

Minutes of the GNSO Council Meeting 16 July 2020

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

Coordinated Universal Time: 21:30 UTC: <https://tinyurl.com/y8bsytsn>

14:30 Los Angeles; 17:30 Washington DC; 22:30 London; (Friday) 02:30 Islamabad; (Friday) 06:30 Tokyo; (Friday) 07:30 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 (apologies, 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 (absent)

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 GNSO

Terri Agnew - Operations Support - GNSO Lead Administrator

[Audio Recording](#)

[Transcript](#)

Item 1: Administrative Matters

1.1 - Roll Call

Keith Drazek welcomed all councilors to the call.

1.2 - Updates to Statements of Interest

There were no updates to Statements of Interest.

1.3 - Review / Amend Agenda

There were no changes to the agenda as presented.

Item 2: COUNCIL DISCUSSION: GNSO Work Prioritization

Keith Drazek introduced the meeting topic. Work prioritization was raised as a key effort for the GNSO Council to accomplish during the Strategic Planning Session in January 2020. The aim of this session was to gain a better understanding of the work needed to improve on prioritization efforts.

Berry Cobb reminded councilors that a [recorded demonstration](#) of the new [program management tool](#) and [Action Decision Radar](#) (ADR) was available. He emphasized that the tool was only as good as the information available at that time. It doesn't pre-suppose any decisions Council could make, but does pre-suppose certain outcomes. He added that the anticipated duration of a new PDP or IRT was based loosely on prior experience. Community and staff availability have been taken into account, but equally the impacts of projects not being delivered on time. Both the project management tool and the ADR will be updated on a monthly basis.

The focus of today's session was on the [ADR](#). **Berry Cobb** presented them to councilors section by section.

Unplanned:

The first section works on how to better handle unplanned events. One of such items on the Council radar is DNS abuse, with tools available to monitor the evolution of the discussion (SO/AC leaders, collaborating with the technical study group). **Keith Drazek** concurred, encouraging councilors to discuss which direction the DNS Abuse conversation should go and what is the desired outcome.

Flip Petillion mentioned that certain items could be added to that section: outcomes of the PDPs with implementation. **Berry Cobb** pointed out that those would take place once Council has reviewed the Final

Reports which would be available around the three to six month timeline. Given the Board has to approve the recommendations, the actual beginning of an Implementation Review Team (IRT) would be July 2021 at the earliest. Berry added that the ATRT3 recommendations, once adopted, could be added to the Unplanned section.

In the 0 - 1 month section:

- Possible Policy Development Process (PDP) Working Group (WG) on Transfers to be initiated. Staff is planning to include the EPDP Wave 1 recommendation 27 in the Issue Report as its impact on transfers is high. Staff will also prepare a paper on low impacts to consensus policies (only requiring terminology updates), with a suggested red-lined form of consensus policy.
- CCWG Auction Proceeds Final Report: motion to be presented to Council at the 23 July 2020 meeting. Implementation is yet to be determined, but this will only warrant Council monitoring and no further effort.
- IDN Operational track 1 and Policy track 2 approach: Council needs to decide on next steps. Earlier this year, the IDN Scoping Team recommended a two-track approach as to how to handle issues around IDNs. Council must take a decision about forming a chartering drafting team to commence the policy work. **Keith Drazek** reminded councilors of the activity on IDNs to date, and of the concern that the ccNSO has already initiated their work on IDNs. **Rafik Dammak** added that expertise and knowledge will be necessary to take part in the effort and that there may be a resourcing issue which needs to be addressed swiftly. **Keith Drazek** agreed that sending the call for volunteers out early would be great. **Steve Chan**, Org, pointed out that the Operational and Policy tracks are two separate entities. The first would concern mainly GDD and the Contracted Parties. Policy Track 2 would require charter drafting and more effort from the Council. There could however be a different start date for both tracks.
- Rights Protection Mechanisms PDP WG(RPM) Program: High impact of UDRP and URS, several items requiring a simple terminology change, others will require more. Council will need to consider, once the RPM Final Report is delivered, a call for volunteers to review the charter of the RPM Phase 2 UDRP PDP. Phase 1 group has already worked on URS, could it work on the remaining policy impacts on URS? Or should these impacts be considered after the Final Report, given these impacts were out of scope of the group's charter? **Marie Pattulo** asked in the chat whether these changes could be made at any time? **Keith Drazek** stated that wave 1 recommendation 27 points out that existing policy is not consistent with new policy recommendations and as such Council needs to decide which group will deal with it and when. **John McElwaine**, GNSO Council liaison to the RPM PDP WG, praised the ADR tool and asked how it was going to be used moving forward, especially with the questions raised and the fact the RPM PDP WG is close to concluding their work. **Keith Drazek** confirmed all councilors needed to engage in discussions around the document and around the RPM topic, when needed, collaborating in small groups. **Berry Cobb** clarified that reviewing the ADR document should be part of GNSO Council meeting preparation.

- RPM IGO Curative Rights Mechanism: Council decided additional work needed to be considered in light of recommendation 5 from the WG. Council made the decision to adopt the charter for the effort which would be connected indirectly to the RPM WG. **Keith Drazek** provided background: This is on hold for the moment given Covid-19 events and the need for the Governmental Advisory Committee to have volunteers ready to participate. The call for volunteers ought to be sent out before ICANN69. **Rafik Dammak** mentioned that this track is to be included in the RPM effort, but their work is expected to conclude mid-October and next phase after rechartering . How will the track begin its effort in practice? **Keith Drazek** clarified that the intent was to allow the IGO work track to be independent from Phase 1 and Phase 2, but that it did need an umbrella structure for the work track.
- Accountability: Evolution of the multistakeholder model. A draft response from the Council to the Public Comment will need to be reviewed. What effort this will entail from Council is yet to be determined. A webinar on PDP3.0 implementation will take place in the next few months.

In the 1 - 3 month section:

- EPDP Phase 2 Final Report: anticipated for 31 July 2020. Council will need to review recommendations from the group.
- EPDP Phase 2 priority 2 items: a small group of councilors has been formed to exchange over legal vs natural, accuracy and feasibility of unique contacts. There are two possible subtracks: accuracy and feasibility of unique contacts & legal vs natural. Accuracy has always been discussed within EPDP Phase 2, but other items could be worked on in combination with the topic of accuracy, specifically two items from the RDS (Whois2) Review Team, and two impacts from the Wave 1 recommendation 27 report. There are many areas of overlap and dependencies when focussing on this line item.
- RDS Program: ICANN Procedure for Handling Whois Conflicts with Privacy Law. This has been in a holding pattern since 2015. Now that EPDP Phase 2 is close to delivering the Final Report, Council has to decide if the policy continues to move forward, there will be terminology updates, and to engage GDD about input or efficacy of the procedure. Options could be to take no action, update the terminology, plan for reviewing the policy as applicable. **Michele Neylon** stated that the issue lies in the implementation of the policy. Updating the policy language so it is consistent with other existing consensus policies would be beneficial. But it is impossible to implement at this time as the Contracted Party cannot trigger it. With EPDP Phase 2 closing soon, a review of the policy could be timely. **Keith Drazek** asked what the process would be for Council if the policy and implementation were to be updated. **Pam Little** added that the policy has never been invoked by any Contracted Party, leading to question whether it is fit for purpose. The GNSO Council voted in November 2017 to relaunch the IAG. Two triggers exist, one which was added after a revision, none of which are workable as they are a severe burden for the Contracted Parties. A simple notification rather than a codified procedure, to handle conflicts between local law and ICANN, would be easier and more efficient. **Michele Neylon** added that when he was

part of the IAG, alternative paths to make the policy workable were proposed, such as a request for a legal opinion, but this was rejected. **Marika Konings**, org, mentioned that language from the IAG, was added to the charter for the relaunch of the new group. **Keith Drazek** noted that there was no urgency to deal with this prior to the EPDP Phase 2 Final Report. **Pam Little** mentioned that after the IAG, there were GDPR and the Temporary Specification which were all designed to address conflicts between local authorities and ICANN requirements, therefore parameters have shifted and a review is urgently needed. **Rafik Dammak** added that the overarching question was whether the IAG as vehicle was still necessary or not and that a small team discussion, with key input from the Contracted Parties regarding priority, would be helpful in defining scope.

- EPDP Phase 1 IRT: Possible impasse on implementing Phase 1 recommendation 7 with interference from Thick Whois consensus policy.
- Thick Whois Transition policy & consistent labelling and display policies: both dependent on the outcome of the IRT.
- Operations: Review of the Policy & Implementation WG recommendations: a variety of tools and recommendations by which to address certain policy topics and implementations. One of the key recommendations was that the original recommendations and implementations should be considered five years after the final report was submitted. Councilors need to decide to create a small group to review the recommendations or to postpone the reviews. Bandwidth may be an issue at this time as well as lack of information.
- Accountability: Work Stream 2 (WS2) provided a series of recommendations that impact Council. A Council small team will review next steps and provide further information for Council consideration. There may be a possible implementation dependency on the Geo Regions Final Report.
- RDS: two additional reports will be sent to Council, structured the same way as the Wave 1 report. These are EPDP Phase 1 Recommendation 27 Wave 1.5 report and EPDP Phase 1 Recommendation 27 Wave 2 report. These will have downstream bandwidth considerations for the Council to review

In the 3 - 6 month section:

- Two PDPs delivering their Final Reports

In the 6 - 9 month section:

- Council to form the charter drafting team for RPM Phase 2 UDRP PDP
- SSR2 team will be concluding its efforts at the end of 2020, and has recently had a public comment on some of their draft consultations.
- Expiration program: Council to consider requesting a Policy Status Report to conduct a review of the EDDP/ ERRP, two separate consensus policies, may have policy implications further than a terminology update. **Michele Neylon** mentioned there didn't seem to be issues with expiration policies, but more with transfer policies. **Pam Little** mentioned that a small team for ATRT3 Final

Report recommendations review and the SSAC 111 paper which could be of concern for the GNSO. **Cheryl Langdon-Orr** offered her help as one of the co-chairs of ATRT3.

Keith Drazek expressed his appreciation for the documents presented and stressed the importance of making decisions over discussing topics.

Action items:

- By Monday, 20 July, the GNSO Council to form a small team, including Pam Little and Tom Dale and in consultation with Cheryl Langdon-Orr, to work on a draft response to the ATRT3 Final Report public comment, which is scheduled to close on 31 July.
- By Friday, 24 July, GNSO Councilors to provide input for the draft response to the public comment on the Enhancing the Effectiveness of ICANN's Multistakeholder Model Next Steps; the public comment is scheduled to close on 2 August.
- Following the July 2020 Council meeting, the GNSO Council to issue the call volunteers/Expression of Interest for the Chair for the RPM-IGO-CRPM work track.
- Following the August 2020 Council meeting, the GNSO Council to form a drafting team that will develop a charter for the (E)PDP working group tackling the IDN Policy Track 2.
- No later than the October 2020 Council meeting, the GNSO Council to form a small team to review the WHOIS procedure for handling WHOIS conflicts with privacy issues and advise the Council for possible next steps.

Item 3: AOB: This item was postponed in the interest of time

Keith Drazek adjourned the meeting at 22:21 UTC on Thursday 17 July 2020