

# Final Proposed GNSO Council Agenda 20 May 2021

Please note that all documents referenced in the agenda have been gathered on a Wiki page for convenience and easier access: <https://community.icann.org/x/1YO1CQ>

This agenda was established according to the [GNSO Operating Procedures](#) v3.5, updated on 24 October 2019

For convenience:

- An excerpt of the ICANN Bylaws defining the voting thresholds is provided in Appendix 1 at the end of this agenda.
- An excerpt from the Council Operating Procedures defining the absentee voting procedures is provided in Appendix 2 at the end of this agenda.

GNSO Council meeting held 19:00 UTC

Coordinated Universal Time: 19:00 UTC: <https://tinyurl.com/kd22xp43>

12:00 Los Angeles; 15:00 Washington; 20:00 London; 21:00 Paris; 22:00 Moscow; (Friday) 05:00 Melbourne

GNSO Council Meeting Remote Participation: <https://icann.zoom.us/j/91968032290?pwd=N1pXV3ZvaGxZREVVMjhWemo3TVlPZz09>

Councilors should notify the GNSO Secretariat in advance if they will not be able to attend and/or need a dial out call.

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## Item 1: Administrative Matters (10 mins)

1.1 - Roll Call

1.2 - Updates to Statements of Interest

1.3 - Review / Amend Agenda

1.4 - Note the status of minutes for the previous Council meetings per the GNSO Operating Procedures:

[Minutes](#) of the GNSO Council meeting on 08 April 2021 were posted on 22 April 2021.

[Minutes](#) of the GNSO Council meeting on 22 April 2021 were posted on 06 May 2021.

## Item 2: Opening Remarks / Review of Projects & Action List (0 minutes)

2.1 - Review focus areas and provide updates on specific key themes / topics, to include review of [Projects List](#) and [Action Item List](#).

## Item 3: Consent Agenda (5 minutes)

- Appointment of the GNSO Council liaison to the System for Standardized Access/Disclosure Operational Design Phase - Janis Karklins

## Item 4: COUNCIL VOTE - Adoption of the [motion](#) for the GNSO Council [response](#) to GAC ICANN70 Communique (5 minutes)

Here the Council will consider the formal adoption of the GNSO Council response to the GAC Communique that was developed by a small team of Council volunteers. Following non-objection on the mailing list, this response was [conveyed](#) to the ICANN Board on 7 May to allow for timely consideration by the Board of the Council's input. Following adoption, the Council's will confirm to the ICANN Board that this response has now been formally adopted.

4.1 Presentation of [motion](#) (Council leadership)

4.2 Council discussion

4.3 Council vote (Voting Threshold: Simple Majority vote of each House)

## Item 5: COUNCIL VOTE - Initiation of the Expedited Policy Development Process on Internationalized Domain Names and Approval of the EPDP Team Charter (25 minutes)

During the Council's October 2020 meeting, the Council agreed to launch a call for volunteers and to establish a drafting team to develop a draft charter and an EPDP initiation request for the IDN Policy Track 2. The Council agreed at the time that an EPDP was [appropriate](#) for this topic because it has been "substantially scoped previously such that extensive, pertinent background information already exists" which at this stage, also includes the IDN-related Outputs from the New gTLD Subsequent Procedures PDP that the Council [approved](#) on 18 February 2021.

That drafting team met for the first time on 8 December 2020 and since then has steadily made progress, recently completing its work prior to the May Council meeting. On 10 May 2021, the drafting team shared the [Expedited Policy Development Process on Internationalized Domain Names Initiation Request](#) and [Charter](#) with the Council.

Here, the Council will also seek a better understanding of the RySG's suggestions regarding the Operational Track, the RySG rationale for stopping it and continued deferring adoption of the IDN Implementation Guidelines v. 4.0.

Council will then vote to initiate the Expedited Policy Development Process on Internationalized Domain Names, as well as to adopt the Charter.

5.1 - Brief [presentation](#) on the topic (Dennis Tan, Chair of drafting team)

5.2 - Presentation of [motion](#) (Maxim Alzoba)

5.3 – Council discussion

5.4 – Council vote (voting threshold: GNSO Supermajority for both the initiation of the EPDP and for approval of the EPDP Team Charter)

Taking this action is within the GNSO's remit as outlined in ICANN's Bylaws as the GNSO 'shall be responsible for developing and recommending to the Board substantive policies relating to generic top-level domains and other responsibilities of the GNSO as set forth in these Bylaws' (Art.11.1). Furthermore, this action complies with the requirements set out in Annex A: GNSO Policy Development Process and Annex A-1: GNSO Expedited Policy Development Process of the ICANN Bylaws.

#### **Item 6: COUNCIL BRIEFING - Briefing on SAC115 (30 minutes)**

The topic of DNS abuse was not explicitly identified in the charter of the New gTLD Subsequent Procedures PDP (SubPro). However, it was a topic of interest identified by the Competition, Consumer Trust and Consumer Choice Review Team (CCT-RT), which made recommendations regarding the subject. In considering the CCT-RT Final Report, the ICANN Board took varying actions on 35 total recommendations, accepting some, passing through others, and placing some in a pending status (see [scorecard](#)). SubPro considered the CCT-RT recommendations related to DNS abuse (i.e., 14, 15, and 16) though they remain in a "Pending" status" (with the exception of recommendation 16, which was partially passed through) and have not been approved by the ICANN Board.

On 27 April 2020, the SubPro Co-Chairs sent a [letter](#) to the GNSO Council to share the then current thinking of the Working Group on the topic of DNS abuse, which was to recommend that a holistic solution will be needed in all gTLDs, not just new gTLDs. The Council was briefed on this expectation during its May 2020 Council meeting. The Board [took further action](#) on some of the pending recommendations during its meeting in October of 2020, approving recommendation 16, though 14 and 15 remain in a pending state (see [scorecard](#)).

The SubPro WG has since submitted its Final Report to the GNSO Council, confirming its approach to not make DNS abuse recommendations, and instead suggesting the holistic approach to all gTLDs; the GNSO Council adopted the Final Report and relevant Outputs during its February 2021 Council meeting.

The GNSO Council has not decided whether to take any actions on DNS abuse as it seeks to better understand the community's definitions of DNS abuse and where there remain gaps in the community's ability to combat DNS abuse in an effective manner. As part of this educational and level-setting exercise, the GNSO Council received a briefing from the Contracted Parties House DNS Abuse Group to provide an update on its work and to facilitate a discussion on the topic during its 22 April 2021 meeting. The level-setting exercise continues with a briefing from the SSAC on [SAC115](#).

Here, the Council will receive an update from the SSAC on SAC115 and engage in dialogue on DNS abuse.

6.1 – Introduction of topic (Council Leadership)

6.2 – Briefing and Council discussion (Rod Rasmussen and Jeff Bedser) - [slide deck](#)

6.3 – Next steps

#### **Item 7: COUNCIL DISCUSSION - IGO Work Track Update (15 minutes)**

On 18 April 2019, the Council [voted](#) to approve recommendations 1-4 of the Final Report from the IGO-INGO Access to Curative Rights Protection Mechanisms PDP WG. The Council also resolved to not approve Recommendation 5 and, "directs the Review of All Rights Protection Mechanisms in All gTLDs (RPM) PDP to consider, as part of its Phase 2 work, whether an appropriate policy solution can be developed that is generally consistent with Recommendations 1, 2, 3 & 4 of the PDP Final Report and:

- accounts for the possibility that an IGO may enjoy jurisdictional immunity in certain circumstances;
- does not affect the right and ability of registrants to file judicial proceedings in a court of competent jurisdiction;
- preserves registrants' rights to judicial review of an initial UDRP or URS decision; and
- recognizes that the existence and scope of IGO jurisdictional immunity in any particular situation is a legal issue to be determined by a court of competent jurisdiction."

In respect of that resolution, the GNSO Council prepared an [Addendum](#) to the RPMs PDP charter to support work related to Recommendation 5 and [approved](#) it during its January 2020 Council meeting. During its September 2020 Council meeting, the Council agreed to initiate both the Expressions of Interest process to identify a single, qualified Work Track Chair and issue a call for Members and Observers to join the IGO Work Track. Led by Chris Disspain as the Chair, the Work Track has been meeting since late February of 2021. The Work Track has sought to make meaningful progress within the bounds of the Addendum, with members recognizing that this foundational discussion will influence how the group will work and thus, what its work plan should look like. During its April meeting, the Council received a brief update and acknowledged the work track's [Work Plan](#) (April package [here](#)).

In chartering this work, the GNSO Council expected that the work should be completed in an efficient manner and that frequent updates to the Council would be helpful to ensure an effective outcome. After the brief update during the April meeting, the update during the May meeting is anticipated to be more detailed.

Here, the Council will receive an update on the progress of the Work Track.

7.1 – Update (John McElwaine, GNSO Council Liaison & Chris Disspain, WT Chair) [IGO April Package](#)

7.2 – Council discussion

7.3 – Next steps

#### **Item 8: COUNCIL DISCUSSION - Status Update Regarding EPDP Phase 2A (10 minutes)**

On 21 October 2020, the GNSO Council approved the [initiation](#) of EPDP Phase 2A, to examine the topics of legal/natural and feasibility of unique contacts. In doing so, the Council required that:

"[a]t the latest 3 months after reconvening, the Chair of the EPDP Team and GNSO Council Liaison to the EPDP will report back to the GNSO Council on the status of deliberations. Based on this report, which is expected to include an update on progress made and the expected likelihood of consensus recommendations, the GNSO Council will decide on next steps, which could include providing additional time for the EPDP to finalize its recommendations or termination of the EPDP if it is clear that no progress is being made or consensus is unlikely)."

During the March Council meeting, the Chair of the EPDP Team and GNSO Council Liaison to the EPDP shared a [presentation](#) and provided an update to the Council. The Council agreed that more time should be afforded to continue to make progress. The EPDP Team has since received responses from Bird & Bird to the EPDP Team's Legal Committee's questions and is considering that feedback in seeking to progress its work.

Here, after having received a brief update during its April meeting, the GNSO Council Liaison to the EPDP will provide a more thorough update on the EPDP Team's progress to the Council.

8.1 – Introduction of topic (Philippe Fouquart, GNSO Council liaison & Keith Drazek, EPDP-P2A Chair) [EPDP P2A April Package](#)

8.2 – Council discussion

8.3 – Next steps

#### **Item 9: COUNCIL DISCUSSION - Accuracy Scoping Team (15 minutes)**

During its October 2020 meeting, the GNSO Council confirmed its intent to launch a scoping team on the topic of accuracy based on a proposal from the previous Council leadership team (see [here](#) for the proposal). On 4 November 2020, the GNSO Council [wrote](#) to ICANN org, requesting the preparation of a briefing document outlining both the existing accuracy requirements and programs as well as the impact that GDPR has had on implementing and enforcing the identified requirements and programs. This briefing is intended to inform an accuracy scoping team that the GNSO Council envisioned initiating, which would be tasked with furthering the community's understanding of the issue and assist in scoping and defining the issue (see [here](#)). On 10 December 2020, ICANN org [responded](#) to confirm its understanding of the request and to commit to delivering that briefing by 26 February 2021. ICANN org timely delivered the [briefing](#). In addition to the briefing providing an overview of accuracy requirements and programs and the impact of GDPR on these, ICANN org also included a suggestion that a study to measure accuracy of registration data might be beneficial. In parallel to the request for the briefing, ICANN SO/AC/SG/Cs were requested to start thinking about whether their groups would be interested to participate in a scoping team once created. To date, the BC, ISPCP, RySG, IPC and GAC have expressed an interest and identified potential volunteers with relevant knowledge and expertise. The Council discussed this briefing and potential next steps during its Extraordinary Meeting on 08 April 2021.

Following the meeting, Council leadership, with the support of the GNSO Support Staff, worked together to develop a set of [proposed next steps](#) for dealing with the topic of accuracy, which was shared on 23 April 2021. Feedback was sought from Councilors by 07 May 2021.

Here, taking into account feedback received, the Council will discuss next steps for the scoping team.

9.1 – Introduction of topic (Council Leadership) [Presentation slide deck](#)

9.2 – Council discussion

9.3 – Next steps

#### **Item 10: ANY OTHER BUSINESS (5 minutes)**

10.1 - Presentation of GNSO Council sessions for ICANN71 and their set up

10.2 - Next steps regarding the proposed Framework for Continuous Improvement

10.3 - Next steps regarding Working Group Self Assessments drawing on results of [RPMs](#) and [SubPro](#) surveys

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Appendix 1: GNSO Council Voting Thresholds (ICANN Bylaws, Article 11, Section 11.3(i))

See <https://www.icann.org/resources/pages/governance/bylaws-en/#article11>.

Appendix 2: GNSO Council Absentee Voting Procedures (GNSO Operating Procedures, Section 4.4)

See <https://gnso.icann.org/sites/default/files/file/field-file-attach/op-procedures-30jan18-en.pdf>

References for Coordinated Universal Time of 19:00 UTC

Local time between November and March Winter in the NORTHERN hemisphere

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