when. She stated that the IPC would favor giving this back to the IRT to start work again on this issue.

Susan Payne, IPC, explained that we understand the issue and necessity of law enforcement authentication and how registrars are expected to do this. There is a gap to assist in this and the GAC has picked up the task of authentication and we should not be critical of this as the GAC and PSWG are being proactive on an issue that policy alone cannot solve.

Greg DiBiase, GNSO Chair, asked a followup question if there is policy work we can point to beyond the timeline? Or, can we say the IRT can continue to consider the timeline with the understanding that the GAC is developing an authentication mechanism?

Susan Payne, IPC, replied if we assume the law enforcement requestor has been authenticated then what is the timeline for the response.

Damon Ashcraft, IPC, expressed that there is not a need to do policy work here and supports restarting the IRT. Suggests doing what we can to support things to not bog truly urgent requests in bureaucracy.

Manju Chen, NCSG, agrees with Susan, but notes what is missing. The GAC asked us to do this thing with the assumption that they have already developed an authentication mechanism. It is not reasonable for us to assume that they will get this done or what it will look like for us to develop policy. She was pleased they have picked up the task, but there is no basis for any further discussion at this point.

Greg DiBiase, GNSO Chair, stated a timeline would be agreed to based on a timeline for the authentication possibly being developed.

Farzaneh Badii, NCSG, suggested another meeting with GAC for clarifying questions and take it from there.

Anne Aikman Scalese, NCA, supports the idea of having another meeting as we need to clarify what the GAC is requesting us to do? Supports Susan and Damon to move forward and produce an authentication process that would benefit everyone and clarify what the role of policy might be.

Greg DiBiase, GNSO Chair, summarized that during the upcoming trilateral meeting with GAC and Board, we are interested in the process for creating an authentication mechanism. There is an open question about what policy development may look like and the IRT could theoretically establish a timeline contingent on what an authentication method looked like. Noted in the chat to try to write this out in the form of a letter to organize our thoughts and we do have one more meeting prior to the trilateral meeting.

Damon Ashcraft, IPC, supports a letter to get our questions out there for GAC to answer and move on with it.

Greg DiBiase, GNSO Chair, proposed that leadership will discuss a letter to clarify Council position and identify some questions that make sense and what will be the focus of the trilateral meeting. We have identified issues here and will discuss it in the January Council meeting.

Manju Chen, NCSG, asked when the trilateral meeting would be taking place.

Greg DiBiase, GNSO Chair, replied that they were aiming for late January or early February, but a date is not set yet.

Item 7: COUNCIL DISCUSSION - Request for Guidance from the New gTLD Subsequent Procedures / IDNs EPDP Phase 1 IRT

7.1 - Introduction of Topic (Anne Aikman-Scalese & Susan Payne, Council co-liaisons to the SubPro IRT)

7.2 - Council Discussion

7.3 - Next Steps

Susan Payne, IPC, discussed the issue with single-character Han Script as TLDs. SubPro PDP WG per Recommendation 25.4 was aware that a single character in some scripts could be eligible to be a gTLD. IDNs EPDP Phase I picked up this work and put some more detail on this and identified that the only script that would be appropriate would be Han script used for Chinese, Japanese, and Korean. The recommendation of IDNs EPDP Phase I was that single character gTLDs must not be allowed

until CJK Generation Panel guidance was obtained. The CJK GP had declined to provide additional guidance to limit single character Han script, suggesting that the work completed for the RZ-LGR was sufficient to handle potential end-user confusion. As such, Han Script single character applications could proceed. Staff brought up during IRT that many public comments from the Chinese community opposed the proposed implementation of single character Han script as eligible for application as gTLDs as not aligning with Chinese language linguistic development and poses significant end-user confusion risks. There were 16 Comments with 14 opposed, signaling a lot of pushback from the Chinese community noting this would cause confusion. The issue was brought to IRT-IDNs subgroup, who referred it back to the main IRT whereupon staff expressed that they cannot proceed with implementation in light of this feedback. Summarized, that there is significant pushback from a part of the community and we feel there is probably some more work to be done. She and Anne believed personally that expert input is necessary here and that is their suggestion to the Council as one cannot simply proceed with implementation to allow these single character gTLDs to go forward.

Greg DiBiase, GNSO Chair, noted for newer Councilors that GGP is GNSO Guidance Process so that Council can use this to clarify issues that come up in the IRT.

Manju Chen, NCSG, pointed out in chat that “I want to make it clear that it’s not the ‘chinese speaking’ community, but from one jurisdiction where its population speaks Chinese.” She proposed that a GGP might lack expertise and it would be better to be an expert working group. This would be outside the Council remit, but GGP allows all interested parties to join, but this is a technical and specific topic and only really requires language expertise and better to rely on expert working groups.

Jennifer Chung, RYSG, agreed with Manju, but concentrated more on her work with the Chinese language generation panel to produce the root-zone generation rules. They were chartered for a specific task and to not give policy advice on other matters. This gives more background as to why there was just a refusal to just look at this if we have to choose a way to resolve this implementation issue. On this particular matter of the single character Han Script, we will have very much of the same community coming forward trying to resolve this. She noted that both SubPro and IDNS EPDP referred back to each generation panel to give more context. Furthering the point that Manju raised, since this requires linguistic and technical expertise, perhaps the way to go is with the expert working group.

Samantha Demetriou, RySG, outlined the options: if the decision is to try to get more expertise to weigh in, we need to balance the approach so it is not just for the same voices to make the same points. Also, generally speaking if this is an issue of semantic confusability there is not a place for ICANN prohibitions on that, there are already tools via the applicant guidebook for some type of user confusion strings. She cited the example with Nacho, where .cat means something different in other languages. That is managed by the goals of the registry operator and how it is marketed etc. and does not fall under policy.

Justine Chew, ALAC Liaison, raised that both the SubPro recommendation 25.4 and IDNs EPDP recommendation 3.17 went through multiple public comment proceedings by GNSO and ICANN Board and these recommendations were adopted, only during implementation has this issue been raised. Since they are at the implementation stage, is this something GNSO wants to deal with or for ICANN org to take up with the Board? No opinion either way. But if the Council decides to go by the way of the GGP how would we limit the GGP to experts, but not just being the same people before?

Susan Payne, IPC, stated that when this was brought up in the IRT it seemed like the .cat example with a

first mover advantage and an objection process, which she understands. However, in the IDNs space it has focused on variance and is steeped in meaning. That is exactly the kind of conversation that could be had in a GGP especially with native Chinese speakers. This discussion needs to happen amongst the people that use those scripts and understand the linguistic arguments and why the GGP was suggested. In terms of the public comments, both SubPro and IDNs EPDP had a kind of conditionality as both said we may go forward but we may need some more done.

Anne Aikman Scalse, NCA, explained how the options were weighed and their lack of expertise in Han script which is why she suggested going in the direction of GGP. She explained the procedural context for INDs EPDP recommendation 3.17 adopted by the Board and now has an implementation issue. As Jen said, the LGR panels it was beyond their scope to make this determination without risk of confusion. She further elaborated that an expert advisory group would be under the Board rather than the GNSO and the GGP is quite flexible so that you could limit it to those with expertise.

Greg DiBiase, GNSO Chair, asked for a volunteer group of Councilors to decide the scope of this work and then staff and leadership would summarize two options of GGP and EWG.

Justine Chew, ALAC Liaison, wanted to address Tomslin’s question in the chat: “for my understanding so far, the argument for GGP against EWG is just flexibility, is that correct?” asked if EWG would fall under the ICANN Board?

Susan Payne, IPC, clarified that only the Board can convene an expert working group and the GGP is a GNSO version of that seeking expertise for example.

Greg DiBiase, GNSO Chair, summarized that a group of Councilors would summarize issues to be solved. Staff and leadership would work on the differences between EWG and GGP to then discuss scope and the two or three options for adoption.

Item 8: COUNCIL UPDATE: EPDP Temporary Specification Phase 1 - Billing Contact

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

8.2 - Council Discussion

8.3 - Next Steps

Greg DiBiase, GNSO Chair, introduced the topic so the IRT believes that billing contact was inadvertently left out of this policy to ask questions to make sure they are aligned. Questions went out to Council this month for their input.

1. Does your group believe that billing contact data was in scope for the EPDP Temp Spec policy development?
2. If yes, does your group believe there was a drafting error in the EPDP Phase 1 Final Report because the intention of the recommendations, by not including a recommendation concerning the collection, escrow, etc of billing contact data was that the collection and retention of billing contact data should be optional and not mandatory? Note: If, as a matter of ICANN Consensus Policy this was the intended outcome, this interpretation would change current contractual requirements for registrars.

Farzaneh Badii, NCSG, stated that the NCSG discussed this and is of the opinion that the billing contact data was intentionally removed from the scope of EPDP and Temp Spec and they needed to do more

research on this. They did not recall that the registration data could be accessible and disclosed to third parties could include billing contact. The NCSG would like clarification on that and when we have that we can respond to the second question that billing contact is not a part of the registration data that ICANN policy should govern.

Greg DiBiase, GNSO Chair, asked to clarify who we are asking this question to.

Farzaneh Badii, NCSG, NCSG was of the position throughout EPDP Phase 1 that billing contact was not a part of the registration data and they do not believe that this was not included by error. They would like research on this as they do not believe that it was in error that it was not included.

Greg DiBiase, GNSO Chair, requested staff to provide more information.

Caitlin Tubergen, ICANN org, answered that staff would be happy to provide Council with more information.

Lawrence Olawale-Roberts, BC, discussed that the BC reviewed this and one question that remained was how are we defining a billing contact. [Inaudible]

Greg DiBiase, GNSO Chair, asked Lawrence to clarify the BC position that it was intentionally left out because the billing contact is mandatory to collect?

Lawrence Olawale-Roberts, BC, responded it was not intentionally left out, it is an error that needs to be cured.

Damon Ashcraft, IPC, agreed with Lawrence that it was inadvertently left out and it should be addressed.

Samantha Demetriou, RySG, the RySG discussed this matter and reviewed the charter for the initial phase of the EPDP considering that one of the charter questions (B1) asked what data should registrars be required to collect for each of the following contexts. The charter itself asked the question what data should registrars be required to collect. RySG shares the viewpoint that this was a drafting error.

Greg DiBiase, GNSO Chair, returned to Damon to clarify if he believes this was a drafting error.

Damon Ashcraft, IPC, believes it was inadvertently left out.

Greg DiBiase, GNSO Chair, questions if it was a drafting error, should we note this to the IRT or should there be more work for Council, or a Council request for the IRT?

Vivek Goyal, BC, asked a clarifying question reading the second point sent to Council: if yes, does your group believe that this drafting error in the PDP phase? The phrasing and the comma placement are confusing in this question.

Caitlin Tubergen, ICANN org, took action to provide more background information. She explained, in essence, ICANN org is looking for an answer from the Council to question 2. There is an interpretation with some IRT members that the billing contact should not be required. Billing contact is currently a data element that registrars are required to collect and transfer to data escrow agents and the current registration data policy does not say anything about that. What ICANN org is looking for from Council.

Does the Council believe that billing contact should no longer be optional? In spite of the fact that the EPDP Phase 1 report makes no mention of billing contact being optional or required. In sum, is this something that the Council believes was in scope for the EPDP team to address. If yes, does the Council believe that billing contact should be optional even though there is no mention of that in the final report.

Paul McGrady, NCA NCPH, asked won't all this just be overtaken by RDAP? Section 2.7.3 discusses registrant and other contacts and those are mandatory with no mention of billing contact. When WHOIS goes away and RDAP comes in, isn't this problem solved? It seems like if there is a list of mandatory fields and billing contact is not mentioned, then it seems optional.

Caitlin Tubergen, ICANN org, agreed with Paul that this is the crux of the question. Billing contact is not something that is transferred as part of RDDS or RDAP. Billing contact was a separate collected data element that is part of the registration data escrow specification, so it is not going to be included in a response to RDAP or RDDS request. It is something that registrars transfer to registrar data escrow agents and can be used in case a registrar goes out of business. So, this has been something that is part of the registration data escrow specification and per the registration data policy that was not updated because there was no mention of billing contact being optional. There are mentions of other data being optional, so that is part of the scoping issue and why some IRT members believe this was a mistake. In sum, does the Council believe with this IRT interpretation that this was a mistake and that billing contact was supposed to be optional even though there is no mention of it? It is technically a data element that is transferred to registrar data escrow agents not as part of RDDS or RDAP.

Samantha Demetriou, RySG, clarified the registry position that given the charter question they do not believe that the billing contact was within scope in terms of what data elements the registrar should collect from the registrant. For question number 2, because it was not called out as mandatory to collect. The RySG agrees with the IRT that it should be optional for registrars to collect

Greg DiBiase, GNSO Chair, concurred that is the registrar position as well.

Vivek Goyal, BC, brought up that if billing information is required in case a registrar fails and it is needed to put it back again properly and it is not required in RDAP, what will be used in lieu of billing contact?

Greg DiBiase, GNSO Chair, did not have an answer and proposes taking a second look at a summary to make sure we are all on the same page of the issue.

Item 9: COUNCIL UPDATE - 2025 Council Strategic Planning Session (SPS)

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

9.2 - Council Discussion

9.3 - Next Steps

Greg DiBiase, GNSO Chair, update on strategic planning session.

Steve Chan, ICANN org, idea here is to make sure that the SPS is coming up in January and the draft agenda was sent a couple of days ago. Seeking questions, comments, organization comments. Shared the [agenda](#) and discussed the focus of this particular meeting as it has shifted over the years based on how Council was organized.

Item 10: COUNCIL DISCUSSION - GNSO Council PR Officer Update

10.1 - Introduction of Topic (Lawrence Olawale-Roberts, GNSO Council PR Officer)

10.2 - Council Discussion

10.3 - Next Steps

Lawrence Olawale-Roberts, BC, gave an update of the GNSO Council PR officer role and stated that he had created a LinkedIn page for the GNSO Council. He discussed the parameters and scope of what the role was and suggested that Councilors pitch content to the Gmail account set up for this purpose at: gnsocouncilprofficer@gmail.com and shared the LinkedIn page for the Council <https://www.linkedin.com/in/icann-gnso-council>. Councilors noted that a 404 error was displayed and in subsequent follow up it was determined that this was due to the Council page being set up as an individual account, rather than a page and it will be remedied by him in the future.

Item 11: Any Other Business

11.1 - GNSO Liaison to the GAC update

11.2 - ICANN82 - funded travel emails were sent out, please action as past deadline

Sebastien Ducos, GNSO Liaison to the GAC, gave a brief update that the GAC is changing their liaison point of contact. He thanked the Council for accepting the response of the GAC communique.

Farzaneh Badii, NCSG, queried if the Council will send a letter about the authentication process and acknowledge the GAC's efforts in that process?

Greg DiBiase, GNSO Chair, clarified that they would be separate letters.

Farzaneh Badii, NCSG, wanted the Council to think about having an informal Internet governance group that can provide feedback to the Council on WSIS+20. She noted that she can develop the idea further and send it along.

Greg DiBiase, GNSO Chair, thanked her for the suggestion and will raise it at the SPS.

Greg DiBiase, GNSO Chair, told Councilors that ICANN82 funded traveler deadline has passed on 2 December and there are still funded travelers yet to book. He urged everyone to do that immediately.

End Time: 22:59 UTC.