Minutes of the GNSO Council Meeting 25 October 2023

Agenda and Documents

GNSO Council meeting in Hamburg, Germany on Wednesday, 25 October 2023 at 13:00 CEST:

https://tinyurl.com/6p8yscar

04:00 Los Angeles; 07:00 Washington DC; 12:00 London; 13:00 Paris; 14:00 Moscow; 22:00 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 (apologies)

Marika Konings - Vice President, Policy Development Support

Mary Wong - Vice President, Strategic Policy Management

Steve Chan – Vice President, Policy Development Support & GNSO Relations

Julie Hedlund - Policy Development Support Director (GNSO)

Berry Cobb - Senior Program Manager, Policy Development Support

Ariel Liang - Policy Development Support Manager (GNSO)

Caitlin Tubergen - Policy Development Support Director (GNSO)

Terri Agnew - Policy Operations Specialist (GNSO)

Devan Reed - Secretariat Operations Coordinator

Item 1. Administrative Matters

1.1 - Roll Call

1.2 - Statements of Interest (SOI).

1.3 - Review / Amend Agenda

1.4 - Note the status of minutes for the previous Council meetings per the GNSO Operating Procedures:
Minutes of the GNSO Council meeting on 24 August 2023 were posted on 09 September 2023.
Minutes of the GNSO Council meeting on 21 September 2023 were posted on 08 October 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

There was one item on the consent agenda:

● Confirmation of Appointment of Ashley Heineman as GNSO-appointed Co-Chair of the IANA Naming Function Review Team

Councilors present voted in favor of all Consent Agenda items.

Vote results

Action Items: On behalf of the GNSO Council, the GNSO Secretariat accepts Ashley Heineman's appointment as the Co-Chair of the IANA Function Review Team and thanks her for her willingness to serve.

Item 4: COUNCIL VOTE - GNSO Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI) Recommendations Report on Review of the Statement of Interest (SOI) Requirements (15 minutes) | item start time 13:15 CEST

4.1 – Presentation of motion (Manju Chen, CCOICI Chair)

4.2 – Council discussion

4.3 – Council Vote (voting threshold: simple majority)
Manju Chen, CCOICI Chair, seconded by **Desiree Miloshevic, NCA,** submitted the [motion](#) to adopt the GNSO Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI) Recommendations Report on Review of the Statement of Interest (SOI) Requirements. This item was deferred from the 21 September 2023 GNSO Council meeting.

Whereas,

1. The CCOICI [tasked](#) the GNSO Statement of Interest (SOI) Task Force (TF) to address the following questions:

- Is the original objective of the SOI, as stated in the BGC WG Report, still valid? If not, why not and what should the current objective be?
- Based on the response to question 1), is the requested information to be provided as part of the SOI still fit for purpose? If not, why not, and what would need to be changed to make it fit for purpose?
- Are there any further measures that should be considered from an enforcement / escalation perspective, in addition or instead of those already included in the requirements?

2. The TF commenced its deliberations in February 2022, submitting the [TF Recommendations Report](#) to the CCOICI on 27 April 2023. As the TF was not able to achieve full consensus on one essential element of its recommendations, namely whether there should be an exemption for those prevented by professional ethical obligations to disclose who they are representing in a specific effort, it recommended the CCOICI take on responsibility for resolving this specific issue as all other recommendations had achieved full consensus.

3. The CCOICI took up this issue in May of 2023 and considered it in detail as outlined in Annex A of the [CCOICI Recommendations Report](#). As the CCOICI was not able to resolve the different positions on the exemption language, the CCOICI agreed to revert to the current, existing exemption language in the SOI to allow the Council to consider all the other recommendations as outlined in section 2 and 3 of the CCOICI Recommendations Report. These recommendations achieved full consensus of the TF as well as the CCOICI.

4. The CCOICI submitted its [Recommendations Report](#) to the GNSO Council on 14 August 2023.

5. The GNSO Council [considered](#) the CCOICI Recommendations Report during its August 2023 meeting.

Resolved,

1. The GNSO Council adopts the recommendations as outlined in section #2 (SOI Recommendations) and #3 (Proposed Updates to the GNSO Operating Procedures), with the caveat that the proposed updates to the GNSO Operating Procedures will not be implemented until resolved #2 and #3 have been completed.
2. The GNSO Council requests that the GNSO Policy Development Support Staff develop a proposed implementation plan for these recommendations, recognising that exploring the technical options as well as the transition needs careful consideration.
3. The GNSO Council will consider the proposed implementation plan and as part of that consideration confirm when the proposed updates to the GNSO Operating Procedures are expected to take effect.
4. The GNSO Council thanks the members of the GNSO SOI TF as well as the CCOICI for its work.

The motion failed.

[Vote results.](#)

Antonia Chu, RrSG, made a [statement](#) on behalf of the Registrar Stakeholder Group.

Kurt Pritz, RySG, made a [statement](#) on behalf of the Registries Stakeholder Group.

Stephanie Perrin, NCUC, made a [statement](#) in her personal capacity.

Sebastien Ducos, GNSO Chair, noted that the last portion of the motion was thanking the CCOICI and SOI TF and wanted to emphasize the council's appreciation.
Mark Datysgeld, BC, thanked the CCOICI and SOI TF team, and the chair Manju Chen for their work.

Item 5: COUNCIL DISCUSSION - Optional Topics for Potential Council Response (30 minutes)

(i) Pilot Holistic Review Revised Draft Terms of Reference | item start time 13:30 CEST

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

5.2 - Discussion

5.3 – Next steps

Greg DiBiase, GNSO Council Vice-Chair, reviewed three letters received from ICANN asking for feedback on proposed processes. First, he asked for feedback regarding [Pilot Holistic Review Terms of Reference.](#)

Osvaldo Novoa, ISPCP, noted that this terms of reference still does not address primary issues noted in the first public comment and noted the lack of independent examination in the holistic review.

Susan Payne, IPC, noted that there are aspects where the GNSO can collectively comment on.

Greg DiBiase, GNSO Council Vice-Chair, asked for volunteers to draft a comment. Mark Dasygeld, BC, Bruna Martins dos Santos, NCUC, and Osvaldo Novoa, ISPCP, responded. He continued to the second document, [Proposed Process for Retirement of Non-Policy Recommendations](#) and noted that it seems like a straightford process to remove non-policy recommendations.

Susan Payne, IPC, noted that this document needs a review and there may be a gap as the document talks about certain consultations and criteria are to be met for lack of support. She is not convinced there is an adequate consultation for the level of community support at the initial stage.

Greg DiBiase, GNSO Council Vice-Chair, suggested a further review of the [Proposed Process for Retirement of Non-Policy Recommendations](#) and taking comments to the mailing list. The third document, Continuous Improvement Program Community Coordination Group (CIP-CCG). He notes that this seems to be an attempt to coordinate improvement efforts between the Supporting Organizations (SOs) and Advisory Committees (ACs). This letter asks for feedback on whether and how the CIP-CCG should be established.

Action Items:

1. **GNSO Council comment on** the proposed Pilot Holistic Review Revised Draft Terms of Reference: GNSO Councilors to indicate whether they wish to volunteer for a small team to develop a comment. Volunteers during the meeting: Osvaldo Novoa, Bruna Martins Dos Santos, Mark Datysgeld.
2. GNSO Council comment on the Proposed Process for the Retirement of Non-Policy Recommendations: GNSO Councilors to review the proposed process and indicate on the list whether there is in interest in providing comments.
3. None.

Item 6: COUNCIL DISCUSSION - GNSO Liaison to the Governmental Advisory Committee (GAC) Annual Report (10 minutes)| item start time 14:00 CEST

6.1 – Introduction of topic (Jeff Neuman, GNSO Liaison to the GAC)

6.2 – Council discussion

6.3 – Next steps

Sebastien Ducos, GNSO Chair, introduced GNSO Liaison to the GAC, Jeffrey Neuman to present the GAC Annual Report.

Jeffrey Neuman, GNSO Liaison to the GAC, shared that the role of GNSO Liaison to the GAC is important as it is also an educational role to new GAC representatives regarding the work and history of the GNSO. Over the past several years the GNSO - GAC relationship has become more collaborative. This avoids the situation where the GNSO went through a Policy Development Process (PDP) and at the end the GAC would send comments straight to the ICANN Board. Jeffrey Neuman, GNSO Liaison to the GAC, also noted that the GAC has a formal point of contact to the GNSO, Jorge Cancio, who provides regular updates on GAC activities. He also noted that one of their main roles is to prepare for the GNSO-GAC Bilateral meetings at ICANN meetings, and that he has included some steps in his report to help the transition to the new liaison.

Gregory DiBiase, GNSO Council Vice Chair, thanked Jeffrey Neuman, GNSO Liaison to the GAC, for his work and noted that the GNSO and GAC have had improved communications.

Desiree Miloshevic, RrSG, thanked Jeff Neuman for acting in this role for so long and noted that there can be a focused, exceptional small team created if necessary to provide further input on the processes Jeffrey Neuman, GNSO Liaison to the GAC, is creating.

Sebastien Ducos, GNSO Chair, repeated thanks to Jeffrey Neuman and moved to the next agenda item.

Item 7: COUNCIL DISCUSSION - Diacritics Issue in Latin Script (20 minutes) | item start time 14:10 CEST

7.1 – Introduction of topic (Sebastien Ducos, GNSO Chair)

7.2 – Council discussion

7.3 – Next steps

Sebastien Ducos, GNSO Chair, noted that the conversation shifted regarding this issue, and reviewed a presentation that was intended to educate Councilors on Diacritics in Latin Script.

Mark Datysgeld, BC, spoke as a long time contributor to the Universal Acceptance Project and shared that it is unfair to force non-ASCII languages to choose between how their language is meant to be and complying with a legacy decision. In this case, both strings should be owned by the same entity and should resolve the same.

Susan Payne, IPC, noted that whether the two strings are confusingly similar is a question of string similarity, and if they are determined to be confusingly similar they cannot coexist. That set of rules is established. She asked if it is a big enough problem for this problem to put resources behind at the moment.

Anne Aikman-Scalese, NCA, noted that wherever a variant has actually been deemed a variant according to past policy processes, there is an exception to allow the original applicant for the underlying ASCII word to be granted that TLD when it is actually a variant. If it is not a variant, as is the case with diacritics, it is subject to panel determination. She also noted her support for an issue report.

Stephanie Perrin, NCUC, stated that if the GNSO does not do something quickly, it will be years from now before anything can be done.

Jeffrey Neuman, GNSO Liaison to the GAC, shared that the GAC is asking if there are other ways to address this issue that are not policy related and noted that Policy Development Processes are supposed to be about future problems, not for one TLD or for curing issues of the past. In the future, TLD applicants know that they need to choose one TLD.

Mark Datysgeld, BC, stated that during the first round there was no Universal Acceptance group and people had to guess, and they made reasonable choices. For the next round, there is a better structure in place to account for those cases.

Thomas Rickert, ISPCP, noted ISPCP support to resolve this issue quickly. He noted an example from .eu in Greek, which was originally refused by the string similarity panel, and then after political debate about the sovereignty of states was re-evaluated and determined not confusingly similar to the string similarity panel, and then was delegated following the ccTLD Fast-Track program.

Desiree Miloshevic, NCA, supported moving forward with the issue report and noted that it is important to keep it within one registry, so that the users could potentially use either version and see the same results.

Anne Aikman-Scalese, NCA, agreed with Desiree Miloshevic, NCA, and noted support for an issues report to avoid running afoul of policy processes.

Kurt Pritz, RySG, noted that many TLDs have been waiting for this round to get their variants, and that it may not be appropriate to grant this request that has been determined to not be a variant.

Sebastien Ducos, GNSO Chair, shared that while the words "Fast Track" have been used today, they were not a part of the request made by .quebec and noted that reconvening the reconvening the Latin Script LGR Generation Panel would be a laborious process involving reaching far beyond the ICANN community as well as taking community time and resources.

Steve Chan, ICANN org, noted that if there is not a fair chance a PDP will take place, Council can ask for a study instead and shared that there needs to be consideration on staff resourcing.

Paul McGrady, NCA, noted that more information is better than less and requested that whatever path is chosen, it does not become a dependency for the next round.

Mark Datysgeld, BC, agreed to move forward with a study.

Kurt Pritz, RySG, asked for a list of questions that a report or study would need to address.

Action Items: Mark Datysgeld to draft for GNSO Council review a request for staff to produce a study to inform the GNSO Council on the issue of diacritics in Latin Script and in particular as it relates to .québec.

Item 8: ANY OTHER BUSINESS (30 minutes) | item start time 14:30 CEST

8.1 – Farewell to outgoing Councilors

Greg DiBiase, GNSO Council Vice-Chair, said farewell to the outgoing councilors, Sebastien Ducos, Marie Pattullo, John McElwaine, and Farrell Folly.

Julie Bisland, ICANN org, presented gifts to the outgoing Councilors.

8.2 – Update - Open Contracted Party House DNS Abuse Calls (Greg DiBiase)

Greg DiBiase, GNSO Council Vice-Chair, raised that the CPH has open meetings, and plans to invite one SO/AC for the CPH to share information with, to inform projects and develop possible inputs to each meeting. He asked anyone interested in being the designated point of contact for their stakeholder group or constituency to reach out to him.

Justine Chew, ALAC Liaison, asked to clarify the offer of the CPH's outreach outside of Council and volunteered to be a contact for ALAC.

Action Items: GNSO Councilors to identify their points of contact for their SGs/Cs/ACs and provide them to Greg DiBiase.

8.3 – GNSO Framework for Continuous Improvement Pilot Review (Manju Chen)

Manju Chen, CCOICI Chair, announced that there will be a review on the CCOICI Pilot Program. The review plan has already been circulated to the Council mailing list and no objections were noted.

8.4 – Open microphone (Continuation of anniversary session discussion / input)

The following topics were raised at the open microphone:

- IDNs EPDP Phase 1 reached full consensus
- Concerns were raised regarding small teams and transparency
- Contract amendments regarding DNS Abuse
- NCSG Day Zero activities

Sebastien Ducos, **GNSO Chair,** adjourned the meeting at 14:46 CEST.

The next GNSO Council meeting will take place on Thursday, 16 November 2023 at 21:00 UTC.