Minutes of the GNSO Council Meeting 11 March 2020
Agenda and Documents

Coordinated Universal Time: 20:00 UTC: https://tinyurl.com/qwknzmy

13:00 Los Angeles; 16:00 Washington DC; 20:00 London; (Thursday) 01:00 Islamabad; (Thursday) 05:00 Tokyo; (Thursday) 07:00 Melbourne

List of attendees:
Nominating Committee Appointee (NCA): – Non-Voting – Erika Mann
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Michele Neylon, Greg DiBiase
gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Sebastien Ducos
Nominating Committee Appointee (NCA): Tom Dale
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Osvaldo Novoa, John McElwaine, Flip Petillion
Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Elsa Saade (apology, proxy to Tatiana Tropina), Tatiana Tropina , Rafik Dammak, Farell Folly, James Gannon
Nominating Committee Appointee (NCA): Carlton Samuels
GNSO Council Liaisons/Observers :
Cheryl Langdon-Orr– ALAC Liaison
Julf (Johan) Helsingius– GNSO liaison to the GAC
Maarten Simon – ccNSO observer

ICANN Staff
David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional
Marika Konings – Senior Advisor, Special Projects
Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement
Julie Hedlund – Policy Director
Steve Chan – Policy Director
Berry Cobb – Policy Consultant
Emily Barabas – Policy Manager
Ariel Liang – Policy Support Specialist
Caitlin Tubergen – Policy Senior Manager
Nathalie Peregrine – Manager, Operations
Terri Agnew - Operations Support - GNSO Lead Administrator

Audio Recording
Transcript

Item 1: Administrative Matters

1.1 - Roll Call

1.2 - Updates to Statements of Interest

There were no updates to councilor Statements of Interest.

1.3 - Review / Amend Agenda

Keith Drazek welcomed all to the first public GNSO Council session being held virtually and informed participants of the open mic session at the end of the agenda under Any Other Business.

There were no changes to the agenda as presented.

Keith Drazek reminded participants that having the [Project List](#) as its own agenda item was a decision made during the GNSO Strategic Planning Session (SPS) held in January 2020 in Los Angeles. The GNSO Council is the body managing the Policy Development Process (PDP) and the Project List is a crucial tool to discuss prioritization. During the SPS, councilors were encouraged to take part in a prioritization survey and to bring the results back to their Stakeholder Groups (SGs) and Constituencies (Cs) for review and further input.

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 23 January 2020 were posted on 10 February 2020

[Minutes](#) of the GNSO Council meeting on the 20 February 2020 were posted on 6 March 2020.

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 Item List](#)

Keith Drazek reminded councilors that the Project List review was an independent agenda item for the March Council meeting.

Maxim Alzoba mentioned that he had sent an [email](#) about the Project List. **Keith Drazek** clarified that this was in regards to Project Change Requests (PCRs) submitted by both the new gTLD Subsequent Procedures (SubPro) PDP Working Group (WG) and the Review of all Rights Protection Mechanisms (RPM) PDP WG.

Open action items marked in yellow, therefore not being discussed as part of the main agenda, were reviewed:

- PDP3.0 Final Report: Further work to be done here. **Pam Little** informed councilors that Council adopted all deliverables from the small team effort during the GNSO Council meeting in February 2020. The small team is in the process of sending out documents to WG leadership to assist them in their activities, once ICANN67 ends. Jeff Neuman, SubPro co-chair, asked in the Zoom chat for updates about the consensus building tools. **Keith Drazek** mentioned that there had been plans for PDP3.0 face-to-face updates during ICANN67. This has now been replaced by a webinar to take place shortly. **Rafik Dammak** replied that the consensus playbook is to be finalised later this month.
- Managing IDN Variant TLDs: Council received a [report](#) from the IDN Scoping team including a recommendation for policy work to be initiated around some components of the topic on variants. This group would be chartered under PDP3.0 guidance after Council discussion.
- Evolution of the Multi Stakeholder Model (MSM) of Governance: ongoing discussion since 2019 about challenges the community has in ensuring that the MSM can continue to evolve and be effective

and the Council's PDP3.0 efforts are a significant step in the right direction.

Action item: none

Item 3: Consent Agenda: no item

Item 4: COUNCIL DISCUSSION – GNSO Projects List Review

Keith Drazek provided an overview of the Project List summary page which was discussed during the SPS, where the decision was made to set a baseline of understanding allowing future discussions to be based on significant changes only. At the issue scoping stage, there is the [Transfer Policy – Policy Review Scoping Team](). At the initiation phase, there is the [PDP: Internationalized Domain Names](), current stage of the IDN Scoping team. Under Working Groups, the current PDP WGs and Cross Community Working Groups are listed together. There are two items which have been pending a Board vote for a lengthy duration, which would warrant an engagement with ICANN Board. Last is the Implementation phase with items for which the Council has a responsibility to engage with ICANN Org. The GNSO Standing Committees are also available upon request.

Berry Cobb added that phases one through three are intended to highlight work in the pipeline, missing are items like the GNSO Review3, ATRT3 and others, focusing instead on PDP efforts. Ideally this scope would be broadened in the future. Regarding reviewing activity of each PDP, given the recent Project Change Requests submitted and the monthly Project Package submitted by the EPDP team, Council is up to date with activity status. Once items are in the Implementation phase, they are no longer under the Council's strict remit.
Berry Cobb then provided further information on the changed steps, whether out of the scoping phase or into the implementation stage. He also added that "health" of completed projects had not been taken into consideration previously, for now, we have "status" and "condition" markers which will allow Council to understand when efforts will enter a problem phase. Yellow or red colouring on a task should be an alert to the Council and not a persisting condition of an effort or even an indication of the overall health of the project. Improvement 11 from PDP3.0 (creating a consistent work product of status reporting for each project) has been implemented by the EPDP with the development of the monthly package containing a summary timeline, a situation report and a Gantt chart showing each task that the group is to accomplish. This is easier to implement with an EPDP like structure rather than an longstanding PDP.
Keith Drazek asked about the "scary spreadsheet" (list of all GNSO Council impacting activities), and whether all its items would be incorporated into the Project list (EPDP Phase 1, wave 1 for instance).
Berry Cobb responded that the list would become more difficult to handle, and could possibly cause loss of focus on policy development activity, but that it should be considered.

Pam Little noted that some projects were of the Council's remit, and others no longer. She asked whether there could be a manner of differentiating the latter. She also asked about the accrued days and percentage of completion counts, whether they were both marking the total days of the effort, or whether they were marked by phase.

Berry Cobb clarified that the number of days was not an exact count and that the clock would start when the Council decides to launch a PDP. For RPM PDP WG for example, when the Council resolved to launch the PDP, there was a two-year delay before efforts started. There is no correlation between day counts and percentage of completion, as the latter is largely based on guesstimates gathered thanks to Council leadership, Council liaisons et staff support input. Using the EPDP example with the monthly project package highlighting what is completed, he explained that this effort was a lot easier to track than others. He acknowledged that collapsing items for Implementation and Board vote in one row leading to a more detailed page outlining the projects could provide more clarity. It was important that they still remained visible to the Council.

James Gannon noted that for PDPs having begun their efforts before PDP3.0, it would be good to break them down into project phases with a raci matrix each and roll them into their own program. Once these PDPs enter the implementation phase, feedback loops would be helpful.

Keith Drazek reinforced that this Project List and the precision of its data is geared towards EPDP set ups and structures development with PDP3.0 improvements.

Councilors were then presented with a more detailed follow up:

Expired Registration Recovery policy - Policy Review: Could be further discussed as part of the Council prioritization, and part of the EPDP 1, recommendation 27 wave 1 item. Could be part of a policy status report.

Policy & Implementation Recommendations Review: Should be part of a prioritization discussion with a focus on processes developed to date.

Transfer Policy - Policy Review Scoping Team: Team will be delivering its scoping report by the April document and motions deadline, suggesting a PDP with several issues outlined.

IDN Scoping Team: Example of a project being reset for the initiation phase anticipating the work for the charter. After ICANN67, the drafting process will start for the draft charter. This does not mean the PDP needs to be initiated after the charter draft, several tasks could be considered for completion prior to initiating the PDP.

Whois Procedure Implementation Advisory Group: On hold due to the dependency on conclusion of EPDP work on the temporary specification. Council needs to take a decision as to whether this effort is still valid in light of EPDP developments. **Rafik Dammak** noted that there is recommendation 27 wave 1 report, and that this effort should no longer be on hold in the initiation phase but placed in another phase, such as a backlog for example.

RPM - IGO Curative Rights: referral of recommendation 5 of the IGO Protections Issue group to the RPM team. It's a separate work track under the umbrella of RPM WG. The addendum and charter has been

approved, the group now needs to be initiated under PDP3.0 improvement recommendations. The call for volunteers and expression of interest for the chair are now finalised.

EPDP Phase 2: the progress bar to the left of the condition codes marks 81%, it was at 73% when the team opened up for Public Comment. The monthly project package presented by the EPDP will be an essential step for all upcoming PDPs.

CCWG Auction Proceeds: After the past Public Comment, the group is reviewing input on the proposed Final Report. The Final Report is scheduled for May 2020.

RPM PDP WG: Project Change Request has been submitted to and approved by Council. The group went through a process of working with staff, the GNSO Council liaison and Council leadership. **John McElwaine**, GNSO Council liaison to the RPM PDP WG, reported that since the PCR was approved, the efforts promised by the three co-chairs, to work together, to have a method to reach agreement are visibly showing positive results. The RPM WG sessions for ICANN67 finished early as scheduled work was completed. Initial Report is due to be published on 18 March 2020.

SubPro PDP WG: Project Change Request has been submitted to and approved by Council with a planned end date of 20 December 2020. **Flip Petillion**, GNSO Council liaison to SubPro, added that work was going smoothly. **Keith Drazek** reminded councilors that having approved the Project Change Request, Council needed to commit to ensuring these new deadlines were met. **Steve Chan**, ICANN Org, clarified the difference of status (about timeline), and condition (which can be better defined by health). The latter might need to be discussed with co-chairs, but condition defines the overall health of the group and that the amount of topics to be discussed by the SubPro WG could potentially keep the condition at-risk. **Keith Drazek** noted Jeff Neuman, SubPro co-chair, disagreeing in the Zoom chat. He reminded councilors that the PCR had only just been approved. He added that there might need to be further coordination as to the codes of the tracking documents, such as the Project List.

Action item:none

Item 5: COUNCIL DISCUSSION – GNSO Work Prioritization - 2020 Work Plan

Keith Drazek introduced this item as a follow up from the informal survey undertaken by councilors during the SPS in January 2020. The results of the informal survey were to be shared by councilors with their groups, with the aim of sharing the ensuing input with the Council during today's meeting to discuss which new work should be prioritized for initiation, when capacity within the community becomes available.

Michele Neylon mentioned that there was discussion among the RrSG about what could be an important topic. There was insistence on the limited bandwidth available. The highest priority item for the RrSG is related to transfer policy, the lowest priority would be around DNS abuse, which is important but has no specific asks.

Farell Folly asked for clarification regarding the fact the initial survey was filled in by councilors present at the SPS only and was concerned about the ensuing results. **Keith Drazek** reminded councilors that these results were to be brought back to the SGs and Cs for their input prior to the March GNSO Council meetings. He added that voting on the items wasn't necessarily planned for, but that it was mostly a tool to help inform the discussion.

Marie Pattullo communicated input from the Business Constituency, which consists of following up on items which have completed their PDP, or current steps: SSR1, ATRT3, CCT RT. Following those, EPDP, PDP3.0, IDNs and Universal Acceptable, which needs to move much faster to have results for the next round, and data accuracy.

Sebastien Ducos, for the Registry SG (RySG): expired registration recovery policy, Whois and IDNs. He added that not many registries provided input.

Rafik Dammak, for the Non Commercial SG (NCSG),priorities are: phase 3 EPDP and phase 2 RPMs. Further information is also required regarding Internationalized Registration Data (IRD).

Action items:

- *GNSO Council*, in collaboration with GNSO Support Staff, to develop a framework of prioritization for upcoming GNSO policy work based on the input received from GNSO Councilors and their respective stakeholder groups/constituencies and input from the broader ICANN community/ICANN Board.
- **Keith Drazek** to encourage councilors to share the survey feedback received from their groups on the Council mailing list (missing IPC and ISPCP)

Item 6: ANY OTHER BUSINESS

6.1 - Council discussion on the guidance sought from the EPDP team related to ICANN org's 5 December 2019 letter seeking clarifications on data accuracy and the EPDP Phase 2. **The EPDP Team is hoping to receive guidance by 13 March 2020.**

Keith Drazek informed councilors that the EPDP 2 team is asking for guidance regarding the topic of data accuracy stemming from the EPDP 1 report. Can the topic of data accuracy be reasonably handled by the EPDP 2 team within the time remaining? There is recognition that it is an important topic requiring discussion, but it does not need to take place within the scope of EPDP 2. He suggested the Council call for a small group to work on this out of the EPDP 2 effort.

Maxim Alzoba made the difference between the use of the term accuracy used in ICANN and the use for GDPR.

Tatiana Tropina agreed with Keith Drazek and noted that accuracy was not within the scope of the team, and certainly not within the timeframe remaining. Responding to Marie Pattullo's point in the chat, she added that as part of the EPDP Legal team herself, not all members of the Legal Team agreed on accuracy, and that Bird & Bird had addressed the issue already and had concluded that the EPDP findings would not affect data accuracy. Data accuracy as defined by ICANN Org, is not within the very narrow scope of the GDPR compliance.

Greg Dibiase also agreed and added that the RrSG does not believe data accuracy is within the scope of the EPDP team, nor that there is enough time for the team to deal with it correctly.

Rafik Dammak, EPDP Vice Chair, asked for clarification regarding the feedback he should bring back from Council to the EPDP team and added that this would be needed by Friday 13 March 2020.

Keith Drazek asked councilors to provide their additional input on the Council mailing list, and noted that the Business Constituency disagreed in the chat with the previous comments made by councilors.

Action Item:
● *Keith Drazek* to send an email to the GNSO Council mailing list regarding the possible next steps regarding the data accuracy issue, with the aim to provide a response to the EPDP Team by Friday, 13 March

6.2 - Open microphone

Jeff Neuman, Co-Chair of the SubPro PDP WG, complimented the Project List as a good visual tool to see where the different PDPs stand in terms of activity. He added that further work needed to be done to provide a better understanding of the meanings of the various statuses. He also mentioned that an escalation procedure, should a PDP status be in trouble, triggering Council action should be put into place.

Keith Drazek agreed and added that the Project List was a tool evolving with PDP3.0 improvements, the aim of which is also to hold the GNSO Council as well as PDP Leadership teams, accountable for the PDP meeting its obligations and timelines. He assured Jeff Neuman that staff would be engaging with Council PDP leadership teams regarding further work on statuses.

Amr Elsadr spoke about the data accuracy topic highlighting that there was no mention of this topic in the EPDP charter and directed councilors to the Expedited PDP manual which recommends substantially scoping an issue before initiating an EPDP, but the data accuracy topic has not been sufficiently scoped.

Keith Drazek thanked all for their input and participation in the GNSO Council session of ICANN67.

Keith Drazek adjourned the meeting at 23:05 UTC on Wednesday 11 March 2020