

Minutes of the GNSO Council Meeting 13 November 2024 Part I

GNSO Council meeting on Thursday, 13 November 2024 at 10:15 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 (in case of connectivity issue, proxy to Mark Datysgeld), Mark Datysgeld, Osvaldo Novoa, Thomas Rickert, Damon Ashcraft, Susan Payne (in case of connectivity issues, proxy to Damon Ashcraft)

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

Antonia Chu: ccNSO observer – first meeting, replaces Everton Rodrigues

Guests:

Sebastien Ducos, Chair of RDRS Standing Committee

ICANN Staff:

Mary Wong - Vice President, Strategic Policy Management

Steve Chan – Vice President, Policy Development Support & GNSO Relations

Julie Hedlund - Policy Development Support Director (GNSO)

Berry Cobb - Senior Program Manager, Policy Development Support

Caitlin Tubergen - Policy Development Support Director (GNSO)

Saewon Lee - Policy Development Support Manager (GNSO)

Feodora Hamza - Policy Development Support Manager (GNSO)

John Emery - Policy Development 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 19 September 2024 were posted on 07 October 2024.

[Minutes](#) of the GNSO Council Meeting on 17 October 2024 were posted on 01 November 2024.

Thomas Rickert, BC, made an update to his Statement of Interest.

Mark Datysgeld, BC, mentioned that the Latin Diacritics charter motions may need additional consideration based on his discussion with Jennifer Chung, RySG.

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

All Councilors present voted in favor of the motion.

[Vote results](#)

Item 4: COUNCIL VOTE - Motion to Adopt the Revised Charter for Permanent Standing Committee on Continuous Improvements (SCCI)

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

4.2 - Council Vote (voting threshold: simple majority)

4.3 - Next Steps

Greg DiBiase, GNSO Chair, introduced Manju Chen to discuss the topic.

Manju Chen, NCSG, noted that the name changed from CCOICI to the SCCI as it is no longer going to be a Council committee but a standing committee on continuous improvement. The membership structure was also amended and will contain members of Council and shorten the membership as Councilors are busy with new gTLDs and new PDPs. So the SCCI is hoping to involve representatives from all GNSO in the draft charter on the agenda. Read the full membership structure on the agenda, but it will be task force driven. Changes have been made to the task force due to the large size, but maintaining the size of the committee.

Greg DiBiase, GNSO Chair, accepted proposed amendments as friendly and read the [resolved clauses](#) and moved to a vote.

All Councilors present voted in favor of the motion.

[Vote results](#)

Item 5: COUNCIL VOTE - Expedited Policy Development Process on Internationalized Domain Names (EPDP-IDNs) Phase 2 Final Report

5.1 - Introduction of Topic (Manju Chen, GNSO Council Liaison to EPDP-IDNs)

5.2 - Council Vote (threshold: supermajority)

5.3 - Next Steps

Manju Chen, NCSG, noted the discussion at length at the previous meeting and opened it up for questions as the submitter. She read the [resolved clauses](#) and moved to a vote.

All Councilors present voted in favor of the motion.

[Vote results](#)

Item 6: COUNCIL VOTE - Initiation of Policy Development Process for Latin Script Diacritics

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

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

6.3 - Next Steps

Greg DiBiase, GNSO Chair, introduced the topic and noted the friendly amendment to the language of the Council vote based on discussion in the informal meeting and cited Susan Payne's discussion on the mailing list.

Susan Payne, IPC, proposed an alternative wording for the resolved clauses. She flagged SubPro recommendation 3.6 deals with reviews or subsequent PDPs enshrines that we do not keep pausing the new rounds for other work. So that the new round continues in a regular manner, she felt that it ought to revert back to the original language as follows: "The completion of this PDP is not a dependency for the launch of the application process for new gTLDs. The outputs of this PDP will be governed by the terms of Sub Pro Recommendations 3.6 and 3.7"

Jennifer Chung, RYSG, agreed with the explanation for resolved clause 3, but not rolling back to the original for resolved clause 1 as she amended the language.

Greg DiBiase, GNSO Chair, accepted Jennifer Chung's amended resolved clause 1 and also accepted the new changes by Susan Payne for resolved clause 3.

Mark Datysgeld, BC, agreed with resolved clause 3 and asked what the language in 3.6 and 3.7 entailed and what it brought to this PDP.

Greg DiBiase, GNSO Chair, replied that it clarified that subsequent policy would not impact the launch of new gTLDs.

Jeffrey Neuman, GNSO Council Liaison to the GAC, stated that if the PDP completes after the applicant guidebook is completed it would then go through the SPIRT policy, depending on timing evaluating the changes that may be required for the process.

Greg DiBiase, GNSO Chair, asked Jeff to clarify if resolved clause 3 referencing 3.6 and 3.7 makes sense.

Jeffrey Neuman, GNSO Council Liaison to the GAC, agreed with the wording, but wanted to see input from other Councilors.

Paul McGrady, NCPH NCA, stated that the previous formulation of resolved clause 3 was his wording from the last meeting and he preferred Susan's current formulation over the previous wording. To answer Mark's question, he stated that it provides the community predictability so that the Council is clear that this PDP will not hold this up for the record.

Mark Datysgeld, BC, questioning why this is an issue at the last minute when the community has been asking for this for 10 years, because we want to solve the problem.

Greg DiBiase, GNSO Chair, asked Paul and Susan to clarify if there was disagreement on the language.

Susan Payne, IPC, stated that this current language is what she proposed based on the discussion here: "The completion of this PDP is not a dependency for the launch of the application process for new gTLDs. The outputs of this PDP will be governed by the terms of Sub Pro Recommendations 3.6 and 3.7."

Paul McGrady, NCPH NCA, stated he was not objecting to the inclusion of 3.6 in 3.7.

Greg DiBiase, GNSO Chair, read the [resolved clauses](#) and moved to a vote.

Lawrence Olawale-Roberts, BC, indicated that he would like to abstain from the motion to be given more time with the wording.

Greg DiBiase, GNSO Chair, stated that there would not be more time and the motion would pass if he abstained.

Lawrence Olawale-Roberts, BC, replied that he had the information required and withdrew his abstention.

All Councilors present voted in favor of the motion.

[Vote results](#)

Item 7: COUNCIL DISCUSSION - Policy Status Report (PSR) on Rights Protection Mechanisms PDP Phase 2

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

7.2 - Council Discussion

7.3 - Next Steps

Greg DiBiase, GNSO Chair, introduced the topic over deferral for the need to adopt or amend the PSR for RPMs Phase 2 to separate this from the motion to defer. Gave the floor to Councilors to express their thinking over this topic.

Susan Payne, IPC, proposed getting a small group together for some suggested guidelines, noting one example from the IPC that the PSR was somewhat misleading in the way the data is presented. Comments were made but the PSR was not changed, but a footnote was added as it was not particularly helpful. She gave an example on the reverse domain name hijacking. It still said that between 2013 and 2020 there were 917 complaints, it talks about the rising RDNH and the actual number of the findings was 278. The takeaway is that RDNH has gone up and the actual number of UDRP findings was much lower that it was complained in the case. It is not factually inaccurate, but it is misleading in terms of the scale and will not be helpful to the review when it comes to be done. In sum, the data in the PSR is not neutral, there is value in updating the data taking into account the feedback given to present it in a more neutral manner.

Greg DiBiase, GNSO Chair, noted that staff has said they would hold off on the work on PSR until the Council determines otherwise.

Jeffrey Neuman, GNSO Council Liaison to the GAC, read the status that GAC received on UDRP Rights protection mechanisms from their communique from ICANN74. He cited two reasons why he read this: 1) the effort announced by the Internet Commerce Association and WIPO to review the UDRP and will have a paper out in 2025. 2) He noted that this is what happens when things are delayed, others step in and do it for us. His advice was that it is already too late, rather than doing the PSR, take the input for WIPO and ICA and use that as a basis for the PDP so we could also satisfy the GAC communiqué.

Lawrence Olawale-Robert, BC, agreed with Jeff and is aware of ICA and WIPO and they are an authority with UDRP processes and if we were to piggy back on this we would save resources that would have been deployed on putting the PSR together

Paul McGrady, NCPH NCA, disagreed with Jeff Neumann that the delay was not because of a nefarious reason, but Council had to prioritize policies. Also, the idea that if review does not move fast enough, they should not take it upon themselves, there is no way to do that and it is a blunder when one of the big outfits that will be reviewed when we get there is WIPO. He is happy that WIPO and ICA are doing their own roster, they will be wonderful participants when

the time comes. But with respect to Jeff and Lawrence, skirting the usual process is not a good idea.

Greg DiBiase, GNSO Chair, focused attention on next steps for the PSR and noted Susan's comment that there is still work to do here and proposed putting out a straw man so when Council decides to start work on the PSR to make sure it works for everyone.

Damon Ashcraft, IPC, agreed with Paul that if things change in the next month or two we can move this faster as we need to be careful on this, but we do need to stay on this and carry it through.

Greg DiBiase, GNSO Chair, suggested a first step will be getting volunteers to consider the PSR to be positioned to start work at the end of the deferral period.

Jeffrey Neuman, GNSO Council Liaison to the GAC, clarified that the PSR may not be necessary. He suggested given the WIPO and ICA work that it may be time better spent to build on that. He stated that his proposal using the GAC advice to rely on external constituent bodies with expertise to take what they do, and build on that as a debate so that you may not need a PSR.

Greg DiBiase, GNSO Chair, summarized that more thought on a PSR is needed and getting volunteers to work on that so we are ready when this deferral ends.

Item 8: COUNCIL DISCUSSION: Draft Charter on Latin Diacritics

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

8.2 - Council Discussion

8.3 - Next Steps

Greg DiBiase, GNSO Chair, stated when we proposed the motion to initiate PDP there was some back and forth on what the charter will look like, it was split with the charter and the initiation vote. Two topics of the charter for discussion is whether it might be more suited to open vs representative plus open. The second being the scope questions raised by Mark and Jen.

Susan Payne, IPC, suggested that we do not need to falsely limit participants to the proposed representative plus open model. There will not be vast numbers of people where some specific groups for whom it would be limited to the three official reps as this is a language issue, when you could simply have a more open model for the PDP and Anne agreed in the chat. If there is agreement that is great, but it is not important.

Anne Aikman Scalese, NCA, agreed with Susan and noted Donna Austin for her caution from IDNs and supports the open model for latin diacritics.

Greg DiBiase, GNSO Chair, noting no objections stated he would consider an open model to the charter. Brought the scope model to Jennifer and Mark.

Jennifer Chung, RYSG, recapped the informal meeting discussion on the record. There was some concern raised by members of the Latin GP. Specifically at the purpose of the PDP on page 19 of the charter the section that says scope and charter questions. The second sentence is the problem brought up to her. “In circumstances where a base ASCII gTLD and the Latin script diacritic version of the gTLD are NOT variants of each other,” There are actually variants that were brought into the root zone by a cross script transitivity, some are blocked or some have other allocatable status applied to those variant code points. In layman’s terms, if Council does not get this sentence correct we would not be able to look at baja and bajá. Would like to get advice from Sarmad or the GP team to craft the sentence to clarify that the subset is not in the contemplation of this PDP, this was a drafting error and not in the intent of this PDP.

Mark Datysgeld, BC, responded that during the closed meeting when Jennifer raised this issue, he agrees she is correct that this is very important to this work. However cross script transitivity is a tricky matter with the latin script and as Mark is terming out of Council he would like to hand this over to Jen to find the balance to cover the relevant cases for the original intent to not let the scope get out of hand. This is important but we have to have a very light touch in order for the work to follow to be clear in the intention of what we are doing and this will need a little extra time with Sarmad and his team to move on with that in mind.

Jennifer Chung, RYSG, contextualized that there is only a small subset of these cases and looked at LGR and added it to an appendix but she is willing to work on the details further.

Kurt Prtiz, RySG, noted the technical level required for this PDP. The Latin LGR group decided to ban the delegation of these things making them not variants, Kurt agrees to the careful changes to the scope recommended. Noted that the issue report only describes the reasoning of the LGR report, and not the reasoning behind it as he requested. He suggested that the membership included latin LGR members or designees and augment the Charter questions that once exceptions are identified it is checked against Latin LGR. Kurt has drafted potential questions that could be added to the charter recommending and ensuring that exceptions cases come to some level of agreement

Desiree Miloshevic, CPH NCA, agreed with Kurt Prtiz to ask Latin LGR group participation to see why they recommended not to implement them. She would be in favor of adding those subsets.

Susan Payne, IPC, this seems like another reason for a more open structure, where do the LGR sit in the ICANN structure and we want them here in the PDP to bring it to their attention and invite them in.

Greg DiBiase, GNSO Chair, asked Jennifer Chung to propose some edits and send them to the list.

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

Greg DiBiase, GNSO Chair, invited Sebastien Ducos for RDRS to speak.

Sebastian Ducos, Chair of RDRS Standing Committee, shared an update on the RDRS through his [slides](#). He discussed how their recommendations will be from a product management point of view, for example to say how RDRS is to be the base from which we are starting rather than SSAD. They will not be a full scope of policy challenges. This pilot will likely not last another year but will follow up through emails with a timeline for some heads up as to when.

Kurt Prtiz, RySG, asked the question that there are 7000 accounts and only 2000 requests. Do we know how many accounts made the requests, or did one person make all the requests?

Sebastian Ducos, Chair of RDRS Standing Committee, replied that he did not know, but could get that data.

Kurt Prtiz, RySG, queried if part of the study to get customer feedback and do a cost benefit analysis?

Sebastian Ducos, Chair of RDRS Standing Committee, replied that there will be a cost benefit analysis on the cost per request compared to an SSAD. He did not have the numbers on what this costs today, but we are working on it. For user feedback, there are closed requests asking for customer feedback. There have been low rates of return and staff is proposing having interviews to have input from the requestors.

Greg DiBiase, GNSO Chair, wanted to ensure alignment on the process and queried: these recommendations go to Council, and Council considers the recommendations when going back to the Board and looking at the pilot's efficacy of SSAD and the Council recommendation on how to look at this work and assess it?

Sebastian Ducos, Chair of RDRS Standing Committee, replied that this was a standing committee created by Council and is reporting to Council. But also there is partial reporting to the Board through ICANN org, but formally we will return recommendations to the Council.

Lawrence Olawale-Robert, BC, cited a number of details from the presentation and last especially concerning the number of 7,000 accounts that there might be some challenges getting requests through because we only have 2,000 requests. User feedback will help determine if it is fit for purpose or should be redesigned.

Sebastian Ducos, Chair of RDRS Standing Committee, clarified that you need an account if you look at it, which explains why there would be more accounts than requests but will work with staff to figure out the data. In terms of response, he wants to emphasize that the response or capacity will remain the right of the registrar to decide, it is their responsibility to hold this data

and establish a criteria by which they disclose it. RDRS is not a disclosing, but a requesting system.

Lawrence Olawale-Robert, BC, thanks Sebastian for the clarification on the numbers and it will help for clarity on the issues and challenges. He has reservations with the last submission given that it is a system by ICANN, for ICANN, used by ICANN, and their hands might be tied whether or not it is fit for purpose.

Paul McGrady, NCPH NCA, echoing Sebastian that this does not capture requests made outside of the system, we do not have a global view of demand. If we base the fit for purpose decision on demand, it could be affected by the limited marketing budget or the quality of the product. We cannot get a lot from these numbers.

Sebastian Ducos, Chair of RDRS Standing Committee, agreed that there have been these requests that have gone through the registrars directly and that overall traffic has not changed. We are capturing a fraction of the traffic. Anecdotally the flow of requests is about the same from registrars that from RDRS is 40-60% of overall flow. Essentially we are talking about roughly 2,000 requests over the past year that represents about 1/10th the natural traffic.

Peter Akinremi, NCSG, asked for a clarification that some of the data may be requested and the registrar may determine the accuracy of the requested data is it from the system or from the question. Is this a result of the system or from the requestor? What is your recommendation and how can this system be improved.

Sebastian Ducos, Chair of RDRS Standing Committee, responded that the system works on a form that was developed by the registrar stakeholder group that existed before the system. The form that would be the perfect elements that the registrar would want to see in a request. The system is trying to be prescriptive as guiding the requestor to make sure they produce all the information that might be useful to the registrar, but they may not always do that. Work has been done in user guides to allow for these interactions between the user and the system.

Item 10: COUNCIL DISCUSSION - GNSO Liaison to the Governmental Advisory Committee (GAC) Annual Report

10.1 - Introduction of Topic (Jeff Neuman, GNSO Liaison to the GAC)

10.2 - Council Discussion

10.3 - Next Steps

Jeffrey Neuman, GNSO Council Liaison to the GAC, briefed this in the Council discussion to the GAC for an increase in transparency from the GAC and involvement in the PDPs to bring this to the Council when there was a topic that the GAC was interested in. Some topics for the Council that the sessions for the GNSO/GAC are important but not as useful as they could be. Dialogue would benefit more than simply presenting their positions to each other. To the extent the Council and Sebastian are able to meet it will be incredibly beneficial rather than working around the system or overreaction from one side or the other. If the GNSO could know in advance when the GAC communique would have time to get that to the GNSO councilors what

happens now does not happen in the future. More open discussion between the GAC and GNSO would be beneficial and we have missed opportunities to respond to GAC questions, so we can improve on that in the future.

Susan Payne, IPC, thanked Jeff for his four years of service and expressed appreciation for his ability to build a good relationship with the GAC.

Item 11: GNSO Chair Q&A

The [GNSO Operating Procedures](#) prescribe the process for GNSO Chair Election. Further to the procedures, Greg DiBiase, the current GNSO Chair, submitted his [Chair Statement](#) for the Council's consideration.

Here, the Council will have an opportunity to ask questions to Greg about his candidacy.

11.1 - Introduction of Topic (Nacho Amadoz, GNSO Council Vice-Chair)

11.2 - Council Q&A

11.3 - Next Steps

Nacho Amadoz, GNSO Council Vice-Chair, introduced the purpose of this Q&A.

Mark Datysgeld, BC, question approved by the BC, if Greg is going to wear the suit, could he drop the tie?

Damon Ashcraft, IPC voiced support for the tie.

Susan Payne, IPC the question is what do you want from the Council for the coming year to see more of or less of? What would make the job of chair easier?

Greg DiBiase, GNSO Chair, a continuation of what Council has been doing: being prepared, being willing to compromise, and being creative as well as proactive. The supplemental recommendations took creativity being proactive thinking of new ways of doing things, being aggressive and efficient while everyone has a voice.

Nacho Amadoz, GNSO Council Vice-Chair, praised staff for their contribution.

Desiree Miloshevic, CPH NCA, asked what would Greg have done less?

Greg DiBiase, GNSO Chair, he specifically noted that leadership erred focusing just on outreach and opting not to have the third session to make sure we have time to know there will be demands upon our time to organize our own thinking. We even missed going over our agenda for the Board, being cognizant of that to make sure we have time to know the work ahead of us.

Jennifer Chung, RySG, recorded her support for his tie. She noted on the third point of Greg's tough topics, there is the urgent requests and registration data, there are going to be some tough conversations with the GAC and the Board, do you foresee how we are able to tackle these tough topics, how can we go forward with these pain points?

Greg DiBiase, GNSO Chair, replied that we need to be open-minded and creative, on urgent requests, for example, policy may not always be the answer. We appreciate the GAC but not every issue can be solved by policy development, there are ways other than PDPs

Peter Akinremi, NCSG, thanked Greg for his leadership and coordination of the members of the Council. Asked how do you make us sit less during the Council meeting?

Greg DiBiase, GNSO Chair, replied he is open to proposals for a “standing” committee.

Item 12: Any Other Business

12.2 - [Farewell](#) to Outgoing Councilors

Greg DiBiase, GNSO Chair, gave a round of applause for all the hard work of the outgoing Councilors: Kurt Pritz (RySG), Mark Datysgeld (BC), Stephanie Perrin (NCSG), Wisdom Donkor (NCSG) Everton T. Rodrigues (ccNSO Liaison), and Jeff Neuman (GNSO Liaison to the GAC)

12.3 - Open Mic

Justine Chew, ALAC Liaison, requested that the GNSO Council reconstitute the small team on DNS abuse, considering that the INFERMAL report is out. She clarified that it does not have to be immediate, but make plans to get the small team going again.

Greg DiBiase, GNSO Chair, replied that it has been on our radar, we had decided to allow time for the new amendments to come into place and compliance was gathering data and personally noted that it is time to put this back on our agenda.

12.1 - Ethics Policy & Statements of Interest (SOIs)

Damon Ashcraft, IPC, CIP-CCG’s for continuous improvement this group focuses on all ICANN orgs working with and Council works with this group as well. The IPC agreed with the language for the “benefit of the global Internet population”, but he noted that the majority of the committee did not agree with its inclusion. Thus, the four criteria are as follows:

- The SO, AC, or NomCom is fulfilling its purpose
- The structures of SO, AC, or NomCom are effective
- The operations of SO, AC, or NomCom are efficient
- The SO, AC, or NomCom is accountable internally to its stakeholders and substructures (where applicable), and externally to the wider ICANN community **in benefit of the global Internet population**
- The SO, AC, or NomCom collaborates to further the mission of ICANN and the effectiveness of the ICANN bottom-up multistakeholder model

Damon Ashcraft, IPC, asked if anyone has concerns about this language, does Council object to its removal?

Lawrence Olawale-Roberts, BC, while that might be well intentioned, who is the global internet community cannot be easily defined. He stated we should give further consideration on this.

Jennifer Chung, RYSG, stated that she is neither for or against this, but suggested looking at the Board GPI language for ICANN but in the interest of the Global public interest.

Damon Ashcraft, IPC, stated that was helpful and noted it was Tripti’s first question to the Council when we met with the Board.

Thomas Rickert, ISPC, did not suggest concrete language, but wanted to emphasize a balance between not being overly broad, but not just limited to ICANN's purpose. We want to ensure that we do not have an organization inside our community that goes rogue.

End Time: 12:15 UTC