

## **Minutes of the Extraordinary GNSO Council Meeting 8 April 2021**

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

Coordinated Universal Time: 19:00 UTC: <https://tinyurl.com/39dnj73j>

12:00 Los Angeles; 15:00 Washington; 20:00 London; 21:00 Paris; 22:00 Moscow; (Friday) 05:00 Melbourne

### **List of attendees:**

Nominating Committee Appointee (NCA): Non-Voting – Olga Cavalli

#### Contracted Parties House

Registrar Stakeholder Group: Pam Little, Kristian Ørmen, Greg DiBiase

gTLD Registries Stakeholder Group: Maxim Alzoba, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Tom Dale

#### Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Philippe Fouquart, Osvaldo Novoa, John McElwaine, Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Stephanie Perrin, Tatiana Tropina, Wisdom Donkor, Farell Folly (absent, no apology), Tomslin Samme-Nlar

Nominating Committee Appointee (NCA): Carlton Samuels

#### GNSO Council Liaisons/Observers :

Cheryl Langdon-Orr– ALAC Liaison

Jeffrey Neuman– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

### **ICANN Staff**

David Olive - Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional

Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement

Julie Hedlund – Policy Director

Steve Chan – Senior Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Senior Specialist

Caitlin Tubergen – Policy Director

Terri Agnew - Operations Support, Lead Administrator

Nathalie Peregrine – Manager, Operations GNSO

[Zoom Recording](#)

[Transcript](#)

## **Item 1: Administrative Matters**

1.1 - Roll Call

**Philippe Fouquart, GNSO Chair**, welcomed all to the Extraordinary GNSO Council meeting

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 as presented. **Philippe Fouquart, GNSO Chair**, asked **Berry Cobb, Policy Consultant to the GNSO**, to provide an update on the GNSO Council comment on the SSR 2 team Final Report. Berry Cobb informed the Council that the draft comments on SSR 2 recommendations, are to complement Stakeholder Groups (SG) and Constituency (C) comments. The draft comments touch on prior work around the topic of DNS Abuse, current work on formation of the Scoping Team on the topic of accuracy. The Board will need to be aware of current demands across the full community. There has been no additional input since the 2 April 2021, so the comments will be sent shortly once the Council call ends.

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

[Minutes](#) of the GNSO Council meeting on 18 February 2021 were posted on 4 March 2021.

[Minutes](#) of the GNSO Council meeting on 24 March 2021 were posted on 08 April 2021.

## **Item 2: Opening Remarks / Review of Projects & Action List**

2.1 - The review of the [Projects List](#) and [Action Item List](#)

In the interest of time, this item was not discussed during this session.

## **Item 3: Consent Agenda**

There were no items in the Consent Agenda,

## **Item 4: COUNCIL UPDATE - EPDP Phase 1 Rec 27 (Wave 1.5)**

**Philippe Fouquart, GNSO Chair**, reminded councilors that EPDP P1 Rec 27 recommended updating all existing policies to bring them in line with EPDP Phase 1 recommendations and GDPR more broadly.

[Wave 1.5](#) report provides the results of the analysis of two policy recommendations being implemented and paused subsequently late 2019: Privacy and Proxy Services Accreditation Issues (PPSAI) and

Translation and Transliteration of Contact Information (T/T). The aim here is to determine next steps and conditions for restarting the Implementation Review Teams (IRTs). The main focus will be on PPSAI as the Wave 1.5 report recommends restarting the T&T IRT effort. The proposal would be twofold, to work on the principle that the EPDP P1 recommendation would supercede those of PPSAI where applicable, and this principle would be taken on by the PPSAI IRT to implement, Then Initiate a GNSO Guidance Process (GGP) to identify any policy related issue which could arise, as initiated by the Bylaws annex. Council needs to review the document to ensure all have the same understanding.

**Berry Cobb** added these two IRTs have been on pause since the start of the EPDP work. There have been community calls to restart the activity and these items have been on the Action Decision Radar for a while.

**Maxim Alzoba, Registry Stakeholder Group (RySG)**, asked whether restarting these items now would be beneficial, and expressed concern about the SSAD stream of work overlapping.

**Philippe Fouquart, GNSO Chair**, acknowledged that there were references in the report to the SSAD and EPDP Phase 2, and that it needed to be clarified whether these were real dependencies.

**Greg Dibiase, Registrar Stakeholder Group (RrSG)**, agreed that there might be an issue with volunteer burnout and that there also might be relevant outputs from the EPDP Phase 2A, and so starting once the latter ends could be helpful.

**Marie Pattullo, Business Constituency (BC)**, thanked Org for the preparatory document, and added that the BC was eager to restart the IRT in the near term but that it was incorrect that the EPDP 2A supersedes the intent of PPSAI. The PPSAI IRT should re-start and decide for themselves whether there are dependencies.

**John McElwaine, Intellectual Property Constituency (IPC)**, agreed with Marie Pattullo, as there was no clear knowledge of interdependencies, so the analysis should be undertaken by the IRT and not be a Council decision.

**Pam Little, GNSO Council Vice Chair, RrSG**, asked **Karen Lentz, Org**, how to restart the IRT. Could a subteam within the EPDP P1 IRT team start working?

**Karen Lentz, Org**, responded that in terms of restarting an IRT, it would involve looking at the existing group, sending out a new call for volunteers. Concerning a subgroup in the EPDP 1 IRT, this was not being discussed at the moment. However, in regard to the Phase 1 stream of work, Rec 27 is part of implementing Phase 1 as there would need to be updates to existing policies and procedures so considering different structures would be helpful.

**Maxim Alzoba, RySG**, asked about staff bandwidth, given RPMs and SubPro will go into Operational Design Phase (ODP).

**Steve Chan, Org**, replied that the ODP and IRT are functions of the Global Domains Strategy (GDS) staff primarily, even though Policy staff play a role supporting those efforts.

**Philippe Fouquart, GNSO Chair**, mentioned there was no strong opposition to restarting the IRT, but that there were comments on the principal of having EPDP Phase 1 recs superscending as a rule, and as a result the GGP (GNSO Guidance Process) would be consulted if a policy issue were to emerge in that exercise.

**Pam Little, GNSO Council Vice Chair, RrSG**, added that there had been correspondence between Council and ICANN Org on the IRT pause. Council's position should therefore be consistent. Council should be deferring the decision as to when to restart the effort to ICANN Org, adding the concern about resources and bandwidth.

**Stephanie Perrin, Non Commercial Stakeholder Group (NCSG)**, raised that rushing a restart of PPSAI is premature given the constant burnout issue, and that the current EPDP P2A should end before any new effort should pick up. The lack of face-to-face meetings is making progress more difficult.

**Kurt Pritz, RySG**, mentioned that ICANN Org could start groundwork and capacity planning aiming on restarting the efforts, given the lack of community bandwidth.

**Marie Pattullo, BC**, added that the PPSAI pausing was an ICANN Org decision. The IRT had already accomplished a lot of work, to then be paused. In this regard, the PPSAI IRT members should be contacted to confirm whether they would be willing to continue the effort.

**Maxim Alzoba, RySG**, clarified that bandwidth implies the ability to conduct simultaneous streams of work. He added that there was never any question of removing progress made the effort needs to be continued, but at the right time.

**Pam Little, GNSO Council Vice Chair, RrSG**, referred to the first bullet point of the report which states "GNSO Council to advise that the EPDP recommendations are intended to have no impact on ICANN org's implementation of the PPSAI recommendations", and asked how Council could know about the intent of EPDP recommendations on the implementation of the PPSAI recommendation.

**Stephanie Perrin, NCSG**, responded that the EPDP attempt was to develop a policy to comply with law, which was not the case with regard to PPSAI PDP. There was no agreement within EPDP Phase 1 on PPSAI and compliance with law.

**Pam Little, GNSO Vice Chair, RrSG**, added that Rec. #27 of EPDP Phase 1 refers to updates to existing policies and procedures but PPSAI was an implementation of policy recommendations and not existing policy, therefore it's unclear whether PPSAI falls within the scope of Rec. #27.

**Philippe Fouquart, GNSO Chair**, summarised that there was not overall support for restarting the IRT, but that further steps would be to reach out to former PPSAI IRT members and assess the ability to

restart the effort. Along with the elements which will emerge from EPDP Phase 2A and the ODP, this will help Council move forward with a decision.

**Jeff Neuman, GNSO Liaison to the GAC**, mentioned that this item was important to the GAC and suggested that staff indicate the level of effort needed for the IRT to complete its work.

Action items:

- ICANN GDS Staff to reach out to PPSAI IRT members to gauge their interest for reconvening and completing the work of the IRT
- ICANN GDS Staff to provide the GNSO Council an update on the estimated level of effort, from ICANN org perspective, for completing the work of PPSAI IRT

**Item 5: COUNCIL DISCUSSION - Introduction to the Briefing Paper on Accuracy Requirements and Programs from ICANN's Global Domains & Strategy (GDS)**

**Philippe Fouquart, GNSO Chair**, reminded councilors the [Briefing Paper](#) was sent by Org to Council in February, responding the Council's request in December to launching a Scoping Team on the topic, which several Stakeholder Groups and Constituencies expressed interest in,

**Pam Little, GNSO Council Vice Chair, RrSG**, asked several clarifying questions on the Briefing Paper first for Karen Lentz: In the ICANN Org Briefing Paper, one of the points raised is that Org believes it is important to review the question of registration data accuracy in light of higher-level conversations (GAC, European Commitions), what is the status of these conversations?

**Karen Lentz , ICANN Org** replied that the Briefing paper was to inform Council and its scoping work around the topic of accuracy. The suggestion of the study was raised because of a possible need for data within that scoping effort.

On the note about the broader conversation, there have been exchanges with the European and the GAC on statements regarding accuracy and the GDPR, where clarifications were needed. Org was pointed to NIS2 which states accuracy is important for the security and stability of the DNS. If it is presumed there will be a study, is it expected there be some authority about how we define accuracy, and will it be part of the study? It is unclear what accuracy requirements are according to GDPR. Is there another avenue in mind as to gather guidance or is it part of the study? The way the study was mentioned, it would be scoped around how to draft terms of reference, looking around possible sources etc.

**Pam Little, GNSO Council Vice Chair, RrSG**, agreed that the proposed study was about how accuracy might be measured and the question was whether that encompassed what accuracy means in the post GDPR era.

**Jeff Neuman, GNSO Liaison to the GAC**, asked about financial issues and how long this study would take. There are already legal opinions being worked on in EPDP P2A to find an agreement on the definition of accuracy. There have already been Whois accuracy studies, why would this one be different?

**Marie Pattullo, BC**, raised that there is a Scoping Team in the works on accuracy with experts which should be addressed as to the need for a further study. The Scoping Team should be working on the terms of reference for the definition of accuracy.

**Karen Lentz, Org**, clarified that Org is not pushing for a study but that it would be in collaboration with the scoping and measurement work already planned, as determined by Council.

**John McElwaine, IPC**, added that this started in the fall of 2020, when some items were pulled from the EPDP team effort (Legal/Natural, Anonymised address and Accuracy) and it was agreed there would be a study and/or briefing paper done for the Scoping Team to start, The Briefing document is available and already helpful for the Scoping Team.

**Maxim Alzoba, RySG**, said that before starting a study there needs to be agreement on the topic, and there is disagreement in various parties on the definition of accuracy.

**Pam Little, GNSO Council Vice Chair, RrSG**, raised that the study suggested by ICANN Org would encompass the accuracy requirements under GDPR. The EPDP team has obtained two pieces of legal advice from Bird & Bird on accuracy. NIS 2 is also bringing an additional layer of complexity to the understanding of accuracy which seems currently in flux.

**Kurt Pritz, RySG**, agreed with Marie Pattullo on the Scoping Team's role, and added that the ongoing EPDP P2A effort could be problematic for membership. Those active in EPDP P2A would be those whose expertise would be needed in the Scoping Team.

**Carlton Samuels, NomCom Appointee**, raised that if we are keeping data for a purpose, it needs to be accurate in terms of record keeping for the Domain Name System (DNS), and then fit into the GDPR requirements.

**Pam Little, GNSO Council Vice Chair, RrSG**, agreed but asked who should be tasked with defining accuracy.

**John McElwaine, IPC**, from the Bird & Bird memo, mentioned that there is accuracy as per ICANN Org, and the GDPR accuracy, which seem to be two different issues which can be tackled by the Scoping Team.

On the topic of when to start the Scoping Team, **Marie Pattullo, BC**, requested it be as soon as possible, given the call for volunteers has already been circulated.

**Kurt Pritz, RySG**, agreed the work of the Scoping Team will be key to moving this forward, with the help of the EPDP P2A members once that effort is done.

**Stephanie Perrin, NCSG**, agreed with Kurt, and added that the NCSG is the principal advocate for non commercial users and individuals who will bear the response burden for increased demands for accuracy.

**Pam Little, GNSO Council Vice Chair**, asked **Marie Pattullo, BC**, if EPDP P2A ended their effort at the end of August 2021, would that be satisfactory to the BC,. **Marie Pattullo, BC**, replied that given the call for volunteers received responses, there does not seem to be a reason why the Scoping Team couldn't start its efforts. **John McElwaine, IPC**, supported Marie Pattullo's request, adding that it was disingenuous to talk about bandwidth when other efforts have been kicked off, and when the respondents to the call for volunteers have not yet been consulted.

**Stephanie Perrin, NCSG**, stated that the NCSG would struggle to send to the Scoping Team, its members who are currently working on the EPDP P2A team.

**Pam Little, GNSO Council Vice Chair**, clarified that when the Council in October 2020, agreed to adopt the Scoping Team approach, there was a call for Expressions of Interest to various groups. The formal Call for Volunteers is yet to be launched, with the question remaining of how the team should be formed.

**Greg Dibiase, RrSG**, raised that the people currently in EPDP P2A, would be those working in the accuracy Scoping Team, which is a different subject matter to the Transfer Policy PDP.

**Pam Little, GNSO Council Vice Chair, RrSG**, suggested bringing the remaining items to the list and that Council leadership would come back with a consolidated proposal.

Action items:

- Council leadership to provide a consolidated proposal with regard to when/how to start the scoping effort for accuracy.

**Item 6: COUNCIL DISCUSSION - GNSO Council Consideration of SAC 114**

**Philippe Fouquart, GNSO Chair**, introduced the topic of possible next steps of SAC 114, report which was [shared](#) with the Council, mid February 2021, with comments on the New gTLD Subsequent Procedures Draft Final Report. The recommendations are around an overall call for risk assessment for

the increase of TLDs in the root zone file, call for action on DNS abuse as well as a recommendation to wait until the conclusion of the framework to manage name collision.

**Flip Petillion, IPC**, observed that for the SSAC there is a fundamental question whether adding TLDs to the domain name space should be an objective for ICANN. In his personal capacity, he reminded all of the role of the SSAC, which is to advise the ICANN community and the Board on matters relating to security and stability. The SSAC has to engage in ongoing threat assessment and risk analysis. In the ICANN Bylaws, the mission of ICANN is to enable and promote competition. There has got to be a balance between both. SSAC must be concrete when it uses its capacity to advise and recommend, however in this case, SSAC is not making a political recommendation, it is not saying the SubPro program should not go forward in its report, the executive summary is a little misleading. The SSAC should be encouraged to share its views and suggest reviews however.

**Philippe Fouquart, GNSO Chair**, added that in the report there is the expectation that the assessment of the impact of growing TLDs be measured with metrics, possibly via an ODP.

**Maxim Alzoba, RySG**, mentioned that the document, without providing any facts on which the SSAC claims the next round is unwelcome, is based on belief and not data.

**Philippe Fouquart, GNSO Chair**, asked about next steps: should there be a response from Council?

**Kurt Pritz, RySG**, mentioned that the GNSO Council through its Working Groups decided in 2008, and then in SubPro, that adding TLDs and new consumer choice was key to ICANN's mission. As to SSAC stepping out of its role, and commenting on policy conclusions, understanding how these decisions are reached is difficult given the SSAC is a very closed group.

**Jeff Neuman, GAC Liaison to the Council**, added that the GAC references the SSAC report in the communique and that it would be considered in the GNSO Council response to the GAC Communique,

**Philippe Fouquart, GNSO Chair**, suggested convening a Council small team to respond.

**Stephanie Perrin, NCSG**, proposed that Council keep in mind these correspondences are based on a risk perspective. SSAC is correct in assessing the more users in the DNS, the more risks arise. However, from the NCSG perspective, the more names, the more opportunity for more to access domain names,

Action Item:

- GNSO Council to establish a drafting team to develop a response to the SAC114 and potentially propose other next steps..

**Item 7: COUNCIL DISCUSSION - GNSO Framework for Continuous Improvement**

**Philippe Fouquart, GNSO Chair**, reminded all that the proposal was shared with the SG/C Chairs in January, feedback received was [incorporated](#) into the framework and the substance.



**Tatiana Tropina, GNSO Council Vice Chair, NCSG**, introduced the topic with questions to the Council: Do you think the framework can be piloted to deal with ATRT3 recommendations and Work Stream 2 recommendations for instance?

**Jeff Neuman, GNSO Liaison to the GAC**, mentioned that it seemed very bureaucratic in setting up a Council committee overseeing several community task forces.

**Tatiana Tropina, GNSO Council Vice Chair, NCSG**, asked how else to deal with these outstanding issues, if not with the GNSO Framework for Continuous Improvement.

**Tom Dale, NomCom Appointee**, raised that the document seemed very complex in differentiating task forces, he added that given the volunteer bandwidth in core policy work, is there confidence that there will be resources for these issues?

**Maxim Alzoba, RySG**, reminded that Council itself can take on some of these issues, and that building another framework would be multiplying efforts, and adding reporting stress.

**Philippe Fouquart, ISPCP Councilor**, agreed that the issue is bandwidth, but that the idea here was to have one single framework where a number of topics could be channelled. The intent is to facilitate the work. What is the alternative otherwise?

**Pam Little, GNSO Council Vice Chair, RrSG**, added that some work would be done by the Standing Committee, which would be structured by Councilors only, with one representative from each SG/C/NomCom appointee which would ensure stability. The taskforce would involve community members where the work assignment would be broader than just the Council, for example with the GNSO 3 Review. There is however merit in allowing the Standing Committee to decide on a case by case basis whether they can take on the work or delegate to a taskforce.

**Jeff Neuman, GNSO Liaison to the GAC**, added that there were very few of the assignments that were of Council's remit, many concerning the community. Previously, there were community Steering Committees in existence, but not under the Council. It could help to have a councilor chair the effort for instance.

Action Item: None

#### **Item 8: ANY OTHER BUSINESS**

**Philippe Fouquart, GNSO Chair**, adjourned the meeting at 21:05 UTC on Thursday 8 April 2021

