

Minutes of the GNSO Council Meeting 20 April 2017

[Agenda and Documents](#)

Coordinated Universal Time: 21:00 UTC

<http://tinyurl.com/lvs7vaf>

14:00 Los Angeles; 17:00 Washington; 22:00 London; (Friday 21 April 2017) 00:00 Istanbul; (Friday, 21 April) 07:00 Hobart

The meeting started at: 21:04 UTC

List of attendees:

NCA – Non-Voting – Erika Mann (absent- apologies sent)

Contracted Parties House

Registrar Stakeholder Group: James Bladel, Michele Neylon, Darcy Southwell

gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek (absent – apologies sent, proxy Rubens Kühl), Rubens Kühl

Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan (absent – apologies sent, proxy Donna Austin)

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Philip Corwin (absent – apologies sent, proxy Susan Kawaguchi), Susan Kawaguchi, Wolf-Ulrich Knoben, Tony Harris, Paul McGrady, Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent (NCSG replacement for Amr Elsadr), Stephanie Perrin, Stefania Milan, Edward Morris (absent – apologies sent, proxy Marilia Maciel), Marilia Maciel, Rafik Dammak (joined but proxy to Stephanie Perrin for voting purposes due to audio quality issues)

Nominating Committee Appointee (NCA): Julf (Johan) Helsingius

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Ben Fuller - ccNSO Observer

Carlos Raul Gutierrez– GNSO liaison to the GAC – absent – apologies sent

GNSO Board member:

Markus Kummer (apology)

Becky Burr (absent)

ICANN Staff

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional Headquarters- Istanbul

Marika Konings – Vice President, Policy Development Support - GNSO

Mary Wong – Senior Director, Special Adviser for Strategic Policy Planning

Julie Hedlund – Policy Director

Steve Chan - Senior Policy Manager, Policy Development Support

Amr Elsadr – Policy Manager

Berry Cobb – Policy consultant

Emily Barabas – Policy Analyst

Nathalie Peregrine - Specialist, SO/AC

Terri Agnew - Secretariat Services Coordinator, GNSO

Josh Baulch - Senior Manager, Meeting Planning Operations, Meetings Team

Sara Caplis - Manager, Meetings Technical Services, IT Infrastructure

[MP3 Recording](#)

[Adobe Chat Transcript](#)

[Transcript](#)

Item 1: Administrative matters

1.1 – Roll call

1.2 – Updates to Statements of Interest

Susan Kawaguchi has left her position with Facebook, but continues in her role as Business Constituency (BC) Councilor as agreed with the BC.

1.3 – Review/amend [agenda](#)

The agenda was adopted without changes.

1.4 - The draft [minutes](#) of the meeting of the GNSO Council on 15 March 2017 were posted as approved on 6 April 2017.

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 List](#).

Councilors were informed that GNSO Council & Policy Development Working Group Leadership discussions were to replace the PDP updates to the Council for ICANN59. Any updates will be communicated to GNSO Councilors and it was reminded that these discussions will be for informative purposes only.

It was noted that the draft response to the letter from Thick Whois Implementation Review Team (IRT) on privacy issues is yet to be circulated to the Council.

Action Item:

- Councilors Erika Mann and Keith Drazek to circulate updated draft on proposed Council action following the letter from the Thick Whois IRT on privacy issues

Item 3. Consent Agenda

3.1 – Confirming of Council liaison appointments

At the Council's Wrap-Up Session at ICANN58 in Copenhagen in March 2017, it was noted that several Cross Community Working Groups, GNSO Working Groups and Implementation Review Teams no longer had Council liaisons, due either to a Councilor's resignation or the ending of a Councilor's term on the Council. In response to a Call for Volunteers, the following Councilors volunteered to serve as Council liaisons to the respective groups noted against their names:

Thick WHOIS Implementation Review Team (IRT): Susan Kawaguchi

Translation & Transliteration of gTLD Registration Data IRT: Rubens Kühl

GNSO Rights & Obligations under the Revised ICANN Bylaws Drafting Team: Ed Morris

Cross Community Working Group on Internet Governance: Julf Helsingius

[Vote results](#)

Item 4. COUNCIL VOTE – Approval of GNSO Council Review of the GAC Communiqué from Copenhagen

Stephanie Perrin seconded by **Michele Neylon** proposed a motion for the approval of the GNSO Council Review of the GAC Communiqué from ICANN58.

Whereas,

1. The Governmental Advisory Committee advises the ICANN Board on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements. It usually does so as part of a Communiqué, which is published towards the end of every ICANN meeting.
2. The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.

3. The GNSO has expressed a desire to provide feedback to the ICANN Board on issues in the GAC Communiqué as these relate to generic top-level domains to inform the ICANN Board as well as the broader community of past, present or future gTLD policy activities that may directly or indirectly relate to advice provided by the GAC.
4. The GNSO hopes that the input provided through its review of the GAC Communiqué will further enhance the co-ordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.

Resolved,

1. The GNSO Council adopts the GNSO Review of the Copenhagen GAC Communiqué (<https://gns0.icann.org/en/drafts/review-gac-communication-25apr17-en>) and requests that the GNSO Council Chair communicate the GNSO Review of the Copenhagen GAC Communiqué to the ICANN Board.
2. The GNSO Council requests that the GNSO Council Chair also inform the GAC Chair of the communication between the GNSO Council and the ICANN Board.

Given that the final draft response had not yet been published to the Council list and that numerous councilors had sent their apologies for the meeting, it was decided to continue the discussion on the mailing list and to communicate a draft document in form of a letter to Becky Burr and Markus Kummer, GNSO-nominated Board members, prior to the Board meeting on the 27 April 2017. The final draft response would then be voted on by the GNSO Council at a later date via consensus or electronic vote. It was also noted that in the future, Stakeholder Groups and Constituencies might wish to review the document prior to sending it to the Board.

The motion was withdrawn.

Vote results

Action Items:

- GNSO Councilors to provide final input on draft GNSO Council Review of the GAC Communiqué via the mailing list.
- Council Chairs and staff to prepare letter to the ICANN Board summarizing GNSO Council input; letter to be sent in time for the Board-GAC meeting on 27 April 2017.

Item 5. COUNCIL VOTE – Initiation of GNSO Process for Amending Approved GNSO Policy Recommendations Relating to Certain Red Cross Movement Names

James Bladel seconded by **Michele Neylon and Rubens Kühl** proposed a motion for the initiation of a GNSO process for amending the approved GNSO Policy recommendations relating to certain Red Cross/Red Crescent movement names.

WHEREAS, in November 2013, the GNSO completed a Policy Development Process (PDP) which resulted in a number of consensus recommendations for protecting the identifiers of International Governmental Organizations and International Non-Governmental Organizations, including the International Red Cross and Red Crescent Movement (Movement), at the top and second level in all generic top-level domains (gTLDs) (PDP Working Group Final Report: <https://gns0.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf>, with Minority Statements: <https://gns0.icann.org/en/issues/igo-ingo-final-minority-positions-10nov13-en.pdf>);

WHEREAS, the GNSO Council approved all the PDP consensus recommendations on 20 November 2013 (<http://gns0.icann.org/en/council/resolutions#20131120-2>) and, following a mandatory public comment period on the final PDP recommendations, sent its Recommendations Report to the ICANN Board on 23 January 2014 (<https://gns0.icann.org/en/issues/council-board-igo-ingo-23jan14-en.pdf>);

WHEREAS, on 30 April 2014 the Board adopted those of the GNSO's PDP recommendations that were consistent with GAC advice on the topic, which in relation to the Movement were for the terms "Red Cross", "Red Crescent", "Red Crystal", and "Red Lion & Sun" (referred to as "Scope 1 Identifiers" by the PDP Working Group) to be reserved at the top and second levels, with an Exception Procedure to be designed for the affected organization (<http://www.icann.org/en/groups/board/documents/resolutions-30apr14-en.htm#2.a>);

WHEREAS, between June 2014 and January 2015 the Board and the GNSO Council engaged in discussions of the remaining inconsistencies between GAC advice and GNSO policy, which in relation to the Movement concerned the names of 189 National Red Cross and Red Crescent Societies, and the names and acronyms of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies (referred to as "Scope 2 Identifiers" by the PDP Working Group);

WHEREAS, at ICANN57 in November 2016 the Board proposed that the GAC and the GNSO engage in a facilitated, good faith discussion to attempt to resolve the remaining inconsistencies between GAC public policy advice and GNSO consensus policy recommendations regarding the "Scope 2 Identifiers" of the Movement;

WHEREAS, representatives from the GAC and the GNSO engaged in such a facilitated, good faith discussion at ICANN58 in March 2017 during which the following matters were noted:

- (1) The public policy considerations associated with protecting the Movement's identifiers in the domain name system (DNS);
- (2) The GAC's rationale for seeking permanent protection for the terms most closely associated with the Movement and its respective components is grounded in the protections of the designations "Red Cross", "Red Crescent", "Red Lion and Sun", and "Red Crystal" under international treaty law and under multiple national laws;
- (3) The list of names of the Red Cross and Red Crescent National Societies is a finite, limited list of specific names recognized within the Movement (http://www.ifrc.org/Docs/ExcelExport/NS_Directory.pdf);
- (4) There are no other legitimate uses for these terms; and
- (5) The GAC had provided clarification following the completion of the GNSO PDP, via its March 2014 Singapore Communique, on the finite and specific list of Movement names for which permanent protections were being requested (<https://gacweb.icann.org/download/attachments/28278854/Final%20Communique%20-%20Singapore%202014.pdf?version=1&modificationDate=1397225538000&api=v2>); and

WHEREAS, following the GAC-GNSO discussion, the Board passed a resolution on 16 March 2017 requesting that the GNSO initiate its process for Amendments or Modifications of Approved Policies, as described in Section 16 of the GNSO PDP Manual (<https://gns0.icann.org/en/council/annex-2-pdp-manual-01sep16-en.pdf>), to consider amending the GNSO's approved policy concerning the specific names of the Red Cross and Red Crescent National Societies and the specific names International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies (collectively, Recommendation 5 in Section 3.1 of the PDP Working Group Final Report):

RESOLVED,

1. The GNSO Council hereby initiates the process described in Section 16 of the GNSO PDP Manual; accordingly, the GNSO Council requests that the PDP Working Group be reconvened for the purpose of consultation by the GNSO Council on the following proposed amendment to Recommendation 5 in Section 3.1 of the PDP Working Group Final Report:
2. The full names of the 190 Red Cross National Societies and the full names of the International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies are to be placed into Specification 5 of the Base gTLD Registry Agreement, with an exception procedure to be created for cases where the relevant Red

Cross Red Crescent Movement organization wishes to apply for their protected string at the second level;

3. In placing the specified identifiers into Specification 5 of the Registry Agreement, this should apply to an exact match of the full name of the relevant National Society recognized by the International Red Cross and Red Crescent Movement (in English and the official languages of its state of origin), the full names International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies (in the six official United Nations languages) and a defined limited set of variations of these names; and

4. In considering the proposed amendment, account is to be duly taken of the matters noted during the GAC-GNSO facilitated discussion at ICANN58 as well as the GAC's public policy advice to reserve the finite list of names of the Red Cross and Red Crescent National Societies, as recognized within the International Red Cross and Red Crescent Movement, in all gTLDs.

5. In accordance with Section 16 of the PDP Manual, the GNSO Council directs ICANN staff to post the proposed amendment to Recommendation 5 for public comment, for a period of [30] days commencing from the date of the first meeting of the reconvened PDP Working Group.

6. In accordance with Section 16 of the PDP Manual, the GNSO Council intends to put the proposed amendment to a vote following consultation with the PDP Working Group and the conclusion of the requisite public comment period. The GNSO Council notes that approval of the proposed amendment requires a Supermajority Vote of both Houses in favor of the amendment.

7. The Council thanks all of those who participated in the talks at ICANN58 in Copenhagen, and in particular Bruce Tonkin for moderating the discussion.

Councilors discussed the scope of the motion in that it concerns certain reserved names only and not acronyms. They were reminded of the origins of the justification for the Government Advisory Committee (GAC) and GNSO facilitated discussion and for Board input to the GNSO Council on this matter. Next steps are to receive further input via Public Comment and via members of the reconvened IGO-INGO Protections PDP Working Group before the GNSO Council goes to vote. Concerns were raised about the precedent being set, and it was agreed that this occurrence be coined as an exceptional one as based on new information received after the PDP Working Group ended its work and not the implementation of a new process triggered by GAC Advice.

Given that Whereas clauses 1 and 5 needed further editing and that external input from International Committee of the Red Cross (<http://mm.icann.org/pipermail/council/2017-April/019900.html>) needed to be considered, it was decided to continue the discussion on the list and vote via electronic ballot.

The motion was deferred.

[Vote results](#)

Immediate Action Items:

- GNSO Council Chairs and staff to circulate updated motion to the Council list for review
- GNSO Council Chair to formally announce dates and times of electronic balloting period pursuant to GNSO Operating Procedures for Voting Outside a Meeting
- ICANN staff to conduct electronic vote and announce voting results

Action Items (if Vote is Successful):

- ICANN staff to reconvene original PDP Working Group
- ICANN staff to post proposed policy amendment for public comment for 30 days commencing from the date of the first meeting of the reconvened PDP Working Group
- GNSO Council to vote on final proposal following close of public comment period and receipt of input from the reconvened PDP Working Group

Item 6: COUNCIL VOTE – GNSO Council Comments on the Proposed ICANN Budget for Financial Year (FY) 2018

James Bladel, seconded by **Michele Neylon and Donna Austin** proposed a motion for GNSO Council comments on the proposed ICANN budget for FY 2018.

Whereas,

1. Following initial community review, a revised proposed Budget and Operating Plan for FY2018 was published for public comments on 13 March 2017 (<https://www.icann.org/public-comments/fy18-budget-2017-03-08-en>).
2. At its Wrap Up Session at ICANN58 in Copenhagen, the GNSO Council agreed to form a small team of volunteers to draft comments on the revised Budget for Council consideration (<https://www.icann.org/public-comments/fy18-budget-2017-03-08-en>).
3. At the Council's request, ICANN's Finance Team conducted a webinar on 4 April 2017 covering those aspects of the proposed Budget of interest to the GNSO community (<https://gns0.icann.org/en/meetings/presentation-gns0-update-04apr17-en.pdf>).
4. A draft of the proposed Council comments was circulated to the GNSO Council on 10 April (see <https://mm.icann.org/pipermail/council/2017-April/019868.html>).
5. The GNSO is a Decisional Participant within the new Empowered Community, and the GNSO Council recognizes (a) that the Empowered Community's powers as contained in the revised ICANN Bylaws includes the ability to veto budgets adopted by the ICANN Board; and (b) the importance of fully understanding the funding and expenses of ICANN's operations.

Resolved,

1. The GNSO Council approves the FY18 Draft Budget comments prepared on behalf of the GNSO Council (<https://gns0.icann.org/en/drafts/draft-comments-plan-budget-20apr17-jen.pdf>), and instructs ICANN staff to formally submit the approved comment to the Public Comment Forum.
2. The GNSO Council thanks the volunteers who prepared the comments and ICANN staff who provided invaluable assistance to the volunteers in the drafting of the comments.

It was reminded that this was GNSO Council input only and not intended to supersede Stakeholder Group or Constituency input. Councilors discussed the need for greater transparency regarding how comments about the draft budget were received and if ensuing changes were made to the final budget. It was noted that having these comments published, and having the budget classified by portfolio rather than by function would be helpful for analysis purposes. The fact that the GNSO appears to have a lesser position in the budget was raised and that it was not reflective of the importance of the policy and technical coordination for the Domain Name System which is a core function of ICANN's mission. Councilors discussed the growth in headcount and in budget terms as well as the lack of Key Performance Indicators, of Global Engagement, noting that this was also being discussed at Stakeholder Group and Constituency levels. It was agreed that whilst requesting further metrics was necessary, this was not to be perceived as questioning the core work of the Global Engagement team and the motion was edited accordingly.

Councilors approved the motion unanimously.

[Vote results](#)

Action item:

- ICANN staff to submit approved comments to the public comment forum

Item 7: COUNCIL VOTE – Approval of GNSO Nominees for the Registration Directory Services Review Team

Johan Helsingius, seconded by **James Bladel and Michele Neylon** submitted a motion for the approval of GNSO nominees for the Registration Directory Services Review Team (RDS RT).

Whereas,

1. On 22 February 2017, ICANN launched a call for volunteers seeking individuals interested in serving as a Volunteer Review Team Member on the RDS-RT (see <https://www.icann.org/news/announcement-2-2017-02-22-en>).
2. Under the new Bylaws, each SO/AC participating in the Specific Review may nominate up to 7 members to the review team, for consideration by the SO/AC leadership, for a review team of no more than 21 members. Any SO/AC nominating up to 3 individuals are entitled to have those nominees selected as members to the review team, so long as the nominees meet the applicable criteria for service on the team.
3. The GNSO Council tasked the GNSO Standing Selection Committee (SSC) 'to carry out the review and selection of GNSO endorsed candidates for the Registration Directory Service Review Team for Council consideration at the latest by its 20 April 2017 meeting'.
4. The SSC reviewed the candidates that requested GNSO endorsement (see <https://community.icann.org/x/gYfDAw>) taking into account the criteria outlined in the call for volunteers as well as the desire to ensure a RT that is balanced for diversity and expertise. The SSC submitted its full consensus recommendations to the GNSO Council on 19 April 2017 which confirmed the ranking of the 1-7 candidates as well as the expectation that, at a minimum, the 1-4 candidates would be considered primary candidates with a guaranteed seat for the RDS-RT, instead of only 1-3, recognizing the importance and relevance of the topics under consideration for the GNSO community as well as noting that a number of SO/ACs will not be making nominations for this specific review team
5. The GNSO Council considered the recommendations of the SSC.

Resolved,

1. The GNSO Council nominates, ranked in order: Susan Kawaguchi, Erika Mann Stephanie Perrin and Volker Greimann as its primary four candidates for the RDS-RT. Furthermore, the GNSO nominates, in ranked order: Marc Anderson, Stefania Milan and Timothy Chen to be considered for inclusion in the RDS-RT by the SO-AC Chairs should additional places be available.
2. The GNSO Council expects the GNSO Chair to communicate to the SO-AC Chairs the importance of considering the four candidates as primary as well as respecting the ranking of the additional candidates in the discussion with the other SO-AC Chairs concerning potential additions to the RDS-RT, unless for reasons of diversity/skills it becomes necessary to deviate from the indicated ranking. In such a case, the GNSO Chair is expected to communicate the rationale for such a deviation back to the GNSO Council.
3. The GNSO Council instructs the GNSO Secretariat to communicate resolved #1 to the staff supporting the RDS-RT.
4. The GNSO Council instructs the GNSO Secretariat to inform the applicants that have received endorsement that the GNSO Council expects that, if selected for the RDS-RT, the applicant will represent the views of the entire GNSO community in their work on the RDS-RT, and provide regular feedback as a group on the discussions taking place in the RDS-RT, as well as the positions being taken by GNSO Review Team Members.
5. The GNSO Council requests staff supporting the RDS-RT and application process to send a response to those applicants who did not receive endorsement (if any) for this RDS-RT, thanking them for their interest. The response should also encourage them to follow the RDS-RT work, and participate in Public Comments and community discussions and to apply for future opportunities within the GNSO Community as they arise.

The GNSO Council thanked the Standing Selection Committee for their efforts. It was acknowledged that this particular draft was triggered by post-deadline issues, but also raised that in future work of the SSC it would be preferable not to publish draft motions that name selected persons; ideally the SSC should wait to publish names in a final draft motion with full consensus. The point was made to clarify for those not being endorsed that this was not to discourage them from applying to other Review Team

efforts. The GNSO Council Chair expressed his agreement and commitment to the assigned Whereas clause 2.

The motion passed unanimously

Vote results

Action item:

- ICANN staff to communicate the names of the GNSO-endorsed candidates to staff supporting the RDS Review Team (RDS-RT)
- ICANN staff to inform the endorsed candidates that the GNSO Council expects that, if selected for the RDS-RT, the nominee will represent the views of the entire GNSO community in their work on the RDS-RT, is encouraged to follow the work of the Review Team and provide regular feedback as a group on the discussions taking place as well as the positions being taken by GNSO representatives on the RDS-RT
- ICANN staff to request that staff colleagues supporting the RDS-RT to notify the unsuccessful applicants who did not receive endorsement (if any) for this RDS-RT, thanking them for their interest

Item 8: COUNCIL DISCUSSION – Updated Charter for the Cross Community Working Group on Internet Governance (CCWG IG)

Councilors discussed the need for a clearer definition of Internet Governance and of the scope of the work on policy issues of the CCWG IG. It was agreed that further discussion was needed between the GNSO Council and the CCWG IG.

Action item:

- Councilors to work with staff to compile a list of questions to be sent to the CCWG-IG
- Topic to be added to the May Council meeting agenda either as a further discussion item or a motion on the GNSO's next steps on this topic

Item 9: COUNCIL DISCUSSION – PLANNING FOR ICANN59 IN JOHANNESBURG, JUNE 2017

Updates were provided regarding the timeline of the scheduling process. The meeting requests have been circulated to the Stakeholder Group and Constituency Chairs, and Cross Community topics scheduling will shortly be confirmed.

Action item:

- Council chairs to work with staff to update GNSO block schedule based on overall meeting schedule updates

Item 10: ANY OTHER BUSINESS

There were no other items of business.

James Bladel, GNSO Council Chair, adjourned the GNSO Council teleconference and thanked everyone for participating.

The meeting was adjourned at 00:08 UTC, Friday 21 April 2017

The next GNSO Council Meeting will take place on Thursday 18 May 2017 at 12:00 UTC
For other places see: <http://tinyurl.com/mmrvygc>

