Minutes of the GNSO Council Meeting 21 December 2017

[Agenda](#) and [Documents](#)

Coordinated Universal Time: 12:00 UTC: https://tinyurl.com/y8399lg5

04:00 Los Angeles; 07:00 Washington; 12:00 London; 17:00 Islamabad; 21:00 Tokyo; 23:00 Hobart

The meeting started at: 12:04 UTC

List of attendees:
NCA – Non-Voting – Erika Mann
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Michele Neylon (absent- apology sent – proxy to Darcy Southwell, thank joined at 13:10 UTC), Darcy Southwell
gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek (telephone only – dropped at 13:30 UTC), Rubens Kühl (dropped at 13:20 UTC)
Nominating Committee Appointee (NCA): Carlos Raul Gutierrez
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Patullo (Newly elected BC councilor replacing Phil Corwin after his resignation), Susan Kawaguchi, Philippe Fouquart, Tony Harris, Paul McGrady, Heather Forrest
Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Tatiana Tropina, Rafik Dammak, Ayden Federline, Arsene Tungali
Nominating Committee Appointee (NCA): Syed Ismail Shah (absent)
GNSO Council Liaisons/Observers:
Cheryl Langdon-Orr– ALAC Liaison
Ben Fuller - ccNSO Observer
Julf (Johan) Helsingius– GNSO liaison to the GAC

Guests: Kathy Kleiman, Philip Corwin, J Scott Evans – RPM Co-Chairs

ICANN Staff
David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (apology sent)
Marika Konings – Vice President, Policy Development Support - GNSO
Mary Wong – Senior Director, Special Adviser for Strategic Policy Planning
Julie Hedlund – Policy Director
Steve Chan – Policy Director
Berry Cobb – Policy consultant
Emily Barabas – Policy Support Senior Specialist
Ariel Liang – Policy Analyst
Mike Brennan – Technical Support
Nathalie Peregrine – Manager, Operations Support
Terri Agnew - Operations Support - GNSO Lead Administrator

[MP3 Recording](#)
[Adobe Chat Transcript](#)
[Transcript](#)

Item 1: Administrative matters

1.1 – Roll call

1.2 – Updates to Statements of Interest.

Heather Forrest, GNSO Chair, welcomed **Marie Patullo**, new BC Councilor, on her first day on the GNSO Council, and conveyed her congratulations to all newly elected members of the Commercial Business Users Constituency Council Executive Committee (BC EXCOM).

1.3 – Review/amend agenda

There were no changes requested to the agenda. During the meeting however, agenda items 6 and 7 were interchanged to allow time for the Review of all Rights Protection Mechanisms in all gTLDs Policy Development Process (PDP) Working Group (WG) co-chairs to join the call.

1.4 – Minutes of Part 1 and minutes of Part 2 of the GNSO Council on the 1 November 2017 were posted on 23 November 2017.

Minutes of the GNSO Council meeting on the 30 November were posted on 21 December 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.
Heather Forrest provided an update on the Project List and staff further clarified the structure of the list and its categories.
Updates to the Action Item List, which were not covered later as agenda items, were communicated as follow:
- Heather Forrest is confirmed as GNSO Representative to the Empowered Community
- The GNSO Review of the GAC Communique was communicated in a timely manner to ICANN Board
- ICANN61 planning is progressing
- The response letter to the ccNSO, ALAC and GAC regarding Work Track 5 was sent out.
- Discussions have started regarding the Public Comment on the ICANN organization paper on suggested incremental changes to the ICANN meeting strategy.
- Manal Ismail, GAC Chair, has appointed a GAC point of contact for Julf Helsingius, GNSO GAC liaison.
- The GNSO is collaborating with other Supporting Organizations and Advisory Committees (SOACs) to resolve issues arising within certain Review Teams, including SSR2 RT.

Item 3. Consent Agenda
The Consent Agenda was empty.

Item 4: COUNCIL VOTE – Adoption of the charter for the GNSO Standing Committee on Budget and Operations on in interim basis

Michele Neylon submitted the motion, seconded by Rafik Dammak. **Darcy Southwell,** proxy for Michele Neylon, presented the motion.

Whereas,

1.   The GNSO Council expressed the desire to establish a GNSO Standing Committee to assist with the development of GNSO Council comments to be submitted to comment forums as it relates to ICANN's Budgetary and Finance matters
2.   On an informal trial basis, a small team of Council members developed two proposed public comments (IANA-PTI FY19 Budget & ICANN's Reserve Fund Target Level) on behalf of the GNSO Council that were later accepted and posted to ICANN's public forum
3.   The small team reviewed and further refined a draft charter for the proposed standing committee (see: https://gnso.icann.org/en/drafts/draft-icann-budget-operations-charter-11dec17-en.pdf)
4.   The Council reviewed the charter and agreed that as this is a new entity and approach, it would be desirable to test the process and criteria outlined in the charter to assess whether it is fit-for-purpose. To that end, it is proposed that:

a. The charter be adopted on an interim basis,
b. SCBO be formed in accordance with the charter,
c. SCBO to apply the charter for at least the FY19 Draft ICANN Budget & Operating Planning cycle,
d. SCBO to conduct a review of the comment formulation process and suggest changes the Charter, if appropriate, and report back to the GNSO Council accordingly
e. The GNSO Council to confirm the GNSO SCBO Charter as is, or, as modified based on the review.

Resolved,

1. The GNSO Council adopts the GNSO Standing Committee on Budget & Operations (SCBO) Charter on an interim basis (see: https://gnso.icann.org/en/drafts/draft-icann-budget-operations-charter-11dec17-en.pdf) and instructs the GNSO Secretariat to launch a call for volunteers per the membership criteria outlined in the SCBO Charter as soon as possible.
2. The GNSO Council appoints Heather Forrest as the Council liaison to the SCBO. Until such time the SCBO has selected its Chair(s), the liaison will serve as the interim chair.
3. The GNSO Council tasks the SCBO to carry out the review and comment formulation for the ICANN FY19 Draft Budget planning cycle and to submit its proposed recommendations to the GNSO Council with sufficient time for consideration.
4. Following the completion of the ICANN FY19 Draft Budget planning cycle, the GNSO Council requests the SCBO to report back to the GNSO Council with its assessment of whether the charter provides sufficient guidance and flexibility to carry out its work, and/or whether any modifications should be considered. Acknowledging that this is a work in progress, the GNSO Council will review this assessment as well as whether any modifications should be considered.
5. The GNSO Council thanks the small group of volunteers, Erika Mann, Ayden Ferdeline, Philippe Fouqart, Michele Neylon, Martin Silva Valent, and the GNSO Council leadership team, for its work on the charter.

Heather Forrest provided further clarification on the high-level aspect of the draft charter, specifying that whilst budget-related discussions have been taking place within the Council for a while, the SCBO is a recent committee formed in response to the GNSO's responsibilities a member of the Empowered Community.

Concerns and comments raised by councilors covered the risk of duplication with Stakeholder Group (SG) and Constituency (C) efforts in similar directions, the fact that the GNSO Council's comments on previous budgets have more often than not been restricted to Council related issues, and a possible solution in the Council having access to the SG and C's comments before finalizing its own. **Heather Forrest** thanked Berry Cobb for his support to the SCBO.

The Council then discussed the issue of the interim nature of the charter, noting that this was the case previously for the Standing Selection Committee (SSC). The issues of membership and of the structure of the SCBO then followed; in particular the role of the Subject Matter Experts (SBE) who would be non-councilors but able to indicate where there is conflict and/or agreement with SG and C comments to allow the Council itself to then provide informed comments. **Heather Forrest** volunteered for the SCBO liaison role until such time as a member of the SCBO wished to assume the role.

The motion was voted unanimously by all councilors present or represented on the call.

Vote results

Action Item(s):

- *GNSO Secretariat* to launch a call for volunteers per the membership criteria outlined in the Standing Committee on Budget and Operations (SCBO) Charter.

- *SCBO* to carry out the review and comment formulation for the ICANN FY19 Draft Budget planning cycle and submit its proposed recommendations to the GNSO Council, allowing sufficient time for consideration prior to the public comment deadline.
- *SCBO*, subsequent to completing the above action item, to report back to the GNSO Council with its assessment of whether the charter provides sufficient guidance and flexibility to carry out its work, and/or whether any modifications should be considered.

Item 5: COUNCIL DISCUSSION – Update on the charter drafting exercise related to the next steps for the ICANN Procedure of Handling Whois conflicts with Privacy

Councilors have formed a Drafting Team (DT) to discuss next steps for the ICANN Procedure of Handling Whois Conflicts with Privacy. **Heather Forrest** provided feedback on the first meeting of the DT noting that two main items had been discussed: the question of the group's scope and the issue of composition of membership. One of the outcomes was to differentiate this group's scope from, for instance, the work the Contracted Party House (CPH) and ICANN are doing in relation to General Data Protection Regulation (GDPR). Membership would be limited to councilors for the DT effort, and then open to others in the subsequent group that will be created.

Action item(s):

- *Drafting team members* to share draft charter and identified questions in charter with respective SG/Cs for feedback, following which the drafting team will review this input and finalize the charter for GNSO Council consideration.

Item 6: COUNCIL DISCUSSION – Planning for ICANN61

Donna Austin updated the councilors on the progress being made regarding the ICANN61 block schedule, with discussions taking place on the SOAC Planning Committee mailing list regarding the nature and number of Cross Community topics to be held. To date, five Cross Community topics have been submitted relating to GDPR, the Second Security, Stability, and Resiliency of the Domain Name System Review (SSR 2) case study, ICANN's data initiative and geographic names. **Donna Austin** then outlined the tentative scheduling of GNSO PDP face-to-face sessions, noting again that changes to the schedule will take place in the near future. **Heather Forrest** then reminded councilors that travel and hotel booking emails had been circulated to them, and must be actioned immediately (if not already done) in order to prevent further incursions of cost.

Item 7: COUNCIL DISCUSSION – Update on progress for the "Review of all Rights Protection Mechanisms in all gTLDs" data request

The three co-chairs of the Review of all Rights Protection Mechanisms in all gTLDs (RPM) PDP WG, Phil Corwin, Kathy Kleiman and J. Scott Evans joined the GNSO Council to provide an update on progress being made on the data request approved by the GNSO Council at its 20 September meeting. A presentation was provided with the update ([presentation](#)).

The co-chairs introduced the timeline associated with conducting data surveys relating to sunrise registrations and trademark claims. A Request for Proposal is required to source a vendor and this process is expected to be completed early May. Surveys will be conducted in May-July with preliminary findings available in July. The WG has had to compensate for the unanticipated delays associated with the RFP, but are continuing with Phase 1 of their work, which is a review of the Uniform Rapid Suspension (URS). The WG has a large and active membership and rotates its WG calls to accommodate the different time zones.

Highlights of the ensuing discussion were:

- The delay caused by the RFP could impact the work initiated by new gTLD Subsequent Procedures (SubPro) PDP WG, however Jeff Neuman one of the SubPro co-chairs is also a RPM WG member. A meeting with the co-chairs of both WGs is scheduled for January 2018.
- The timeline will extend the RPM PDP work
- The WG has a sub team working with the PDP Chairs and staff for the RFP to be in line with the PDP requirements.
- There has been no decision to date as to whether the RFP will be presented to the Council
- There is a productive and efficient cooperation within the RPM WG which contributes to the group's progression.

Action item(s):

- *PDP WG Co-Chairs* to provide the GNSO Council with an updated timeline for its Phase 1 work, taking into account time needed to complete and consider the outputs of its data request.
- *RPMs WG Co-Chairs and Subsequent Procedures WG Co-Chairs* to meet in January for a coordination call, and in particular, to discuss their respective timelines.

Item 8: ANY OTHER BUSINESS

8.1 – Second Security, Stability, and Resiliency (SSR2) Review Team: Update on progress with SO/AC chairs, as well as review of scoping document and skills matrix.

Heather Forrest updated the Council on what was happening at SOAC Chair level regarding the issues surrounding SSR2. The SOAC Chairs circulated an anonymous survey to SSR2 members inquiring as to problems within the group, how to move forward and what assistance might be required. The main item retrieved from the responses to the survey was the issue of communication, notably between the SSR RT and ICANN Board and then between the RT and the SO AC Chairs and lastly within the RT itself. James Gannon, GNSO endorsed RT member, recently resigned from his position prompting a call between GNSO Council leadership and the remaining GNSO representatives on the RT to discuss how to assist the team.

Several councilors highlighted the urgency of the situation and the need to resolve this rapidly to maintain existing, experienced membership on the team.

Heather Forrest noted that not all SO AC Chairs were in agreement regarding next steps, and leadership transitions could also be causing delays as new SO AC Chairs become familiarized with the circumstances.

Keith Drazek provided input on the meeting of the small team of councilors discussing the SSR2 RT suspension noting that whilst the effort to work through the team's issues to find a solution is a good one, it could also take place once the RT is reactivated to avoid further delay especially in light of the recent letter sent by the NTIA to ICANN Board.

Councilors were reminded that there were three GNSO endorsed, but not appointed candidates, that could be considered to replace James Gannon. Once the small team has finished reviewing the scope and skills matrix documents relating to SSR2 RT, it would be possible for the Standing Selection Committee (SSC) to review the three remaining candidates to see if there was a skills match.

It was generally agreed that the reasons for suspending SSR2 RT activity were unclear not only to the GNSO Council, but to the SSR2 RT members themselves.

Action item(s):

- The Standing Selection Committee, as requested by the GNSO Council, is to review the 3 remaining GNSO SSR2 candidates against the skills matrix developed by SSR2 RT members following ICANN60, and to provide their findings to the GNSO Council

8.2 – Update on the GNSO Council Strategic Planning Session in January of 2018.

The GNSO Council leadership has held several preparatory meetings with invited facilitator Jonathon Robinson to discuss the agenda and logistics of the GNSO Council Strategic Planning Session. GNSO appointed Board members and Avri Doria will be invited to a lunch meeting with the GNSO Council of the last day of the session. Remote participation will be available for the face-to-face GNSO Council meeting on Tuesday 30 January 2018. It was noted that James Bladel, immediately former GNSO Council Chair, was invited but has communicated that he is unable to attend. Heather Forrest and Jonathan Robinson will meet in early January to discuss and finalise agenda content. **Heather Forrest** reminded councilors to book their travel as soon as possible in order to avoid further delays and impacts to the Planning Session budget.

Heather Forrest, GNSO Council Chair, adjourned the GNSO Council meeting and thanked everyone for participating and for their contribution to the Council's work in 2017.

The meeting was adjourned at 13:55 UTC Thursday 21 December 2017.

The next GNSO Council Meeting will take place on 30 January 2018 at 22:00 UTC
For other places see: https://tinyurl.com/y79wpaos