Minutes of the GNSO Council Meeting 27 June 2018
[Agenda](#) **and** [Documents](#)

Coordinated Universal Time: 18:00 UTC: https://tinyurl.com/ybuhhqmo

Local time in Panama: 13:00

11:00 Los Angeles; 14:00 Washington; 19:00 London; 23:00 Islamabad; (Thursday 28 June) 03:00 Tokyo; 04:00 Hobart

 List of attendees:
Nominating Committee Appointee (NCA): **– Non-Voting** – Erika Mann
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell
gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl
Nominating Committee Appointee (NCA): Carlos Raul Gutierrez
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Pattullo, 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 Férdeline, Arsène Tungali (apology sent – temporary alternate, Elsa Saade)
Nominating Committee Appointee (NCA): Syed Ismail Shah
GNSO Council Liaisons/Observers:
Cheryl Langdon-Orr– ALAC Liaison
Julf (Johan) Helsingius– GNSO liaison to the GAC
Adebiyi Oladipo - ccNSO Liaison (absent)

Guest speakers: Patrik Fällström and Thomas Rickert

ICANN Staff
David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional
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 (participating remotely)
Ariel Liang – Policy Analyst
Caitlin Tubergen – Policy Senior Manager
Nathalie Peregrine – Manager, Operations Support
Terri Agnew - Operations Support - GNSO Lead Administrator
Michelle Desmyter - Operations coordinator (participating remotely)

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

Item 1: Administrative matters

1.1 – Roll call

Arsène Tungali sent his apologies, Elsa Saade was his temporary alternate for ICANN62. Adebiyi Oladipo was absent.

1.2 – Updates to Statements of Interest.

Both Donna Austin and Martin Silva Valent indicated that changes had been made to their Statements of Interest:

https://community.icann.org/x/zIBEAg

https://community.icann.org/x/JYxlAw

1.3 – Review/amend agenda

The agenda was accepted without changes.

1.4 – Minutes of the GNSO Council meeting on the 24 May 2018 were posted on 14 June 2018.

Minutes of the GNSO Council meeting on the 12 June 2018 were posted on the 28 June 2018.

Item 2. Opening Remarks / Review of Projects & Action List

Heather Forrest noted the following updates to the Projects List :

- There had been few changes in the Projects list since the last GNSO Council meeting in May. The previous extraordinary GNSO Council meeting had focused on next steps regarding the Temporary Specification only.
- Staff noted that the only addition had been the consideration of the Expedited PDP and the Temporary Specification.

Heather Forrest raised the following points from the Action Items' list (which would not be discussed under agenda items during the meeting):

- A lot of progress had been made on the Action Items' list.
- Many pending items under the Temporary Specification section had been completed.
- Short term and long term options for the timeline of reviews had been discussed with the ccNSO earlier that day, **Donna Austin** was to take lead on a draft comment focussing on the long term option
- The Standing Selection Committee (SSC) item was to be marked as completed as Council leadership had decided against having a member of Council leadership take the role of an ex officio member, given that **Rafik Dammak** was already a SSC member albeit as Non Commercial Stakeholder Group (NCSG) representative. This could be revised later as warranted.
- The deadline for comments on PDP3.0 has been extended to the 15 August 2018.
- The new gTLD Subsequent Procedures (SubPro) PDP Working Group (WG) and Review of all Rights Protection Mechanisms (RPM) PDP WG consolidated timeline is an ongoing process, the GNSO Council is to be kept updated by its liaisons to both groups, **Donna Austin, Keith Drazek** and **Paul McGrady**.

- On the updated charter for the Cross-Community Engagement Group on Internet Governance (CCEG IG), the ccNSO raised questions which the CCEG IG is working on. **Tatiana Tropina** and **Rafik Dammak** will keep the GNSO Council updated.
- Concerning the Drafting Team on the charter relating to next steps for the ICANN procedure of handling WHOIS conflicts with privacy, **Heather Forrest** noted the intrinsic link with the EPDP, and suggested this item be removed from Any Other Business (AOB) at the end of the meeting, the Council would come back to it when the EPDP DT was formed. The suggestion met no objection.
- The Registration Directory Services (RDS) PDP WG leadership team is to prepare a post-mortem on the PDP WG. **Heather Forrest** raised that receipt of this document could in effect mark the closure of the PDP WG, but that this would be a GNSO Council decision.
- Comments from the Council on the Consensus Policy Implementation Framework (CPIF) will be expected by end of July 2018.
- On the Strategic Planning Session (SPS) action items, **Heather Forrest** noted the suggestion to reference the relevant ICANN Bylaws when applicable in Council agenda items and motions, to reinforce the authority of the GNSO Council, especially in regard to the EPDP.

Action Items:
- *ICANN staff* to adjust the existing action item on the ICANN Procedure of Handling Whois conflicts with Privacy topic to reflect that the call for volunteers should occur subsequent to the initiation and chartering process for the EPDP on the Temporary Specification. To be discussed at August 2018 Council meeting.
- *ICANN staff* to adjust the existing action on the Temporary Specification topic to note link between the development of a post mortem on the RDS PDP and the closure of that PDP. Request that Post mortem is completed by end of July so that it can be shared with the Council in conjunction with the reminder on PDP3.0.

Item 3. Consent Agenda

There was no item on the Consent Agenda.

Item 4: COUNCIL UPDATE – SSAC to Brief the GNSO on Use of Emoji in Domain Names

Patrik Fältström presented SAC095: Security and Stability Advisory Committee (SSAC) Advisory on the Use of Emoji in Domain Names ([presentation](#)).
The policies for each subset of characters that are in use, the ones that are permissible by the Internet Engineering Task Force (IETF), is set by the registries. Each registry has a policy for what unicode characters can be used. Emojis are in the Unicode standard of category symbol other (SO). According to the IETF, characters of the SO class cannot be used in the Domain Name System (DNS) and ICANN agrees with this conclusion.

In light of discussions taking place out of the Contracted Party House and ICANN, the SSAC has looked further into this and raised the following points:
- Emojis can be very similar to each other and thus difficult to distinguish
- Combinations of emojis can be difficult to decipher and read as one unique emoji
- Confusion between actual characters and modifiers (skin tone changes to one same emoji)

● Accessibility issue caused by lack of clearly defined names for emojis

The SSAC further concluded that given that emojis are disallowed by the Internationalising Domain Names in Applications (IDNA) standard, that they are not required by design, standard, or convention to be visually uniform or distinguishable, that emoji modifiers allow for a much larger set of composed multicode point symbols, that there is an increased phishing risk involved, it is not because a code point exists in Unicode that it should be used in the DNS and that therefore, ICANN policies following IDNA 2008 and the standard developed by the IETF is correct. The SSAC recommends the ICANN Board continue to reject any suggestions for Top Level Domains (TLDs) or other policies that allow characters which are not following the IETF standard.

The ICANN Board resolution on this matter recommended that the SSAC work with the GNSO and the ccNSO on implementation. The SSAC is keen on the collaboration, even though emojis concern second-level domains, rather than first, given the financial interest there is in sponsoring these characters, the fact that Unicode 11 has been released including many more emojis and that non-contracted parties are allowing emojis to be registered.

Heather Forrest thanked **Patrick Fältström** for his presentation which Council agreed had been very useful.

Action Items:
● *ICANN staff* to circulate slides used during presentation to the Subsequent Procedures PDP WG co-chairs.
● *Small group of councilors (Philippe, Martin, Tatiana and Michele)* to prepare response to the ICANN Board regarding their resolution on emojis for Council consideration.
● ICANN staff to provide small group of councilors with original Board resolution that included the request to guide drafting a response

Item 5: COUNCIL VOTE – IGO-INGO Access to Curative Rights Protection Mechanisms

Heather Forrest, seconded by **Michele Neylon,** submitted the motion for approval by the Council of the completion of the Final Report of the IGO/INGO Access to Curative Rights Protection Mechanisms PDP (Curative Rights PDP).

Whereas,

1. The origin of the IGO/INGO Access to Curative Rights Protection Mechanisms Policy Development Process (Curative Rights PDP) traces back to a consensus recommendation from a previous PDP, the Protection of IGO and INGO Identifiers in All gTLDs PDP (IGO/INGO Protection PDP). The IGO/INGO Protection PDP considered whether and how the names and acronyms of international governmental organizations (IGOs) and international non-governmental organizations (INGOs) should be protected at the top and second levels of the domain name system (DNS). This earlier PDP resulted in a number of recommendations that were inconsistent with GAC advice on this topic. On 30 April 2014, the ICANN Board approved the PDP recommendations that were consistent with GAC advice, so that the GAC, GNSO and

the affected community groups could continue to work on reconciling the remaining inconsistencies.

2. A facilitated dialogue between the GAC and GNSO took place at ICANN58 in March 2017. Based on these discussions, in May 2017, the GNSO Council agreed to initiate a new PDP to revisit the IGO/INGO Protection PDP's recommendation concerning certain Red Cross names.

3. On 5 June 2014, the Council of the Generic Names Supporting Organization (GNSO) chartered the Curative Rights PDP. This new PDP was initiated to evaluate (i) whether the UDRP and/or URS should be amended to enable their access and use by IGOs and INGOs whose identifiers had been recommended for protection by the IGO-INGO Protection PDP and if so, in what way; or (ii) whether a separate narrowly-tailored procedure modeled on these curative rights protection measures to apply only to protected IGO and INGO identifiers should be developed.

4. The Curative Rights PDP Working Group commenced its work in August 2014 and issued its Initial Report for public comments in January 2017, with the public comment period closing on 30 March 2017. Following its analysis of the input received, the Curative Rights PDP Working Group came to agreement on modifying one of its initial recommendations by ICANN59 in June 2017.

5. Since June 2017, the Curative Rights PDP WG has been engaged in trying to reach consensus on one remaining issue concerning IGO jurisdictional immunity. In December 2017, a Working Group member filed an appeal pursuant to Section 3.7 of the [GNSO Working Group Guidelines](#) (the Guidelines) to challenge the mechanisms the Co-Chairs proposed be used to determine consensus in relation to this remaining issue. An attempt to resolve the member's concerns with the PDP Co-Chairs took place in January 2018 in accordance with the Guidelines. Following unsuccessful resolution with the Co-Chairs, the matter was raised with the GNSO Council Chair as prescribed by Section 3.7. Discussions between the GNSO Council Chair, the GNSO Council liaison, the appellants and the PDP Co-Chairs culminated in a proposal for the GNSO Council Liaison to meet with and gather inputs from WG members at and after ICANN61 to assist in the consensus-building process by providing WG members with an opportunity to express their views on the WG's draft recommendations. A summary report of those meetings was prepared and shared with the Working Group in April 2018 in resolution of the Section 3.7 appeal, and the GNSO Council liaison offered to continue to support the WG in developing its Final Report. As of 16 June 2018, the Working Group is continuing to work toward a Final Report.

6. In January 2018, the GNSO Council held a Strategic Planning Session at which the Council agreed that, to ensure effective allocation of resources and improve management of the community's workload, a timely resolution of policy development processes should be a priority.

7. At its May 2018 meeting, the GNSO Council liaison informed the Council that the Curative Rights PDP would aim to wind up its work by June 2018.

8. As the scope of the Curative Rights PDP includes consideration of the applicability and usability of existing second level dispute resolution processes (i.e. curative mechanisms) in relation to IGO/INGO names and acronyms, its outcome is likely to affect the full scope of the final protections that are ultimately decided upon for IGO acronyms, and thus the differences that remain between GAC advice and conclusions of the earlier IGO/INGO Protection PDP. Given the length of time that has elapsed since the Board first placed IGO acronyms on a temporary reserved list and the possibility of additional conflict between GAC advice and GNSO policy on the topic of IGO protections, the GNSO Council believes it is imperative that the Curative Rights PDP is concluded in a timely and effective manner.

9. On 10 June 2018, a new Section 3.7 appeal was made under the GNSO Working Group Guidelines challenging the involvement of the PDP Chair (the other Co-Chair having resigned in May), the GNSO Council liaison and policy staff in developing the PDP's Final Report. This new appeal is currently proceeding through the recommended steps in the GNSO Working Group

Guidelines. The appellant has expressed willingness for the substantive work of the PDP to continue towards resolution of the Final Report while the appeal process progresses.

10. Following consultation with the Working Group Chair, GNSO Council Liaison, and GNSO Council leadership team, and notwithstanding the most recent appeal, the GNSO Chair proposed on 13 June 2018 that the target date for completing and submitting the Curative Rights PDP Final Report to the GNSO Council be revised to July 2018 to provide the Working Group with additional time necessary to complete its work and finalize the Final Report.

Resolved,

1. The GNSO Council acknowledges the effort of the Curative Rights PDP Working Group since ICANN60 to reach consensus on its final recommendations, and requests that the Final Report be submitted in time to meet the July 2018 GNSO Council meeting document deadline. The GNSO Council directs ICANN staff to inform the Working Group that, in line with the Council's priority to ensure responsible allocation of resources and timely management of the PDP, the GNSO Council expects to consider this matter at its July 2018 meeting.

2. The GNSO Council acknowledges and appreciates the effort of Susan Kawaguchi in the role of GNSO Council Liaison to assist in resolving the Section 3.7 appeals and to facilitate the group's efforts to achieve the milestone of a Final Report in a timely manner.

The GNSO Council voted in favour of the motion unanimously.

[Vote results](#)

Action items:
- *ICANN staff* to inform the IGO-INGO CRP PDP WG that the GNSO Council resolved that the Working Group, in line with the Council's priority to ensure responsible allocation of resources and timely management of the PDP, the Final Report be submitted in time to meet the July 2018 GNSO Council meeting document deadline

Item 6: COUNCIL VOTE – Approval of Changes Made to the Customer Standing Committee (CSC) Charter

Donna Austin seconded by **Heather Forrest** submitted the [motion](#) requiring GNSO Council to approve the changes made to the Customer Standing Committee (CSC) charter.

Whereas:
1. The Customer Standing Committee (CSC) was established as one of the post IANA Transition entities and conducted its first meeting on 6 October 2016.
2. The ICANN Bylaws, Section 17.3 (c) and the CSC Charter required the ccNSO and RySG to conduct a review of the CSC Charter one year after the first meeting of the CSC.

3. In May 2017, a drafting team appointed by the ccNSO and RySG developed a Terms of Reference for the Charter Review, which was subsequently adopted by the ccNSO and RySG in July 2017.
4. The ccNSO and RySG appointed members to form the Charter Review Team from their respective SO and SG to conduct a review of the CSC Charter in accordance with the Terms of Reference.
5. The Charter Review Team conducted a series of consultations with the CSC, the direct customers of the IANA naming function, the independent PTI Directors, and the community at large and published an Initial Report of their findings and an Amended CSC Charter for public comment on 11 April 2018 until 1 June 2018.
6. The GNSO Council discussed the Initial Report during their meeting of 24 May 2018, and submitted comments on the Initial Report as part of the public comment process.
7. The public comment period resulted in a number of comments that were considered and addressed by the Charter Review Team in their Final Report and Amended Charter.
8. The GNSO Council, along with the ccNSO Council, is required to ratify any recommended changes to the CSC Charter.
9. The ccNSO and GNSO Councils discussed the Charter Review process during their most recent face-to-face meeting in San Juan, on 12 March 2018, and are expected to discuss the Final Review and Amended Charter at the forthcoming ICANN meeting in Panama, on 27 June 2018.

Resolved:
1. The GNSO Council approves the changes made to the CSC Charter as a result of the Charter Review Process, and will inform the ccNSO Council accordingly.
2. The GNSO Council will work on a joint communication with the ccNSO Council to inform the CSC that the Amended Charter has been ratified and should now be put into place.
3. The GNSO Council also notes the recommendation in the Final Report that the ccNSO and GNSO Councils conduct an analysis of the requirements of the IANA Naming Function Review and the CSC Effectiveness Review with a view to creating synergies and avoiding overlap, and has appointed two Councilors to conduct the recommended analysis in cooperation with two representatives from the ccNSO.
4. The GNSO Council thanks the CSC Review Team for their efforts in undertaking the Review.

The GNSO Council voted in favour of the motion unanimously.

Vote results

Action items:
- *ICANN staff* to inform the ccNSO that the GNSO Council approved the changes made to the CSC Charter as a result of the Charter Review Process.
- *Council leadership* to work on a joint communication with the ccNSO Council to inform the CSC that the Amended Charter has been ratified and should now be put into place.

Item 7: COUNCIL UPDATE – Protections for Certain Red Cross Names in All gTLDs Policy Amendment Process

Thomas Rickert, co-chair of the reconvened PDP on Protection of IGO and INGO Identifiers in All gTLDs, provided an update to the GNSO Council.

The reconvened PDP had a very limited mandate to look at the protection of specific names, and considered scope as well as the legal basis for additional protections. The PDP looked at protections for International Committee of Red Cross names, International Federation of Red Cross/Red Crescent society names and Red Cross and national societies' names. The PDP then completed the GNSO Council request to produce a finite list of names that should go into Specification 5 of the Registry Agreement and launched its [Initial Report for Public Comment.](#) This list consists of two ICRC names and the international Federation of Red Cross full names across all U.N. six languages amounting to 3,953 names of the national societies.

Thomas Rickert then highlighted what the GNSO Council could be expected to vote on in the upcoming weeks:

- Amendment of the original PDP recommendations and reservation of a finite list of names for 191 organizations,
- A recommendation of the original IGO-INGO exception procedure that Council adopted in 2014 and an exception procedure in place in case a national society or chapter wishes to use one of the names that are listed because they couldn't go to a registrar and register the names because they are on Specification 5,
- A creation limit of 3 or 4 additional national societies,
- A defined process covering how are these names established and how this is done procedurally so that these arrive in Specification 5,
- The notion for common names, i.e., the designations by which the organizations are actually named,
- A process to correct errors on the list of names

Action items:
- *None*

Item 8: COUNCIL VOTE – Initiation of Expedited Policy Development Process (EPDP) on the ICANN Board Temporary Specification

Heather Forrest stated that whilst the EPDP Drafting Team (DT) had made excellent progress on the charter and overall, there was no completed charter as such for the GNSO Council to vote on at the time of the meeting.

Councilors then discussed if it was possible to initiate the PDP without having a finalised charter, and if so, if it was possible to vote on the charter before the next Council meeting. The importance of being able to notify the community of progress made to date even without the charter being voted was brought forward by several councilors.

Two options were raised: scheduling an extraordinary Council meeting before the next Council meeting or initiating an email vote. Other councilors highlighted the need for discussion and time to receive input from their constituencies. In the case of an email vote, the 7-day notice period necessary before the launch of the vote could still be devoted to discussion.

Concern was raised about the possibility of another temporary specification being needed to work on the access model. Councilors agreed that until there was further clarity on the matter, these should not impede the work on the EPDP.

Staff raised the possibility of meeting as the EPDP DT before the next Council meeting, as this would not require a notice period. The email vote could then be initiated once the EPDP meeting has taken place.

Heather Forrest then gathered acquiescence from the Council that **the EPDP motion be deferred.** Heather Forrest also noted that input from the community, received during the High Interest Topic Session held on Monday 25th June 2018 focussing on the EPDP, had been duly taken into account in relevant sections of the Charter. Progress had also been made that very morning at a EPDP DT level during the PDP discussion session.

Councilors then dedicated the rest of the meeting to discussing scope.
One of the concerns raised was whether the scope of the EPDP reached to all sections of the Temporary Specification or whether certain parts would be left out, with the risk that they would reach expiration at the same time as the Temporary Specification. It was confirmed that the EPDP would deal with all sections of the Temporary Specification.

Councilors then raised the following points:
- The need for data collection, processing but also access to be taken into account
- The requirement for a speedy development
- Responses by ICANN Board regarding the picket fence question were still awaited
- Anticipating an EPDP reaction to the fact the Temporary Specification would be reconfirmed every 90 days by ICANN Board. This could be aided by the role of the Board liaison.
- The question of whether to take the annexes of the Temporary Specification into account

It was decided to hold an EPDP DT meeting the following week with the aim of beginning the electronic vote the week after that. Councilors the explored the idea of communicating progress to the wider community, with Council leadership interviews and possible press releases.

Action Items:
- *ICANN staff* to send Doodle poll around to Council to schedule drafting team meeting for mid/end of week of 2 July. The drafting team should work together before that meeting and have a version to review at that scheduled meeting.
- Subsequent to the meeting referenced above taking place, *Drafting team* to make decision on the possibility to initiate email vote.
- *ICANN staff and Council leadership* to work with ICANN Comms to get out message of significant progress on EPDP charter drafting during ICANN62.

Item 9: ANY OTHER BUSINESS

9.1 – GNSO Chair election timeline

Heather Forrest presented the GNSO Chair election timeline for 2018 noting the correlation between the beginning of the GNSO Chair election procedure and the selection process for Stakeholder Groups and Constituencies to elect their new councilors.

9.2 – Call for Volunteers - Revised ICANN Procedure Handling WHOIS Conflicts with Privacy Law

This item was covered during the discussion on Project and Action Item lists under item 2.

9.3 – Open Microphone

Thomas Rickert provided an update on the Cross Community Working Group (CCWG) on Accountability which was dissolved on Sunday 24 June 2018. The CCWG is to send the final report to Chartering Organisations the week following ICANN62.

Vicky Sheckler asked for clarification regarding the annexes of the Temporary Specification and if they and data access specifically were part of the scope of the EPDP DT.

Stephane Hankins, International Red Cross Red Crescent, thanked Thomas Rickert and supporting staff for their work to find a suitable resolution to the issue of the protection of the Red Cross/Red Crescent names and designations. He also reminded the Council that the acronyms of the International Committee of the Red Cross and of the International Federation of Red Cross/Red Crescent societies are today temporarily protected by a decision of ICANN Board but they fall outside the scope relative to the reconvened working group. Representing the International Community of the Red Cross on behalf of the International Red Cross/Red Crescent Movement, he mentioned the strong expectation that these temporary reservations remain in place until such time an appropriate solution and resolution and decision by the Board is taken in the matter.

Heather Forrest reminded councilors of upcoming ICANN62 sessions and thanked everyone for their attendance.

Heather Forrest, GNSO Council Chair, adjourned the GNSO Council meeting at 20:06 UTC Wednesday 25 June 2018.

The next GNSO Council Meeting will take place is scheduled for the 19 July 2018 at 12:00 UTC.
For other places see: **https://tinyurl.com/y8ctlyrh**