

Minutes of the GNSO Council Meeting 26 November 2019 Part I

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

GNSO Council meeting held in Montreal 13:00 - 15:00 local time

Coordinated Universal Time: 18:00 UTC: <https://tinyurl.com/y33pl34a>

List of attendees:

Nominating Committee Appointee (NCA): – Non-Voting – Erika Mann

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell (apology, proxy to Michele Neylon)

gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Osvaldo Novoa, Paul McGrady, Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Elsa Saade (apology, temporary alternate Sam Lanfranco), Sam Lanfranco, Tatiana Tropina, Rafik Dammak, Ayden Férdeline, Arsène Tungali

Nominating Committee Appointee (NCA): Syed Ismail Shah (apology sent, proxy to Rafik Dammak)

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 – Vice President, Policy Development Support – GNSO

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 the Statements of interest

1.3 - Review / Amend Agenda

The agenda was accepted without objection.

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 19 September 2019 were posted on 10 October 2019

Minutes of the GNSO Council meeting on the 24 October 2019 will be posted on 08 November 2019

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 all of the importance of the Project List document. **Rafik Dammak** added that this document was the product of PDP3.0 small team collaboration. **Berry Cobb** pointed out the key addition of the status and condition codes: Status is about timeline and condition is about the overall health of the project. **Keith Drazek** suggested adding a Project List training session to the Strategic Planning Session in January 2020. **Berry Cobb** added that this document is a crucial tool for communication with Policy Development Process (PDP) chairs. **Keith Drazek** noted that this was a helpful tool in resource management assessment.

Keith Drazek then ran through the Project List noting that the Transfer Policy Review Scoping Team is to begin its work shortly. **Pam Little** pointed out that the Whois Procedure Implementation Advisory Group is on hold pending EPDP work. Four Working Groups are currently in progress. GNSO Rights and Obligations under Revised ICANN Bylaws Drafting Team (DT) was on the agenda for this Council meeting. Three items are currently awaiting Board vote: Curative Rights for IGO, INGO, Cross Community Working Group (CCWG) on Enhancing ICANN Accountability (Work Stream 2) and Protection of International Organization Names in all gTLDs. **Keith Drazek** pointed out five items currently at Implementation phase.

Flip Petillion asked if the IRP IOT (Implementation Oversight team for the IRP effort) should be added to the list. **Keith Drazek** reminded the Council that this is a critical accountability mechanism and that a standing panel was a IANA transition triggered requirement. **Farzaneh Badii** came to the microphone to raise concerns about Board members, via the Board Accountability Mechanisms Committee (BAMC) ,appointing members to a panel focussed on ICANN accountability.

Keith Drazek thanked Berry Cobb and staff for their efforts on the Project List.

Keith Drazek then provided updates on the open action items on the Action item list which were not to be discussed as part of the main agenda .He noted that Edmon Chung,the Chair of the IDN Scoping team as well as Brian Cute from the Multistakeholder Model Evolution project had provided updates during the GNSO Working Session earlier this week. He then mentioned that communicating to the PDP Chairs about string similarity was an action item in progress.

Action item:

- Staff to add IRP-IOT to the Project List

Item 3: Consent Agenda

- Reconfirmation of Julf Helsingius as GNSO Council Liaison to the Governmental Advisory Committee
- Approval of the amended IANA Naming Function Service Level Agreement (SLA) regarding Internationalized Domain Name (IDN) tables and Label Generation Rulesets (LGRs) in the IDN Practices Repository
- Approval of Tomslin Samme-Nlar to serve as the GNSO Co-Chair for the IANA Naming Function Review.

Councilors voted unanimously in favour of the Consent Agenda.

[Vote results.](#)

Action item:

- *Council leadership* to inform the GAC leadership team of Julf's appointment.
- *GNSO Chair* will work on a joint communication with the ccNSO Council to inform the CSC that the SLA change request: new SLA for publication of LGRs has been approved and should now be implemented
- *ICANN staff* to inform the IANA Naming Function Review of the appointment of the GNSO co-chair.

Item 4: COUNCIL VOTE – Approval and adoption of the Drafting Team's New Templates and Guidelines for the GNSO as a Decisional Participant in the Empowered Community (EC)

Keith Drazek reminded councilors of the importance of these guidelines for the GNSO Council as a Decision participant in the Empowered Community and thanked the members of the drafting team.

Tatiana Tropina thanked staff members Ariel Liang and Julie Hedlund for their support. **Rafik Dammak**, seconded by **Tatiana Tropina**, submitted a motion to approve and adopt the Drafting Team's new templates and guidelines for the GNSO as Decisional Participant in the Empowered Community.

WHEREAS:

1. On 27 May 2016 the ICANN Board adopted a set of new ICANN Bylaws, as revised on 26 May 2016, that aimed to reflect changes needed to implement the IANA Stewardship Transition Proposal and such adoption is contingent on the proposed transition away of remaining United States Government oversight of ICANN.
2. Per the motion adopted on 30 June 2016, the GNSO sought volunteers for a Bylaws Implementation Drafting Team to provide the GNSO Council with recommendations for any

necessary updates to the GNSO Operating Procedures, or possibly the Bylaws as they relate to the GNSO, arising as a result of the revised ICANN Bylaws that were adopted in May 2016.

3. In addition, the GNSO Council requested that the Drafting Team should determine what (if any) existing GNSO processes can be used to address any new or additional obligation, and if there are none, whether an existing process can be modified or if a new process needs to be created.
4. Following the adoption by the GNSO Council of the revised GNSO Operating Procedures resulting from the Drafting Team's recommendations, as well as the proposed modifications to the ICANN Bylaws adopted by the ICANN Board of Directors on 13 May 2018, staff sought guidance from the GNSO Council as to how to proceed with the next steps relating to proposed steps to be taken to ensure preparedness as well as facilitate the ability for the GNSO Council to act in relation to the new roles and responsibilities outlined in the post-transition Bylaws.
5. At ICANN63 in October 2018 the GNSO Council agreed that a Call for Volunteers should be issued to reconstitute the Drafting Team to develop guidance and principles for the GNSO to complete a particular action(s) that fall within the GNSO's existing processes and procedures, but where additional details and steps are deemed to be helpful, relating to participation of the GNSO within the Empowered Community.
6. In January 2019, the Drafting Team was established to develop guidelines, including any recommendations for changes to GNSO Operating Procedures if applicable, that clarify additional details or steps related to a particular action to be completed by the GNSO that falls within its existing process or procedure. These guidelines are meant to help the GNSO effectively participate as a Decision Participant in the Empowered Community in accordance with the post-transition ICANN Bylaws.
7. For consideration by the GNSO Council at its meetings on 24 October 2019 and 06 November 2019, the Drafting Team provided the following guidelines and motion templates to ensure preparedness as well as facilitate the ability for the GNSO Council to act in relation to the new roles and responsibilities outlined in the post-transition Bylaws:

[Approval Action Community Forum & Decision Whether to Approve an Approval Action](#)

[Petition Process for Specific Actions & Rejection Action Community Forum](#)

[Nominating Committee Director Removal Process](#)

[SO/AC Director Removal Process](#)

[Board Recall Process](#)

[Independent Review Process \(IRP\) for Covered ICANN Actions & Community IRP](#)

[Guidelines for GNSO-ccNSO Joint Consultation on Initiation of a Special IFR](#)

[Section 18.12 Special IANA Function Reviews \(IFRs\) - Guideline for GNSO Internal Review Process](#)

8. The guidelines and motion templates fall within the GNSO's existing processes and procedures, and thus do not require any changes to the GNSO Operating Procedures or its Annexes.

RESOLVED:

1. The GNSO Council adopts the guidelines and motion templates to ensure preparedness as well as facilitate the ability for the GNSO Council to act in relation to the new roles and responsibilities outlined in the post-transition ICANN Bylaws.
2. The GNSO Council recognizes that as a consequence of the review by ICANN Legal, non-substantive technical updates or corrections may be provided for the guidelines and motion templates after adoption.
3. The GNSO Council instructs ICANN staff to post the guidelines and motion templates on the GNSO's website effective immediately upon adoption after the technical update has been completed.
4. The GNSO Council requests that after an action of the GNSO as a Decisional Participant has been completed, the GNSO Council shall review the respective guidelines and motion templates relating to that action, or on an annual basis if no action is initiated for all guidelines and motions.

[Vote results](#)

Action item:

- *ICANN staff* to post the guidelines and motion templates on the GNSO's website effective immediately upon adoption, after the technical update has been completed.
- *ICANN staff* to add a new item on the project list to track that after an action of the GNSO as a Decisional Participant has been completed, the GNSO Council shall review the respective guidelines and motion templates relating to that action, or on an annual basis if no action is initiated for all guidelines and motions.

Item 5: COUNCIL DISCUSSION – Discussion on the Addendum to the Review of All Rights Protection Mechanisms in All gTLDs Charter to Integrate Recommendation 5 From IGO-INGO Access to Curative Rights Protection Mechanisms Final Report

Keith Drazek thanked **Paul McGrady** for leading the small team effort and noted that Paul was term-limited and therefore would need to be replaced as lead after ICANN66. There was a discussion on the topic of the PM with the Governmental Advisory Committee (GAC) on Sunday 3 November 2019 during the joint session. The GNSO Council recognizes the need for the engagement of the IGOs INGOS in the effort.

Tatiana Tropina asked for clarification about the current status of the discussion. **Keith Drazek** explained that there had been no further exchange with the GAC or the IGOs since ICANN65 in Marrakech, that there were still concerns about adding previously removed language to recommendations 1 to 4, that clarity regarding membership was lacking, and that greater inclusion of IGO needed to be discussed. **Tatiana Tropina** mentioned that the edits provided by the GAC were premature as the recommendations were still sitting with ICANN Board. She acknowledged that GAC involvement was key but that it was a GNSO discussion first and foremost.

Rafik Dammak raised that it was key to avoid setting a precedent that PDP work could be re-done because one specific party was dissatisfied with the results.

Pam Little supported Keith's suggestion as the path forward to re-constitute the small team to finalize the addendum and hoped that by December 2019 there would be a motion to approve the finalized the charter .

Tatiana Tropina asked what further engagement there would be with the GAC, and whether it would impact the small team's editing efforts. **Keith Drazek** replied that he had discussed with Brian Beckham that further exchanges could be needed.

Michele Neylon recognised the input of GAC and IGOs, whilst insisting that this decision was the GNSO's remit. The area of concession would be composition of the group, but the urgency would be to close the topic.

Marie Pattullo supported Michele's position, insisting that IGO involvement from the start was key for a successful development.

Martin Silva Valent thanked Paul for this commitment to the task. He added that there is feedback to be gathered from the RPM and IGO PDP chairs in addition to the GAC and IGOs.

Keith Drazek stated the small team now needs to focus on input from IGOs, up to the point that it would impact RPM PDP efforts, at which moment further discussion could be warranted.

Brian Beckham came to the microphone agreeing with **Marie Pattullo** on getting the effort started. Regarding **Rafik Dammak's** comments about the original text, he encouraged councilors to take a closer look at the pre-edit comments.

Action item:

- *ICANN staff* to circulate a call of volunteers to see if additional members want to join the small team.
- *Council & small team* to review edits from the GAC by the end of November 2019 and to provide a final Addendum for a vote on the December 2019 Council meeting.
- *Staff* to schedule small team call

Item 6: COUNCIL DISCUSSION - ICANN Board Response to the GNSO Council Letter Regarding the Consultation on Non-Adopted EPDP Phase 1 Parts of Recommendations (purpose 2 and recommendation #12)

Keith Drazek reminded councilors that purpose 2 was the remit of the EPDP Phase 2 team. However, recommendation 12 was refused by the Board because of concerns of negative impact to the registrants, and questions about why the organisational field information deleted was treated differently to the deletion of the administrative field information. Following the previous GNSO Council meeting, there was discussion with the EPDP 2 team, but no consensus. Therefore the path forward would be re-iterating the recommendation but with the addition of safeguards to avoid impacting the registrant. A vote on the supplemental recommendation with implementation guidance will therefore be necessary.

Michele Neylon clarified that the action item for Council would be to draft the response, and volunteered for the effort. He mentioned that this was a topic the Council in general agreed upon.

Rafik Dammak added that the language for the response already exists in the EPDP report in the implementation advice.

Marika Konings agreed with this, and pointed out that recommendation 12, the deletion part, falls under implementation advice, and thus a further clarification could be suited in that section.

Keith Drazek confirmed that this supplemental recommendation would be voted with a supermajority threshold to pass as consensus policy.

Michele Neylon added that the Contracted Parties House urgently needed to have this decision made.

Action item

- *Council leadership* to draft proposed implementation guidance, which can follow the guidance related to the administrative contact.

Item 7: COUNCIL DISCUSSION - PDP 3.0 Small Group Update/Discussion

Rafik Dammak reminded councilors that an update had been provided during the Working Session and that the small team had met on the following Monday to focus on improvement #9 (clarification on complaint process in GNSO guidelines) and #15. He added that the meeting had been fruitful and that many improvements were close to being finalised. Once the clean versions are available, the next step will be working on the scope of #17 (resource reporting) and defining the term “resource” will be key. The small team is looking for input from other stakeholder groups, constituencies, Supporting Organisations and Advisory Committees. The aim is to complete the work on PDP3.0 prior to the Strategic Planning Session in January 2020 to be able to start a discussion on next steps.

Pam Little asked councilors to remind their stakeholder groups and constituencies to provide feedback on PDP3.0 recommendations. She encouraged new councilors to join the last phase of the work and to seek further information.

Keith Drazek thanked the small team for their efforts, the PDP3.0 work has been recognised by the broader community.

Action item:

Item 8: ANY OTHER BUSINESS

8.1 - GNSO Approval Action on Fundamental Bylaws Amendment re IANA Naming Function Review Composition - Notification that vote will be needed within 21 days.

Action items:

- *ICANN Staff* to provide required notice of the impending email vote and subsequently, to conduct the email vote starting on the 25 November 2019.
- *GNSO Chair* send results to the EC Admin no later than the 28 November 2019
- *GNSO Secretariat* to circulate results to SG and C chairs.

Keith Drazek mentioned that this week was a community action forum to vote to approve a change to the Fundamental Bylaws, triggered by the ccNSO to change the composition to the IANA Naming Function. This needs to be approved by at least three Decisional Participants. **Keith Drazek** added that this was a non-contentious item, and that the vote would be lead via email vote.

Michele Neylon expressed his content at the exchanges having taken place prior to the Community Action Forum.

8.2 - Open Microphone

Paul McGrady, outgoing councilors, mentioned his appreciation for the banter and friendship taking place in the GNSO Council.

8.3 - Thank you to outgoing Councilors (Ayden Férdeline, Carlos Gutiérrez, Rubens Kühl, Paul McGrady, Syed Ismail Shah, and Arsène Tungali)

Keith Drazek reminded the room of the efforts and dedication of the GNSO councilors.

Carlos Gutierrez thanked the GNSO Council leadership for their direction and guidance. He acknowledged learning a great deal from the Council and wishes to contribute to the IGO effort.

Pam Little highlighted the diversity of the GNSO membership composition, and how everyone collaborated well together. She wished all outgoing councilors all the best.

Arsene Tungali thanked fellow councilors for his time on the Council.

Rafik Dammak compared the GNSO Council to a sports team.

Keith Drazek thanked ICANN staff for their efforts.

Keith Drazek adjourned the meeting at 14:35 local time on Wednesday 6 November 2019.