

Minutes of the GNSO Council Meeting 14 June 2023

Agenda and Documents

GNSO Council meeting on Wednesday, 14 June 2023 at 13:45 local time (17:45 UTC):
<https://tinyurl.com/ycxmucj5>.

10:45 Los Angeles; 13:45 Washington DC; 18:45 London; 19:45 Paris; 20:45 Moscow; (Thursday) 03:45 Melbourne

List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Anne Aikman Scalese

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Greg DiBiase, Theo Geurts

gTLD Registries Stakeholder Group: Nacho Amadoz, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Osvaldo Novoa, Thomas Rickert, John McElwaine, Susan Payne

Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin, Bruna Martins dos Santos, Wisdom Donkor, Tomslin Samme-Nlar, Farell Folly, Manju Chen

Nominating Committee Appointee (NCA): Paul McGrady

GNSO Council Liaisons/Observers :

Justine Chew : ALAC Liaison

Jeff Neuman: GNSO liaison to the GAC

Everton Rodrigues: ccNSO observer

ICANN Staff:

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

Marika Konings - Vice President, Policy Development Support

Mary Wong - Vice President, Strategic Policy Management

Steve Chan - Senior Director, Policy Development Support & GNSO Relations

Julie Hedlund - Policy Development Support Director (GNSO)

Berry Cobb - Senior Program Manager, Policy Development Support

Emily Barabas - Policy Development Support Senior Manager (GNSO) (apologies)

Ariel Liang - Policy Development Support Senior Specialist (GNSO)

Caitlin Tubergen - Policy Development Support Director (GNSO)

Nathalie Peregrine - Manager, Policy Development and Operations Support (GNSO)

Terri Agnew - Policy Operations Specialist (GNSO)

Julie Bisland - Policy Operations Sr. Coordinator (GNSO)

Devan Reed - Secretariat Operations Coordinator

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

Item 1. Administrative Matters

1.1 - Roll Call

Sebastien Ducos, GNSO Chair, welcomed all to the meeting and shared that it was his second live session in three years.

1.2 - Statements of Interest (SOI).

1.3 - Review / Amend Agenda

Sebastien Ducos, GNSO Chair, proposed that Item 3 of the agenda (Consent Agenda) be moved to the last place in the agenda. There were no objections.

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

Minutes of the GNSO Council meeting on 25 May 2023 were posted on 07 May 2023.

Minutes of the Extraordinary GNSO Council meeting on 04 May 2023 were posted on 22 May 2023.

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

2.1 - Review focus areas and provide updates on specific key themes / topics, to include review of Projects List and Action Item List.

Item 3: Consent Agenda

- Motion to Commemorate Pam Little was moved to the end of the agenda.

Item 4: COUNCIL DISCUSSION - Non-Objection of SubPro Timelines

4.1 – Introduction of topic (Sebastien Ducos, Council Chair)

Sebastien Ducos, GNSO Chair, introduced Paul McGrady, SubPro Pending Recommendations Small Team Lead, to discuss the topic of non-objection of SubPro timelines.

Paul McGrady, SubPro Pending Recommendations Small Team Lead, reviewed landing spots as discussed by the small team. Clarifying statements for items in landing spot one will be drafted by staff and reviewed by the small team. In anticipation of Board non-adoption for some of the recommendations the GNSO Council is expected to provide supplemental recommendations. The small team will determine how to draft supplemental recommendations and socialize them amongst the Council in June and July 2023. The Board is expecting both documents in September. Avri Doria, ICANN Board and Becky Burr, ICANN Board, will remain on the small team through this process. There is anticipation of further discussion with the Governmental Advisory Committee (GAC), and also on registrant protections that may need clarifying statements, supplemental recommendations, or may be subject to non-adoption.

Sebastien Ducos, GNSO Chair, briefly addressed the topic of the IRT workplan timeline, which is being handled by staff and then passed the floor to John McElwaine, GNSO Council liaison to the Facilitated Dialogue on Closed Generics group, to discuss the project plan timeline for closed generics.

John McElwaine, GNSO Council liaison to the Facilitated Dialogue on Closed Generics group, shared that the proposed plan for closed generics has 96 weeks starting from 14 June 2023. The proposed plan is to narrowly charter the EPDP so the work can be done quicker. The Stakeholder Groups and Constituencies (SG/C's) are encouraged to submit comments on the draft framework and there will be discussion at the council level to either approve or endorse going forward with the framework.

Anne Aikman-Scalese, NCA, reminded council that the Pending Recommendations Small Team is open to participation from everyone on Council, and shared that meetings will become more substantive in nature. She encourages all to participate.

Sebastien Ducos, GNSO Chair, stated that having expert non-councilors join was discussed as there will be a heavy workload.

Stephanie Perrin, NCSG, stated that it would be helpful to have a document that traced the history of concepts, terms, and definitions used in historic documents.

Sebastien Ducos, GNSO Chair, explained that the small team needed to work quickly up to now to meet deadlines, but argued that it might be a good idea to take a day or two moving on to explain all of the history to get everyone on the same page.

Susan Payne, IPC, shared that the initial report from SubPro was very detailed but there is a lot of documentation. If there are specific topics or issues of concern, there could be a training session to get all to a certain level of understanding.

Sebastien Ducos, GNSO Chair, reminded all that the initial idea for ICANN77 Day Zero was for this capacity building type of training and invited questions about Closed Generics.

Paul McGrady, small team lead, understood that Stephanie was asking for background information on the items up for board non-adoption and it made sense to train on those recommendations. He also asked if Sebastien Ducos, GNSO Chair meant to open the small team to all non-councilors?

Sebastien Ducos, GNSO Chair, recommended to invite any experts the small team may need from the outside to fill any competency gaps as anyone is already welcome to observe.

Kurt Pritz, RySG, asked if it makes sense to draft a charter for a Closed Generics EPDP, to be amended in accordance with Public Comment.

John McElwaine, GNSO Council liaison to the Facilitated Dialogue on Closed Generics group, agreed that it is a good idea to start initial work on a charter and call for volunteers. For providing guidance on approving the Closed Generics Framework, that will need to wait until comments are received.

Jeffrey Neuman, GNSO Council Liaison to the GAC, shared his concern about starting EPDP before the Closed Generics Framework is final. He stated that the GAC perspective is that an EPDP would not start until the GAC officially approves the framework.

John McElwaine, GNSO Council liaison to the Facilitated Dialogue on Closed Generics group, clarified that it is important to get the basics of a charter drafted so that no time is lost after the framework is approved.

Jeffrey Neuman, GNSO Council Liaison to the GAC, asked if the first twelve weeks and the second twelve weeks of the [draft EPDP timeline](#) (page 12) would occur simultaneously.

John McElwaine, GNSO Council liaison to the Facilitated Dialogue on Closed Generics group, stated that chartering must be in place before putting out the call for volunteers.

Sebastien Ducos, GNSO Chair, addressed Board concerns about reviewing timelines for the ongoing IDNs EPDP. The IDNs EPDP reviewed their timeline and decided that phase two is important and necessary. Provided that they do not have to spend much time reviewing Phase 1, IDNs EPDP will be able to give Council an improved timeline.

Sebastien Ducos, GNSO Chair, The [document](#) prepared to take back to the board, finalized 13 June 2023, will be sent to the board by the deadline of 15 June 2023 with no objections.

No objections were stated.

Anne Aikman-Scalese, NCA, noted that it is worth looking again to see if there are items Council is responsible for that could be sped up and included in reviewing the timelines for efficiency.

Sebastien Ducos, GNSO Chair, shared that in communications with staff and the Board, the timelines have been to the best working knowledge available and that this work is ongoing.

Jeffrey Neuman, GNSO Liaison to the GAC, noted that before a decision is made on [page 04](#), items 08 and 04 are not council activities and asked that only the council's portion of the work be included in the timeline.

Sebastien Ducos, GNSO Chair, asked if any councilors would like to take Jeffrey Neuman's suggestion on.

Susan Payne, IPC, raised her hand to take on the new timeline suggestion.

Sebastien Ducos GNSO Chair, stated that the previous typos have been updated and the [output document](#) has been recirculated. He thanked those that noticed the typos and asked for them to be corrected.

Paul McGrady, SubPro Pending Recommendations Small Team lead, noted an approach discussed during [ICANN77 Day Zero](#) to establish a holding pen for Closed Generic applications until the policy work is done and providing applicants the opportunity to amend or withdraw applications if necessary to avoid holding up the next round.

Sebastien Ducos, GNSO Chair, shared that the effort should be put in as soon as documents are finalized to find a graceful way to put Closed Generic applications on pause if that is necessary.

Desiree Miloshevic, CPH NCA, echoed that it is important to socialize this concept so it does not get buried that Closed Generics will be handled.

Anne Aikman-Scalese, NCA, shared the thought that the idea Paul McGrady introduced was that Closed Generic applications would be accepted and then it would be decided if they would comply with the results of the EPDP, however this is not appropriate with the application fee.

Sebastien Ducos, GNSO Chair, stated that they are not deciding right now how the holding pen will work, as they will do their best to complete the policy work on time, but it is important to allow Council to reassess later in the program if necessary.

Steve Chan, ICANN org, verified that he heard that Susan Payne, IPC, would like to take up the suggestion to take into account timelines through council adoption and remove the board approval and public comment and that those periods of time would be removed universally throughout the document.

Sebastien Ducos, GNSO Chair, confirmed that Steve Chan, ICANN org, was correct and asked if all agreed to send the document to the board updated with Susan Payne's amendment and corrected typos.

No objections were stated.

Action Items:

1. Staff to work with Susan Payne to amend the timelines to remove those steps not attributed to the GNSO Council.
2. Support staff on behalf of Sebastien Ducos, GNSO Chair, to submit the SubPro Timelines to the ICANN Board. See also:
<https://gnso.icann.org/sites/default/files/policy/2023/correspondence/sebastien-ducos-to-tripti-sinha-15jun23-en.pdf>

38 Outstanding Recommendations:

Clarifying Statements:

Action Items:

- Small Team to decide how to undertake the work on recommendations likely subject to non-adoption.
- Existing work of the Small Team: provision of clarifying information & identification of landing spot can be leveraged to draft Clarifying Statement.
- Staff support team to aggregate and organize clarifying Council statements and include the provision of clarifying information in an Annex.
- Small team to review clarifying statements and submit to the GNSO Council for adoption.

Board Non-Adoption:

Action Items:

1. Staff to address with Council during the July meeting the background for those recommendations that are expected not to be adopted by the Board; in addition, staff to point Councilors to existing materials.
2. Small team to consider Board concerns and provide guidance to Council on possible modifications / supplemental recommendations

Further Dialog Needed:

Action Items:

- Council to monitor ICANN Board - GAC discussions and determine next steps, if/when appropriate.
- Board liaisons to take Council feedback on 18.1, 18.3, 32.1, 32.2, 32.10 back to the ICANN Board and provide feedback to Council if there is willingness to change this to the clarifying statement bucket.

Closed Generics:

Action Items: Staff support team to work with Council leadership on developing proposed next steps, including development of a draft charter based on the current version of the framework that could serve as a starting point for a charter drafting team.

IDNs EPDP:

Action Items: Council leadership to reach out to IDN EPDP leadership to see if/how Council can provide further support to the team to deliver its Final Report.

Item 5: COUNCIL DISCUSSION - DNS ABUSE (10 minutes)

Action Items:

Council leadership to send 'thank you' notes to those that responded to the request for input on bulk registrations and share with them the small team findings document.

Leadership to further explore the possibility for CPH to open up regular CPH DNS Abuse calls to the broader community to discuss DNS Abuse topics.

Item 5: COUNCIL DISCUSSION - DNS ABUSE

5.1 - Introduction of topic (Greg DiBiase, Council Vice-Chair)

Sebastien Ducos, GNSO Council Chair, introduced the topic of DNS Abuse and passed the floor to Greg Dibiase, GNSO Council Vice-Chair.

Greg Dibiase, GNSO Council Vice-Chair, announced that CPH and ICANN have reached an agreement on the Registrar Accreditation Agreement and the Registry Agreement strengthening the DNS Abuse provisions. The DNS Abuse small team was tasked with finding out which areas of dns abuse were suitable for policy development. Contractual Compliance provided information on how they view the contract, and clauses that are ambiguous. The DNS Abuse Small team sent letters to Registries and Registrars and they engaged ICANN based on that information. The amendment they developed is out for [Public Comment](#) which ends 13 July 2023. Please all bring back to their SG/Cs and ACs as it was a community-lead development as well as contracted parties of ICANN.

Mark Datysgeld, next steps regarding DNS Abuse small team lead, shared small team did not have evidence to start policy work on bulk registrations. This was a useful discussion as ICANN picked up on the thread and commissioned a study called [Inferential Analysis of Maliciously Registered Domains \(INFERMAL\)](#) and the small team has heard that DNSAI (DNS Abuse Institute) are looking into it. This wraps up the current DNS Abuse small team work, next steps regarding DNS Abuse small will be discussed by Council.

Greg DiBiase, GNSO Council Vice-Chair, shared the proposal that there could be a neatly tailored PDP after the data comes back to measure if there is an impact and a PDP should take place. He restated that the question before Council is to consider whether to table the small team's discussion to be picked up at a later time, and recommended finding another forum to continue community discussions about DNS Abuse.

Mark Datysgeld, next steps regarding DNS Abuse small team lead, shared that the small team consensus is to wait for the results to restart next steps regarding DNS Abuse small team discussions.

Tomslin Samme-Nlar, NCSG, clarified that the small team was to identify if any further policy work is needed, and if further work is needed another small team with a different scope should be established. He also asked the contracted parties if there are any policy questions or issues that could come out of these negotiations or of the text as it is currently written.

Greg DiBiase, GNSO Council Vice-Chair, stated that the amendment is not policy, it is a contractual negotiation between two parties. Contracted Parties want to assess what impact the amendment will have, if any, and have a discussion on that impact. Some initial feedback received was that Council could potentially take one aspect of DNS Abuse and have a targeted PDP, but that is something separate from the negotiations process.

Stephanie Perrin, NCSG, noted that there has always been a concern of policy impact in contracts and that it is important to detect policy issues that may need to be under scrutiny.

Justine Chew, ALAC Liaison to the GNSO, noted that it is useful for the Council to see what comes out of the public comments on the contractual amendments and if these concerns have not been addressed properly that it would be possible to look into a policy process to move forward. To that point, the small team should be kept active until it is determined that there is no more work to be done.

Action Items:

1. Council leadership to send 'thank you' notes to those that responded to the request for input on bulk registrations and share with them the small team findings document.
2. Leadership to further explore the possibility for CPH to open up regular CPH DNS Abuse calls to the broader community to discuss DNS Abuse topics.

Item 6: COUNCIL DISCUSSION - Consideration of Accuracy Scoping Team recommendations in light of 6 month timeline originally established (factoring in April meeting discussion and input received from ICANN org)

6.1 – Introduction of Topic (Sebastien Ducos, GNSO Chair)

Sebastien Ducos, GNSO Chair, reminded the Council that it was agreed to put the Accuracy Scoping Team on pause for six months. Council is still waiting on a number of inputs that are required before reopening the issue. Susan Payne, IPC, had raised previously that six months ago it was voted on and there might need to be another vote to postpone the scoping team again. **Sebastien Ducos, GNSO Chair**, asked if a vote can be taken in July or if there needs to be further discussion on this matter.

Thomas Rickert, CSG, reminded all that the Council is waiting for the data protection agreements that have been due since the EPDP Phase 1 recommendations were adopted by the ICANN Board. Absent these agreements, there can be no progress on GDPR compliance.

Sebastien Ducos, GNSO Chair, shared the registries have received responses from ICANN org on pending questions. On first read, these showed great progress and there was strong enthusiasm from the registries.

Stephanie Perrin, NCSG, stated that there are policy implications in the DPAs between the contracted parties and ICANN and asked when they would be published for comment.

Sebastien Ducos, GNSO Chair, thanked Stephanie Perrin, NCSG for her comment and stated that the DPAs will be made available when they are able to be made available.

Action Items:

1. Leadership to put forward a motion to extend consideration of Registration Data Accuracy Scoping Team recommendations by another 6 months.

2. Thomas Rickert to put forward his AOB suggestion from the 5 June meeting on the mailing list for further consideration by Council.

Item 7: GNSO TOWN HALL (30 minutes)

7.1 - Introduction of Topic (Sebastien Ducos, GNSO Council Chair)

Sebastien Ducos, GNSO Chair, welcomed the community to the GNSO Town Hall portion of the meeting. He asked specifically to hear about attrition from the participants.

Heather Forrest, applauded the council, for devoting an entire day to a single topic. She was disappointed at how few action items came out of that full day of discussion and asked the council to think creatively and to not let process back themselves into a corner.

Farzaneh Badiei, expressed concern about the transparency of Council small teams. She had heard that small teams represent the Council views, and she believes small teams should not represent the council in other fora.

Sebastien Ducos, GNSO Chair, confirmed that there has been considerable effort to be transparent and the recordings have been made available online. The idea is for the groups to be nimble, and they are not public forums in all cases. Some small teams have been invited by council to step up and represent the work of the small team to the rest of the community.

Farzaneh Badiei, also raised the concern that the Facilitated Dialogue on Closed Generics Chatham House rule also does not allow for transparency.

Sebastien Ducos, GNSO Chair, reminded all that the Board asked the Council to work with the GAC on this matter and the group chose that forum for itself. He has heard feedback that there may be ways to get the results in the future without closing the doors.

Jeffrey Neuman, GNSO Liaison to the GAC, strongly requested that the Council no longer allow the Facilitated Dialogue on Closed Generics to use Chatham House rule. In 2013 the GNSO Council passed a Consensus Policy to allow Registries to release IGO acronyms to the public as they see fit. The board never adopted that proposal because the GAC requested a moratorium on that Consensus Policy.

Kurt Pritz, RySG, agreed with Jeffrey Neuman, GNSO Liaison to the GAC, in wishing the Facilitated Dialogue on Closed Generics was open but recognized that if the state of the free world relies on GAC agreeing to participate, then it had to be done.

Mason Cole, BC Chair, made a brief statement on behalf of the BC and thanked Contracted Parties on their work on DNS Abuse over the past several months.

Mark Datysgeld, next steps regarding DNS abuse small team lead, acknowledged Farzaneh Badiei's intervention and reminded all that at some point the small team's view is internalized and becomes the Council's consensus viewpoint.

Donna Austin, IDNs EPDP Chair, thanked the Council and GNSO secretariat for giving the IDNs EPDP four slots on the ICANN77 schedule, benefiting the EPDP team.

Paul McGrady, SubPro Pending Recommendations small team lead, thanked Mason Cole for recognizing the efforts of Contracted Parties and staff. He also addressed volunteer attrition and shared his previous experiences in encouraging volunteers. Council could try encouraging years of service in handing out ribbons and try to bring newcomers into volunteer work by not assuming that people will step up on their own without outreach effort from experienced community members..

Keith Drazek, reinforced the importance of clear charters with outlined deliverables and ensuring that working groups meet face-to-face at critical junctures to advance the work.

Sebastien Ducos, GNSO Chair, shared that the IDNs EPDP requested a specific retreat in Asia and that this has been approved. Additionally, ICANN org leadership has encouraged the GNSO to ask if further events are needed.

Tomslin Samme-Nlar, NCSG, asked how the volunteers in the IDNs EPDP are handling increased regular meeting hours and face-to-face meetings.

Donna Austin, IDNs EPDP Chair, responded that the team is holding up well and has appreciated the opportunity to meet so frequently during ICANN77, and that attendance is steady but has dropped off from the initial start. It is not a controversial EPDP, but is technical and substantive in nature.

Anne Aikman-Scalese, NCA, asked if it would be helpful to develop a list of entry level committees for beginners to be involved in.

Due to time constraints Sebastien Ducos, GNSO Chair, paused the discussion and moved to the next agenda item.

Action Items: GNSO Council leadership to ask ICANN Org to offer information on how they provide incentives to community members to volunteer; staff to add to the July agenda for discussion.

Item 3 - Consent Agenda

Greg DiBiase, GNSO Council Vice-Chair, shared the [motion to Commemorate Pam Little](#) to recognize her significant contribution to the GNSO Council and the multistakeholder model and membership.

Councilors present voted unanimously in favor of this item.

Community members paid tribute to Pam Little, esteemed colleague, mentor, and previous GNSO Council leader who passed away earlier in 2023. This portion of the meeting begins at one hour and thirty minutes into the [recording](#).

Item 8: ANY OTHER BUSINESS

8.1 ccNSO & GAC Liaison updates (Desiree, ccNSO liaison to the GNSO Council; Jeff Neuman, GAC liaison to the GNSO Council)

In the interest of time, this item was postponed.

8.3 Group Photo

Sebastien Ducos, GNSO Council Chair, invited councilors to take a group photo in the hall.

Action Items: Staff to ask the liaisons if they could provide updates to the list and/or during the July meeting.

Sebastien Ducos, GNSO Chair, adjourned the meeting at 3:34 EST.

The next GNSO Council meeting will take place on Wednesday, 20 July 2023 at 21:00 UTC