Minutes of the GNSO Council Meeting 20 January 2022
[Agenda](#) **and** [Documents](#)

GNSO Council meeting held 21:00 UTC: https://tinyurl.com/4rcwyvmh

13:00 Los Angeles; 16:00 Washington DC; 21:00 London; 22:00 Paris; (Friday) 00:00 Moscow; (Friday) 08:00 Melbourne

List of attendees:
Nominating Committee Appointee (NCA): **– Non-Voting** – Olga Cavalli
Contracted Parties House
Registrar Stakeholder Group: Antonia Chu, Kristian Ørmen, 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, Thomas Rickert, John McElwaine, Flip Petillion
Non Commercial Stakeholder Group (NCSG) Manju Chen, Wisdom Donkor, Farrell Folly, Stephanie Perrin, 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

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

Ariel Liang – Policy Senior Specialist

Caitlin Tubergen – Policy Director - apologies

Terri Agnew - Operations Support, Lead Administrator

Nathalie Peregrine – Manager, Operations GNSO

[Zoom recording](#)
[Transcript](#)

Item 1. Administrative Matters

1.1 - Roll Call

1.2 - Statements of Interest

Kristian Ørmen, RySG, mentioned that he has updated his SOI to reflect that he will be changing to a new position shortly to go to the ccNSO, he will at that time resign from Council, The RrSG will be looking for a new councilor.

Jeff Neuman, GNSO Council Liaison to the GAC, updated his SOI listing one of the clients he represents who has a matter pending before ICANN, he is legal counsel for one of the proposed assignees to a TLD.

1.3 - Review / Amend Agenda

Sebastien Ducos, GNSO Council Vice Chair, noted that a last item had been added to AOB (Any Other Business) pertaining to the small team on Modifying Consensus Policy. **Philippe Fouquart, GNSO Chair,** also added an update on the IDN response.

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 November 2021 were posted on 03 December 2021.

Minutes of the GNSO Council meeting on 16 December 2021 were posted on 03 January 2022.

Action items: none

Item 2. Opening Remarks / Review of Projects and Action List

Berry Cobb, GNSO Policy consultant, reviewed the Projects List and Action Item List, including the Project Management portfolio, as circulated previously on the GNSO Council mailing list.

He highlighted that the portfolio suite of tools is updated for every monthly meeting. There are two key components: the Action Decision Radar (ADR) and the Project List.

At the beginning of each month for active PDPs and groups, there are monthly project packages, prepared for an in-depth view of each project. These are also shared on the Council list and should be reviewed in detail, with the possibility of adding a topic to the Council Google doc in preparation for the next Council meeting. Berry sent out an email on 11th January 2022 highlighting the Action Decision Radar focussing on yellow and orange bands for action items warranting Council input. The Project List should also be reviewed in detail, it can be repetitive, as several items can also be found in the project packages. Feedback is always welcome from councilors as these are living documents.

Action items: none

Item 3. Consent Agenda

There were no items for Council consideration on the Consent Agenda.

Item 4. COUNCIL DISCUSSION - Recurring Updates on the SubPro ODP

Jeffrey Neuman, GNSO Council Liaison SubPro ODP, provided updates on the SubPro ODP. In November 2021, the GDS ODP team sent a first set of questions to Council. Moving forward, Jeffrey will draft a first set of responses on a Google doc, for Council input. If there are any items which would warrant discussion, these can be part of the following GNSO Council meeting agenda. There has been a [blogpost](#) posted identifying the nine different work tracks within ICANN Org working to the ten month deadline, with an aim to provide an ODA (Operational Design Assessment) to the community. Jeffrey then asked Council members if further transparency was requested, or if there were topics of concern.

Mark Datysgeld, Business Constituency (BC), raised that there were community concerns over delays and the uncertainty of the process, and asked if the community could assist.

Philipe Fouquart, GNSO Chair, replied that the GNSO Council could be more speedy about responding to questions sent, to advance the process from a policy process.

Jeffrey Neuman, GNSO Council Liaison SubPro ODP, suggested the Council request a high-level project plan of the ODP to understand if it's meeting its expected timelines, given milestones and deliverables are currently unknown. The only known notion is that the whole process should take ten months.

Philippe Fouquart, GNSO Chair, noted that there was some support in the Zoom [chat](#) for the request for a project plan, with the caveat that providing the work plan should not be an extra overhead for the project. He added that the information would be of interest to the GNSO and the broader community.

Jeffrey Neuman, GNSO Council Liaison SubPro ODP, commented on Maxim Alzoba's mention in the chat that to date, webinars had been lacking in interaction, he welcomed councilor suggestions to increase interactivity. **Maxim Alzoba, RySG**, added that using the Q&A zoom feature could be improved on by reverting to regular Zoom rooms.

Jeffrey Neuman, GNSO Council Liaison SubPro ODP, commented that the SubPro ODP support team, led by Karen Lentz, ICANN Org, has been extremely open and interactive.

Desiree Miloshevic, Contracted Party House (CPH) NomCom Appointee (NCA) asked if the Board Operational Effectiveness team looks into the status of recommendations sent to the Board. Is there a clear way of tracking these?

Philippe Fouquart, GNSO Chair, thanked Council for the input and Jeffrey Neuman for relaying input back to the SubPro ODP support team.

Action Item

- The GNSO liaison to the ODP will communicate the input to the Org ODP team after the 20 January Council meeting, including a request for a Project Plan from ICANN Org and suggestions for improvements.

Item 5. COUNCIL DISCUSSION - System for Standardized Access/Disclosure (SSAD) Operational Design Phase and Next Steps and Preparation for the Consultation With the ICANN Board

Philippe Fouquart, GNSO Chair, reminded councilors that the SSAD ODP is in its last steps, including work related to the SSAD Cost Model. The ODA is expected to be available ahead of the ICANN Board & GNSO Council Consultation call on 27 January 2022. He also emailed the Chair of the ICANN Board with the Council expectations. An updated document was circulated to Council after a meeting with the EPDP Phase 2 team members and GNSO Council to discuss next steps. The intention is to share this paper with the ICANN Board.

Maxim Alzoba, RySG, raised the need for time for constituency members to review the ODA once it is published, suggesting that 2 weeks would be reasonable.

Philippe Fouquart, GNSO Chair, agreed with the need for community review time.

Desiree Miloshevic, Contracted Party House (CPH) NomCom Appointee (NCA), raised that it would be preferable to have more time to review the ODA prior to the consultation with the ICANN Board. She also mentioned that adding review delays will also slow down the overall process, but agreed with the need for it.

Philippe Fouquart, GNSO Chair, commented that the goal of the consultation is to understand the Board's take on the options offered. The purpose is to review options and to frame next steps, in light of the upcoming discussion with the Board.

Marika Konings, ICANN Org, presented the procedural options to councilors. She also recommended clarifying if there would be a Public Comment after the ODA as this is yet to be confirmed. There are three scenarios:
1) ICANN Board adopts the recommendations (no action for GNSO Council)
2) ICANN Board determines that the adoption of the recommendation is not in the best interest of the ICANN Community (GNSO Council is requested to affirm or notify its recommendations in the form of a Supplemental Recommendation)
3) GNSO Council decides to make amendments or modifications to the policy recommendations (under section 16 of the GNSO PDP Manual, the GNSO Council can make amendments or modifications to the recommendations it approved).

Scenario 2) the Board should articulate the reasons for not adopting the recommendation in form of a Board statement, which would be reviewed by the Council who would need to decide to affirm or modify the recommendation via the Supplemental Recommendation. The Board will then decide whether to vote in favor. This was used recently in the context of EPDP Phase 1 Purpose 2 and part of recommendation 12. For purpose 2, Council accepted the non-adoption by the ICANN Board. For recommendation 12, this was discussed at length, and Council adopted the Supplemental Recommendation, the Board confirmed the content, and a small Council team was formed. There is no prescribed process as to how Council needs to develop the Supplemental Recommendation.

Scenario 3) Where Council decides to make changes before approval by ICANN Board. This is called out in the GNSO Operating Procedures and PDP Manual. This would imply several options: the PDP team is

reconvened and//or consulted, the proposed amendments are posted for public comment, Council approval is met via Supermajority vote. The procedure has been used before in the context of protections for Red Cross Names in 20218, and the PDP team had already been disbanded, a reconvened smaller group was consulted. The proposed amendments were adopted by the GNSO Council and ICANN Board.

There are additional scenarios, where the GNSO could highlight areas which could be implemented in a simplified manner such as accreditation, for example.

Regarding the analysis and review of the ODA, which is the best process? A small team with Council members and EPDP Phase 2 team members? The EPDP Phase 2 team? Analysis done by each Stakeholder Group (SG) to report back to Council? What will be the timeframe for this analysis?

Philippe Fouquart, GNSO Chair, highlighted that there would be an advantage to anticipating and reviewing the recommendations accordingly.

Thomas Rickert, ISPCP, mentioned that it would be important to fully understand what the concerns are. The EPDP took a few years, with the EU NIS directive added, the discussion about costs, concerns, may lead to certain loss of credibility with regards to the implementation process in addition to the policy development process.

Desiree Miloshevic, NCA, asked for clarification that there would be no surprise that the Board would adopt the recommendations without discussing the ODA.

Philippe Fouquart, GNSO Chair, replied that there are question marks as to the understanding of the cost model with a clear willingness from the Board to discuss substance.

Kurt Pritz, RySG, agreed with Thomas Rickert as to the need for competent execution of next steps, without however knowing what form that would take. He also asked that if there is no additional input, would the Board adopt all recommendations? Would there be a way for the Board to adopt several recommendations and not all - even though they were not presented as sectionable? There is also the need to decide whether the SSAD benefits outweigh the costs?

Philippe Fouquart, GNSO Chair, replied that the discussion opportunities are there and planned.

Thomas Rickert ISPCP, asked what format choices are there? For now, the talk is around financial considerations, but Council doesn't know if there are additional concerns, regarding implementation for instance? This is necessary knowledge prior to revisiting the recommendations. For example, with Work Stream 2 implementation, there were Board concerns about timing and workload, which were then discussed.

Philippe Fouquart, GNSO Chair, added that there were similar comments made during the meeting with the EPDP Phase 2 team with concerns that revisited recommendations may not either be fit for purpose. He asked councilors for input as to how to process the ODA information once it is published. From a personal standpoint, the small team of Council members and EPDP Phase 2 members would be the more flexible option.

Sebastien Ducos, GNSO Council Vice Chair, agreed with Philippe, especially as EPDP Phase 2 members are those with the background and experience. He suggested a first review of the document,

checking for obvious, missing items, such precise financial information, to request further clarification from the SSAD ODP support team.

Marie Pattullo, Business Constituency (BC), agreed with Sebastien, but thought establishing the timeframe for ODA analysis would only be possible once the document is published. Having the EPDP Phase 2 team involved is also essential. In addition to this, she mentioned that it was highly possible that each SG and C would undertake their own analysis.

Kurt Pritz, RySG, asked about the role of the small team, would it be a document summary, or drafting recommendations? He saw the small team as moderating the discussion as Council level, rather than producing recommendations,

Philippe Fouquart, GNSO Chair, confirmed Council would have oversight and that the small team would be digesting the ODA, identifying elements which would have impact on policy aspects and recommendations. The small team would be clearly chartered with a specific task.

Sebastien Ducos, GNSO Council Vice Chair, offered to do a first review of the document, inviting those more experienced in the subject matter to join him.

Action Item:

- GNSO Council Leadership to develop a proposed assignment for a small team of GNSO Council members and EPDP Phase 2 Team members to analyze and review the ODA and provide input to the full GNSO Council for consideration and discussion. Sebastien Ducos has volunteered to do an initial review to identify any initial gaps or concerns but welcomes the assistance of members of the EPDP Phase 2 Team.

Item 6. COUNCIL DISCUSSION - Next Steps for Strategic Planning Session Action Items

There were 12 Action Items identified during the Strategic Planning Session. There will be a follow up session in June 2022. There will be Leadership calls with the more recent councilors to offer support and assistance. Several action items may require more substantial work, which would warrant councilors' focus.

Sebastien Ducos, GNSO Council Vice Chair, mentioned on the Council Commitments action item, that the collaboration with **Paul McGrady, NCPH NCA,** will lead to a draft document before the February GNSO Council meeting. He added for the SCBO topic (Standing Committee on Budget and Operations) (integrating the Project Management Tool), that work would kick off in February 2022.

Action Item:

- See the updates to the action items at: https://gnso.icann.org/sites/default/files/policy/2022/draft/draft-gnso-council-action-items-sps-14jan22-en.pdf. GNSO Council will revisit the status of a number of identified AIs at the February Council meeting.

Item 7: ANY OTHER BUSINESS

7.1 - Update on ICANN73 planning.

Tomslin Samme-Nlar, GNSO Council Vice Chair, updated Council on the planning calls taking place for ICANN73. Two plenary session topics were selected: Moving Forward with the Global Public Interest Framework (ALAC) & Evolving the DNS Abuse Conversation: Maliciously Registered versus Compromised Domains (GNSO RySG).

7.2 - Update from the Standing Committee on ICANN's Budget & Operations (public comment due on 07 February 2022).

John McElwaine, IPC, Chair of the SCBO, and Berry Cobb, ICANN Org, informed councilors that the SCBO has completed 4 meetings, with a draft of comments almost halfway complete, with completion targeted for the 31st January 2022, the comment deadline being the 7th February 2022. The SCBO will meet with ccNSO's SOPC for a call around resources related to policy development, the special fund for implementation allocated in FY 2021, as well as the reserve and contingency funds.

7.3 - Acknowledgment of GNSO Council Additional Budget Requests, if applicable (submissions due 24 January 2022).

There have been no ABR circulated to Council to date.

7.4 Acknowledgement of GNSO contact to the Universal Acceptance Steering Group (UASG).

Dr Ajay Data suggested the need for the role, Christian Dawson from the ISPCP has volunteered. No objection from the GNSO Council. **Philippe Fouquart, GNSO Chair**, thanked Christian for stepping up.

Action item:

- The GNSO Secretariat will send an acknowledgement on behalf of the GNSO Council to Christian Dawson of the ISPCP for volunteering to be the GNSO contact to the Universal Acceptance Steering Group.

7.5 - Draft letter small team Modifying Consensus Policies (18 Jan 2022)

Sebastien Ducos, GNSO Council Vice Chair, updated councilors. There have been several small team meetings since the GNSO Council December meeting. The draft letter invites a continued conversation, rather than the slow exchange of letters, to brainstorm ideas.

Action Item:

- If no objections are received by 30 January 2022, this letter will be sent to ICANN org.

Additional items:

Council input on the IDN Guidelines draft letter is expected today, as the letter will be sent out shortly. **Kurt Pritz, RySG**, sent his proposed edits to the Council mailing list on 13 January 2022, which have now been incorporated into the final version.

 Ariel Liang, ICANN Org, presented the letter highlights. In the draft letter, the proposed response is to

answer the Board request, to review and organize the IDN implementation guidelines into two subsets: the guidelines which overlap with the work of the IDNs EPDP and guidelines are already incorporated in the version 3.0 of the IDN Implementation guidelines as well as additional guidelines which do not overlap. The response identifies several guidelines as overlapping with the IDNs EPDP; those items will continue being deferred as per the Board's request. The remaining guidelines can move forward to Board approval.

Philippe Fouquart, GNSO Chair, added that draft letter for Recommendation 12 is also on the mailing list, and open for council input.

Philippe Fouquart, **GNSO Chair,** adjourned the meeting at 23:05 UTC.

The next GNSO Council meeting will take place on Thursday 17 February 2022.