

Final Proposed GNSO Council Agenda 22 April 2021

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/wwCICQ>

This agenda was established according to the [GNSO Operating Procedures](#) v3.5, updated on 24 October 2019

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 held 19:00 UTC

Coordinated Universal Time: 19:00 UTC: <https://tinyurl.com/53pezj7x>

12:00 Los Angeles; 15:00 Washington; 20:00 London; 21:00 Paris; 22:00 Moscow; (Friday) 05:00 Melbourne

GNSO Council Meeting Remote Participation: <https://icann.zoom.us/j/93389361205?pwd=ZkE3R2dGZWJ1T1F1RUxNUtXcFdRUT09>

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 (10 mins)

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 24 March 2021 were posted on 08 April 2021.

[Minutes](#) of the GNSO Council meeting on 08 April 2021 were posted on 22 April 2021.

Item 2: Opening Remarks / Review of Projects & Action List (15 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)

- Acknowledgment of the GNSO Council liaison to Transfer Policy PDP - Greg Dibiase
- Approval of the Chair for the Transfer Policy PDP - Roger Carney ([SOI](#))

Item 4: COUNCIL VOTE - Second GNSO Representative to the Community Representatives Group (CRG) to nominate the Independent Review Process (IRP) Standing Panel (10 minutes)

A Community Representatives Group (CRG) has been formed to select nominees for the Bylaws-mandated Independent Review Process (IRP) Standing Panel. The GNSO has the opportunity to appoint up to two members to serve on the CRG, but only one application was received by the GNSO in response to an initial [Expression of Interest process](#). The candidate was considered and recommended by the GNSO Standing Selection Committee and subsequently appointed by the GNSO Council.

The SG/C Chairs initiated a [second Expression of Interest process](#) to identify an additional GNSO representative to serve on the CRG. The SSC was tasked with reviewing Expressions of Interest and recommending a candidate for GNSO Council approval. On 12 April 2021, the SSC submitted its full consensus recommendation that the GNSO Council appoint Donna Austin, by way of submission of the relevant [Motion](#).

Here, the GNSO Council will consider the recommendations of the SSC and vote to approve the second GNSO representative to the Community Representatives Group (CRG) that will nominate the Independent Review Process (IRP) Standing Panel.

4.1 – Presentation of the [Motion](#) (Carlton Samuels)

4.2 – Council discussion

4.3 – Council vote (voting threshold: simple majority)

Item 5: COUNCIL BRIEFING - Briefing from CPH DNS Abuse Group (35 minutes)

The topic of DNS abuse was not explicitly identified in the charter of the New gTLD Subsequent Procedures PDP (SubPro). However, it was a topic of interest identified by the Competition, Consumer Trust and Consumer Choice Review Team (CCT-RT), which made recommendations regarding the subject. In considering the CCT-RT Final Report, the ICANN Board took varying actions on 35 total recommendations, accepting some, passing through others, and placing some in a pending status (see [scorecard](#)). SubPro considered the CCT-RT recommendations related to DNS abuse (i.e., 14, 15, and 16) though they remain in a "Pending" status" (with the exception of recommendation 16, which was partially passed through) and have not been approved by the ICANN Board.

On 27 April 2020, the SubPro Co-Chairs sent a [letter](#) to the GNSO Council to share the then current thinking of the Working Group on the topic of DNS abuse, which was to recommend that a holistic solution will be needed in all gTLDs, not just new gTLDs. The Council was briefed on this expectation during its May 2020 Council meeting. The Board [took further action](#) on some of the pending recommendations during its meeting in October of 2020, approving recommendation 16, though 14 and 15 remain in a pending state (see [scorecard](#)).

The SubPro WG has since submitted its Final Report to the GNSO Council, confirming its approach to not make DNS abuse recommendations, and instead suggesting the holistic approach to all gTLDs; the GNSO Council adopted the Final Report and relevant Outputs during its February 2021 Council meeting.

The GNSO Council has yet to take next steps on DNS abuse as it seeks to better understand the community's definitions of DNS abuse and where there remain gaps in the community's ability to combat DNS abuse in an effective manner. As part of this educational and level-setting exercise, the GNSO Council has invited the Contracted Parties House DNS Abuse Group to provide an update on its work and to facilitate a discussion on the topic.

Here, the Council will receive an update from the CPH DNS Abuse Group and engage in dialogue on DNS abuse.

5.1 – Introduction of topic (Council Leadership)

5.2 – Briefing and Council discussion (Reg Levy, Brian Cimboric, Jim Galvin, CPH DNS Abuse Group) [Slide deck](#)

5.3 – Next steps

Item 6: COUNCIL DISCUSSION - IGO Work Track Update and Council Acknowledgment of Work Plan (15 minutes)

On 18 April 2019, the Council [voted](#) to approve recommendations 1-4 of the Final Report from the IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG. The Council also resolved to not approve Recommendation 5 and, "directs the Review of All Rights Protection Mechanisms in All gTLDs (RPM) PDP to consider, as part of its Phase 2 work, whether an appropriate policy solution can be developed that is generally consistent with Recommendations 1, 2, 3 & 4 of the PDP Final Report and:

- accounts for the possibility that an IGO may enjoy jurisdictional immunity in certain circumstances;
- does not affect the right and ability of registrants to file judicial proceedings in a court of competent jurisdiction;
- preserves registrants' rights to judicial review of an initial UDRP or URS decision; and
- recognizes that the existence and scope of IGO jurisdictional immunity in any particular situation is a legal issue to be determined by a court of competent jurisdiction."

In respect of that resolution, the GNSO Council prepared an [Addendum](#) to the RPMs PDP charter to support work related to Recommendation 5 and [approved](#) it during its January 2020 Council meeting. During its September 2020 Council meeting, the Council agreed to initiate both the Expressions of Interest process to identify a single, qualified Work Track Chair and issue a call for Members and Observers to join the IGO Work Track. Led by Chris Disspain as the Chair, the Work Track has been meeting since late February of 2021. The Work Track has sought to make meaningful progress within the bounds of the Addendum, with members recognizing that this foundational discussion will influence how the group will work and thus, what its [work plan](#) should look like.

In chartering this work, the GNSO Council expected that the work should be completed in an efficient manner and that frequent updates to the Council would be helpful to ensure an effective outcome.

Here, the Council will receive an update on the progress of the Work Track and acknowledge the Work Track's work plan.

6.1 – Introduction of topic (Council Leadership)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION - Status Update Regarding EPDP Phase 2A (10 minutes)

On 21 October 2020, the GNSO Council approved the [initiation](#) of EPDP Phase 2A, to examine the topics of legal/natural and feasibility of unique contacts. In doing so, the Council required that:

"[a]t the latest 3 months after reconvening, the Chair of the EPDP Team and GNSO Council Liaison to the EPDP will report back to the GNSO Council on the status of deliberations. Based on this report, which is expected to include an update on progress made and the expected likelihood of consensus recommendations, the GNSO Council will decide on next steps, which could include providing additional time for the EPDP to finalize its recommendations or termination of the EPDP if it is clear that no progress is being made or consensus is unlikely)."

During the February Council meeting, the Chair of the EPDP Team and GNSO Council Liaison to the EPDP shared a [presentation](#) and provided an update to the Council. The Council agreed that more time should be afforded to continue to make progress. The EPDP Team has since received responses from Bird & Bird to the EPDP Team's Legal Committee's questions.

Here, GNSO Council Liaison to the EPDP will provide an update on the EPDP Team's progress to the Council

7.1 – Introduction of topic (Philippe Fouquart, GNSO Council liaison to the EPDP Team)

7.2 – Council discussion

7.3 – Next steps

Item 8: COUNCIL DISCUSSION - Wrap-up from the extraordinary meeting (15 minutes)

With an abundance of work and less interaction and meeting time during virtual meetings versus in-person ICANN meetings, the GNSO Council realized that additional dedicated time is needed for the GNSO Council to deliberate on substantive matters. As a result, the GNSO Council scheduled and held an extraordinary meeting on 8 April 2021, covering four topics:

- EPDP Phase 1 Rec 27 (Wave 1.5)
- Introduction to the Briefing Paper on Accuracy Requirements and Programs from ICANN's Global Domains & Strategy (GDS)
- GNSO Council Consideration of SAC114
- GNSO Framework for Continuous Improvement

Here, the Council will discuss its takeaways from that meeting and discuss proposed paths forward as applicable and where available.

8.1 – Introduction of topic (Council Leadership)

8.2 – Council discussion

8.3 – Next steps

Item 9: ANY OTHER BUSINESS (5 minutes)

9.1 - [Timeline for GNSO Chair election](#)

9.2 - GNSO Council liaison to the SSAD Operational Design Phase

9.3 - GNSO Review of ICANN70 GAC Communiqué

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)

See <https://gns0.icann.org/sites/default/files/file/field-file-attach/op-procedures-30jan18-en.pdf>

References for Coordinated Universal Time of 19:00 UTC

Local time between November and March Winter in the NORTHERN hemisphere

California, USA (PDT) UTC-7 12:00

San José, Costa Rica (CST) UTC-6 13:00

New York/Washington DC, USA (EDT) UTC-4 15:00

Buenos Aires, Argentina (ART) UTC-3 16:00

Rio de Janeiro, Brazil (BRST) UTC-3 16:00

London, United Kingdom (GMT) UTC+1 20:00

Kinshasa, Democratic Republic of Congo (WAT) UTC+1 20:00

Paris, France (CEST) UTC+2 21:00

Moscow, Russia (MST) UTC+3 22:00

Singapore (SGT) (+1 day) UTC+8 03:00

Melbourne, Australia (AEDT)(+1 day) UTC+11 05:00 -----

DST starts/ends on Sunday 31 October 2021, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 7 November 2021 for the US.

For other places see <http://www.timeanddate.com> and <https://tinyurl.com/53pezj7x>