

# Motions 21 January 2016

## a. 1. MOTION FOR GNSO COUNCIL ADOPTION OF THE FINAL REPORT OF THE PPSAI PDP WORKING GROUP – 7 DECEMBER 2015 - deferred to January 2016

Made by: James Bladel  
Seconded by: Amr Elsadr

Whereas:

- i. On 31 October 2013, the GNSO Council chartered a Working Group for a Policy Development Process (PDP) on Privacy and Proxy Services Accreditation Issues (PPSAI) [see <http://gnsso.icann.org/en/council/resolutions#201310>] and tasked the Working Group to develop policy recommendations to guide ICANN's implementation of an accreditation program for privacy and proxy service providers;
- ii. This PDP has followed the prescribed PDP steps as stated in the Bylaws, resulting in a Final Report delivered to the GNSO Council on 7 December 2015;
- iii. The PPSAI PDP Working Group has reached Full Consensus (as described in the GNSO Working Group Guidelines) on all the recommendations in the Final Report; and
- iv. The GNSO Council has reviewed and discussed these recommendations.

Resolved:

- i. The GNSO Council adopts, and recommends that the ICANN Board of Directors adopt, all the PPSAI PDP Working Group's final recommendations in the Final Report.
- ii. Should the PDP recommendations be adopted by the ICANN Board, the GNSO Council directs ICANN staff to convene a Privacy and Proxy Services Accreditation Implementation Review Team. The Implementation Review Team will be tasked with assisting ICANN staff in developing the implementation details for the PDP recommendations, evaluating the proposed implementation of the recommendations as approved by the Board, and working with ICANN staff 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.
- iii. The GNSO Council requests that, following the adoption by the ICANN Board of the PDP recommendations, ICANN staff issue a call for volunteers for the Implementation Review Team, to be circulated at a minimum to the members of PPSAI PDP Working Group.

## 2. Motion on the Approval of a charter for the PDP working group on New gTLD Subsequent Procedures - deferred from December 17, 2015

Made by: Donna Austin amended by Donna Austin (in bold) further amended during the meeting adding resolved clause 4 (in bold)

Seconded by: Valerie Tan

WHEREAS:

1. The GNSO Council has resolved <http://gnsso.icann.org/en/council/resolutions#201512> to undertake a GNSO policy development process (PDP) to consider and analyze issues discussed in the Final Issue Report on New gTLD Subsequent Procedures to determine whether changes or adjustments to the existing policy recommendations in the Final Report on the Introduction of New Generic Top-Level Domains are needed; and,
2. The GNSO Council has reviewed the draft Working Group Charter embedded in Annex A to the Final Issue Report which was delivered to the GNSO Council on 4 December 2015 and agreed to amend the draft charter to address concerns of potential overlap or duplication with an anticipated PDP on Rights Protection Mechanisms. The final version is available here: <http://gnsso.icann.org/en/drafts/new-gtld-subsequent-procedures-charter-12jan16-en.pdf>.

RESOLVED:

1. The GNSO Council approves the Charter and appoints Paul McGrady as the GNSO Council liaison to the New gTLD Subsequent Procedures PDP Working Group (WG);
2. The GNSO Council directs ICANN staff to issue a call for volunteers for the PDP WG no later than seven days after the approval of this motion; and
3. Until such time as the WG selects a chair for the WG and that chair is confirmed by the GNSO Council, the GNSO Council liaison to the WG shall serve as the interim chair.
4. **Issues relating to RPMs not addressed by the anticipated RPM PDP shall be addressed by this PDP.**

## 3. Initiation of a Policy Development Process (PDP) on the Review of all Rights Protection Mechanisms (RPMs) in all generic Top-Level Domains (gTLDs)

**motion withdrawn 21 January 2016**

**Made by:**Amr Elsadr

**Seconded by:** James Bladel

**WHEREAS:**

1. In December 2011 the GNSO Council had requested that an Issue Report on the current state of all rights protection mechanisms (RPMs) implemented for both existing and new gTLDs, including but not limited to the Uniform Dispute Resolution Policy (UDRP), be delivered to the GNSO Council no later than eighteen (18) months following the delegation of the first gTLD in ICANN's New gTLD Program;
2. In January 2014 the GNSO Council agreed to extend the timeline for delivery of the Issue Report by six (6) months;
3. ICANN staff published the Preliminary Issue Report on a Policy Development Process to Review All RPMs in All gTLDs for public comment on 9 October 2015, with the public comment forum closing on 30 November 2015;
4. ICANN staff have reviewed the public comments received, published a Report of Public Comments on 10 December 2015 and updated the Issue Report accordingly;
5. The Final Issue Report on a Policy Development Process to Review All RPMs in All gTLDs was delivered to the GNSO Council on 11 January 2015; see <http://gns0.icann.org/en/group-activities/active/rpm>;
6. The Final Issue Report includes a recommendation that the GNSO Council proceed with a two-phased Policy Development Process (PDP) that will first review the RPMs that were developed for the New gTLD Program, followed by a subsequent second phase that will review the UDRP, with the overall goal of developing a uniform and consistent framework for any future review of RPMs; and;
7. The General Counsel of ICANN has indicated that the topics recommended for review are properly within the scope of the ICANN policy process and the GNSO.

**RESOLVED:**

1. The GNSO Council hereby initiates a two-phased PDP to review all RPMs in all gTLDs, to review and determine whether modifications to the existing RPMs (including but not limited to the UDRP) are needed and, if so, what these are. The outcome of the PDP may lead to (i) amendments or replacement of existing policies, principles or procedures; (ii) the development of new or additional policy recommendations; and /or (iii) the creation of new implementation guidance to supplement existing policies or procedures.
2. The GNSO Council approves the Draft Charter proposed in the Final Issue Report and appoints PLACEHOLDER as the GNSO Council liaison to the PDP Working Group for the Review of All RPMs in All gTLDs.
3. The GNSO Council directs ICANN staff to issue a call for volunteers for the PDP Working Group after the approval of this motion. The call for volunteers should be circulated as widely as possible in order to ensure broad representation and participation in the Working Group and initiated no later than three weeks after this motion has been passed.
4. Until such time as the PDP Working Group selects a chair(s) for the Working Group and that chair(s) is confirmed by the GNSO Council, the GNSO Council liaison to the Working Group shall serve as the interim chair.
5. The GNSO Council directs, consistent with the Charter and the recommendations in the Final Issue Report, that a liaison between this PDP Working Group and that for the PDP on New gTLD Subsequent Rounds be appointed as soon as both PDP Working Groups are convened, in order to assure consistent communication and coordination between the two Working Groups.

**4. Motion on GNSO Joint Position on CCWG-Accountability Third Draft Proposal  
motion withdrawn 21 January 2016**

**Updated motion:**

<http://gns0.icann.org/en/drafts/ccwg-subteam-review-recommendations-12jan16-en.pdf>

Made by: James Bladel

Seconded by:

Whereas,

1. The GNSO Council, together with other ICANN Supporting Organizations and Advisory Committees, chartered the Cross-Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) on 13 November 2014 'to deliver proposals that would enhance ICANN's accountability towards all stakeholders.
2. The CCWG-Accountability published its third draft proposal for public comment on 30 November 2015 (see <https://www.icann.org/public-comments/draft-ccwg-accountability-proposal-2015-11-30-en>).
3. All GNSO Stakeholder Groups (SGs) and/or Constituencies (Cs) submitted their input on the third draft proposal and its 12 recommendations.
4. A GNSO Council sub-team was formed to review the input submitted by the GNSO SG/Cs and make a recommendation to the GNSO Council concerning a possible joint GNSO position on the third draft proposal .
5. The GNSO Council has reviewed the input provided by the sub-team on the CCWG-Accountability Third Draft Proposal.

Resolved,

1. The GNSO Council views on the recommendations contained in the CCWG-Accountability Third Draft Proposal are as follows:

<b>Recommendation #1</b>	Establishing An Empowered Community For Enforcing Community Powers for more information
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<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support
<b>Comments</b>	

<b>Recommendation #2</b>	Empowering The Community Through Consensus: Engage, Escalate, Enforce for more information
<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support
<b>Comments</b>	

<b>Recommendation #3</b>	Redefining ICANN's Bylaws As 'Standard Bylaws' And 'Fundamental Bylaws' for more information
<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support
<b>Comments</b>	

<b>Recommendation #4</b>	Ensuring Community Involvement In ICANN Decision-Making: Seven New Community Powers for more information
<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support
<b>Comments</b>	

<b>Recommendation #5</b>	Changing Aspects Of ICANN's Mission, Commitments And Core Values for more information)
<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support
<b>Comments</b>	

<b>Recommendation #6</b>	Reaffirming ICANN's Commitment to Respect Internationally Recognized Human Rights as it Carries Out Its Mission for more information
<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support
<b>Comments</b>	

<b>Recommendation #7</b>	Strengthening ICANN's Independent Review Process for more information
<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support
<b>Comments</b>	

<b>Recommendation #8</b>	Improving ICANN's Request For Reconsideration Process for more information
<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support
<b>Comments</b>	

<b>Recommendation #9</b>	Incorporation of the Affirmation of Commitments for more information
<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support
<b>Comments</b>	

<b>Recommendation #10</b>	Enhancing the Accountability of Supporting Organizations and Advisory Committees for more information
<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support
<b>Comments</b>	

<b>Recommendation #11</b>	Board obligations regarding GAC Advice
<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support
<b>Comments</b>	

<b>Recommendation #12</b>	Committing to further accountability work in Work Stream 2
<b>GNSO Council Support</b>	General Support / Limited Support with some opposition / No support

Comments	
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1. The GNSO Council instructs the GNSO Secretariat to share this GNSO Council input on the CCWG-Accountability Third Draft Proposal with the Chairs of the CCWG-Accountability as soon as possible.
2. Although this GNSO input is submitted after the close of the public comment period, the GNSO Council expects the CCWG-Accountability to give this input due consideration as it is the aggregation of the individual GNSO SG/C positions that were submitted before the deadline.
3. The GNSO Council appreciates all the efforts of the CCWG-Accountability to deliver its final proposal to the Chartering Organizations in a timely manner and looks forward to considering the final proposal in due time.

**On behalf of the GNSO Council Sub-Team that was tasked to review the SG/C comments received on the CCWG-Accountability Third Draft Proposal, please find the proposed responses to each of the CCWG-Accountability recommendations**

<http://gnso.icann.org/en/council/drafts>

<http://gnso.icann.org/en/drafts/ccwg-subteam-review-recommendations-12jan16-en.pdf>