

Motions 2021-08-19

To initiate the EPDP for Specific Curative Rights Mechanisms for IGOs

Submitted by Pam Little

Seconded by John McElwaine

Whereas:

1. The GNSO Council approved an Addendum to the Review of All Rights Protection Mechanisms (RPMs) Policy Development Process (PDP) Charter in January 2020 that created an IGO Work Track to address concerns arising from Recommendation #5 of the IGO-INGO Access to Curative Rights Protections PDP that Councilors had expressed during their discussion of the five recommendations in the Final Report;
2. The GNSO Council had approved the first four recommendations from the IGO-INGO Access to Curative Rights Protection PDP, but not Recommendation #5; which the GNSO Council decided to refer to the RPMs PDP, to consider as part of its Phase 2 work;
3. Taking into account that IGO representatives were eager to start the work and Phase 2 was anticipated to launch shortly after the completion of Phase 1, the GNSO Council launched the IGO Work Track in September 2020, during Phase 1 of the RPMs PDP;
4. Phase 1 of the RPMs PDP concluded with the GNSO Council's approval of all its final recommendations in January 2021;
5. Due to concerns raised as to the scope of Phase 2, including from the Phase 1 Working Group's feedback through its self-assessment exercise, the GNSO Council considered it necessary to review and revise the RPMs PDP Charter prior to launching Phase 2;
6. As Phase 2 will involve the first-ever comprehensive review of the Uniform Domain Name Dispute Resolution Policy, which has been an ICANN Consensus Policy since 1999, the time and effort involved in rechartering of Phase 2 of the RPMs PDP is likely to be significant;
7. The GNSO Council believes that the IGO Work Track has made substantial progress in its deliberations and that it is important to maintain the group's momentum, so as to allow the community to attempt to reach consensus on a long-standing issue;
8. The scope of work for the IGO Work Track focuses on a specific and defined policy issue that has been substantively scoped previously, such that extensive, pertinent information already exists;
9. The GNSO Council therefore believes that initiating an Expedited Policy Development Process (EPDP) to enable the policy work to continue without delay is the most appropriate procedural path forward. The GNSO Council recognizes that initiating this EPDP is entirely a procedural action and will not have a material negative impact; and
10. On 09 August 2021, in accordance with the EPDP Manual, Pam Little submitted an Initiation Request ([document](#) updated 18 August 2021) and a [draft EPDP Charter](#) to the Council for its consideration.

Resolved:

1. The GNSO Council hereby approves the Initiation Request for the EPDP and as such initiates the EPDP on Specific Curative Rights Protections for Intergovernmental Organizations (IGOs).
2. The GNSO Council hereby approves the EPDP Charter for Specific Curative Rights Protections for IGOs, which reflects the same scope of work as captured in the IGO Work Track Addendum and thus continues the work of the IGO Work Track, which is hereby disbanded.
3. The GNSO Council directs the Chair and members of the IGO Work Track to continue its work as the EPDP Team on Specific Curative Rights Protections for IGOs, and to deliver its reports and outcomes in accordance with the EPDP Charter and the [work plan](#) that was developed by the IGO Work Track and acknowledged by the Council on 22 April 2021 and amended by a [Project Change Request](#) on 22 July 2021.
4. The GNSO Council directs staff to communicate the results of this vote to the members of the IGO Work Track and all participating Supporting Organizations, Advisory Committees and GNSO Stakeholder Groups and Constituencies.

Approval of the template for the method of the Second Customer Standing Committee (CSC) Effectiveness Review and appointment of GNSO representatives

Submitted by Pam Little

Seconded by Maxim Alzoba

Whereas,

1. The Customer Standing Committee (CSC) was established as one of the post IANA Transition entities and conducted its first meeting on 6 October 2016.
2. The ICANN Bylaws, Section 17.3 (b) states, "The effectiveness of the CSC shall be reviewed two years after the first meeting of the CSC; and then every three years thereafter. The method of review will be determined by the ccNSO and GNSO and the findings of the review will be published on the Website."
3. On 27 June 2018, in the process of adopting the amended CSC Charter as required by the ICANN Bylaws, Section 17.3 (c), the Council [resolved](#) that it, "... notes the recommendation in the Final Report that the ccNSO and GNSO Councils conduct an analysis of the requirements of the IANA Naming Function Review and the CSC Effectiveness Review with a view to creating synergies and avoiding overlap, and has appointed two Councilors to conduct the recommended analysis in cooperation with two representatives from the ccNSO."
4. Donna Austin and Philippe Fouquart, as the two appointed GNSO Councilors, and Debbie Monahan and Martin Boyle from the ccNSO, concluded that the most practical and efficient path forward was for the ccNSO and GNSO to each appoint two members to conduct the CSC Effectiveness Review that will consider the effectiveness of the CSC in performing its responsibilities as outlined in the CSC Charter.

5. On 27 September 2018, the GNSO Council approved the process for the first Customer Standing Committee (CSC) Effectiveness Review and appointed Donna Austin and Philippe Fouquart to serve as the GNSO representatives on that team.
6. That review team delivered its Final Report on 5 March 2019, where the team concluded that the CSC is operating effectively against 14 requirements from the CSC's Charter; the GNSO Council approved the Final Report on 13 March 2019.
7. As per the Bylaws, Section 17.3 (b), the ccNSO and GNSO Councils will need to determine the method for conducting the second CSC Effectiveness Review before 1 October 2021.
8. The template to conduct the second CSC Effectiveness Review was conditionally approved by the ccNSO Council and was shared with the GNSO Council on 9 August 2021.
9. The [template](#) has been reviewed and non-substantive changes recommended for the purposes of clarity and to make the timeline more achievable.
10. On 9 August 2021, Donna Austin and Jonathan Robinson were put forward to the GNSO Council as the GNSO appointees to serve on the second CSC Effectiveness Review.

Resolved,

1. The GNSO Council approves the amended template for conducting the second CSC Effectiveness Review as suggested.
2. The GNSO Council appoints Donna Austin and Jonathan Robinson as the GNSO Council representatives of the second CSC Effectiveness Review.
3. The GNSO Council requests that the GNSO Secretariat notify ICANN Org no later than 30 September 2021 that the GNSO has approved of the method of review and GNSO representatives for the second CSC Effectiveness Review.