

Motions 2021-10-27

Appointment of the GNSO Council Liaison to the New Generic Top-Level Domain (gTLD) Subsequent Procedures Operational Design Phase (ODP)

Submitted by Carlton Samuels

Seconded by Flip Petillion

(updated with the friendly amendment proposed by Tatiana Tropina and accepted by Carlton Samuels and Flip Petillion)

Whereas,

1. On 18 February 2021, the GNSO Council [approved](#) the Affirmations, Recommendations, and Implementation Guidance (collectively referred to as "Outputs") contained in the New gTLD Subsequent Procedures Policy Development Process Working Group's Final Report that were determined to have received either Full Consensus or Consensus designations.
2. In its resolution to approve the outputs, the GNSO Council requested that the ICANN Board initiate an Operational Design Phase on the Final Report as soon as possible.
3. On 31 August 2021, in anticipation of an Operational Design Phase being initiated, the GNSO Council launched an [Expression of Interest](#) process to solicit volunteers to serve in the role of GNSO Council Liaison to the ODP.
4. On 12 September 2021, the ICANN Board passed a [resolution](#) directing ICANN's President and CEO, or his designee(s), to conduct the Operational Design Phase (ODP).
5. The GNSO Council tasked the GNSO Standing Selection Committee (SSC) with reviewing applications for the ODP Liaison role and recommending one individual for the GNSO to appoint.
6. The SSC reviewed the three applications received, taking into account the criteria outlined in the EOI announcement.
7. The SSC submitted its full consensus recommendation to the GNSO Council on 14 October, 2021, by way of submission of the relevant motion.
8. The GNSO Council considered the recommendations of the SSC.

Resolved,

1. The GNSO Council appoints Jeff Neuman to serve as GNSO Council Liaison to the New gTLD Subsequent Procedures ODP.
2. The GNSO Council instructs the GNSO Secretariat to communicate resolved #1 to the ICANN org ODP team.
3. The GNSO Council instructs the GNSO Secretariat to inform the nominated candidate that he has been selected to fulfil the responsibilities defined in the EOI.
4. The GNSO Council requests the GNSO Secretariat to send a response to those applicants who were not nominated, thanking them for their interest and encouraging them to apply for future opportunities as they arise.

Motion: Reappointment of GNSO Liaison to the Governmental Advisory Committee (GAC)

Submitted by: Philippe Fouquart

Seconded by: Pam Little

Whereas:

1. As part of the discussions within ICANN between the GNSO and GAC on how to facilitate early engagement of the GAC in GNSO policy development activities, the option of appointing a GNSO liaison to the GAC was initially piloted in FY15 and FY16, and subsequently confirmed by the GNSO Council as a permanent role at the start of FY17.
2. The GNSO Council appointed Jeffrey Neuman to the role of GNSO Liaison to the Governmental Advisory Committee on 21 October 2020, until the end of the ICANN AGM 2021.
3. The GNSO Council has an obligation to review the role annually and reconfirm the appointment unless the review indicates otherwise and/or the Liaison has indicated that he/she is no longer available to continue in this role, in which case a new selection process will take place.
4. On 23 September 2021, the GNSO Council approved the [updated role description](#) for the GNSO liaison to the GAC. Subsequently, GNSO Council leadership has met with Jeffrey Neuman to discuss his experience and to confirm that he is willing to continue in this role in light of the [updated role description](#).
5. The GNSO Council has reviewed the annual report prepared by the GNSO Liaison to the GAC (see <https://gnso.icann.org/sites/default/files/file/field-file-attach/gnso-liaison-to-gac-16oct21-en.pdf>).

Resolved:

1. The GNSO Council hereby reappoints Jeffrey Neuman to the role of GNSO Liaison to the Governmental Advisory Committee until the end of the ICANN AGM 2022.

2. The GNSO Council leadership team will inform the GAC leadership team accordingly, and will co-ordinate with Jeffrey Neuman as well as the GAC leadership team and GAC Secretariat on next steps and the continued successful implementation of this role.

Adoption of the Expedited Policy Development Process (EPDP) on the Temporary Specification Phase 2A Final Report and Recommendations

Submitted by Pam Little

Seconded by Tatiana Tropina

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 implementation effective date (25 May 2018) of the Temporary Specification;
3. The GNSO Council has had a number of discussions about next steps to clarify issues around scope, timing and expectations, including a meeting between the GNSO Stakeholder Group and Constituency Chairs on 21 May 2018, the Council meeting on 24 May 2018, a meeting between the ICANN Board and the GNSO Council on 5 June 2018 and an extraordinary GNSO Council meeting on 12 June 2018;
4. Subsequently, the GNSO Council agreed to form a drafting team, consisting of Council leadership and interested Council members, to develop the EPDP Initiation Request and EPDP Team Charter. The drafting team submitted the proposed EPDP Initiation Request and EPDP Team Charter to the GNSO Council on 19 July 2018;
5. The GNSO Council approved the EPDP Initiation Request (<https://gns0.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://gns0.icann.org/sites/default/files/file/field-file-attach/temp-spec-gtld-rd-epdp-19jul18-en.pdf>) on 19 July 2018;
6. The EPDP Team divided the work into two phases; Phase 1 completed with the adoption of the EPDP Phase 1 Final Report on 4 March 2019, at which point the GNSO Council indicated its non-objection, as required per the EPDP Team Charter, for the EPDP Team to commence work on a System for Standardized Access/Disclosure to Non-Public Registration Data ("SSAD") as well as other topics identified in Phase 2 of the Charter and/or carried over from Phase 1 (priority 2 items);
7. The Phase 2 Final Report noted that "As a result of external dependencies and time constraints, this Final Report does not address all priority 2 items". It furthermore noted that the EPDP Team would "consult with the GNSO Council on how to address the remaining priority 2 items";
8. Following these consultations, the GNSO Council adopted on 21 October 2020 [instructions](#) for the EPDP Phase 2A to address the remaining priority 2 items, namely 1) differentiation between legal and natural person registration data, and 2) feasibility of unique contacts to have a uniform anonymized email address;
9. The EPDP Team commenced its deliberations on Phase 2A on 17 December 2020 (see <https://community.icann.org/x/VojzC>);
10. The EPDP has followed the prescribed EPDP steps as stated in the Bylaws, including the publication of an Initial Report for public comment (see <https://www.icann.org/public-comments/epdp-phase-2a-initial-report-2021-06-03-en>) on 3 June 2021, resulting in a Final Report delivered on 3 September 2021 with an updated version containing all minority statements submitted on 13 September 2021;
11. All recommendations received the consensus support of the EPDP Phase 2A Team but the Chair's statement indicated that "it's important to note that some groups felt that the work did not go as far as needed, or did not include sufficient detail, while other groups felt that certain recommendations were not appropriate or necessary";
12. The GNSO Council has reviewed and discussed the Final Report and its recommendations.

RESOLVED

1. The GNSO Council approves the EPDP Phase 2A Final Report and recommends to the ICANN Board of Directors the adoption of the EPDP Phase 2A recommendations #1 – 4.
2. The GNSO Council requests ICANN org to convene an Implementation Review Team to work on the implementation of these recommendations. The Implementation Review Team will be tasked with assisting ICANN org in developing the implementation details for the EPDP recommendations, evaluating the proposed implementation of the recommendations as approved by the Board, and working with ICANN org to ensure that the resultant implementation conforms to the intent of the approved recommendations. The Implementation Review Team shall operate in accordance with the Implementation Review Team Principles and Guidance approved by the GNSO Council in June 2015.
3. The GNSO Council extends its sincere appreciation to the Chair, Keith Drazek, Vice Chair, Brian Beckham, EPDP Team members, alternates and support staff of the EPDP Team for their tireless efforts to deliver this Final Report.

Motion for the Approval of the Revised GNSO Councilor Job Description for the Nominating Committee

Submitted by Pam Little

Seconded by Tomslin Samme-Nlar

Whereas,

1. Section 11.3 of the ICANN Bylaws prescribes the number of Council representatives selected from each GNSO Stakeholder Group and three representatives selected by the Nominating Committee.
2. The Contracted Parties House consists of three members from the Registries Stakeholder Group, three members from the Registrars Stakeholder Group, and one voting member appointed by the ICANN Nominating Committee for a total of seven voting members.
3. The Non Contracted Parties House consists of six members from the Commercial Stakeholder Group, six members from the Non-Commercial Stakeholder Group, and one voting member appointed by the ICANN Nominating Committee to that House for a total of thirteen voting members.

4. The Nominating Committee reviews applications and selects candidates, taking into account the criteria or guidance provided by the GNSO Council.
5. The GNSO Council is invited on an annual basis to review the job description and criteria contained in order to better assure that the Nominating Committee selects appointees that is consistent with the intent of the Bylaws in furthering the Council's roles and responsibilities as the manager of the policy development process of the GNSO.
6. The GNSO Council has elected to make incremental changes to the job description each year when invited.
7. Considering that each GNSO Stakeholder Group and Constituency is represented on the GNSO Council, the role of the Nominating Committee Appointees on the GNSO Council, and the importance of diversity, the Council discussed the need to revise the job description to reflect a preference for appointees that are not currently affiliated with any Stakeholder Group or Constituency, recognizing that this may not always be feasible.

Resolved,

1. The GNSO Council approves the [revised GNSO Councilor job description](#) for use by the 2022 Nominating Committee.
2. The GNSO Council requests that the GNSO Secretariat provide the updated job description to the ICANN Org staff supporting the Nominating Committee in a timely manner.