Final Proposed Agenda 2024-05-16

GNSO Council Agenda 16 May 2024

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/tQJyEw.

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, 16 May 2024 at 05:00 UTC: https://tinyurl.com/4dthynkr

22:00 Los Angeles (Wednesday); 01:00 Washington DC; 06:00 London; 07:00 Paris; 08:00 Moscow; 15:00 Melbourne

GNSO Council Meeting Remote Participation: https://icann.zoom.us/j/92283565389?pwd=QnlHK1JSbzdSI5FFZSJRjamxMTkNGdz09

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

____________________________

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 06 March 2024 were posted on 23 March 2024.

Minutes of the GNSO Council Meeting on 18 April 2024 were posted on 03 May 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)

- GNSO Liaison to the Governmental Advisory Committee - Job Description
- Council Response to Board Letter on CCWG Auction Proceeds Recommendation 7

Item 4: COUNCIL VOTE - Request for Preliminary Issue Report for Diacritics in Latin Script (15 minutes)

The GNSO Council was made aware of a potential issue whereby future applied-for strings in the Latin script containing diacritics may be confusingly similar to ASCII strings, are non-variants, and the same entity wishes to operate both strings.

For background, an applied-for IDN gTLD string in the Latin script containing diacritics, which is NOT an allocatable variant label of the base ASCII string (existing or applied-for) according to RZ-LGR, are sometimes seen as equivalents. In some instances however, the base ASCII string is seen as a workaround and not necessarily "correct". The base ASCII string and the Latin diacritic string may be determined to be confusingly similar (i.e., in which case, the strings would be placed in a contention set or if an existing gTLD is involved, the applied-for label would not pass the String Similarity Review).

During the GNSO Council Meeting at ICANN78 in Hamburg on 25 October 2023, the GNSO Council received a detailed briefing on this issue and agreed to request a study from ICANN org to help inform the GNSO Council on the issue of diacritics in Latin Script. Prior to the request being made to ICANN org, the org volunteered to investigate what mechanism or mechanisms might be appropriate to address this issue.

Following the discussion during its April 2024 meeting, the Council discussed requesting a Preliminary Issue Report on diacritics in the Latin Script. On 6 May 2024, the request for an Issue Report was circulated to the Council mailing list.

Here, the Council will vote to request ICANN org to deliver a Preliminary Issue Report on diacritics in the Latin Script.

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

4.2 - Council Discussion

4.3 - Council Vote (Voting threshold: simple majority)
Item 5: COUNCIL DISCUSSION - Deferral of Policy Status Report Request - Expiration Policies (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 Expired Domain Name Deletion Policy ("EDDP") and the Expired Registration Recovery Policy ("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 PSR.

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.

In making its decision whether to request a PSR at this time, the Council consulted:

1. Registrars, who were asked to flag substantial issues with the policies that would warrant a near-term request for PSR and did not note any issues
2. ICANN Compliance, who provided a write-up, noting confusion with key terms in the policy and persistent registrant confusion with the auto-renew grace period and aftermarket activities, et al.
3. ICANN org Registrant Program, which provided a catalog of the available educational resources on domain name expiration and renewal (Brian Gutterman’s update at Council)

In reviewing these materials, the Council determined that the EDDP and ERRP seem to have been implemented as intended and imminent policy work is not needed at this time. Accordingly, the GNSO Council will reconsider a PSR on the Expiration Policies in two years time, or earlier, if a need is determined and it is requested.

Here, the Council will discuss to consider a PSR on the Expiration Policies in two years.

5.1 - Introduction of Topic (Greg DiBiase, GNSO Chair)
5.2 - Council Discussion
5.3 - Next Steps

Item 6: COUNCIL DISCUSSION - GNSO Council Committee for Overseeing and Implementing Continuous Improvement ("CCOICI") Pilot Survey Results (20 minutes)

Over the course of several months in 2021, the GNSO Council discussed how it could best approach the GNSO’s work that is focused on structural, procedural, and process improvements, and specifically not policy development. Notably, this work affects the GNSO community more broadly, and not just the GNSO Council. Given concerns about workload and the efficacy of the approach to this portfolio of work, the GNSO Council resolved on 16 June 2021 to initiate the Council Committee for Overseeing and Implementing Continuous Improvement ("CCOICI") Framework as a pilot and to reevaluate the Framework after the conclusion of its tasks. The pilot handled the following assigned tasks: 1) GNSO Working Group Self-Assessment Requirements; 2) GNSO Statement of Interest (SOI) Requirements; and 3) Assessment of Accountability Work Stream 2 Requirements.

To conclude the pilot, the CCOICI administered a survey to all relevant ICANN Community Stakeholder Groups and Constituencies during 1 February-5 March 2024. In administering this survey, the CCOICI assessed the views of each SG/C to evaluate if the Council and GNSO community see value in continuing the use of the CCOICI Framework and if needed, determine how it could be improved. If the survey results noted a significant issue, this should be the trigger to initiate appropriate measures to deal with such issues.

Here, the Council will receive an overview of the results of the survey and discuss the next steps for the CCOICI.

6.1 - Introduction of Topic (Manju Chen, Chair of CCOICI) slide presentation
6.2 - Council Discussion
6.3 - Next Steps

Item 7: COUNCIL DISCUSSION - Intellectual Property Constituency Request for Reconsideration (15 minutes)

On 22 November 2023, the Intellectual Property Constituency (IPC) filed a Request for Reconsideration of the ICANN Board Resolutions 2023.10.26.11 and 2023.10.26.12, regarding (i) the actions and inactions that led to (a) the ICANN Board’s public comment of 6 December 2018 on the Initial Report of the Cross-Community Working Group on New gTLD Auction Proceeds (CCWG-AP), (b) the organization of the public comment phase on the Proposed Final Report of the New gTLD Auction Proceeds Cross Community Working Group, (c) the ICANN Board Resolutions 2022.06.12.13 to 2022.06.12.16, and (ii) the actions and inactions involving the implementation of the ICANN Grant Giving Program.

Here, the Council will hear an update on the Request for Consideration and discuss potential next steps for the Council, if any.

7.1 - Introduction of Topic (Susan Payne, GNSO Councilor for IPC)
7.2 - Council Discussion
7.3 - Next Steps

Item 8: COUNCIL DISCUSSION - Review of Action Decision Radar (20 minutes)
During the GNSO Council’s most recent strategic planning session, the Council discussed the topic of how to be an effective manager of the GNSO’s Policy Development Process (PDP). In recognition of the importance of regularly reviewing the Council’s portfolio of work, the Council agreed to the following action item, “During a session at ICANN79, Council to prepare for a careful review of the work captured in the Program Management Tool (PMT) that will conclude or initiate prior to the next AGM, or continue beyond the next AGM.”

The Council conducted this inaugural review of the Projects List during its Working Session at ICANN79 on Sunday, 3 March 2024. The review also intended to include an overview of the Action Decision Radar (“ADR”); however, due to time constraints, the Council agreed to review the ADR at an upcoming Council meeting.

The ADR is a tool designed to assist the Council by highlighting imminent decisions or actions that need to be taken by the GNSO Council. The ADR contains a series of range markers, e.g., 0-1 month, 1-3 months, etc., to alert the Council to the timing of the upcoming action or decision.

Here, the Council will review the contents of the ADR and discuss next steps.

Item 9: GNSO Council Aspirational Statement (10 minutes)

During its most recent strategic planning session, the GNSO Council discussed the desire to have a common understanding of how outputs from the bottom-up multistakeholder model should be voted on at the Council level.

Specifically, the Council agreed to the following action items coming out of the SPS:

Proposed Action Item 4.1: Council to develop an aspirational (non-binding) statement to reflect that Councilors should not seek to undo bottom-up consensus-driven outcomes of GNSO WGs.

Proposed Action Item 4.2: Once action item 4.1 is complete, Councilors to leverage the aspirational statement to build awareness within their respective SG/Cs.

Here, the Council will discuss the most recent iteration of the aspirational statement, which seeks to incorporate the previous feedback from Councilors and discuss next steps.

Item 10: Any Other Business (15 minutes)

10.1 - Update on ICANN80 planning and GNSO Draft schedule & Prep week schedule

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

10.3 - SPS Action Item Updates: Recommendation Reports and GNSO Liaisons to WGs - slide presentation

10.4 - Call for Volunteers - Privacy and Proxy Services Accreditation Implementation Review Team (PPSAI)

10.5 - Transfer Policy Working Group Letter from Chair

10.6 - Pre-ICANN80 GNSO Policy Webinar on Tuesday, 21 May at 21:00 UTC - Note: GNSO Councilor Attendance is mandatory

10.7 - Informal meeting with ICANN Board on Monday, 20 May at 13:00 UTC

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 05:00 UTC

Local time between March and November in the NORTHERN hemisphere

See https://www.timeanddate.com/time/change/ for Dates for Daylight Saving Time and Clock Changes
California, USA (PDT) UTC-7  22:00 (Wednesday)
San José, Costa Rica (CST) UTC-6  23:00 (Wednesday)
New York/Washington DC, USA (EDT) UTC-4  01:00
Buenos Aires, Argentina (ART) UTC-3  02:00
Kinshasa, Democratic Republic of Congo (WAT) UTC+1 06:00
Paris, France (CEST) UTC+2  07:00
Moscow, Russia (MSK) UTC+3  08:00
Singapore (SGT) UTC+8  13:00
Melbourne, Australia (AEST) UTC+10 15:00

For other places see http://www.timeanddate.com and https://tinyurl.com/4dthynkr