Minutes of the GNSO Council Meeting 19 September 2024

GNSO Council meeting on Thursday, 19 September 2024 at 05:00 UTC: https://tinyurl.com/47y2u9fh
22:00 Los Angeles (Wednesday); 01:00 Washington DC; 06:00 London; 07:00 Paris; 08:00 Moscow; 15:00 Melbourne

List of attendees:
Nominating Committee Appointee (NCA): – Non-Voting – Anne Aikman Scalese
Contracted Parties House
Registrar Stakeholder Group: 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 Novoa (absent) Thomas Rickert, Damon Ashcraft, Susan Payne
Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin, Bruna Martins dos Santos (apologies, proxy to Manju Chen), Wisdom Donkor (joined after votes), Tomslin Samme-Nlar (apologies, proxy to Peter Akinremi), 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 (absent)

Guest: Peter Eakin, Policy Research Specialist (ICANN)

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 (apologies)
Caitlin Tubergen - Policy Development Support Director (GNSO)
Saewon Lee - Policy Development Support Manager (GNSO)
Feodora Hamza - Policy Development Support Manager (GNSO) (apologies)
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 18 July 2024 were posted on 02 August 2024.

Minutes of the GNSO Council Meeting on 08 August 2024 were posted on 23 August 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

- Motion to Approve Proposed Modifications to GNSO Operating Procedures Relating to Election of Board Seat No. 13
- Approval of the 2024 Customer Standing Committee (CSC) Slate. In accordance with Section 17.2 (d) of the ICANN Bylaw and per the CSC Charter, the full membership of the CSC must be approved by the GNSO Council. The Council approves the full slate of members and liaisons, noting that the ASO has declined to appoint a liaison.

Members:
Dmitry Burkov (EU)
Appointing Organization: RySG
Term: 1 October 2023 - 30 September 2025
Federico Neves (LAC)
Appointing Organization: ccNSO
Term: 1 October 2023 - 30 September 2025
Pablo Rodriguez (NA)
Appointing Organization: ccNSO
Term: 1 October 2024 - 30 September 2026
Rick Wilhelm (NA)
Appointing Organization: RySG
Term: 1 October 2024 - 30 September 2026

Liaisons:
Joe Abley
Appointing Organization: SSAC
Term: 1 October 2024 - 30 September 2026
Tracy Hackshaw
Appointing Organization: GAC
Term: 1 October 2024 - 30 September 2026
Hiro Hotta
Appointing Organization: RSSAC

Term: 1 October 2024 - 30 September 2026
Milton Mueller
Appointing Organization: GNSO (Non-Registry)
Term: 1 October 2023 - 30 September 2025
Holly Raiche
Appointing Organization: ALAC
Term: 1 October 2023 - 30 September 2025
Amy Creamer
Appointing Organization: PTI
Term: No term limit
ASO has advised that it will not send a liaison to the CSC for the 2024 slate.

Alternates:
Maarten Aertsen
Appointing Organization: SSAC
Term: 1 October 2024 – 30 September 2026
Gloria Atwine Katuuku
Appointing Organization: GAC
Term: 1 October 2024 – 30 September 2026
Ejikeme Egbuogu
Appointing Organization: ALAC
Term: 1 October 2023 – 30 September 2025
John Gbadamosi
Appointing Organization: GNSO (Non-Registry)
Term: 1 October 2023 – 30 September 2025
Daniel Migault
Appointing Organization: RSSAC
Term: 1 October 2024 – 30 September 2026
Nicklas Pousette
Appointing Organization: ccNSO
Term: 1 October 2024 – 30 September 2025

All present voted in favor of the motion

Motion to Approve Proposed Modifications to GNSO Operating Procedures Relating to Election of Board Seat No. 13

Action Items: The GNSO Council requests that GNSO support staff update the GNSO Operating Procedures to include the new proposed Annex 6 process for immediate use by the Registries Stakeholder Group and Registrar Stakeholder Group to begin their selection process.

Approval of the 2024 Customer Standing Committee (CSC) Slate.

Action Items: The GNSO Council requests that the GNSO Secretariat notify ICANN Org staff supporting the CSC no later than 25 September 2024 that the GNSO has approved the 2024 CSC slate of members and liaisons.

Item 4: COUNCIL VOTE - Supplemental Recommendation on Singulars/Plurals
4.1 - Introduction of Topic (Paul McGrady, Small Team Plus Chair)
4.2 - 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.")
4.3 - Next Steps

Greg DiBiase, GNSO Chair, introduced SupPro final recommendation from the team and Paul McGrady to provide more details to Council prior to proceeding with the vote.

Paul McGrady, NCPH NCA, Small Team Plus completed work and came to the conclusion that there is a blanket prohibition. Having attempted to find an exceptions process, we could not find consensus. If a singular/plural is a variation of an existing TLD it will not proceed. If it is two new applications it will go into contention sets.

Good agreement on this process, we had two small team members that argued for an exceptions process and we had a plurality statement of an NCSG statement that decided to go along with the majority for different reasons, both are part of the information package that was sent along to Council.

Anne Aikman-Scalese, NCA, commended Paul on expert management of small team plus process. Noted that she was one of the members that advocated the minority statement. Suggested to the community that the issue of new applications going forward, in particular, might be a really good candidate for this idea of submitting alternate strings when you have a singular and plural that are submitted in the next round. Suggested the Board consider applying that principle that they have now applied to the identical strings, which is to submit an alternate string if you're submitting a dictionary word that is a singular or plural.

Paul McGrady, NCPH NCA, read resolved clauses.

All Councilors present [voted](#) in favor.

Greg DiBiase, GNSO Chair, Echoed thanks to Paul and the small team members and staff for organizing these meetings and translating the concerns of the Board into actionable items. A great example of improved collaboration with the Board on challenging subjects.

Action Items:
1. The GNSO Council approves the [Supplemental Recommendation for the non-adopted SubPro recommendations related to Topic 24](#): String Similarity Evaluations set forth on Annex 1 and instructs the GNSO Secretariat to transmit the Supplemental Recommendation to the ICANN Board.
2. The GNSO Council has been made aware of Minority and Plurality Views to the Supplemental Recommendation and, while not adopted by the Council, instructs the GNSO Secretariat to transmit these views to the ICANN Board for the Board's information.

Item 5: COUNCIL VOTE - Registration Data Accuracy
5.1 - Introduction of Topic (Greg DiBiase, GNSO Chair)
5.2 - Council Vote (Voting threshold: Simple Majority)
5.3 - Next Steps

Greg DiBiase, GNSO Chair, summarized previous discussions that there seemed to be near consensus that these recommendations did not make sense in light of the limitations on data collection that ICANN outlined. However, as several councilors noted, before we reject these recommendations, we should have a clear plan on what our next steps are and that is the next agenda item. So, we must first vote to defer consideration before we can determine next steps.

Greg DiBiase, GNSO Chair, Read resolved clauses

All Councilors present [voted](#) in favor.

Action items:

1. The GNSO Council will defer consideration of the Registration Data Accuracy Scoping Team's Recommendations #1 and #2 for an additional six months while it determines how to make meaningful progress on the topic.
2. Policy Support Staff will add this item to the Project Management Tool and the GNSO Council meeting planning document.

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, outlined possible next steps in light of no consensus on some proposed alternatives. Highlighted possible paths forward. One idea was to start a small team on this topic (similar to DNS abuse) recognizing diverging views and help to get input on the community to understand the issues and opinions of the community on what may or may not be well-suited for policy development. Also others urged to wait to see how several regulatory developments, like NIS2 out of the EU may impact data, to see how these would be implemented. Cited the two sets of questions that leadership sent out to Council to consider. Noted that the idea, in this meeting open it up to get Council thoughts on proposal to leadership, start with questions to ICANN staff, and then to stakeholder groups.

Damon Ashcraft, IPC, concurred that this was a good way to go but wanted clarification from ICANN's legal department that we are asking them to identify potential issues and not asking for a legal opinion at this point in time.

Greg DiBiase, GNSO Chair, stated personally that he felt the questions align with that for identifying legislative efforts as opposed to a legal opinion as to what the impact will be from these legislative efforts. Opened up to Councilors to comment on wording.

Damon Ashcraft, IPC, clarified that he wanted the questions to be very specific in what the Council was asking.

Anne Aikman-Scalese, NCA, queried why would a small team be necessary? To kick ideas around or to replace the scoping team (which was previously large). Stated that she is not comfortable with throwing all of our work into small teams.

Greg DiBiase, GNSO Chair, spoke personally, that a small team would be taking a step back and asking questions, to get an understanding of opinions on data accuracy to determine if a small team was appropriate to gather information and input from the community as opposed to the more specific work of the scoping team.

Susan Payne, IPC, noted the previous idea of a small team was to find a motivated and engaged group to make a bit more concrete progress on this issue. She stated that this was not replacing the scoping team, as that wasn't the right path forward. Instead, it would gather information on possible next steps, if any

Lawrence Olawale-Roberts, BC, raised the idea of community members working with the small team on this sizable task to find a way forward.

Stephanie Perrin, NCSG, advised against community members being a part of the small team and cited a great deal of reticence about striking small teams to do policy work. She cited that this was especially true contentious issues like accuracy.

Greg DiBiase, GNSO Chair, clarified that the questions sent out by leadership was to gather information on an informal basis to decide what the next steps could be whether that is a small team or something else.

Peter Akinremi, NCSG, agreed with Greg's concern that it was to gather information and determine next steps, not to decide policy for the entire community.

Greg DiBiase, GNSO Chair, : noted conflicting opinions on definition of accuracy and what the next steps should be.

Greg DiBiase, GNSO Chair, proposed to gather volunteers to look at these questions closer (not a small team) and get agreement at the next Council meeting on the questions themselves and start with ICANN org and proceed to stakeholder groups.

Kurt Pritz, RySG, supported releasing the questions for people to answer before honing in.

Greg DiBiase, GNSO Chair, stated that a starting point would be for volunteers to take a first pass and get input on whether these need further analysis or presented to Council as something to do. Noted that Thomas Rinkert, Damon Ashcraft, Lawrence Olawale Roberts, and Peter Akinremi, volunteered for this.

Action items: GNSO Councilors to volunteer for a small drafting team to review the list of questions to ICANN/SGs & Cs and propose a final draft to Council by 03 October. Volunteers are: Thomas Rickert, Lawrence Olawale-Roberts, Taiwo Peter Akinremi, Damon Ashcraft, and Greg DiBiase.

Item 7: COUNCIL DISCUSSION - Policy Status Report: GNSO Policy & Implementation Working Group Recommendations
7.1 - Introduction of Topic (Peter Eakin, Policy Research Specialist) - Slide presentation
7.2 - Council Discussion
7.3 - Next Steps

Peter Eakin, ICANN Org, shared slides about how policy and implementation require continuous dialogue between the two.

Stephanie Perrin, NCSG, cited a problem with the IRT for PPSAI was that there no mechanism to kill an IRT for something that is no longer fit for purpose. Queried if this come up in review or in the public comment?

Peter Eakin, ICANN Org, noted that it did not come up directly, but there was a comment from the BC to assess whether policies are still fit for purpose throughout the development and implementation process.

Anne Aikman-Scalese, NCA, asked a question related to the phrase not "fit for purpose" on slide 7. Noted that description as different from Stephanie's question as to whether policies have been superseded. Name perhaps requires more definition for changing or reversing a policy that is somehow superseded. "Fitness for purpose" is somewhat unclear, asked if it is taken for public comment and where we will go with that.

Peter Eakin, ICANN Org, responded that this did indeed come from public comment. This would need to be a lot more precise if we were indeed to work on it.

Stephanie Perrin, NCSG, agreed with Anne's point that "fit for purpose" might be a term embraced by a group that was not happy a policy passed. She brought up an example with PPSAI. She cited a gap in procedure as there is a difference between something that is irrelevant than something that has to be reviewed and revisited.

Peter Eakin, ICANN Org, responded that they did loop this in the PSR, that policies that may be impacted by changes must be evaluated and taken into account. Stated that in general, the phrase fit for purpose needed more examination.

Anne Aikman-Scalese, NCA, noted in her chat that the phrase "'fit for purpose' seemed to be ambiguous in the context of a possible need for a revision to a policy. The PDP Manual does have a provision which specifies that policies can be reviewed and it might be good to look at that language." She suggested looking at the PDP manual for reviewing policies in the manual to keep language consistent rather than fit for purpose.

Peter Eakin, ICANN Org, responded that was the phrase used in the public comment and that he would look into a better mechanism than 'fit for purpose' as that is a subjective term.

Steve Chan, ICANN Org, added context about concern for a term provided in the public comment. Next steps Peter and the team are updating the PSR as a result of the public comment received. It will be

delivered to the Council and then Council will decide what is appropriate and not. If Council believes terminology change is not proper, it is within the Council's remit to decide what should or should not be included.

Item 8: Any Other Business

8.1 - GNSO Council SPS

Terri Agnew, ICANN org, shared that the GNSO Council SPS will be held in ICANN's Washington D.C. offices January 14-15, 2025.

Action items: Information is to be sent to the Council SPS mailing list on dates and logistics to date.

8.2 - Update on ICANN81 planning and GNSO Draft schedule

Terri Agnew, ICANN org, reminded funded travelers to complete their bookings as soon as possible, unless waiting on a visa. She shared notable sessions for GNSO Councilors and reminded councilors that the GNSO Council Informal Session will now be held on the block schedule.

8.3 - Latin Diacritics Public Comment Preliminary Issue Report

John Emery, ICANN org, updated the Council on the Public Comment Phase of Latin Diacritics and provided a summary of the 41 total submissions. 37 submissions were in favor of initiating a PDP, 2 submissions were mixed, 1 submission against, and 1 submission was out of scope. Next steps will be an update from staff during the October 17 GNSO Council Meeting. GNSO Council will vote on whether or not to initiate a PDP and revise the proposed charter during the 13 November meeting.

Mark Datysgeld, NCPH, noted that .quebec was involved, but there was a wide multi stakeholder engagement with this topic.

Greg DiBiase, GNSO Chair, instructed Councilors to start getting feedback from respective stakeholder groups.

8.4 - Reminder: Informal Joint Meeting with GNSO Appointed Board Members and GNSO Council (25 Sept at 21:00 UTC)

Greg DiBiase, GNSO Chair, reminded councilors of the 25 September 2024 Informal Joint Meeting with GNSO Appointed Board Members and GNSO Council and reviewed the agenda.

Councilors proceeded to discuss the order of the agenda items.

Action items: GNSO Council leadership to revise the list of topics based on the discussion during the Council meeting and send it to the Board.

8.5 - Update from Privacy and Proxy Services Accreditation Implementation Review Team Liaisons

Paul McGrady, NCPH NCA, shared that the IRT held its kickoff meeting at ICANN80 and has been meeting biweekly to review the policy recommendations and discuss implementation related questions.

The IRT will hold a public session at ICANN81. It is important that the Council continues to monitor the progress of this effort.

8.6 - Contention sets for the New gTLD Program: Next Round (Next Round)

Greg DiBiase, GNSO Chair, called attention to specific portions of this letter, specifically that it raises the issue of a recommendation that was adopted by the ICANN Board that the Board later determined was no longer feasible. He asked councilors to review this letter and consider the correct response to be discussed at a later meeting.

Anne Aikman-Scalese, NCA, noted that this seemed rushed from the IRT process.

Paul McGrady, NCPH NCA, shared that there is not a smooth process for the Board to do this and noted that it would be much harder for the Board to backtrack further into the process.

Stephanie Perrin, NCSG, shared that this seems like a policy issue that should come back to the GNSO Council.

Lawrence Olawale-Roberts, BC, noted that different parts of the system are working on the same issue and may find different results.

Jeffrey Neuman, GNSO Council Liaison to the GAC, cautioned against the Council deciding on this issue without consulting with the former SubPro PDP team or other stakeholders.

Greg DiBiase, GNSO Chair, noted that there is already a topic on the agenda to discuss recommendations adopted by the Board that are no longer feasible.

Action items:

1. Leadership to include the issue on the agenda for the informal meeting with the Board.
2. GNSO Councilors to review the letter and be prepared to discuss suggested next steps at the October Council meeting.

8.7 - Operational Design Phase Community Consultation Survey (deadline 27 Sept)

Greg DiBiase, GNSO Chair, reminded councilors that the deadline for the Operational Design Phase Community Consultation Survey is 27 September 2024. If councilors or their Stakeholder Groups or Constituencies have input, they should fill out the survey directly.

Jeffrey Neuman, GNSO Liaison to the GAC, asked about the differences between this survey and the last survey.

Cailtlin Tubergen, ICANN org, confirmed that all previous feedback is taken into consideration and those that participated in previous interviews do not need to submit the survey again.

Susan Payne, IPC, shared concerns regarding the short timeframe for this survey and the fact that it is an opportunity for Public Comment that is not a formal Public Comment and is not in the same place on the website. Community members that do not receive this notification could be unaware of this.

Steve Chan, ICANN org, shared that the survey is brief, and that it was also shared in the Community Digest. Concerns about the timeline are noted and will be taken into consideration.

Action items:

1. GNSO Councilors and their relevant SG/Cs to consider whether to respond to the survey at: https://www.icann.org/en/announcements/details/participate-in-icanns-operational-design-phase-community-consultation-survey-09-09-2024-en. Responses are due 27 September.
2. Policy Support Staff will relay concerns expressed by Council members with respect to the short timeframe for responses to the ICANN org colleagues responsible for this public survey.

 Greg DiBiase, GNSO Chair, thanked councilors for their hard work on this call and congratulated everyone on Supplemental Procedures for getting across the finish line and adjourned the meeting.

End Time 06:51 UTC