

Minutes of the GNSO Council Meeting 19 May 2022

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

GNSO Council meeting held 20:00 UTC: <https://tinyurl.com/bdhpc87w>

13:00 Los Angeles; 16:00 Washington DC; 21:00 London; 22:00 Paris; 23:00 Moscow; (Friday) 06:00 Melbourne

List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Theo Geurts (apologies, proxy to Greg Dibiase), Greg Dibiase,

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

Nominating Committee Appointee (NCA): Desiree Miloshevic

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo , Mark Datysgeld, Philippe Fouquart,(apologies, proxy to Mark Datysgeld) Thomas Rickert,(apologies for first 30 mins, proxy to Paul McGrady) John McElwaine, Flip Petillion

Non Commercial Stakeholder Group (NCSG) Manju Chen, Wisdom Donkor, Farrell Folly, Stephanie Perrin (apologies, proxy to Manju Chen), Juan Manuel Rojas, Tomslin Samme-Nlar,

Nominating Committee Appointee (NCA): Paul McGrady

GNSO Council Liaisons/Observers:

Justine Chew – ALAC Liaison

Jeffrey Neuman– GNSO liaison to the GAC

Maarten Simon – ccNSO observer (absent)

Guest speakers: GNSO Standing Selection Committee Chair Arinola Akinyemi, Registration Data Accuracy Scoping Team Chair Michael Palage

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

Marika Konings - Vice President Policy Development Support

Julie Hedlund – Policy Development Support Director

Steve Chan – Senior Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Senior Manager (apologies)

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

It was noted that **Philippe Fouquart, GNSO Chair**, was unable to attend the GNSO Council meeting, **Sebastien Ducos, GNSO Council Vice Chair**, kindly accepted to chair the meeting in his place.

1.2 - Statements of Interest

There were no updates to Statements of Interest. Maxim Alzoba, Registry Stakeholder Group (RySG), announced there would be updates to his [SOI](#) shortly.

1.3 - Review / Amend Agenda

Suggestion to move item 6 to the end of the call.

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

[Minutes](#) of the GNSO Council meeting on 09 March 2022 were posted on 24 March 2022.

[Minutes](#) of the GNSO Council meeting on 14 April 2022 were posted on 29 April 2022.

Item 2. Opening Remarks / Review of Projects and Action List: no time allocated for the May agenda

Item 3. Consent Agenda: no item

Item 4. COUNCIL VOTE - Adoption of the Revised Charter for the Standing Selection Committee

Tomslin Samme-Nlar, GNSO Council Vice Chair, Non Commercial Stakeholder Group (NCSG), seconded by **Sebastien Ducos, GNSO Council Vice Chair, Registry Stakeholder Group (RySG)**, submitted the [motion](#) to adopt the revised charter for the GNSO Standing Selection Committee (SSC) following the [SSC Charter Review](#).

WHEREAS

1. The GNSO Standing Selection Committee (SSC) was first chartered in 2017, and according to the Charter, "is tasked, as requested by the GNSO Council, to 1), where applicable, prepare and issue calls for applications related to the selection or nomination of candidates for ICANN structures such as ICANN review teams as well as structures related to the Empowered Community, 2) review and evaluate all relevant applicants/candidates, 3) rank candidates and make selection/appointment recommendations for review and approval by Council and 4) communicate selections to all interested parties."
2. The SSC Charter states, "The SSC may request of the GNSO Council a review of the Charter annually or if the members identify a need for a specific review."
3. The SSC charter was last reviewed and updated in [2018](#).
4. In the course of its work, the SSC identified several areas of the Charter that would benefit from clarification or update.
5. On 14 March 2022, the SSC [requested](#) of the GNSO Council a review of the Charter, which Council [agreed](#) was appropriate.

6. The SSC has completed a review of its Charter and proposed revisions to the Charter.
7. The GNSO Council has reviewed these proposed changes and agreed that these revisions are appropriate.

RESOLVED,

1. The GNSO Council adopts the [revised Charter](#) of the SSC.
2. The GNSO Council requests that the SO/AC Support Team sends the updated Charter to the Stakeholder Groups (SGs)/Constituencies (Cs) and Nominating Committee (NomCom) appointees on the GNSO Council.
3. The GNSO Council thanks the SSC for its review of the Charter and looks forward to continuing to work with the SSC on future selection processes.

Tomslin Samme Nlar, submitter of the motion, GNSO Council Vice Chair, noted that the SSC Chair, Arinola Akinyemi, was present on the call to answer questions. Arinola Akinyemi, SSC Chair, introduced the changes to the [revised charter](#). The SSC identified several areas of improvement, some administrative, some substantive, where clarity was needed for example due to work already being completed. Charter section 3 now reflects standard practices of the SSC. There was particular focus on perceived conflict of interest with potential candidate(s). The charter text was updated to make it gender-neutral, links to documents were equally added for cross reference purposes.

Manju Chen, Non Commercial Stakeholder Group, noted that there was mention of the Chair taking part in the consensus making process of the candidate selection and asked what the rationale was for this adjustment.

Arinola Akinyemi, SSC Chair, replied that the SSC Chair had always been part of the consensus process. The current update is that the Chair can now wear a double hat, representing an SG/C on the committee. The SSC only functions with full consensus, so the Chair being representative will not be of a negative impact. This applies not only to the SSC Chair, but to the whole SSC leadership team.

Maxim Alzoba, RySG, noted that he was in agreement with the revisions to the SSC Charter.

Kurt Pritz, RySG, asked for clarification regarding why the appointment to the Empowered Community (E.C) was removed from the charter. **Arinola Akinyemi, SSC Chair**, replied that so far, the SSC had not been involved in the selection process of the GNSO representative to the EC. It did not make sense to keep it in the charter

Councilors on the call voted unanimously in favor of the motion.

[Vote results](#)

Action Items:

- On behalf of the GNSO Council, the SO/AC Support Team will send the updated SSC Charter to the Stakeholder Groups (SGs)/Constituencies (Cs) and Nominating Committee (NomCom) appointees on the GNSO Council.
- On behalf of the GNSO Council, the GNSO Secretariat will inform the SSC that the Council thanks it for its review of the Charter and looks forward to continuing to work with the SSC on future selection processes.

Item 5. COUNCIL VOTE - Final Report and Recommendations of the EPDP on Specific Curative Rights Protections for IGOs

John McElwaine, GNSO Council Liaison to the EPDP, Intellectual Property Constituency (IPC) councilor, seconded by **Juan Manuel Rojas, NCSG**, submitted a [motion](#) to approve the recommendations from the EPDP on Specific Curative Rights Protections for Intergovernmental Organizations (IGOs).

Whereas:

1. In April 2019, the GNSO Council [approved](#) the first four recommendations from the IGO-INGO Access to Curative Rights Protection Policy Development Process (PDP), but not Recommendation #5, which the Council referred to the Review of All Rights Protection Mechanisms (RPMs) PDP, for it to consider as part of its Phase 2 work;
2. In January 2020, the GNSO Council [approved](#) an Addendum to the RPMs PDP Charter that created an IGO Work Track to address the concerns that Councilors had expressed regarding Recommendation #5 of the IGO-INGO Access to Curative Rights Protections PDP;
3. In October 2020, the GNSO Council launched a call for [expressions of interest](#) for a Chair of the IGO Work Track and a [call for volunteers](#) from the groups identified in the Addendum;
4. In January 2021, Phase 1 of the RPMs PDP concluded in with the GNSO Council's approval of all its thirty-five recommendations;
5. In August 2021, in accordance with its [Expedited Policy Development Process \(EPDP\) Manual](#), the GNSO Council approved the initiation of an EPDP to carry forward the work and momentum of the IGO Work Track as a purely procedural matter, with the [EPDP Charter](#) reflecting the same scope of work as was outlined in the Addendum;
6. On 14 September 2021, the EPDP team published its [Initial Report for Public Comment](#);
7. Following the end of the Public Comment period, the EPDP team [reviewed](#) the comments that were submitted and amended its [proposed recommendations](#) as it considered necessary, based on the input received and the EPDP team's continued deliberations;
8. The EPDP team is proposing five final recommendations in its Final Report, which are intended to be interdependent (as outlined in Section 13 of the [PDP Manual](#)) and which have attained "Full Consensus" within the EPDP team;
9. The EPDP delivered its [Final Report](#) to the GNSO Council on 4 April 2022.

Resolved:

1. The GNSO Council approves, and recommends that the ICANN Board adopt, all five (5) final EPDP recommendations as documented in the EPDP team's [Final Report](#).
2. Should the EPDP recommendations be adopted by the ICANN Board, the GNSO Council requests that ICANN org convene an Implementation Review Team, to assist ICANN org in developing the implementation details for the EPDP recommendations and ensure that the resultant implementation conforms to the intent of the approved The Implementation Review Team shall operate in accordance with the [Implementation Review Team Principles and Guidelines](#) that the GNSO Council approved in June 2015.

3. The GNSO Council thanks the EPDP leadership team and the members of the EPDP team for their commitment and hard work in completing the policy work on this long-standing issue within the GNSO.

John McElwaine, submitter of the motion, and Juan Manuel Rojas, motion seconder, accepted the [amendment](#) on which John McElwaine and Greg Dibiase collaborated on as a friendly amendment..

Greg Dibiase, RrSG, on behalf of the RrSG, requested a one-month deferral to further the issue of scope. There is no consensus within the RrSG on the matter, and more thought is needed.

Sebastien Ducos, GNSO Council Vice Chair, as Chair of the meeting, accepted the deferral, and asked for the discussion to go ahead via the mailing list. He asked the RrSG to confirm the understanding was for a deferral of one month only.

Greg Dibiase, RrSG, confirmed the mutual understanding.

The vote was deferred to the June 2022 GNSO Council meeting.

[Vote results](#)

Action Item: None. Motion deferred to June GNSO Council meeting.

Item 6. COUNCIL DISCUSSION - GNSO PDP Improvements - Tracking and Coordination Discussion Paper.

Marika Konings, ICANN org, [presented](#) the agenda item. In addition to the GNSO Operating Procedures, there was flexibility to add improvements to existing processes. There have been recent improvement discussions and initiatives, with a focus on the post -Council vote step an example of which is the Operational Design Phase (ODP). Not all improvements are equal, some are easy to implement, others will imply a high level of effort. The tracking tool will therefore categorize improvements via the level of effort needed. The PDP Improvements Tracker will be a living document, updated over time. Created by the staff support team, it will include suggested improvements, the proposed category and next steps. Once the GNSO Council has reviewed and confirmed, the support team will coordinate next steps, and schedule regular review sessions.

As an example of improvement tracking, there is the Council Strategic Planning Session action item to improve communication with the Board around the work the GNSO Council is expecting to complete.

Paul McGrady, NCPH NCA, asked about timing. **Marika Konings, ICANN org,** replied that it depends on Council's approval, and which specific items are to be taken into account.

Kurt Pritz, RySG, mentioned that in addition to the improvement ranking in effort, it would be helpful to add impactfulness, and in some cases, cost.

Maxim Alzoba, RySG, raised that from an operational perspective, which is often the easiest, the cheaper and more impactful items should be separated from the rest. He asked why the broader community should be consulted for Council only matters. He warned against having too many review-based calls, and suggested meeting only when necessary.

Marika Konings, ICANN org, explained that not all improvements will impact only Council, the ODP being a recent example.

Action Item:

- Staff to proceed with the development of the PDP improvements tracker.

Item 7. COUNCIL DISCUSSION - Impact of SSAD Light on Other Work

Sebastien Ducos, GNSO Council Vice Chair, provided an update on the EPDP Phase 2 small team SSAD review team, with a focus on the SSAD Light Design Concept overview. ICANN Board has asked the GNSO Council to assist with prioritization given the [SSAD Light Design](#) is being handled by an org team who are also focussing on other efforts. As Chair of the EPDP Phase 2 SSAD review team, **Sebastien Ducos** asked ICANN org staff to postpone work in the SSAD Light Design paper to ICANN75. However, given the other efforts would be running later than ICANN75, it would provide only limited relief.

Maxim Alzoba, RySG, raised that certain improvements should be worked on, but not at the risk of delaying other key projects. It would not be in Council's interest to further delay SubPro efforts for example.

Jeffrey Neuman, GNSO Council Liaison to SubPro ODP, added that the orgSubPro ODP work had been delayed, but that adding the SSAD Light Design to this would add a minimum of 6 weeks delay, and without including further development. The ODP team needs to collaborate and gather input from other teams, this takes time and effort and will inevitably impact other projects.

Sebastien Ducos, GNSO Council Vice Chair, clarified that staff did not request that Council prioritize all items (for example CZDS 3.0 and EBERO) which are backed up, but at least discuss the SSAD and SubPro which are under the Council's remit.

Paul McGrady, Non Contracted Party House CPH NomCom Appointee, mentioned that there hadn't yet been a SubPro ODP timeline, but he added that 6-weeks is not a tremendous delay given the time SubPro has already taken, and it would be worth staying on track with SSAD.

John McElwaine, IPC, raised that if there wasn't discussion of SSAD light, there would still be staff involved in the initial heavier version of the SSAD. It made sense to focus on the SSAD, whilst taking time with Subpro to offer the next round with increased confidence.

Jeff Neuman, GNSO Liaison to SubPro ODP, pointed out that there is a SubPro ODP timeline with the Final Report planned for October 2022.

Kurt Pritz, RySG, mentioned that the RySG did gather members to talk about the various ongoing projects. The RySG is focussing on the effects of the delays on the projects. He added that there are switching costs to this, and the RySG would rather not see a change, and then a change back, which would trigger inefficiencies.

Sebastien Ducos, GNSO Council Vice Chair, asked that Kurt provide the RySG input, when ready, to the GNSO Council mailing list

Maxim Alzoba, RySG, asked that the 6-week marker be respected to avoid further impacting the other efforts,

Paul McGrady, NCPH NCA, insisted that the 6-week delay for the SubPro overall effort was not highly impacting.

Sebastien Ducos, GNSO Council Vice Chair, noted that until the Board makes a decision, and given the lack of agreement within Council, this would not be before ICANN74, there would be little shift in prioritization.

Action Items:

- GNSO Councilors to provide comments on the email distribution list on the impact of SSAD light on other work for continued discussion at the next GNSO Council meeting.

Item 8: COUNCIL DISCUSSION - SubPro ODP Update

Jeff Neuman, GNSO Liaison to the SubPro ODP, mentioned that he had just [circulated](#) question set #4 to the Council list, As per the previous lists, he will create a Google doc consolidating Council responses, as well as his own input. He reminded councilors that the input needs to come from the Council. To date, question set #3 only showed input from Jeff, when it had been on the Council mailing list for two months. He encouraged councilors to also provide input on the Assumptions document. Regarding ICANN74, it is still unconfirmed whether there will be a SubPro ODP session. **Jeff Neuman** will provide a halfway report document to the GNSO Council shortly.

Action Items:

- GNSO Councilors to review Question Set #3 and provide comments. See Question set 3: <https://docs.google.com/document/d/1OtdtNIUaAitHiJPE8pBTBcirTaDjyzPkcZY6BjMjxzg/edit>

Item 9: COUNCIL DISCUSSION - SubPro GGP

Steve Chan, ICANN org, presented the agenda item. The GNSO Guidance Process (GGP) is being put into place for the first time ever. GGP does not have a formal charter, the [initiation request](#) is inclusive of items normally found in a charter. The [initiation request](#) was circulated on the Council mailing list on 4 May 2022.

There are two sets of topics. Group 1: SubPro Final Report called out several items needing further work during the implementation stage The SubPro ODP team addressed Council on these on the basis that they seemed to be more policy oriented. One specific topic was applicant support. The initiation request added more items from the Final Report needing the same work during the IRT. Group 2: the ODP has identified items which need additional guidance. This section is empty, the ODP team will need to fill it out. The aim is to create a narrow work scope to avoid future confusion. The GGP is in the Action Decision Radar as unplanned work, for resourcing purposes also, it is key the scope remains narrow. The group's name will be "Steering Group". The structure of the Steering Group means it can address the work itself or farm out the work to a subteam if it's deemed more appropriate to get expertise.

Jeff Neuman, GNSO Council Liaison to the SubPro ODP, added that in the SubPro Final Report, certain items needed the benefit of experts such as grants for example. The GGP is not necessarily to develop policy but to get further guidance.

Paul McGrady, NCPH NCA, expressed confusion as to why items couldn't be dealt with either within implementation or policy. He asked for clarity as to next steps.

Steve Chan, ICANN org, responded that for group 1, with the focus on applicant support, there were expectations from the SubPro Final Report that substantive work and research take place. If councilors disagreed with the initial selection of items in the initiation request, these items could be removed. The Final Report from the GGP is Council and then Board approved. Upon Board approval, the recommendations would be directed to implementation

Tomslin Samme Nlar, GNSO Council Vice Chair, commented that using existing tools in the policy development process to look at issues was a positive development.

Jeff Neuman, GNSO Council liaison to the GGP, added that this had already been discussed at Council level, and there had been support for having issues handled before the IRT stage. He expressed hope councilors would support the GGP.

Paul McGrady, NCPH NCA, expressed concern that this would be work undertaken by Council rather than the whole community.

Action items:

Item 10: COUNCIL DISCUSSION - Registration Data Accuracy Scoping Team (RDA ST) Update

Michael Palage, Chair of the RDA ST, thanked the Council for the opportunity to update them on the group's activities. He notified Council that the ST is running into delays, and because of these, he will not be able to continue chairing.

The original charter set forward 4 assignments, which were broken into two groups , 1 & 2 as well as 3 & 4. Work on the first two would drive the work for the last two. The group has met weekly for 90 minutes diligently. The meeting on the 19 May 2022 was a lively topical discussion. During ICANN73, Becky Burr on behalf of the Board informed the RDA ST that the Board asked Org to submit a list of questions to the Data Protection Board with regard to scoping. Over the last few weeks, the group gained further insight on what will be submitted to the Data Protection Board, ICANN org is looking at four different approaches, with a data privacy impact assessment in connection with one of those approaches, The development is looking positive, **Michael Palage. Chair of the RDA ST.** was hoping members would go back to their SG/C on topic 2 to gain further input. Becky Burr informed the ST that ICANN org would submit the inquiry within the next couple of weeks. Assignment 1 and 2 reports are in the process of being completed.

Action items:

Item 11: Any Other Business

11.1 - NomCom NCPH Councilor Request for Input

Paul McGrady, NCPH NCA, asked NCPH councilors to be in touch, and not to limited to the IPC and the BC. He is also available to assist with document drafting and other efforts.

11.2 - SOAC Chairs Roundtable Update

Deferred to the Council mailing list.

11.3 - ICANN74 Planning

Staff updated the Council on travel booking, priority seat allocation, GNSO Council sessions and the GNSO Council dinner.

Sebastien Ducos, GNSO Council Vice Chair, adjourned the meeting at 22:03 UTC.

The next GNSO Council meeting will take place on Wednesday 15 June 2022.