Final Proposed Agenda 2022-07-21

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/-gQVD.

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 05:00 UTC: https://tinyurl.com/mpz43kc2.

(Wednesday) 22:00 Los Angeles; 01:00 Washington DC; 06:00 London; 07:00 Paris; 08:00 Moscow; 15:00 Melbourne

GNSO Council Meeting Remote Participation: https://icann.zoom.us/j/92399217049?pwd=WU1GZmIaOTh6NzJ1NndkRVF0MnJEUT09

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 19 May 2022 were posted on 03 June 2022.

Minutes of the GNSO Council meeting on 15 June 2022 were posted on 01 July 2022.

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 (10 minutes)

- Appointment of Sebastien Ducos as the replacement for Heather Forrest as the GNSO representative on the ICANN Fellowship Selection Committee.
- Confirmation of the Recommendations Report to the ICANN Board regarding adoption of recommendations 1-5 contained in the Final Report from the EPDP on Specific Curative Rights Protections for IGOs.

"If feasible, the Recommendations Report to the Board should be submitted to the Board in time for consideration at the next GNSO Council meeting following adoption of the Final Report. Staff should inform the GNSO Council from time to time of the format requested by the Board. These GNSO Council Reports supplement any Staff Reports that may highlight any legal, implementability, financial, and other operational concerns related to the PDP recommendations contained in the Final Report." (Section 13 – Preparation of the Board Report, GNSO Operating Procedures)

Item 4: COUNCIL VOTE - Initiation of the GNSO Guidance Process on Applicant Support (25 Minutes)

In relation to the SubPro ODP, ICANN org shared question set #2 with the GNSO Council's liaison to the ODP on 11 February 2022, who subsequently shared the questions and an update with the Council. While the question set was specifically about the topic of Applicant Support, it introduced broader procedural concerns, about whether the level of substantive work recommended by SubPro to be conducted by an IRT, would be beyond the commonly understood scope of the IRT.

The Council agreed that it should explore finding avenues to complete that level of substantive work in advance of the expected IRT that would be convened upon ICANN Board adoption of the SubPro Outputs. The potential model to address this work is the GNSO Guidance Process. ICANN org staff worked with Jeff Neuman and Council leadership to prepare a draft GGP Initiation request, which was shared on Council list on 4 May 2022.

The Council first discussed the potential GGP durings its May meeting and concerns, as well as uncertainty about the mechanism itself, were expressed both during the meeting and afterwards on the Council mailing list. The potential GGP was discussed further during the Council's June meeting, with general agreement it should be limited to the singular topic of Applicant Support. There was however discussion that additional topics should be able to be added to the existing GGP, at the discretion of the Council. The updated GGP, with Applicant Support as the only topic, was shared with the Council on 13 July 2022.

Here, the Council will vote on the GGP Initiation Request.

4.1 – Presentation of motion (Philippe Fouquart)

4.2 – Council discussion

4.3 – Council vote (voting threshold: an affirmative vote of more than one-third (1/3) of each House or more than two-thirds (2/3) of one House)

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-2: GNSO Guidance Process of the ICANN Bylaws.

Item 5: COUNCIL DISCUSSION - Policy Status Report for the Expired Domain Deletion Policy and the Expired Registration Recovery Policy - Next Steps (20 Minutes)

During the Council's meeting in November 2020, it voted to approve a deferral for the request of a Policy Status Report (PSR) for the Expired Domain Deletion Policy (EDDP) and the Expired Registration Recovery Policy (ERRP). The EDDP defines a uniform delete practice that registrars must follow at the time of domain name expiry, as well as specific requirements for registrar handling of expired names that are subject to a UDRP dispute. The ERRP sets minimum renewal notification requirements for registrars before and after domain names expire, as well as certain requirements for renewal and restoration of expired domain names. In taking this action, the Council was careful to note that it recognized the importance of the PSR for these two expiration related Consensus Policies, but did not see the PSR as urgent at that time. After approximately 1.5 years, the potential PSR has again risen to the 0-1 month range of the Action Decision Radar.

The Council must consider again whether a PSR is necessary and if it is timely to request a PSR from ICANN org's Global Domains and Strategy (GDS) function. The Council could consider interim steps prior to determining whether a full PSR is needed, such as reviewing ICANN Compliance data and/or requesting an update on expiration related complaints from ICANN Compliance, to help determine if there are known issues with either of the two policies.

Here, the Council will discuss appropriate next steps for the potential PSR for the EDDP and ERRP.

5.1 – Introduction of topic (Council leadership)

5.2 – Council discussion

5.3 – Next steps

Item 6: COUNCIL DISCUSSION - PDP Improvements Tracker - Review of Format (20 Minutes)

During the ICANN73 wrap up, the Council discussed a number of parallel conversations that have emerged since implementing PDP 3.0, identifying other aspects of the PDP where improvements could be considered. In addition, there are a number of projects on the Council's Action Decision Radar (ADR) related to PDP improvements which will need to be addressed at some point in the future.

To provide the Council with a clear picture of these different parallel initiatives and projects, and to avoid overlap and ensure complementarity, the staff support team developed a discussion paper. In addition to an overview of the different initiatives and projects, the paper also suggests a possible approach for managing these different initiatives by focusing on 1) which elements could be implemented with relatively minimal effort, 2) which elements could be implemented with some effort, 3) which elements need careful planning and consideration before these can be implemented. It is envisioned in the paper that going forward, progress on these different initiatives could be tracked through a PDP improvements tracker to ensure oversight and allow for forward planning which can factor in these commitments. The GNSO Council discussed the discussion paper and agreed that to better understand the concept, it would be helpful to have an example of what the tracker may look like. A draft of the PDP Improvements Tracker was prepared and discussed during the Council's June meeting. While substantive review of the items in the tracker will take place in the near future, this agenda item is to help ensure that the format of the tracker meets the needs of the Council; a series of six questions are included in the PDP Improvements Tracker for consideration by the Council, to help make that determination.

Here, the Council will continue its review of the proposed format of the GNSO PDP Improvements tracker.

6.1 – Introduction of topic (Council leadership)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION - Council Commitments Document (15 Minutes)

During the Council's Strategic Planning Session (SPS), a Civility Pledge that has been developed within the IPC was mentioned. This inspired an action item to consider the development of a series of commitments for Councilors to adopt, beyond what is expressly identified in the GNSO Operating Procedures. A first draft of a set of proposed commitments was shared on the Council mailing list on 8 June 2022.

The Council held a brief discussion on the draft during its wrap-up session at ICANN74, where some comments and suggestions were shared. Those suggestions were integrated and the updated document was shared on 22 June 2022.

Here, the Council will discuss the updated version of the commitments document, with the intention of adopting it at the next Council meeting.

7.1 – Introduction of topic (Sebastien Ducos)

7.2 – Council discussion

7.3 – Next steps

Item 8: ANY OTHER BUSINESS (20 minutes)

8.1 – Last call for input on the Council's response to SubPro Question Set #4

8.2 – ICANN75 Planning - draft schedule

8.3 – GNSO liaison to the GAC - Scope of Council review of the GAC Communiqué

8.4 - Update on the GNSO Council's Strategic Planning Session (SPS).

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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 05:00 UTC

Local time between March and November in the NORTHERN hemisphere

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California, USA (PDT) UTC-7 (Wednesday) 01:00

San José, Costa Rica (CST) UTC-6 (Wednesday) 23:00

New York/Washington DC, USA (EDT) UTC-4 01:00

Buenos Aires, Argentina (ART) UTC-3 02:00

Rio de Janeiro, Brazil (BRT) UTC-3 02:00

London, United Kingdom (BST) UTC+1 06:00

Kinshasa, Democratic Republic of Congo (WAT) UTC+1 06:00

Paris, France (CEST) UTC+2 07:00

Moscow, Russia (MSK) UTC+3 08:00

Singapore (SGT) UTC+8 (Friday) 13:00

Melbourne, Australia (AEST) UTC+10 (Thursday) 15:00

DST starts on Sunday 27 March 2022, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 13 March 2022 for the US.

DST ends on Sunday 30 October 2022 for EU countries, and on Sunday 06 November 2022 for the US.

For other places see http://www.timeanddate.com and https://tinyurl.com/mpz43kc2.