

Motions 19 December 2019

Adoption of the GNSO Council Review of ICANN66 GAC Communiqué for submission to the ICANN Board

Submitted by: Tatiana Tropina

Seconded by: Michele Neylon

Whereas,

1. The Governmental Advisory Committee advises the ICANN Board on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements. It usually does so as part of a Communiqué, which is published towards the end of every ICANN meeting.
2. The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.
3. The GNSO Council has expressed a desire to provide feedback to the ICANN Board on issues in the GAC Communiqué as these relate to generic top-level domains to inform the ICANN Board as well as the broader community of past, present or future gTLD policy activities that may directly or indirectly relate to advice provided by the GAC.
4. The GNSO Council hopes that the input provided through its review of the GAC Communiqué will further enhance the co-ordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.

Resolved,

1. The GNSO Council adopts the GNSO Council Review of the [Montréal GAC Communiqué](https://gnso.icann.org/sites/default/files/file/field-file-attach/review-gac-communique-09dec19-en.pdf) (see <https://gnso.icann.org/sites/default/files/file/field-file-attach/review-gac-communique-09dec19-en.pdf>) and requests that the GNSO Council Chair communicate the GNSO Council Review of the Montréal GAC Communiqué to the ICANN Board.
2. The GNSO Council requests that the GNSO Chair also informs the GAC Chair of the communication between the GNSO Council and the ICANN Board.

Motion - EPDP Phase 1 GNSO Council Supplemental Recommendation

Submitted by Rafik Dammak

Seconded by Pam Little

Whereas,

1. On 17 May 2018, the ICANN Board adopted the [Temporary Specification for gTLD Registration Data](#) (Temporary Specification) pursuant to the procedures in the Registry Agreement and Registrar Accreditation Agreement concerning the establishment of temporary policies;
2. Following the adoption of the Temporary Specification, and per the procedure for Temporary Policies as outlined in the Registry Agreement and Registrar Accreditation Agreement, a Consensus Policy development process as set forth in ICANN's Bylaws needs to be initiated immediately and completed within a one-year time period from the effective date (25 May 2018) of the Temporary Specification;
3. The Generic Names Supporting Organization (GNSO) Council approved the Expedited Policy Development Process (EPDP) Initiation Request (<https://gnso.icann.org/sites/default/files/file/field-file-attach/temp-spec-gtld-rd-epdp-initiation-request-19jul18-en.pdf>) and the EPDP Team Charter (<https://gnso.icann.org/sites/default/files/file/field-file-attach/temp-spec-gtld-rd-epdp-19jul18-en.pdf>) on 19 July 2018;
4. The EPDP followed the prescribed EPDP procedures as stated in the Bylaws and delivered its Phase 1 Final Report on 20 February 2019;
5. The EPDP Team reached consensus on all but two Recommendations in relation to the issues outlined in the Charter;
6. The GNSO Council reviewed and discussed the Recommendations of the EPDP Team and approved all Recommendations on 4 March 2019 by a GNSO Supermajority vote (see <https://gnso.icann.org/en/council/resolutions#20190304-1>);
7. The ICANN Board did not adopt Recommendation 1, Purpose 2, and Recommendation 12, with respect to the option to delete data in the Organization field and provided its rationale in the Board resolution (see <https://www.icann.org/resources/board-material/resolutions-2019-05-15-en#1.b>) as well as a formal Board Statement incorporating the rationale for discussion, as specified in Annex A-1, Section 6 of the ICANN Bylaws (see <https://www.icann.org/en/system/files/correspondence/chalaby-to-drazek-15may19-en.pdf>);
8. The ICANN Bylaws foresee that in case of non-adoption, "the Council shall review the Board Statement for discussion with the Board as soon as feasible after the Council's receipt of the Board Statement". The GNSO Council discussed this topic during its Council meetings on 28 May 2019, 26 June 2019, 18 July 2019, 22 August 2019, 24 October 2019 and 6 November 2019, with the ICANN Board during its joint sessions at ICANN65 and ICANN66, as well as in an exchange of letters (see <https://gnso.icann.org/sites/default/files/file/field-file-attach/gnso-council-to-icann-board-09sep19-en.pdf> and <https://gnso.icann.org/sites/default/files/file/field-file-attach/chalaby-to-drazek-14oct19-en.pdf>);
9. The GNSO Council also solicited and considered the input from the EPDP Team (see <https://mm.icann.org/pipermail/gnso-epdp-team/2019-May/001941.html>, <https://gnso.icann.org/en/correspondence/karklins-to-drazek-09jun19-en.pdf> and <https://mm.icann.org/pipermail/gnso-epdp-team/2019-October/002737.html>).

Resolved,

1. The GNSO Council has concluded that concerning Recommendation 1, Purpose 2, this is firmly within the scope of the EPDP Team to address as part of its phase 2 deliberations as the original language was already flagged as a placeholder pending further consideration during phase 2. As such, the Council will not take further action in the context of Annex A-1 Section 6 of the ICANN Bylaws and accept the Board's non-adoption

2. In relation to Recommendation 12, with respect to the option to delete data in the Organization field, the GNSO Council adopts the following Supplemental Recommendation reaffirming the part of the original Recommendation #12 and the Implementation Advice which stated that: “b) If the registrant declines, or does not respond to the query, the Registrar may redact the Organization field, **or delete the field contents.**” (emphasis added) but hereby providing additional implementation guidance: similar to what was recommended in Recommendation 29 in the context of the deletion of administrative contact, prior to eliminating Organization Contact fields, all Registrars **MUST** ensure that each registration contains Registered Name Holder contact information.
3. The GNSO Council Chair is requested to communicate this Supplemental Recommendation to the ICANN Board.

Motion - Confirmation of GNSO Representative to the Empowered Community Administration

Submitted by: Pam Little

Seconded by: Rafik Dammak

Whereas,

1. The GNSO Council confirmed in November 2019 that the GNSO Chair (currently Keith Drazek) will represent the GNSO as the Decisional Participant on the Empowered Community (EC) Administration on an interim basis.
2. The GNSO Council leadership team subsequently met to agree who from the Council leadership should perform the role of GNSO representative to the Empowered Community Administration and communicated this decision to the Council mailing list on 9 December 2019.

Resolved,

1. The GNSO Council hereby confirms that Keith Drazek, GNSO Chair will represent the GNSO as the Decisional Participant on the Empowered Community Administration until the end of his term at ICANN69.
2. The GNSO representative shall act solely as directed by the GNSO Council in accordance with the ICANN Bylaws and other related GNSO Operating Procedures.
3. The GNSO Council requests the GNSO Secretariat to communicate this decision to the ICANN Secretary which will serve as the required written certification from the GNSO Chair designating the individual who shall represent the Decisional Participant on the EC Administration