Final Proposed Agenda 2024-02-15

Please note that all documents referenced in the agenda have been gathered on a Wiki page for convenience and easier access: https://community.icann.org/x/8IAvEQ.

This agenda was established according to the GNSO Operating Procedures v3.5, updated on 15 March 2023.

For convenience:

- An excerpt of the ICANN Bylaws defining the voting thresholds is provided in Appendix 1 at the end of this agenda.
- An excerpt from the Council Operating Procedures defining the absentee voting procedures is provided in Appendix 2 at the end of this agenda.

GNSO Council meeting on Thursday, 15 February 2024 at 21:00 UTC: http://tinyurl.com/42vy5duf

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

GNSO Council Meeting Remote Participation:

https://icann.zoom.us/j/92283565389?pwd=QnlHK1JSbzdISFFZSJRjmxMTkNGdz09

Councilors should notify the GNSO Secretariat in advance if they will not be able to attend and/or need a dial out call.

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Item 1: Administrative Matters (5 minutes)

1.1 - Roll Call

1.2 - Updates to Statements of Interest

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 21 December 2023 were posted on 02 January 2024

Minutes of the GNSO Council Meeting on 18 January 2023 were posted on 02 February 2024

Item 2: Opening Remarks / Review of Projects & Action List (0 minutes)

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 (5 minutes)

- Confirm Leadership of Standing Selection Committee ("SSC")
- Confirm GNSO-Nominated ICANN Fellowship Program Mentor

Item 4: COUNCIL VOTE - Registration Data Accuracy (20 minutes)

The Registration Data Accuracy (RDA) Scoping Team was initiated by the GNSO Council in July 2021 per the formation instructions. The Scoping Team was tasked with considering a number of accuracy-related factors such as the current enforcement, reporting, measurement, and overall effectiveness of accuracy-related efforts. These considerations are to help inform the team's deliberations and development of recommendations to the GNSO Council on whether any changes are recommended to improve accuracy levels, and, if so, how and by whom these changes would need to be developed (for example, if changes to existing contractual requirements are recommended, a PDP or contractual negotiations may be necessary to effect a change).

The Scoping Team completed Assignment #1 (enforcement and reporting) and Assignment #2 (measurement of accuracy) and submitted its write up to the Council on 5 September 2022. In its write up, the Scoping Team suggested moving forward with two proposals that would not require access to registration data, namely a registrar survey (recommendation #1) and a possible registrar audit (recommendation #2) that may help further inform the team's work on assignment #3 (effectiveness) and #4 (impact & improvements), while it awaits the outcome of the outreach to the European Data Protection Board (EDPB) by ICANN org in relation to proposals that would require access to registration data (recommendation #3).

ICANN org provided an update to the Council during the 20 April meeting. During its meeting on 20 June 2023, the Council voted to extend the deferral of the consideration of recommendations #1 and #2, pending resolution of recommendation #3 (pausing the work on proposals that require access to registration data until there is clarity from ICANN org on if/how it anticipates the requesting and processing of registration data to be undertaken in the context of measuring accuracy).

On 19 October 2023, ICANN org provided an update on Registration Data Accuracy efforts, and the Council discussed the update during its 16 November 2023 meeting. During that meeting, some Councilors noted that, barring (i) completion of the Data Processing Agreement, (ii) implementation of the NIS2 directive, or (iii) publication of the Inferential Analysis of Maliciously Registered Domains (INFERMAL) Study, it may not be the appropriate time to reconvene the Accuracy Scoping Team. Now that six months have passed since the Council's deferral of the accuracy scoping work, the Council will need to consider next steps.
Here, the Council will vote on deferring the consideration of the accuracy scoping work for an additional six months or potentially sooner if there is a passage of a significant event, e.g., completion of the Data Processing Agreement, implementation of the NIS2 directive, or publication of the INFERMAL study.

4.1 - Introduction of Topic (Greg DiBiase, GNSO Chair)

4.2 - Council Vote (Voting Threshold: Simple Majority)

4.3 - Next Steps

**Item 5: COUNCIL DISCUSSION - Update on SubPro Small Team Progress (20 minutes)**

In March 2023, the ICANN Board approved the majority of the recommendations contained in the Final Report on the new gTLD Subsequent PDP, but also placed some recommendations into a pending status. The Council convened a small team that worked collaboratively with the ICANN Board to resolve all pending recommendations. While the majority of the pending recommendations were able to be adopted by the ICANN Board, recommendations across six Topics were non adopted by the ICANN Board.

With the primary task of addressing the pending recommendations now complete, the Council has tasked the Small Team Plus with an updated assignment form. The Small Team Plus has committed to a work plan to address the recommendations not adopted by the Board. Following that plan, the Small Team has completed initiation steps (i.e., developed background materials, preliminary Supplemental Recommendation language, and issued a call for volunteers for the Small Team Plus). The Small Team Plus has come to preliminary Supplemental Recommendation language (i.e., stable text) for most of the six Topic.

Here, the Council will receive an update on the progress of the Small Team Plus.

5.1 - Introduction of Topic (Paul McGrady, Small Team Plus Lead) - slide presentation

5.2 - Council Discussion

5.3 - Next Steps

**Item 6: COUNCIL DISCUSSION - Next Steps for Consideration of Expired Domain Deletion Policy (“EDDP”) and Expired Registration Recovery Policy (“ERRP”) (15 minutes)**

The GNSO Council previously considered when to request a Policy Status Report (“PSR”) for the purpose of conducting a review of the two Expiration Policies, the EDDP and the ERRP. In November 2020, given concerns about its capacity and no known issues with the policies, the Council agreed to delay the request for the Policy Status Report (PSR) for a period of 24 months. After 24 months had passed, the Council reconsidered whether it was an appropriate time to request a Policy Status Report.

To that end, in July 2022, the Council agreed that it would be helpful to consult with both registrars and ICANN org to help determine if there are any known issues or concerns with either of the two Expiration Policies which could warrant requesting a PSR. ICANN org shared a report from Contractual Compliance colleagues on 1 November 2022, and GNSO Councilors from the Registrar Stakeholder Group shared feedback from registrars on previous Council calls.

During its meeting on 17 November 2022, representatives from ICANN org’s Contractual Compliance Team provided a briefing of the report, and the Council briefly considered potential next steps. Following its review of the report, the Council agreed that both the EDDP and ERRP may benefit from further work, though the timing for the work requires further consideration. In particular, as the Compliance report noted, the language of the policy is ambiguous in parts and has caused confusion for registrants. As the ERRP was implemented in part to ensure that “expiration-related provisions in typical registration agreements are clear and conspicuous enough” and to ensure that “adequate notice exists to alert registrants of upcoming expirations,” the continuing registrant confusion warrants further consideration. Additionally, some of the existing language has become obsolete due to intervening data protection law requirements and will require updates. To that end, the Council requested further information from ICANN org on what expiration-related educational materials are currently published and whether additional information can be provided (whether as registrant educational material referenced in Section 4.3 or elsewhere on ICANN’s website). The Council noted receipt of this information would be helpful to the Council in determining if updates to these materials or additional material in other forms could be helpful to combat the ongoing registrant confusion.

Here, the Council will receive an update from ICANN org on the published materials.

6.1 - Introduction of Topic ( Greg DiBiase, GNSO Chair)

6.2 - Council Discussion

6.3 - Next Steps

**Item 7: COUNCIL DISCUSSION - ICANN79 Preparation (20 minutes)**

Pre-ICANN79 GNSO Policy Webinar:

- Monday, 26 February 2024 at 21:00 UTC

Note: Mandatory for GNSO Council members

During ICANN79, the GNSO Council has the following meetings and events scheduled (times listed in AST):
During its Strategic Planning Session the Council agreed to conduct a triannual detailed review of the Program Management Tool. The action item coming from the SPS provided, “During a session at ICANN79, Council to prepare for a careful review of work captured in the Program Management Tool (PMT) that will conclude or initiate prior to the next AGM, or continue beyond the next AGM. Paul McGrady to coordinate with staff to plan for this inaugural effort.”

Here, the Council will receive an overview of the current block schedule and plan for its in-person meetings.

7.1 - Introduction of Topic (Greg DiBiase, GNSO Chair)

7.2 - Council Discussion

7.3 - Next Steps

Item 8: COUNCIL UPDATE: Draft NCAP Study 2 Report (15 minutes)

The Name Collision Analysis Project Discussion Group (NCAP) is currently seeking input on its draft Study 2 report and responses to a series of questions from the ICANN Board regarding name collisions as outlined in resolution 2017.11.02.30 and reaffirmed in resolution 2021.03.25.13.

The draft Study 2 report is structured to guide the reader through the methodology and significant findings of three pivotal research studies, as well as the analysis of the NCAP Discussion Group’s extensive work activities. This material is what informs the eleven strategic recommendations provided at the end of the report.

One of the key recommendations is the establishment of a new workflow, the Name Collision Risk Assessment Workflow, designed to enhance the assessment process of new generic top-level domains (gTLDs). This recommendation underscores the NCAP Discussion Group’s belief that name collisions should be approached not merely as a technical challenge but as a critical risk management issue.

Here, the Council will receive an overview of the draft Study 2 report and have the opportunity to ask questions.

8.1 - Introduction of Topic (Greg DiBiase, GNSO Chair) - slide presentation

8.2 - Council Discussion

8.3 - Next Steps

Item 9: ANY OTHER BUSINESS (20 minutes)

9.1 - ccNSO & GAC Liaison updates (every three months)

9.2 - Board letter on Closed Generics

9.3 - Standing Predictability Implementation Review Team (“SPIRT”) Charter Drafting Team Update

9.4 - Status Update on Council Requests

9.5 - Update from Contracted Party House Abuse Subgroup’s Meeting with the Non-Commercial Stakeholder Group
9.6 - CCOICI Survey Reminder

9.7 - Update on diacritic study request

Appendix 1: GNSO Council Voting Thresholds (ICANN Bylaws, Article 11, Section 11.3(i))
See https://www.icann.org/resources/pages/governance/bylaws-en/#article11.

Appendix 2: GNSO Council Absentee Voting Procedures (GNSO Operating Procedures, Section 4.4)

References for Coordinated Universal Time of 21:00 UTC
Local time between November and March in the NORTHERN hemisphere
See https://www.timeanddate.com/time/change/ for Dates for Daylight Saving Time and Clock Changes

California, USA (PST) UTC-8 13:00
San José, Costa Rica (CST) UTC-6 15:00
New York/Washington DC, USA (EST) UTC-5 16:00
Buenos Aires, Argentina (ART) UTC-3 18:00
Kinshasa, Democratic Republic of Congo (WAT) UTC+1 22:00
Paris, France (CET) UTC+1 22:00
Moscow, Russia (MSK) UTC+3 00:00
Singapore (SGT) UTC+8 05:00
Melbourne, Australia (AEDT) UTC+11 08:00

For other places see http://www.timeanddate.com and http://tinyurl.com/42vy5duf