

## **GNSO NCPH Intersessional Meeting 2017, Reykjavik (Iceland)**

### *Co-chair Session Notes/Action Items/Next Steps*

*(V6March2017)*

This document aggregates session reports provided by the various co-chair teams responsible for scheduled agenda sessions held during the February 2017 NCPH Intersessional Meeting in Reykjavik, Iceland. Meeting participants are asked to review and follow-up as needed and desired. Comments and edits are welcomed.

Session transcripts and recordings of all the sessions can be found here -

<https://community.icann.org/x/LoLDAw>

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**Day 1 Plenary Lunch – ICANN Compliance Issues** | Co-chairs: Jonathan Zuck (IPC), Anna Loup (NCUC)

*Awaiting report*

**Plenary Session #2 – NCPH Procedural In-House Issues** | Co-chairs: Victoria Sheckler (IPC), Klaus Stoll (NPOC)

*Awaiting report*

**Plenary Session #3 – New gTLDs, Next Phase** | Co-chairs: Tony Harris (ISPCP), Avri Doria (NCSG)

The ISPCP does not support opening the window to new applications until the evaluation proceedings of the recent round have been completed.

The ISPCP was instrumental in the creation of the Universal Acceptance Steering Group - UASG, and an update of the progress achieved to date was provided by Christian Dawson and Mark McFadden, who highlighted the fact that much work must yet be done to ensure widespread acceptance of new gTLDs.

Experience during the recent round has unearthed a significant fact concerning ICANN Accredited Registrars - the four leading registrars account for 54% of domain registrations, and if they do not accept a request from a new gTLD registry to have their domain included in their storefronts, then effectively the new gTLD is denied access to 54% of the potential registrant market.

The problem is worse if the new gTLD is from a developing region, since there are practically no local registrars in these regions, and gTLDs are significantly registered through resellers, most of whom have one of the four dominant registrars as their wholesale operator. This highlights a certain inequity in the way retail of gTLDs is currently structured, i.e., ICANN accredited registrars are the **exclusive** retail outlets for gTLDs, but they are under **no obligation** to carry a new gTLD (they can pick those they find attractive).

When those registrars with a **dominant market share** refuse to carry a new gTLD, this can have a severe impact on the chances of success (or indeed survival) of a new domain. Perhaps this not insignificant potential market access roadblock needs to be detailed in the next applicant guidebook to alert potential applicants and allow them to weigh this into their calculations.

**Plenary Session #4 – Policy Discussion Topic** | Co-chairs: Marc Trachtenberg (IPC), Poncelet Ileleji (NPOC)

*Awaiting report*

**Day 2 - Plenary Lunch – ICANN Budgeting Discussions** | Co-chairs: Jimson Olufuye (BC), Ed Morris (NCUC)

*Awaiting report*

**Plenary Session #5 – Maintaining the GNSO’s traditional policy making leadership position at ICANN** | Co-chairs: Tony Holmes (ISPCP), Kathy Kleiman (NCUC)

- We opened with a brief discussions of groups/avenues that are working on gTLD policy outside the GNSO. They include the GAC, ALAC and Public Interest Commitments.
- Our lengthy group discussion wound up focusing on GAC-GNSO and the upcoming IGO-INGO negotiations the Board has asked our GNSO leaders to conduct with the GAC, which exemplified the challenges facing the GNSO.
- Generally and broadly, the GNSO NCPH supports the work of the IGO-INGO Working Group, and the process by which it achieved its final report. We (NCPH) supported the need for the GAC to have participated more actively in that and other Working Groups.
- It is frustrating to have policy changed after so much work is done in the GNSO to create it; we would like to figure out how to avoid returning to debates and reformatting at the very end of the process.
- There is great interest in trying to figure out how to a) notify the GAC of our GNSO policy work earlier in the process, and b) seek GAC input and dialogue earlier in the process - before final recommendations are made. It was proposed that GNSO Council should continue to notify the GAC of progress on key issues at regular intervals, explicitly stating any actions they require the GAC to consider at that particular stage.

**Plenary Session #6 – NCPH “Presenting”** | Co-chairs: Steve DelBianco (BC), Joan Kerr (NCSG)

- Wide agreement that NCPH is more than just a “voting algorithm” for Council. It is also a board director selector and vice chair elector.
- NCPH is not an accountability structure. But Tatiana reminded us that we need a place to publish our procedures for board director selection and vice chair election. Should also post NCPH documents, meeting communiques, etc.
- Agreement that we should shape the future role of NCPH.
- For the 2019 GNSO independent review required by the bylaws, we should define “effectiveness” and suggest review methods and success criteria.
- We agreed that effectiveness could include two dimensions:
  - Effectiveness of the stakeholder groups and constituencies within the NCPH and GNSO; and
  - Effectiveness of the GNSO in the broader context of ICANN board and community. Review and recommendations here could include giving 2 more board

seats to GNSO. That would fit with gTLD significance at ICANN, and would allow commercial and non-commercial stakeholders to each nominate a board director.

- All agreed that additional board seats for GNSO were warranted. But some worry that “targeting” new board seats was a dangerous way to proceed.
- Some suggested we should develop effectiveness and scope suggestions in conjunction with the Contracted Parties House.
- Rinalia, chair of the board’s Organizational Effectiveness Committee (OEC), said she’d welcome our suggestions for review scope, whether for all of GNSO or just for NCPH. Reminded us that this review must be done by an outside, independent group. Said that every AC/SO seems to hate the review. Rinalia said that a larger review might cost more, but that cost was not the main factor in selecting the review contractor. Asked whether the broader community should weigh-in on the suggested effectiveness definition and scope.
- Most said that Westlake’s review was not competent.
- We recalled the joint statement ([link\[community.icann.org\]](http://link[community.icann.org])) from our 2015 NCPH Intersessional, including this:
  - What is required is a thorough review of the current GNSO structure that takes full account of the evolution of the DNS and the interaction that is required between those players who have a major role to play in GNSO policy development. Without recognition of the need to undertake this exercise and commit to a program that is developed with the full cooperation of all impacted parties, an important part of ICANNs multi-stakeholder model will continue to be viewed as dysfunctional by many of those who remain committed to try and deliver coherent and progressive policy within the current structural architecture of the GNSO.
- Wide agreement to begin developing definition of “effectiveness” and scope/methods of review. Stefania Milan volunteered to help.
- General agreement that NCPH should continue to meet.
- Preference for face-to-face meetings, annually or every two years.
- Suggestion to meet before or after the ICANN B meeting.
- Most were in favor of doing the NCPH intersessional at same place and time as the Contracted Parties House (CPH) Intersessional/GDD meetings.
- Commercial and non-commercial stakeholders live together in this house as a result of a “shotgun” wedding. But however we may have come to be married, we may as well try to make the marriage work.
- Other action items arising from the session:
  - Suggest improvements for the next GNSO review, including defining “effectiveness” and suggesting methods and terms of reference. (Stefania Milan has already provided advice on methods)
  - Look at accountability structure; reviewing best practices, fix voting issues, define and understand NCPH
  - Revisit the NCPH Model during the next GNSO review