Minutes of the GNSO Council Meeting 24 August 2017

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

Coordinated Universal Time: 12:00 UTC: http://tinyurl.com/y8tmfkkd

05:00 Los Angeles; 08:00 Washington; 13:00 London; 15:00 Istanbul; 22:00 Hobart

The meeting started at: 12:02 UTC

List of attendees:
NCA – Non-Voting – Erika Mann (joined late)
Contracted Parties House
Registrar Stakeholder Group: James Bladel, Michele Neylon, Darcy Southwell gTLD
Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl (joined first 30 minutes only –Keith Drazek as proxy during absence)
Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Philip Corwin, Susan Kawaguchi (absent – apology sent, proxy to Phil Corwin), Wolf-Ulrich Knoben, Tony Harris, Paul McGrady, Heather Forrest
Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Stefania Milan, Tatiana Tropina (temporary alternate for former NCSG Councilor Ed Morris), Marilia Maciel, Rafik Dammak
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 (joined first hour only)
Invited Guests:
Jeff Neuman – Co-Chair of the New gTLD Subsequent Procedures PDP WG
Bernard Turcotte – ICANN Staff
Cyrus Namazi - Vice President, DNS Industry Engagement, DNS & Industry Engagement, ICANN Staff
Eleeza Agopian - Manager, Operations and Policy Research, DNS & Industry Engagement, ICANN Staff
GNSO Board member:
Marcus Kummer (apology)
ICANN Staff
David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (Absent-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 - Senior Policy Manager, Policy Development Support
Amr Elsadr – Policy Manager
Berry Cobb – Policy consultant
Emily Barabas – Policy Analyst
Mike Brennan – Technical Support
Nathalie Peregrine - Manager, Operations Support - GNSO, Policy Development Support
Terri Agnew - Operations Support - GNSO Lead Administrator, Policy Development Support

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

Item 1: Administrative matters

1.1 – Roll call

1.2 – Updates to Statements of Interest

There were no updates to Statements of Interest.

1.3 – Review/amend agenda
It was agreed that item 6, which was originally a Council discussion on a proposal to change the name of the GNSO, be replaced with an item for Any Other Business (AOB), which was a report from the GNSO chairs on their call with the leadership of the New gTLD Subsequent Procedures PDP Working Group regarding the new Work Track 5 Geographic Names Work Team (WT5). Item AOB 9.2 was also withdrawn on the submitter's (Ruben Kühl) request. The agenda was adopted as modified.

1.4 –The draft minutes of the meeting of the GNSO Council on 13 July 2017 were circulated on 24th July 2017 and posted on the 3rd August 2017. INSERT HYPERLINK?

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.

The items on the Project list as well as the completed and pending Action items were highlighted by James Bladel.

2.2 - Report results of e-vote on the Council response to the GAC Communique

The electronic ballot was adopted unanimously and the communiqué response was transmitted to the Board. INSERT HYPERLINK?

Item 3. Consent Agenda (0 min)
There were no items on the Consent Agenda for this meeting.

Item 4: COUNCIL VOTE – Updated Charter for the Cross Community Working Group on Internet Governance

Keith Drazek seconded by **James Bladel** proposed a motion expressing support for continued ICANN community engagement in Internet Governance activities appropriate to ICANN's mission, withdrawal as a Chartering Organization from the CCWG-IG, and request for a proposal for a new structure for GNSO Council consideration by ICANN61.

 WHEREAS:

1. The GNSO Council adopted the charter for a Cross Community Working Group to discuss Internet governance (CCWG-IG) issues affecting ICANN and make recommendations to the chartering organizations on these issues on 15 October 2014, and as such became a Chartering Organization.

2. The GNSO Council adopted the "Uniform Framework of Principles and Recommendations for Cross Community Working Groups" (CCWG Framework) in October 2016. The CCWG Framework details the lifecycle of a CCWG including initiation, operation, decision-making, and closure, and the GNSO Council has observed that the CCWG-IG, whose formation predated the adoption of the CCWG Framework, does not follow this lifecycle or some of the principles outlined in the CCWG Framework.

3. The GNSO Council recognizes the importance of a continued discussion of the topic of Internet governance within an ICANN context, and the continued participation by the GNSO in this discussion.

4. The GNSO Council has shared its concerns with the ccNSO Council and representatives of other SO/ACs on the current scope of the CCWG-IG and the appropriate vehicle through which ICANN SO/ACs may continue to participate in Internet governance discussions within the ICANN context.

5. During its meeting on 7 November 2016, the GNSO Council confirmed it would continue to participate as a Chartering Organization for the CCWG-IG. However, this participation was conditioned upon a comprehensive review of the CCWG-IG Charter by the CCWG-IG, in accordance with the CCWG Framework, including the possibility that another vehicle may be more suitable for cross community discussions on the topic of Internet governance (http://gnso.icann.org/en/drafts/uniform-framework-principles-recommendations-16sep16-en.pdf).

6. On 11 March 2017, the CCWG-IG submitted a revised charter to the GNSO Council (https://mm.icann.org/pipermail/council/2017-March/019819.html) for its consideration.

7. The GNSO Council reviewed the charter and discussed it during a number of meetings as well as in its meetings with the ccNSO Council. These discussions highlighted remaining concerns over the group's compliance with the CCWG Framework as well as its accountability vis-a-vis the Chartering Organizations.

8. During ICANN 59 in Johannesburg, the CCWG-IG held a face-to-face meeting that included members of the ICANN Board's Internet Governance Committee. There was discussion about the future of the group, challenges with the ongoing nature of Internet Governance, and the constraints imposed by the community-developed requirements for CCWG structures. Members from multiple SOs and ACs recognized the challenges and generally agreed that a CCWG is not a required vehicle for the important and legitimate work of the group, provided the group is able to continue its engagement with adequate ICANN support and resources and there is no gap between the retirement of the CCWG-IG and the establishment of its successor.

Resolved,

1. The GNSO Council expresses its gratitude to the CCWG-IG for its work in ensuring that discussions on Internet governance take place within the ICANN context.

2. The GNSO Council emphasizes that it fully recognizes the importance of the continued involvement of the ICANN community in Internet governance-related activities that are appropriate to ICANN's mission.

3. The GNSO Council requests that members of the CCWG-IG and others interested parties come together to explore a framework / model that more fully addresses the concerns that have been expressed by the GNSO Council, and submit this framework / model to the GNSO Council for its consideration at the Council meeting mid-way between ICANN 60 and ICANN 61 (e.g. February GNSO Council meeting).

4. To facilitate the work as requested under Resolved clause #3, allowing for a reasonable time to coordinate with other SOs and ACs to develop a new structure, and to ensure there is no gap between the retirement of the CCWG-IG and the establishment of its successor group, the GNSO Council shall withdraw as a Chartering Organization from the CCWG-IG effective at the conclusion of ICANN 61 in San Juan, expecting that a replacement structure will be ready for approval by the Council at that time.

5. The GNSO Council emphasizes that its planned withdrawal as a Chartering Organization from the CCWG-IG reflects solely the Council's conclusion that, based on the reports it has received from the CCWG-IG, a CCWG is not an appropriate vehicle for the CCWG-IG's work, and the GNSO Council's decision on this narrow point is not intended to prevent any GNSO community members who have been participating in the CCWG-IG from continuing to participate in the group's activities should they decide to do so.

6. The GNSO Council requests that the GNSO Secretariat communicate this decision to the CCWG-IG and the other Chartering Organizations

The councilors were reminded that this motion was the text resulting from friendly amendments discussed previously on the GNSO Council mailing list. Councilors discussed the importance of coordination between the Chartering Organizations and of starting ensuing work on a new framework

swiftly. They agreed on the February 2018 GNSO Council meeting as submission deadline to the Council. Councilors further exchanged on the new format which would potentially replace the Cross Community Working Group structure and the need for further accountability and communication channels.

The motion was passed unanimously by those present on the call.

Vote results

 Action items:
- GNSO Secretariat to communicate decision to the CCWG-IG and other Chartering Organizations, that the GNSO Council will withdraw from the CCWG-IG at the conclusion of ICANN61, with the expectation that a replacement structure is ready for approval by the Council at that time.

Item 5. COUNCIL VOTE – Replacement for GNSO member for the Second Security, Stability, and Resiliency of the DNS (SSR2) Review Team

Julf Helsingius submitted a motion, seconded by James Bladel, towards the selection of a replacement for the GNSO representative to the SSR2 review team following Emily Taylor's resignation.

WHEREAS,

1. On 19 January 2017, the GNSO Council nominated (see https://gnso.icann.org/en/council/resolutions#201701) the following candidates to serve on the SSR2-RT (in alphabetical order): James Gannon, Denise Michel, and Emily Taylor as its primary three candidates for the SSR2-RT, noting that these candidates under the new ICANN Bylaws are entitled to be selected. Furthermore, the GNSO nominated (in alphabetical order): Howard Eland, Scott McCormick, Rao Naveed bin Rais, and Norm Ritchie to be considered for inclusion in the SSR2-RT by the SO-AC Chairs should additional places be available.

2. On 14 February 2017, ICANN announced the selection of the 16-member team (see https://www.icann.org/news/announcement-2-2017-02-14-en), which included the three primary candidates nominated by the GNSO Council.

3. On 16 July 2017, Emily Taylor submitted her resignation to the SSR2-RT (see http://mm.icann.org/pipermail/ssr2-review/2017-July/000468.html).

4. The GNSO Council tasked the GNSO Standing Selection Committee (SSC) with recommending a replacement candidate, 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 (https://www.icann.org/news/announcement-3-2016-06-30-en).

5. Out of the four candidates that were nominated in the initial selection process for consideration, beyond those that were entitled to be selected, the following three expressed that they were still interested in serving on the SSR2-RT: Scott McCormick, Rao Naveed bin Rais, and Norm Ritchie.

6. The SSC submitted its recommendation to the GNSO Council on 18 August 2017.

7. The GNSO Council considered the recommendation of the SSC.

Resolved,

1. The GNSO Council nominates Norm Ritchie to replace Emily Taylor on the SSR2-RT.

2. The GNSO Council instructs the GNSO Secretariat to communicate resolved #1 to the staff supporting the SSR2-RT as soon as possible.

3. The GNSO Council instructs the GNSO Secretariat to inform the selected applicant that he has been chosen and that the GNSO Council expects that the applicant will represent the views of the entire GNSO community in his work on the SSR2-RT, and provide regular feedback as a group on the

discussions taking place in the SSR2-RT, as well as the positions being taken by GNSO Review Team Members.

4. The GNSO Council asks the GNSO Secretariat to send a response to those applicants who were not selected, thanking them for their continued interest. The response should also encourage them to follow the SSR2-RT work, and participate in Public Comments and community discussions

The motion was voted unanimously.

Vote results

 Action items:
- GNSO Secretariat to communicate decision to the SSR2-RT, that the GNSO Council has nominated Norm Ritchie to replace Emily Taylor on that review team.
- GNSO Secretariat to inform Norm Ritchie of his selection and communicate the Council's expectations that he represents the views of the entire GNSO community in his work on the SSR2-RT, and that as a group, the GNSO Review Team Members will provide regular feedback on the discussions taking place in the SSR2-RT.
- GNSO Secretariat to send a response to those applicants that were not selected, thanking them for their continued interest. The response should also encourage them to follow the SSR2-RT work and participate in Public Comments and community discussions.

Item 6. COUNCIL DISCUSSION – Report from GNSO chairs on call with Subsequent Procedures ("SubPro") PDP co-chairs, regarding the creation of Work Track 5 (WT5)

Councilors discussed WT5 which was a consequence of exchanges during ICANN59 in Johannesburg surrounding the need to work on the issue of geographic names in subsequent rounds of new gTLD applications. The specificity of WT5 is that whilst it will function under the umbrella of the new gTLD Subsequent Procedures PDP WG, its leadership will be formed of co-chairs from other Supporting Organizations and Advisory Committees (SOs and ACs). Focus points of the discussion covered:
- The decision-making process within WT5 overall to be guided by consensus as within other GNSO PDP WGs according to the GNSO WG Guidelines.
- The GNSO Council's role in approving by vote WT5 decisions
- The importance of informing the GNSO Board members of WT5 and the SO and ACs to ensure they appoint their co-Chairs swiftly. The PDP WG co-chairs have already initiated this.
- Whether the PDP Leadership or the Standing Selection Committee (SSC) be tasked with appointing the GNSO co-chair to WT5
- The importance of the role of the liaison of WT5 to the GNSO Council, position currently held by Paul McGrady.

Item 7: COUNCIL DISCUSSION – Review of the Revised ICANN Procedure for Handling Whois Conflicts with Privacy Law

Cyrus Namazi, Vice President, Domain Name Services & Industry Engagement, Global Domains Division (GDD), was invited to the Council meeting to present the review of the Revised ICANN Procedure for Handling Whois Conflicts with Privacy Law following the letter from Akram Atallah, which provided a collection of possible options for proceeding with the review,
Eleeza Agopian, Manager, Operations and Policy Research, also from GDD, summarized the options outlined in the letter: an expedited PDP, a standard PDP, or one or both of the other alternative triggers (Legal Opinion trigger and Contracted Party House trigger) suggested by the Implementation Advisory Group IAG when it studied the issue previously.
Councilors discussed the efficiency of the triggers currently in place, with the question of the consistency of the policy underlying them. The IAG agreed the policy was consistent (the GNSO Council voted on this in February 2017), but never gathered consensus around the triggers.
Cyrus Namazi then clarified to the GNSO Council that these efforts were not tied in to work on the General Data Protection Regulation (GDPR) which is going on in parallel.

Councilors then discussed next steps and the need or not to form a new group to study the options and their consistency with the policy.

Action item:
- GNSO Council, after having considered the 1 August letter from Akram Atallah and receiving a brief update from GDD on its 24 August Council meeting, should determine next steps for reviewing the Whois Procedure.

Item 8. COUNCIL DISCUSSION – PLANNING FOR ICANN60

It was noted that the GNSO draft schedule was nearing completion in a timely manner, albeit with PDPs and Cross-Community sessions incurring several conflicts and no GNSO meetings scheduled on the last day Friday. This was justified by the lack of any ICANN plenary session scheduled that day. It was suggested that this might warrant a review of the current meeting strategy.

Item 9: ANY OTHER BUSINESS

9.1 – Update from CCWG-ACCT WS2

Bernard Turcotte, ICANN Staff, was invited to the GNSO Council meeting to present an update from the Cross Community Working Group on Accountability Work Stream 2 timeline. This timeline was presented to the co-chairs in May 2017, with the expectation of report submission in time for the end of ICANN60 in order to end the process by June 2018. Bernard then provided an update on the progress of the individual sub-teams.

Additional AOB item:

GNSO Council Strategic Planning session is currently scheduled for 29, 30, 31 January 2018, conflicting with Namescon and potentially affecting several GNSO Councilors.

Action Item:

- For the purposes of planning the GNSO Council's strategic planning session, to occur in early 2018, the GNSO Secretariat shall create a Doodle poll to determine the extent of councilor conflicts for the currently scheduled dates of 29-31 January 2017. To the extent known, incoming Councilors should also be allowed to participate in the Doodle poll.

James Bladel, GNSO Council Chair, adjourned the GNSO Council meeting and thanked everyone for participating.
The meeting was adjourned at 14:03 UTC, Thursday 24 August 2017

The next GNSO Council Meeting will take place on 20 September 2017 at 21:00 UTC
For other places see: **http://tinyurl.com/y9tpznzl**