

## Minutes of the Extraordinary GNSO Council Meeting 9 October 2025

GNSO Council meeting on Thursday, 09 October 2025 at 13:00 UTC: [Event Time Announcer - Extraordinary GNSO Council meeting](#) 06:00 Los Angeles; 09:00 Washington DC; 14:00 London; 15:00 Paris; 16:00 Moscow; 23:00 Melbourne

### List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Hong-Fu Meng, Ashley Heineman, Prudence Malinki

gTLD Registries Stakeholder Group: Nacho Amadoz, Samantha Demetriou (apologies, proxy to Jennifer Chung), 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, Damon Ashcraft (apologies, proxy to Susan Payne), Susan Payne

Non-Commercial Stakeholder Group (NCSG): Farzaneh Badii (tentative apologies, proxy to Bruna Martins dos Santos), Bruna Martins dos Santos, Julf Helsingius (apologies, proxy to Manju Chen), Tomslin

Samme-Nlar, Peter Akinremi, 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

Guests: none

### ICANN Staff:

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

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

Julie Hedlund - Policy Development Support Director (GNSO) (apology)

Berry Cobb - Senior Program Manager, Policy Development Support

Caitlin Tubergen - Policy Development Support Director (GNSO)

Saewon Lee - Policy Development Support Manager (GNSO) (apology)

Feodora Hamza - Policy Development Support Manager (GNSO) (apology)

John Emery - Policy Development Support Senior Specialist (GNSO)

Terri Agnew - Policy Operations Senior Specialist (GNSO)

Julie Bisland - Policy Operations Analyst (GNSO)

Devan Reed – Policy Operations Coordinator (GNSO) (apology)

[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 14 August 2025 were posted on 2 September 2025.

[Minutes](#) of the GNSO Council Meeting on 18 September 2025 were posted on 2 October 2025.

## **Item 2: COUNCIL DISCUSSION - New gTLD Subsequent Procedures PDP - Interpretation of Intent for Select IGO/INGO PDP Recommendations**

Here, the Council will discuss the original intent of the relevant recommendations with the aim of voting on the interpretation of the original intent either via an email vote or at its upcoming meeting at ICANN84.

2.1 - Introduction of Topic (Tomslin Samme-Nlar, GNSO Interim Co-Chair)

2.2 - Council Discussion (Anne Aikman-Scalese & Susan Payne, GNSO co-liaisons to the PDP)

2.3 - Next Steps

**Tomslin Samme Nlar, GNSO Vice Chair**, gave an overview of the item from last meeting and passed the floor to Anne for a presentation. He noted the discussion whether or not it is Council's role whether or not they can deliberate on this issue. Staff found the relevant language in the [IRT Principles and Guidelines](#) documentation which states, "If the GNSO Council liaison makes the determination that there is consensus for such consideration, the liaison will inform the GNSO Council accordingly which will deliberate on the issue and then make a determination on how to proceed..."

**Tomslin Samme Nlar, GNSO Vice Chair**, added that from a leadership perspective, we believe this text makes it clear that it is indeed within the Council's remit to help reach a determination on how to proceed. However, an important factor to consider is that the relevant recommendations are from 12 years ago; the passage of time makes it an extremely difficult task for the Council in 2025 to unequivocally determine the original intent of the WG's recommendations. Therefore, it may be helpful to think of the third option in a slightly different way. From a leadership perspective, we do not believe it is accurate to say that both options 1 and 2 are consistent with the policy, given that they are materially different. It is a very subtle difference, but perhaps it is more appropriate to say that both options 1 and 2 are reasonable interpretations of the policy.

**Anne Aikman Scalese, NCA**, shared the following [slides](#) to outline the issues and give the options to Councilors to resolve this issue. She noted that the disagreement arises because most of the IRT (though not all) is aligned with option 1. The implementation staff view shared by some of the IRT members is aligned with option 2. She highlighted some confusion in that IGO/INGO are now reserved names and there has been a change in terminology for "blocked", "reserved" and "ineligible for delegation".

**Anne Aikman Scalese, NCA**, highlighted that the Council had heard from the Board in its [letter](#) to Council and GAC which were both in favor of option 2.

**Susan Payne, IPC**, flagged some additional nuances. If there is a disagreement between IRT and Staff then Council liaisons and is referred to Council by staff rather than liaisons. IRT liaisons did not refer to it to Council given the short timeline and this was stated for completeness. She added that a couple of voices felt comfortable with the direction of staff, the vast majority did not agree with the staff view. Option 1 better reflected the policy recommendations. She flagged again the language "strings ineligible for delegation for 2012 AGB. That section says that strings ineligible for delegation that future application rounds could differ. These names are not on the top level reserved list and are not on the string sim reserved list. Strings are not reserved names and not incorporated into that review.

**Susan Payne, IPC**, in an ideal world the PDP would have said that they referenced the AGB. That is what we have to assist us in our interpretation.

**Anne Aikman Scalese, NCA**, noted that she was at the meeting but was surprised it was put on the September agenda, but she was not surprised given the importance of the issue and

**Farzaneh Badii, NCSG**, cited the email to Council with the NCSG position. Given the conflict between options she noted NCSG does not believe that option 2 is viable. The NCSG wants to stick with the IRT majority and the policy for Option 1. She was surprised that staff has not cited specific policy that says that in the rationale. She believes we are in the territory of the Board and staff making policy. She believed the Board letter was unprecedented. She argued that it should have been resolved with option 1 in the IRT majority since there is no policy to point to.

**Peter Akinremi, NCSG**, wanted to know the rationale behind the conversation to understand the direction that staff is pushing because there must be something that changes their policy recommendation. He wanted more rationale explained behind this.

**Anne Aikman Scalese, NCA**, responded that staff wanted to raise this to Council level. Staff support for this depends on the fact that these names can now be delegated into the root. Because of the principle of not wanting confusingly similar strings in the root. It would be to abide by the overarching principle. String sim review is quite narrow. Staff justification was that the overarching principle of not having visually confusingly similar strings delegated into the root.

**Jennifer Chung, RYSG**, for Council the question is not what option we like, but which one is consistent with the policy. Registries believe that this has to be option 1. They contemplated this and decided it was an exact match. When we look at this for the argument by staff for option 2 is that it describes some protected names because this is the most comprehensive form of protection. This is not refuted, but this is in fact new policy because it is the opposite of what the PDP intended. The IRT has said it is overwhelmingly option 1. This is not a fair question to ask of Council at this point and she agreed with NCSG conclusion. With the Board letter where a path forward can be what Thomas proposed on the mailing list. She noted that Council can respond to this Board letter and questioned why Council is pressed so hard on this issue.

**Lawrence Olawale-Roberts, BC**, noted the urgency for the AGB and the next round. This should be pretty straightforward. The BC does not have a position yet so this is a personal take. There is a reason why names were reserved so that only the organizations can register these names at the top level. It appears to him that option 2 is practically intended for the 2012 round; the names were reserved and could not be registered. This is trying to ensure that similar and not exact names that could be delegated there is some possibility. For example option 2 is trying to ensure that similar domains, not an exact match are not delegated. The World Health Organization and WHO in practice wouldn't say that option 1 would be blocked, but option 2 would help with that. If it is whoever comes first then option 1 would be the best way to go. His reading of the 2012 round and the Next Round then the IGO protection should be looking at option 2 for the 2026 Next Round.

**Bruna Martins dos Santos, NCSG**, agreed with Jennifer and Farzi and is procedural looking at the scope. If we keep reopening discussions in this way then no GNSO policy will ever be closed. Reanalyzing and adopting an option that does not relate. There is a goal to finalize the AGB by Dublin, but it does seem rushed without agreement on the way forward.

**Susan Payne, IPC**, spoke on behalf of the IPC in that there was large engagement between the IPC. There is not unanimous agreement on the perspectives. There is more of a consensus behind option 1 than option 2. Largely based on the procedure rather than policy rewriting during implementation. This is to some extent brand protection and normally IPC would be in favor of wider protection. Reading the policy recommendations and background then option 1 is closer to the policy envisages. That is not something appropriate to do in the IRT or for Council to do on the fly for expediency. Support for option 1 was clearly for the minimization of policy rewriting.

**Paul McGrady, NCPH NCA**, attempted to de-ICANNize the options. Option 1 means that entities who thought they had protection against applications for strings that match exactly will be forced to apply for their names or else they will be unable to end up in contention sets and resolve problems with applications that are confusingly similar to them. This means ICANN auction. There are some on the list that are saying there is no policy against no policy against applying for an exact match, we have confusing similar strings against prior. With regard to the mechanisms to interfere with the prior rights was not terrific there would be GAC advice. Option 1 means forcing all the orgs to apply to maintain the maximum rights in our ecosystem and forcing them ultimately into an ICANN auction to pay to protect their rights. That was not the original intent of the policy. That is a perversion of the protection of IGO and NGOs. To the extent that the policy is that we are forcing them into the application process (there is plenty of policy from the Paris round to support option 2). If we believe option 1 is the policy then the Board should find a mechanism then the Board should find a way around this outcome. The people who put together option 1 did not intend to have this outcome. We need to send this back to the Board with option 3. It would be good to say Council should not be in the position to pick the one we like best. If option 2 does not require new policy or violate policy. If the policy were a clear unambiguous statement somewhere that supported option 1 and that was in fact the policy and intent then he would agree. Arguments on both sides option 1 does not violate policy and I do not like that outcome. Option 2 makes sense and does not violate known policy and does not require new policy. The best thing would be to allow the Board to do what they think is best. These entities do not want to be forced to

**Desiree Miloshevic, CPH NCA**, [sound broken up] she felt that option 1 was closest to policy and she feels we need to have more urgent work to do.

**Susan Payne, IPC**, summarized Desiree that we are not to a decision, but we should be trying to find a path forward.

**Desiree Miloshevic, CPH NCA**, mentioned a Small Team and Board Liaisons and not just sending it back to the Board

**Thomas Rickert, CSG ISP**, noted his suggestion to the list. This is not evasive and not making a decision. The 2012 round added much more color to the lightweight 2008 recommendations. A lot was left to implementation. We treat this as policy carved in stone and make reference to implementation of the 2008 recommendations. We now have a different word, the GNSO has looked at old AGB and has made new and different buckets for protected names. Intention of protecting names based on this new world. There are folks who say one or the other is trespassing on policy making. Option 1 could also be policy making as it was not as it was in 2012. Had the Board thought we trespassed they would have triggered a PDP. Both options vary in implementation as we do not have an exact match. He thinks it is best to treat this as implementation in the 2012 round from the AGB that came out of a few lines of policy recommendations in 2008. Why are we not chiming in on the new AGB from 2012. This is a pragmatic

approach. This is the right way for the Council to send it to the Board. We would still reserve the option of stepping in if things are going wrong.

**Anne Aikman Scalese, NCA**, personally disagrees that the 2012 AGB does not constitute policy. At the IRT level there is a bit of a time crunch as everyone wants the next round to go smoothly. It is important for the Council to make its mark. A vote should be done to vote electronically without regard to the outcome of that vote. Council needs to go on record. In this regard, with respect to option 3 should be amended to delete Jen's chat "should not be in any GNSO Council motion to contemplate or opine on how the ICANN Board exercises its fiduciary duty." Dublin would likely be too late. We need clarity in instructions to the IRT and she would favor a vote being put out in the electronic form with a 7 day notice as more time would not likely result in different points of view. Staff to please delete the Board's fiduciary duty.

**Tomslin Samme Nlar, GNSO Vice Chair**, supported this way forward for agreement on a vote electronically or how we should move forward.

**Anne Aikman Scalese, NCA**, noted support in the chat that option 3 should be reworded on the list. The issue with Thomas' letter is that when both policy options are available it is not Council's role to provide input on that. She personally believes that the Council does have a role in the IRT level and it was confirmed by Tomslin in the operating procedures. We need to consider rewording on the list.

**Justine Chew, ALAC Liaison**, noted that we did receive a note from Brian Beckham, the IGO group where Council is being made to make a decision on. ALAC would encourage Council to consider option 2 as a possibility and would be supportive of option 3. She will send through an ALAC statement to the mailing list.

**Tomslin Samme Nlar, GNSO Vice Chair**, a continued review of the options will continue on the mailing list and likely a vote electronically. He also mentioned that the Council meeting is before the Board meeting, then we could likely vote before the Board meeting, but hopefully. Unable to go to item 3 and we will have to bring this to our meeting in Dublin.

#### Action Items:

- Option 3 should be amended to delete the reference to the Board's fiduciary duties.
- Councilors to continue discussion on the mailing list and include any group position statements on the options.
- Leadership and Staff to coordinate an electronic vote once language is agreed upon and finalized in motions.

#### **Item 3: COUNCIL DISCUSSION - Board Reversal of its Adoption of a GNSO PDP Recommendation**

3.1 - Introduction of Topic (Tomslin Samme-Nlar, GNSO Interim Co-Chair)

3.2 - Council Discussion

3.3 - Next Steps

#### **Item 4: Any Other Business**

- None

**Meeting ended at 14:04**