Final Proposed Agenda 24 September 2020

Please note that all documents referenced in the agenda have been gathered on a Wiki page for convenience and easier access: https://community.icann.org/x/ugS-C

This agenda was established according to the GNSO Operating Procedures [gnso.icann.org] v3.5, updated on 24 October 2019

For convenience:

- An excerpt of the ICANN Bylaws defining the voting thresholds is provided in Appendix 1 at the end of this agenda.
- An excerpt from the Council Operating Procedures defining the absentee voting procedures is provided in Appendix 2 at the end of this agenda.

GNSO Council meeting held at 12:00 UTC

Coordinated Universal Time: 12:00 UTC: https://tinyurl.com/y3a7uqjh [tinyurl.com]

05:00 Los Angeles; 08:00 Washington DC; 13:00 London; 15:00 Moscow; 21:00 Tokyo; 22:00 Melbourne

GNSO Council Meeting Webinar Room
https://icann.zoom.us/j/98972638542?pwd=cHM4RkhQL21PTWF6aWtvUm85WXZnZz09 [icann.zoom.us]

Councilors should notify the GNSO Secretariat in advance if they will not be able to attend and/or need a dial out call.

_____

Item 1: Administrative Matters (10 mins)

1.1 - Roll Call

1.2 - Updates to Statements of Interest

1.3 - Review / Amend Agenda

1.4 - Note the status of minutes for the previous Council meetings per the GNSO Operating Procedures:

Minutes [gnso.icann.org] of the GNSO Council meeting on 23 July 2020 were posted on 12 Aug 2020

Minutes of the GNSO Council meeting on 20 August 2020 were posted on 04 Sep 2020.

Item 2: Opening Remarks / Review of Projects & Action List (0 minutes)

2.1 - In the interest of time, the review of the Projects List [gnso.icann.org]and Action Item List took place over the email list.

Item 3: Consent Agenda (10 minutes)

- 3.1 - Action Decision Radar decision - In respect of Recommendation 5 From IGO-INGO Access to Curative Rights Protection Mechanisms Final Report and in accordance with the Addendum[gnso.icann.org] to the RPMs Charter adopted by the Council on 23 January 2020, the Council shall initiate both the Expressions of Interest process to identify a single, qualified Work Track Chair and issue a call for Members and Observers to join the IGO Work Track
- 3.2 - Approval of the 2020 Customer Standing Committee (CSC) Slate - In accordance with Section 17.2 (d) of the ICANN Bylaw and per the CSC Charter, the full membership of the CSC must be approved by the GNSO

Council. The Council approves the full slate of members and liaisons, noting that the SSAC has declined to appoint a liaison:

Members:

Alejandra Reynoso (LAC)

Appointing Organization: ccNSO

Term: 2019 - 2021

Brett Carr (Vice-Chair) (EU) *re-appointed*

Appointing Organization: ccNSO

Expected Term: 2020 - 2022

Dmitry Burkov (EU)

Appointing Organization: RySG

Term: 2019 - 2021

Gaurav Vedi (NA) *re-appointed*

Appointing Organization: RySG

Expected Term: 2020 - 2022

Liaisons:

Lars-Johan Liman, *(Chair) re-appointed*

Appointing Organization: RSSAC

Expected Term: 2020 – 2022

Laxmi Prasad Yadav

Appointing Organization: GAC

Expected Term: 2020 - 2022

Holly Raiche

Appointing Organization: ALAC

Term: 2019 - 2021

James Gannon

Appointing Organization: GNSO (Non-Registry)

Term: 2019 - 2021

Naela Sarras

Appointing Organization: PTI

Term: no term limit

Item 4: COUNCIL VOTE - Adoption of the Final Report of the Expedited PDP (EPDP) on the Temporary Specification Phase 2 (30 minutes)

Phase 2 of the Expedited PDP (EPDP) on the Temporary Specification was initiated in March 2019, and is focused on developing policy on a System for Standardized Access/Disclosure (SSAD) to non-public gTLD registration data, as well as other topics identified in Phase 2 of the Charter. The EPDP Team published its Phase 2 Initial Report[icann.org] for public comment on 7 February 2020, focused on the SSAD. Subsequently, the EPDP Team also published its Addendum [icann.org] for public comment on 26 March 2020, which was focused on priority 2 items. The Final Report was delivered to the Council on 31 July 2020. Minority Statements were accepted through 24 August 2020, and all statements received by the deadline were incorporated into the Final Report [gnso.icann.org]. A webinar was held on 3 September 2020 to better inform the GNSO Council of the recommendations contained within the Final Report, in advance of their consideration of the report.

Here, the Council will vote to adopt the Final Report of the EPDP Team.

4.1 – Presentation of the motion (Rafik Dammak)

4.2 – Council discussion

4.3 – Council vote (voting threshold: Supermajority)

Taking this action is within the GNSO's remit as outlined in ICANN's Bylaws as the GNSO 'shall be responsible for developing and recommending to the Board substantive policies relating to generic top-level domains and other responsibilities of the GNSO as set forth in these Bylaws' (Art.11.1). Furthermore, this action complies with the requirements set out in Annex A: GNSO Policy Development Process of the ICANN Bylaws.

Item 5: COUNCIL DISCUSSION - Project Change Request (PCR) from the Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP WG (15 minutes)

Chartered in March 2016 to review all the RPMs that have been developed by ICANN, the PDP is focused on RPMs developed for the 2012 New gTLD Program (i.e., Trademark Clearing House, Sunrise, Claims, and Uniform Rapid Suspension). The WG is tasked with considering the overarching issue as to whether or not the RPMs collectively fulfill their purposes or whether additional policy recommendations will be necessary.

On 20 February 2020, the Council approved a Project Change Request [gnso.icann.org] to allow for additional time to deliver the groups Phase 1 Initial Report (March 2020) and delivery of the Final Report (mid-October 2020). The PDP has successfully published its Phase 1 Initial Report [icann.org] for public comment on 18 March 2020 and has spent the time since reviewing the extensive public comment received and seeking to agree on final recommendations. The Co-Chairs have determined that additional time is needed to accommodate substantive work, resulting in the WG missing its mid-October delivery date for the Final Report. The Co-Chairs are therefore submitting a Project Change Request.

Here, the Council will consider the Project Change Request and determine how it wishes to proceed.

5.1 – Introduction of topic (Council leadership; John McElwaine, GNSO Council liaison to the PDP) Presentation: RPM-PDP-WG-Project-Change-Request-to-GNSO-Council-14Sep2020-FINAL.pdf

5.2 – Council discussion

5.3 – Next steps

Item 6: COUNCIL DISCUSSION - Expedited PDP (EPDP) on the Temporary Specification Phase 2 Proposed Next Steps for Priority 2 Items (15 minutes)

While the Phase 2 of the Expedited PDP (EPDP) on the Temporary Specification published its Phase 2 Initial Report[icann.org] for public comment on 7 February 2020, focused on the SSAD, it also published its Addendum [icann.org]for public comment on 26 March 2020, which was focused on priority 2 items. Rafik Dammak submitted a framework document [gnso.icann.org] to both identify the list of topics and suggest possible next steps for the Council to consider. A small team was convened to further develop the proposed approach for priority 2 items and present to the full Council for its consideration at a future date. The small team worked on its proposal, which was shared with the Council on 11 August 2020 and discussed on the August Council call. Taking into account discussions on that Council call, the proposal [gnso.icann.org] has been worked on further.

Here, the Council will discuss the revised proposal for handling priority 2 items.

6.1 – Introduction of topic (Rafik Dammak)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION - Implementation Concerns for EPDP Phase 1 Recommendation 7, related to the Thick WHOIS Transition Policy (15 minutes)

In adopting the Expedited Policy Development Process (EPDP) on the Temporary Specification Final Report and Recommendations, the Council requested that an informal Implementation Review Team (IRT) be established, which was done. After the recommendations were approved by the ICANN Board, the informal IRT transitioned to a formal IRT and has diligently been working to implement the policy recommendations. Within the IRT, there are diverging views amongst some IRT members on how to implement recommendation 7, especially in relation to the Thick WHOIS Transition Policy for .COM, .NET, and .JOBS

The ICANN Board, taking note of the potential impasse, sent a letter [gnso.icann.org] to the GNSO Council on 11 March 2020. The Council considered the letter and agreed that recommendation 7 did not explicitly overturn the Thick Whois Transition Policy; to do so will require the GNSO Council to initiate policy development. The Council sent a response [icann.org] to the ICANN Board on 29 May 2020. The IRT has continued to try and implement recommendation 7 but has still been unable to reach agreement. As such and per the Council's letter, the Council is requesting a briefing from, "the GNSO Council liaison detailing the precise nature of the impasse so that the GNSO Council can make an informed determination on how to proceed."

Here, the Council will receive a briefing from the GNSO Council liaison to the IRT.

7.1 - Introduction of topic (GNSO Council liaison to the EPDP Phase 1 IRT, Sebastien Ducos)

7.2 – Council discussion

7.3 – Next steps

Item 8: COUNCIL DISCUSSION - Q&A with GNSO Chair Candidate (15 minutes)

The Non-Contracted Parties House has nominated Philippe Fouquart as its candidate for the GNSO Chair election. The Contract Parties House has not elected to nominate a candidate.

Here, in advance of the election to take place during the Council's administrative meeting in October, the Council will consider the candidate statement and participate in a Q&A session with Philippe.

8.1 - Introduction of topic (Council leadership)

8.2 - Council discussion (Philippe Fouquart, all)

8.3 - Next steps

Item 9: ANY OTHER BUSINESS (10 minutes)
- 9.1 - Preparation for ICANN69 bilateral meetings with the ICANN Board, ccNSO, GAC, and SSAC.
- 9.2 - Strategic Planning Session

_____

Appendix 1: GNSO Council Voting Thresholds (ICANN Bylaws, Article 11, Section 11.3(i))

See https://www.icann.org/resources/pages/governance/bylaws-en/#article11 [icann.org].

Appendix 2: GNSO Council Absentee Voting Procedures (GNSO Operating Procedures, Section 4.4)

See https://gnso.icann.org/sites/default/files/file/field-file-attach/op-procedures-30jan18-en.pdf [gnso.icann.org]

References for Coordinated Universal Time of 12:00 UTC

Local time between October and March Winter in the NORTHERN hemisphere

----

California, USA (PDT) UTC-7 05:00

San José, Costa Rica (CST) UTC-6 06:00

New York/Washington DC, USA (EDT) UTC-4 08:00

Buenos Aires, Argentina (ART) UTC-3 09:00

Rio de Janeiro, Brazil (BRST) UTC-3 09:00

London, United Kingdom (GMT) UTC+1 13:00

Kinshasa, Democratic Republic of Congo (WAT) UTC+1 13:00

Paris, France (CEST) UTC+2 14:00

Moscow, Russia (MST) UTC+3 15:00

Singapore (SGT) UTC+8 20:00

Tokyo, Japan (JST) UTC+9 21:00

Melbourne, Australia (AEST) UTC+10 22:00

DST starts/ends on Sunday 25 of October 2020, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 01 of November 2020 for the US.

For other places see http://www.timeanddate.com [timeanddate.com] and https://tinyurl.com/y3a7uqjh[tinyurl.com]