

Final GNSO Council Agenda 13 March 2019

Please note that all documents referenced in the agenda have been gathered on a Wiki page for convenience and easier access: <https://community.icann.org/x/eoYWBg>

This agenda was established according to the [GNSO Operating Procedures](#) v3.3, updated on 30 January 2018

For convenience:

- An excerpt of the ICANN Bylaws defining the voting thresholds is provided in Appendix 1 at the end of this agenda.
- An excerpt from the Council Operating Procedures defining the absentee voting procedures is provided in Appendix 2 at the end of this agenda.

Local time in Kobe: 13:00 JT Coordinated Universal Time: 04:00 UTC: <http://tinyurl.com/y3nkmj82>
(Tuesday) 21:00 Los Angeles; 00:00 Washington; 04:00 London; 09:00 Islamabad; 13:00 Tokyo; 15:00 Melbourne

Remote participation details: <https://64.schedule.icann.org/meetings/961982>

Councilors should notify the GNSO Secretariat in advance if they will not be able to attend and/or need a dial out call.

Item 1: Administrative Matters (5 mins)

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 the 21st February were posted on 7 March 2019
Minutes of the GNSO Council meeting on the 4th March will be posted on the 18 March 2019

Item 2: Opening Remarks / Review of Projects & Action List (15 minutes)

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 (10 minutes)

- Reappointment of Becky Burr to seat 13 on the ICANN Board
- Adoption of the CSC Effectiveness Review Team [Final Report](#)

Item 4: COUNCIL DISCUSSION – Privacy/Proxy Services Accreditation Issues Implementation Review Team (15 minutes)

When initiating negotiations for the Registrar Accreditation Agreement (RAA) in October 2011 the ICANN Board requested an Issue Report to undertake a GNSO policy development process (PDP) to address remaining items suited for a PDP. In September 2013 ICANN staff published a paper confirming, the ICANN Board's June 2013 approval of the 2013 RAA and identifying the remaining high and medium priority issues for the GNSO PDP in light of the RAA negotiations and prior GNSO and other related community efforts as those issues concerning the accreditation of privacy and proxy services. Upon review of the staff paper, the Council initiated the Privacy/Proxy Services Accreditation Issues (PPSAI) PDP and adopted the [Charter](#) on 21 October 2013.

The PPSAI PDP delivered its [Final Report](#) on 8 December 2015, with subsequent Council [adoption](#) of the Final Report on 21 January 2016. On 9 August 2016, the ICANN Board adopted all recommendations of the PPSAI PDP, directing ICANN org to begin implementation. After some initial preparatory work, the Implementation Review Team (IRT) first met on 18 October 2016.

The GNSO Council sent a letter (see <https://gnso.icann.org/en/correspondence/bladel-to-crocker-01dec16-en.pdf>) to the ICANN Board on 1 December 2016 regarding implementation concerns with the Inter-Registrar Transfer Policy ("Transfer Policy") – Part C for privacy/proxy registrations. In this letter, the GNSO Council requested the Board to instruct ICANN Org to work with the Registrar Stakeholder Group and other interested parties to evaluate alternatives for the implementation concerns related to Transfer Policy Part C.

On 16 March 2017, the Board instructed “the ICANN President and CEO, or his designee(s), to work with the Registrar Stakeholder Group and other interested parties to evaluate alternatives for the implementation concerns related to Transfer Policy Part C and to report back to the GNSO Council with the results of the discussion and ICANN staff to defer any privacy/proxy service compliance enforcement from the Transfer Policy relating to the enabling or disabling of privacy/proxy services pending further consultation.” During this time, enforcement of the policy related to this specific issue has been deferred.

On 30 November 2017, the GNSO Council directed “the PPSAI IRT to consider the issue of privacy/proxy registrations and IRTP Part C as outlined in the annex to the GNSO Council letter (see <https://gnso.icann.org/en/correspondence/bladel-to-crocker-01dec16-en.pdf>) and to put forward recommendations for implementation that are consistent with the IRTP Part C policy recommendations as well as the PPSAI policy recommendations” and requested that this work be undertaken only after the upcoming PPSAI IRT comment period.

Subsequently, as a result of potential conflicts and/or overlap of work between the PPSAI IRT and GDPR related work, especially the Expedited PDP on the Temporary Specification for gTLD Registration Data, ICANN org has slowed the implementation of PPSAI and in a 4 March 2019 [letter](#) from Cyrus Namazi to GNSO Council leadership is proposing to continue to delay public comment and implementation of PPSAI until the EPDP completes. ICANN org is also seeking to determine if ICANN org should, “...take any

steps at this time related to the Transfer Policy issue that the GNSO Council referred to the PPSAI IRT in November 2017 ([Resolution 20171130-2](#)) for consideration “only after the upcoming PPSAI IRT comment period,” given that ICANN org does not anticipate proceeding to public comment on PPSAI in the near future.”

Here, the Council will discuss the delayed implementation of PPSAI and the dependency to beginning work on the Transfer Policy related issue referred to the PPSAI IRT.

4.1 – Introduction of topic (Council Leadership)

4.2 – Council discussion

4.3 – Next steps

Item 5: COUNCIL UPDATE – GNSO Policy Development Process 3.0 Implementation (15 minutes)

In January 2018, the GNSO Council held an inaugural three-day Strategic Planning Session. On Day 3 of this meeting, the GNSO Council reviewed the workload for the year ahead and identified potential milestones, noting that the current average timeline for delivery of an Initial Report has increased at least 2-4 times compared to previous PDPs. In addition to noting the increased duration of the PDP lifecycle, the Council began to identify challenges being encountered in PDPs, informed by a staff discussion paper on optimizing increased engagement and participation while ensuring efficient and effective policy development.

The effort to increase the effectiveness and efficiency of the GNSO PDP process is called GNSO PDP 3.0. On 11 May 2018, a summary paper was shared with the Council, summarizing input received to date, as well as some proposed incremental improvements. The Council members and their respective Stakeholder Groups and Constituencies were invited to provide input, after which a [summary report](#) was prepared and shared with the Council on 10 September 2018, followed by a dedicated [webinar](#) on 11 September 2018.

Based on the input received as well as the subsequent webinar, Council leadership developed a report on PDP 3.0, titled [GNSO Policy Development Process 3.0 How to increase the effectiveness and efficiency of the GNSO Policy Development Process](#). In support of that report, Council developed a [GNSO PDP 3.0 Implementation Plan](#), which was adopted on 24 October 2018.

In January 2019, the GNSO Council held its second Strategic Planning Session, where it discussed three specific PDP 3.0 improvements and their possible implementation steps. In addition to making progress on the implementation of these three improvements, the Council agreed during the Strategic Planning Session that a small group of Councilors would convene to drive the implementation of all of the PDP 3.0 improvements.

Here, the Council will receive an update from that small team of Councilors on the progress of the PDP 3.0 implementation.

5.1 – Introduction of topic (Rafik Dammak)

5.2 – Council discussion

5.3 – Next steps

Item 6: COUNCIL DISCUSSION – Discussion of the Inter-Registrar Transfer Policy (IRTP) Policy Status Report (15 minutes)

The Consensus Policy Implementation Framework (CPIF) provides guidance to ICANN org and the community for implementing policy. However, there is minimal guidance in this document or in other documentation around the review of implemented policies adopted by the GNSO Council. In some cases, a review is explicitly mandated as an element of the PDP WG’s recommendations to the Council, but in some cases, the recommendations are silent in this respect.

ICANN org, in consultation with the Council, prepared a draft framework on the approach for post-implementation reviews of Council adopted policy recommendations. The framework provides guidance on a number of questions (e.g., When should a review be initiated when there is no PDP recommendation to do so? What triggers should initiate a review? What are the expected outcomes of the review? Etc.).

During its 26 April 2018 meeting, the Council agreed to have ICANN org conduct a review of the Inter-Registrar Transfer Policy (IRTP). ICANN org utilized the draft framework for conducting the post-implementation review of the IRTP. On 14 November 2018, ICANN org [published](#) the IRTP Policy Status Report for public comment. ICANN org has worked to integrate elements identified in public comment.

Here, the Council will be briefed on the updated report and discuss possible next steps for the review of the IRTP.

6.1 – Presentation of materials (Brian Aitchison)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION – Next steps related to the ICANN Procedure of Handling WHOIS conflicts with Privacy Law (15 minutes)

As a result of community input and the work of the Implementation Advisory Group (IAG), ICANN made effective the revised [WHOIS Conflicts with Privacy Law Procedure](#) on 18 April 2017 to better accommodate issues where WHOIS requirements conflict with applicable laws.

As requested by the GNSO Council, ICANN published a [paper for public comment](#) to provide analysis and solicit community input on the practicality and feasibility of the triggers identified in the revised WHOIS Conflicts with Privacy Law Procedure. The public comment period was also intended to collect

suggestions for moving forward with the review. The public comment period closed on 7 July 2017 and the staff [report of public comments](#) was published on 28 July 2017.

On 1 August 2017, the Council received a [letter](#) from Akram Atallah providing a collection of possible options for proceeding with the review, and offering to discuss those options or others identified by Council. On 24 August 2017, the Council received an update from GDD staff and discussed possible options for moving forward with the review of the Procedure for Handling WHOIS Conflicts with Privacy Law.

A small group of Councilors prepared a [Charter](#) (including guidelines and parameters around scope, deliverables, composition, operating procedures, etc.) that a subsequent group will operate under as it deliberates and provides suggested next steps and/or recommendations. On 22 February 2018, the Council [adopted](#) the Charter, requesting that staff circulate the call for volunteers on or after June 1, 2018. With uncertainty and time commitment from the adoption of the Temporary Specification on Registration Data Services, the Council determined it would wait until the EPDP on the Temporary Specification was launched. The Council later determined that it would wait until the EPDP issued its Final Report. During the 21 February 2019 Council meeting, the Council reviewed its Projects & Action Items List which resulted in an action item for “the Council leadership to research and develop guidance for if and when the work on the ICANN Procedure of Handling Whois conflicts with Privacy should begin.”

With the EPDP Final Report having been adopted by the Council on 4 March 2019, and with phase 2 set to begin, the Council needs to evaluate the level of interplay between phase 2 of the EPDP and the review of the WHOIS Procedure, and the priority for launching any work in relation to the WHOIS Procedure.

Here, the Council will discuss possible next steps for the WHOIS Procedure.

7.1 – Update (Council leadership)

7.2 – Council Discussion

7.3 – Next steps

Item 8: COUNCIL DISCUSSION - Expedited PDP on the Temporary Specification for gTLD Registration Data - Phase 2 Work (15 minutes)

As noted in the [charter](#) for the Expedited PDP on the Temporary Specification for gTLD Registration Data, work on a System for Standardized Access to Non-Public Registration Data can only commence after the work on a series of gating questions are complete. With the EPDP Team’s delivery of its phase 1 [Final Report](#) to the GNSO Council, the work on the gating questions can be considered to be completed and the work on a System for Standardized Access to Non-Public Registration Data, or otherwise known as phase 2 of the EPDP, should be allowed to commence. However, per the EPDP Team Charter, beginning that work is dependent upon non-objection of the GNSO Council (which is captured and granted in the resolution language for item 4 of this agenda). As part of the resolved

clause, "...The Council does request that the EPDP Team, as a first step, develops its work plan for phase 2 and, furthermore, identifies whether the GNSO Council should consider any updates to the EPDP Team Charter to facilitate the EPDP Team's work." With the 4 March 2019 adoption of the Final Report by the Council, including the relevant resolved clause, the Council grants its non-objection for the EPDP Team to commence phase 2 work.

The EPDP Team has conducted a number of meetings at ICANN64 in its efforts to determine whether changes to the Charter or further guidance from the Council are needed =, develop a work plan, discuss work processes and resourcing, discuss lessons learned from phase 1 of the EPDP, and other elements.

Here, the Council will receive an update on progress made at ICANN64.

8.1 – Introduction of topic (Rafik Dammak, interim Chair)

8.2 – Council discussion

8.3 – Next steps

Item 9: ANY OTHER BUSINESS (10 minutes)

9.1 - New GNSO Chair election timeline with travel guidelines (120 days for funded traveller submissions)

9.2 - Open microphone

Appendix 1: GNSO Council Voting Thresholds (ICANN Bylaws, Article 11, Section 11.3(i))

See <https://www.icann.org/resources/pages/governance/bylaws-en/#article11>.

Appendix 2: GNSO Council Absentee Voting Procedures (GNSO Operating Procedures, Section 4.4)

See <https://gns0.icann.org/sites/default/files/file/field-file-attach/op-procedures-30jan18-en.pdf>

References for Coordinated Universal Time of 04:00 UTC

Local time between October and March Winter in the NORTHERN hemisphere

California, USA (PST) UTC-8 (Tuesday) 21:00
San José, Costa Rica (CST) UTC-6 (Tuesday) 23:00
New York/Washington DC, USA (EST) UTC-4 00:00
Buenos Aires, Argentina (ART) UTC-3 01:00
Rio de Janeiro, Brazil (BRST) UTC-3 01:00
London, United Kingdom (GMT) UTC+0 04:00
Kinshasa, Democratic Republic of Congo (WAT) UTC+1 05:00
Paris, France (CET) UTC+1 05:00
Islamabad, Pakistan (PKT) UTC+5 09:00
Singapore (SGT) UTC+8 12:00
Tokyo, Japan (JST) UTC+9 13:00

Melbourne, Australia (AEDT) UTC+11 15:00

DST starts/ends on Sunday 31 of March 2019, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 10 of March 2018 for the US.

For other places see <http://www.timeanddate.com> and <http://tinyurl.com/y3nkmj82>