

GNSO Liaison Monthly reports 2012

GNSO Council Meeting - 20 December 2012

Agenda: <http://gns0.icann.org/en/meetings/agenda-council-20dec12-en.htm>

Motions: <https://community.icann.org/display/gnsocouncilmeetings/Motions+20+December+2012>

MP3: <http://audio.icann.org/gns0/gns0-council-20121220-en.mp3>

Transcript: <http://gns0.icann.org/en/meetings/transcript-council-20dec12-en.pdf>

Minutes: <http://gns0.icann.org/en/meetings/minutes-council-20dec12-en.htm>

Overview: This was a meeting with significant substance and might be worth listening to. Substantive issues of interest to At-Large included RCRC/IOC protections, Consumer Trust, TO BE COMPLETED

Second Level Protections for certain International Olympic Committee/Red Cross Red Crescent (IOC / RCRC) names in the first round of New GTLDs: This is the motion for temporary protection of IOC/RCRC at the second level pending the completion of the longer term PDP. This motion failed at the last GNSO meeting due to a procedural problem. The recommendations is to some extent less important due to the recent Board decision on temporary protections. There was also a substantive discussion of the occurrences of the last meeting including the chair's actions, the concept of conflict of interest, and the in particular the concept of re-submitting a motion that had previously failed. This latter issue was quite divisive and I think merits some discussion within the ALAC (and outside of the rules of procedure revision process). The motion passed with all Councillors voting for the motion, except for the NCSG (5 nos and 1 absent with counts as an abstention which counts as a no).

MOTION - Consumer Trust: The advice letter of the Consumer Choice, Trust, and Competition WG incorporating the changes which caused it to be withdrawn last time was discussed. Wendy Seltzer suggested that the GNSO pass the letter to the Board but not endorse it. Her rationale can be heard at about 1 hour into the MP3 or in the transcript (and can be found in a minority report of the WG). The amendment was not taken as friendly and did not pass. Wendy further made a motion to replace her minority vote with the full version in lieu of the WG summary of it. It was not considered friendly. Jeff suggested that instead of amending the motion, her comments could be included as a Councillors statement and this was accepted.

Jeff, who initiated the changes, thanked the group for its flexibility in revising the report following its original final report.

Suspension of a Policy Development Process – Proposed revision of the GNSO PDP Manual: The PDP process already allows for termination for a variety of reasons (deadlock, changed circumstances, lack of participants). This proposed change added the ability to temporarily suspend a PDP for the same reasons. The motion was withdrawn because it was recently recognized that there were potential problems with suspending (or terminating?) a PDP which had been mandated by the Board. There was some confusion due to an error in recording one vote, but the motion passed with all NCSG Councillors either voting no or being absent.

Trademark Clearinghouse (TMCH) Strawman Proposal and Defensive Registrations Discussion: ICANN's CEO has requested GNSO Council input on the Strawman Proposal recently developed through the TMCH related implementation discussions, that has been posted for public comment <http://www.icann.org/en/news/announcements/announcement-30nov12-en.htm>. ICANN's CEO additionally requested Council input on the joint proposal from the Business Constituency/Intellectual Property Constituency (BC/IPC) for a "limited preventative registration mechanism" which is also currently available for public comment. Related to this discussion is the Staff briefing paper <http://gns0.icann.org/en/node/32287> to the GNSO Council on the topic of defensive registrations at the second level, in response to a previous request from the New GTLD Committee (2012.04.10.NG2). The New GTLD Committee requested the GNSO to consider whether additional work on defensive registrations at the second level should be undertaken. The Council is to discuss: (i) a response to the ICANN CEOs request, and (ii) to consider whether to undertake any additional work related to the BC/IPC proposal and/or the Staff briefing paper, on the topic of second level defensive registrations.

Margie Milam summarized the issues. There followed a good discussion with some people supporting the letter that Mason Cole drafted (<http://atlarge-lists.icann.org/pipermail/alac/2012/002752.html>), some saying that any letter from the GNSO must reflect the entire Council (enem if undivided). I made a statement saying that I and ALAC were not happy with the process followed, but that we felt that the type of flexible and open meetings would be crucial to good decision making on difficult issues (as was demonstrated by STI). But that it was preferable if the initiative came more from the GNSO. This has (reasonably) been described as a critical moment in recognizing (or changing) whether the GNSO is or is not the prime gTLD policy development organization in ICANN. No action was taken, but it looks like there will be a number of outcomes including a short statement on the role of the cCouncil and a more substantive response on the substance.

UPDATE - Response to the GAC Letter: The GAC has sent a letter to the GNSO Council with regard to the initiation of a PDP on the IGO/INGO issue, and specifically requesting a rationale for undertaking a PDP i.e. an explanation as to why GNSO believes this issue should be evaluated through a PDP rather than simply executed as an implementation process. This letter and recent activities related to work on the Trademark Clearinghouse, highlights a broader issue regarding the boundary between policy development and implementation work as well as the effective integration of policy development and integration work from the outset.

Neustar had drafted a possible statement and can be found at <http://gns0.icann.org/mailling-lists/archives/council/msg13928.html>. There was a good discussion of the content and other options. A formal response from the GNSO is targeted for mid-January, with an immediate heads-up to the GAC Chair saying that the silence so far is not equivalent to the GNSO ignoring them.

ATRT2 Developments: The call for applicants to serve on the next Accountability and Transparency Review Team (ATRT) has been extended until 14 January 2013. (See: <http://www.icann.org/en/news/announcements/announcement-03dec12-en.htm>). The GNSO has asked for 4 members (one per SG) and for additional time to make endorsements. So far, with the delayed application period ending on Jan 15, and the next GNSO Council call on Jan 17, the timing is problematic. A special call will likely be held (as it was for ATRT-1).

LIVE EDITING STOPPED HERE - WILL BE COMPLETED LATER

INFORMATION - GNSO Council Review and SIC Update: In Toronto, the Chair of the SIC provided an overview of a new framework for future independent review efforts at ICANN. The GNSO was used as a case study to describe the effort because it is the first Supporting Organization lined-up in the next review cycle. Staff will brief the Council on the set of criteria metrics for GNSO Stakeholder Groups and Constituencies, and the work underway to develop metrics for the Council and the Working Group Model of policy.

Any Other Business: xx

GNSO Council Meeting - 20 July 2012

Agenda: <http://gns0.icann.org/meetings/agenda-council-20jul12-en.htm>

Motions: None

MP3: <http://audio.icann.org/gns0/gns0-council-20120510-en.mp3>

Transcript: <http://gns0.icann.org/meetings/transcript-council-20jul12-en.pdf>

Minutes: <http://gns0.icann.org/meetings/minutes-council-20jul12-en.htm>

Overview: Substantive issues of interest to At-Large included 2nd level defensive registrations under the new gTLD, Inter-Governmental Organization name protections, Thick Whois for Verisign registries, The Whois Review team Report, Fake renewal notices and the upcoming GNSO review.

Defensive registrations and IGO names: Discussion of opening a comment period on the briefing paper, merging this with IGO issue into a single IR. No conclusion was reached, and the discussion will continue, on the list and presumably at the next Council meeting. It is conceivable that despite the lack of decision on the part of the GNSO Council to merge the two issues together, staff might include as one option for the PDP to widen it to include the more general 2nd level protection case.

Thick Whois: The DPD on Thick Whois for Verisign had been put on hold pending the signing of the .com contract renewal. Since the Board approved the renewal in Prague, the GNSO has now taken the PDP off hold and is asking for volunteers to draft the PDP WG Charter.

There is the potential that this charter may, instead of being narrowly focused on the original issue, be widened to look at whether all registries should adopt the thin model, or perhaps some other third option apply to all registries. If we do not want that to happen, we need to get involved in the drafting team.

Whois review team board request: The Board has asked for advice regarding how it should respond to the Whois Review Team Report with replies due by 31 August. Opinions on the GNSO vary, with NCSG taking the most extreme position that the recommendations are policy and that requires GNSO Policy development. Others agree that the issues need to be addressed on a one-by-one basis. Staff said that some of the issues might be addressed through multiple means including policy development or contract negotiations or other means.

The ALAC needs to consider whether it replies to the Board or not (over and above the ALAC comment on the report).

Fake Renewal Notices: There was some support for a fast-track PDP on the issue. The current state is that Mason Cole (who supported the fast-track PDP concept) will confer with the registrars and see what options they can offer. In particular what can be done regarding the apparently one bad actor involved.

GNSO Review: A review of the GNSO is scheduled to start next year, and has been the subject of several discussions. Some feel, as I do, that this is about the worst time for a review, given that it will be evaluating the GNSO just before the impact of new gTLDs is felt, and that by the time the review results are implemented, the GNSO may be in a very different situation. Others feel that since change is coming, it is the best time for a review because reviews are the opportunity to change. In my mind, the latter belief puts a bit too much faith in the skills of the reviewers to be able to see into the future.

GNSO Council Meeting - 10 May 2012

Agenda: <http://gns0.icann.org/meetings/agenda-council-10may12-en.htm>

Motions: <https://community.icann.org/display/gnsocouncilmeetings/Motions+10+May+2012>

MP3: <http://audio.icann.org/gns0/gns0-council-20120510-en.mp3>

Transcript: <http://gns0.icann.org/meetings/transcript-council-10may12-en.pdf>

Minutes: <http://gns0.icann.org/meetings/minutes-council-10may12-en.htm>

Overview: Substantive issues of interest to At-Large included Best Practices for addressing abusive registrations; update on the new PDP process; International Olympic Committee/Red Cross Names Drafting Team; ongoing JAS efforts; cancellation of Friday Board meetings; ICANN Academy and Rework of URS. On an agenda which rarely has substantive Any Other Business, the last three items mentioned here were all AOB. Several items on the agenda were deferred until the next meeting - an increasingly common occurrence.

Best Practices for addressing abusive registrations: Following the recommendation of the Registration Abuse Policies (RAP) Working Group, the GNSO Council requested a discussion paper on the creation of non-binding best practices to help registrars and registries address the abusive registrations of domain names. The discussion paper recommended the creation of two Working Groups, one to establish the framework for best practices and one to propose candidate best practices to address the abusive registration of domain names. The motion on the table would set up a drafting team to create the charter for these groups. As you can tell from the history, this issue has been discussed for some time now, with Best Practices being the current incarnation.

There was a request to defer this motion to the next GNSO Council meeting, but there was a reasonable discussion prior to the deferral. The Registries SG felt that the motion was premature given the large number of other efforts that are underway that are somewhat related to this one. It was also pointed out that once the new gTLD applications are made public, Question 28 asks applicants about their proposed abuse prevention & mitigation - so waiting until this information was available might be wise. All parties agree that the month delay would give an opportunity for the various factions to talk and perhaps come to a suitable agreement.

Update on the new PDP process: This was a [presentation](#) scheduled for Costa Rica and deferred twice due to lack of time. The PDP process is a complex one, and one that some people find a hard time understanding. This presentation is EXCELLENT and serves to make the multi-step PDP process much easier to understand (it was created by graphics designer Tom Hodgson in case we need some spiffy graphics in the future).

A discussion followed largely focused on how long a PDP must take and whether there are any options for fast-tracking a PDP. The current answer is that a PDP can take no less than about 9 months, and now probably closer to 11 months since the Public Comment period minimum duration has been increased. I repeated the position that the ALAC has taken that the Council should develop a faster method for cases where there is little disagreement between the various stakeholders.

International Olympic Committee/Red Cross Names Drafting Team: The issue of whether the current IOC/RC Drafting Group should continue its work or not was up for discussion. The focal point was whether the current drafting team should continue its work (now working on what if any special protections the IOC/RC should have at the 2nd level for the first round of new gTLDs. Some Councillors felt that the PDP that is being discussed on the more general protection of inter-governmental organizations should take the place of the current DT. Others felt the DT should continue its work, since the PDP will not likely result in any outcome soon enough for the first round (see previous item). Among those who felt the work needed to continue, there was some belief that the DT itself was not the correct body to do the work. A letter is being drafted but at the time of this writing (late 10 May), it is not quite clear what that letter will say, and if the DT will continue or not.

Ongoing JAS efforts: The issue was a concern of some Councillors that the JAS WG, by meeting with staff and making recommendations on how the implementation should proceed, and in fact by volunteering some members of the WG to actively participate in the selection process, the JAS WG had overstepped its mandate. I put forward my personal position (since this has not been actively discussed by the ALAC or ExCom) that the JAS group was working properly under its current extended mandate to interact with staff during the implementation, and that the only possible problem was that it should also pass its recommendations back through its chartering bodies. No decision was taken and the discussion will no doubt continue online and at the next GNSO Council meeting.

Cancellation of Friday Board meetings: There was a lively discussion on the issue of the cancellation. Some felt that the shortened week was great. Others thought that if the Board meeting was cancelled, the time should productively be used for other things. There was a great concern over the apparent lack of transparency regarding how the Board makes its decision and concern that without even the token open Board meeting, the ability of the community to judge its Board members (and particularly to judge those who are eligible for reappointment) was compromised.

ICANN Academy: There was minimal time left for this discussion, but there was a general feeling that this was a good thing (after it was explained - again). There was still concern about under whose auspices this is being done, who will fund it, and so forth. A letter is being drafted to be sent by Stéphane that will no doubt identify these concerns.

Rework of URS: The issue is that a rework of the URS to lower its cost to participants was "announced" within the budget document. Since the URS had been created by a GNSO group (with At-Large participation), it was strongly felt that the GNSO should have been explicitly informed ahead of time. The budget document said that "summits" would be held to discuss the issue. A note from Kurt Pritz before the meeting (he could not attend) said that despite the words in the budget document, the revision process would be a bottom-up one and the GNSO would pay a major role in it. A letter will be sent to Steve Crocker making it clear that the GNSO believes that this should be a GNSO-led operation.

GNSO Council Meeting - 12 April 2012

Agenda: <http://gnso.icann.org/meetings/agenda-council-12apr12-en.htm>

Motions: <https://community.icann.org/display/gnsocouncilmeetings/Motions+12+April+2012>

MP3: <http://audio.icann.org/gnso/gnso-council-20120412-en.mp3>

Transcript: <http://gnso.icann.org/meetings/transcript-council-12apr12-en.pdf>

Minutes: <http://gnso.icann.org/meetings/minutes-council-12apr12-en.pdf>

Overview: Substantive issues of interest to At-Large included the Thick Whois PDP, a request for an Issue Report on the protection of names and acronyms of International Governmental Organizations, the .com contract renewal, a report from ICANN Compliance, and an update on the RAA Final Issue Report and the status of RAA Negotiations.

Thick Whois PDP: At its March 14th meeting, the GNSO Council voted to initiate a PDP on the issue of requiring all registries to implement a Thick Whois (currently all registries and planned registries do use thick Whois with the exception of those operated by Verisign). The intent of the motion was to defer any further work (ie taking a drafting team with developing a PDP charter) until after the .com contract is revised. The rationales included the possibility that Thick Whois might be included in the contract, Council and Staff workload, and the concept that there should not be a PDP to address an issue with one registry operator. On the last item, I pointed out that the Domain Tasting PDP was essentially that, and the Registries had no problem at that time. Staff indicated that resources were available at this time to undertake the PDP. Of particular interest was the comment that although the Registry SG was in favour of the deferral, Verisign was not and would prefer to have the PDP start immediately. After significant revision, the motion defers any further work on the PDP until the first Council meeting after Nov. 30th. The .com contract negotiation was no longer referenced in the motion, although it was implied by the deferral date. The motion passed unanimously. Conceivably, the Council could defer again in December, but I do not think that is too likely (but certainly possible, all the more so if staff resources are tight at that time).

Request for an Issue Report on the protection of names and acronyms of International Governmental Organizations: There were two competing motions on this issue, one from A NomCom appointee and once from the NCSG. Ultimately they were came to an agreement and a single motion was voted on requesting an Issue Report on:

- Definition of the type of organizations that should receive special protection at the top and second level, if any; and
- Policies required to protect such organizations at the top and second level.

I had two comments on this. First, I felt that the word "definition" was too prescriptive, since one of the likely outcomes would be to put that responsibility on the GAC. My other concern was that starting this initiative in parallel with the current one to look at Red Cross/IOC protections at the second level for the first round would be duplicating work, and putting an unreasonable load on the people, many of which would be involved in both groups. There was agreement with changing the word Definition by the motion presenter, but intimately it fell through the cracks (the problem with a Liaison not having the right to move such a change. The motion passed.

Report from ICANN Compliance: This was a report from Maguy Serad on existing systems, improvements and changes made since the reporting group report, improvements and changes foreseen in the near future and gaps. The report can be found at <http://gns0.icann.org/issues/rap/contractual-compliance-report-reporting-uniformity-16mar12-en.pdf>. The presentation can be heard on the MP3, starting at 1 hour and 12 minutes and running for about 14 minutes.

.com Contract Renewal: This was a short discussion raised by Jeff Neuman who felt that the inclusion of the reference to the Thick Whois PDP in the preamble to the .com agreement Public Comment was taken out of context. I tended to agree with him, but there was no general wish in the GNSO Council to make a comment on it.

Update on the RAA Final Issue Report and the status of RAA Negotiations: This was a presentation scheduled for Costa Rica but the Council had run out of time. It starts at 1 hour and 42 minutes into the MP3 and goes for about 16 minutes (somewhat garbled at the end). The report documents are [RAA Drafting Team Negotiation Summary-GNSO Final.pdf](#) and [raa negotiations progress report 01Mar2012](#)

GNSO Council Meeting - 19 January 2012

Agenda: <http://gns0.icann.org/meetings/agenda-council-19jan12-en.htm>

Motions: <https://community.icann.org/display/gnsocouncilmeetings/Motions+19+January+2012>

MP3: <http://audio.icann.org/gns0/gns0-council-20120119-en.mp3>

Transcript: <http://gns0.icann.org/meetings/transcript-council-19jan12-en.pdf>

Minutes: <http://gns0.icann.org/meetings/minutes-council-19jan12-en.pdf>

Overview: Once again, a very heavy agenda, and although some items significantly exceeding their allotted time, the meeting overall completed a few minutes early. Substantive issues on interest to At-Large included the Whois Review Team Report, two UDRP motions, Cross Constituency Working Groups, a discussion of outreach and time allocation in Costa Rica. Note that Transcripts are now available for GNSO Council meetings in addition to MP3 recordings.

Whois Review Team Report: An interesting presentation. Although Review Team members could not present due to limited access, the Chair, Emily Taylor was present. The presentation is at <http://gns0.icann.org/correspondence/presentation-whois-policy-draft-report-19jan12-en.pdf>. I would strongly suggest that the ALAC get such a briefing at its February meeting (prior to Costa Rica). As a measure of the level of detail and interest, the agenda item had 10 minutes allocated and 34 used.

IRTP-B PDP - Rec 8: The recommendation related to standardizing and clarifying WHOIS status messages. Staff have provided a proposed implementation. The IPC submitted a comment on it and staff have agreed that it was sufficiently substantive as to warrant a review of the proposed implementation. Accordingly the motion to approve was deferred.

IRTP-B PDP - Rec 9, part 2: This recommendation requested a new provision on when and how domains may be locked or unlocked. Staff prepared a proposed implementation plan and it was unanimously approved.

Cross Constituency Working Group Principles: As has been discussed on At-Large and ALAC lists, many GNSO Council members believe that future Cross Constituency Working Groups (CCWGs) should operate under set rules. In preparation for entering into discussions with other SOs and ACs, the GNSO charged a Drafting Team with developing a set of principles that the GNSO believed were important. The DT (in which I participated at the express wish of the GNSO) fulfilled its mandate and the principles were brought to the Council for discussion and possible approval. Note that if approved, they would simply be a starting point for discussion with other groups and not an end point. One point in particular, whether multiples charters should be allowed at the start of a WG, has generated significant discussion. Due to the Chair of the DT not being present, and the NCSG being in the midst of a discussion of the issue, the issue was not voted on at this meeting. It will be brought back to the GNSO for face-to-face discussion during the weekend preceding the Costa Rica meeting, and voted on at the Wednesday GNSO Council meeting.

Outreach: The GNSO Improvements Report as approved by the Board Governance Committee required additional outreach to get more people involved in the GNSO. The GNSO charged a working group with coming up with a plan, and after long discussions, it did so. The recommendations were voted on by the GNSO Council on 17 November 2011 and the motion was defeated. This meeting discussion is the follow-on. There was a very lively discussion, regarding what should be done next (if anything). Opinions were very mixed. It was suggested that at the very least, the GNSO needed to formally decide to not do any further outreach as a Council, as it was a SG/Constituency responsibility. The discussion was deferred until a face-to-face discussion in Costa Rica.

AOB: The outline of the agenda for Costa Rica was presented. There was a strong comment made that the weekend had become far too heavily loaded with reports, and insufficient time was devoted to policy discussion and preparation for meetings later in the week. In Dakar that had resulted (to some extent) in the GNSO Council going into several meetings with other groups without sufficient preparation. A personal comment (not made at the meeting (this meeting's deferral of two issues until Costa Rica shows the value of face-to-face discussion and that time needs to be used wisely - a message that At-Large also needs to take to heart).