

Agenda 17 October 2012

Proposed Agenda for GNSO Council Public Meeting in Toronto 17 October 2012

Date: 17 October 2012
Reference to ICANN Schedule
<http://toronto45.icann.org/node/34347>

Note that this agenda may be updated as more information becomes available so interested parties are encouraged to periodically check for the latest updates on the [GNSO Council workspace](#).

As can be seen below, in addition to the Open Microphone at the end of the agenda, as possible throughout the meeting time will be allowed for audience participation. Please be aware that audience opportunities to comment will depend on available time.

This agenda was established according to the GNSO Council Operating Procedures approved 22 September 2011 for the GNSO Council and updated. <http://gns0.icann.org/en/council/gns0-operating-procedures-13sep12-en.pdf>

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.

[Meeting Times 19:00 UTC](#)
<http://tinyurl.com/9v4qpbr>

Coordinated Universal Time 19:00 UTC:
12:00 Los Angeles; 15:00 Washington DC; 20:00 London; 21:00 Paris/Prague;
04:00 Tokyo; 08:00 Wellington next day)

Dial-in numbers will be sent individually to Council members who cannot physically attend the meeting. Councilors should notify the GNSO Secretariat in advance if a dial out call is needed.

15:00- 16:00 GNSO Council Public Forum

Presentations by Stakeholder Groups and Constituency Leaders (60 minutes)

- Registries Stakeholder Group – David Maher
- Registrars Stakeholder Group – Matt Serlin
- Non Commercial Users Constituency (NCUC) – Robin Gross
- Not-for-Profit Operational Concerns Constituency – Alain Berranger.
- Commercial and Business Users Constituency (BC) – Marilyn Cade
- Intellectual Property Constituency (IPC) –Steve Metalitz
- Internet Service Providers and Connectivity Providers (ISPCP) – Tony Holmes

Break

Item 1: Administrative matters (5 minutes)

1.1 Roll Call

1.2 Statement of interest updates

1.3 Review/amend agenda

1.4. Note the status of minutes for the previous Council meeting per the GNSO Operating Procedures:

Draft [Minutes of the GNSO Council meeting 13 September 2012](#) approved on 9 October 2012.

1.5. GNSO Pending Projects List

<http://gns0.icann.org/meetings/pending-projects-list.pdf>

- Review main changes.
- Comments and/or questions.

Item 2: Consent agenda

No consent agenda items.

Item 3: Consumer Trust (10 minutes)

The GNSO's Consumer Choice, Trust, and Competition WG has produced an [advice letter](#) for consideration by ICANN Supporting Organisations and Advisory Committees.

The GNSO Council is now asked to consider approval of this [letter](#).

Refer to motion 1:

<https://community.icann.org/display/gnsocouncilmeetings/Motions+17+October+2012>

3.1 Reading of the motion (John Berard).

- 3.2 Discussion & open microphone
- 3.3 Next steps (Standard threshold: simple majority of each house).

Item 4: RAP recommendation on Uniformity of Contracts to Address Registration Abuse (10 minutes)

The Registration Abuse Policies Working Group (RAPWG) recommended that an Issue Report evaluate whether a minimum baseline of registration abuse provisions should be created for ICANN agreements. The Final Issue Report, which was submitted to the GNSO Council on 21 September 2012, recommends the initiation of a PDP (see <http://gns0.icann.org/en/issues/registration-abuse/uofc-final-issue-report-20sep12-en.pdf>).

The Council must now consider a motion to initiate a PDP.

Refer to motion 2:

<https://community.icann.org/display/gnsocouncilmeetings/Motions+17+October+2012>

- 4.1 Reading of the motion (Zahid Jamil).
- 4.2 Discussion & open microphone

4.3 Vote (PDP threshold: 1/3rd of each house, or 2/3 of one house).

Item 5: RAP recommendation on Uniformity of Reporting (10 minutes)

The Registration Abuse Policies Working Group (RAPWG) recommended that the GNSO and the larger ICANN community in general, create and support uniform reporting processes. Following further discussion on this issue, Mikey O'Connor submitted a thoughts paper to the GNSO Council which was presented to the Council at its September 13, 2012 meeting <http://gns0.icann.org/en/issues/rap/comments-rap-uniformity-of-reporting-30jul12-en.pdf>. A motion has now been submitted requesting an Issue Report on the current state of uniformity in the mechanisms to initiate, track, and analyze policy-violation reports. This issue report should consider the issues highlighted in the RAPWG Final Report, the ICANN Compliance Department Report on this issue and the thought paper and is expected to recommend next steps.

Refer to motion 3:

<https://community.icann.org/display/gnsocouncilmeetings/Motions+17+October+2012>

- 5.1 Reading of the motion (John Berard)
- 5.2 Discussion & open microphone

5.3 Vote (Issue report threshold: 25% of each house, or majority of one house).

Item 6: Protection of IOC/RC names at the second level (10 minutes)

On September 13, 2012, the ICANN Board published an approved resolution (<http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-13sep12-en.htm>) asking the GNSO conclude ongoing policy work on the issue of second-level protections for the IOC and RC names by January 31, 2013.

This is an update item to allow the IOC/RC DT to brief the Council on its ongoing work and whether it expects to be able to meet the Board's deadline, so that should this not be the case, the GNSO Council can take any action it sees fit.

- 6.1 Update from DT Chair (Jeff Neuman)
- 6.2 Discussion & open microphone

Item 7: Policy Development Process (PDP) on International Governmental Organizations (IGO) names (10 minutes)

Pursuant to its 12 April 2012 motion, the GNSO Council requested an Issue Report on the protection of names and acronyms of certain international organizations including, International Governmental Organizations (IGOs) and Non-Governmental Organizations such as the Red Cross/Red Crescent Movement (RCRC) and the International Olympic Committee (IOC). The Final Issue Report, which was submitted to the GNSO Council on 1 October 2012, recommends the initiation of a PDP (see <http://gns0.icann.org/en/issues/protection-igo-names-final-issue-report-01oct12-en.pdf>).

The Council must now consider a motion to initiate a PDP.

Refer to motion 4:

<https://community.icann.org/display/gnsocouncilmeetings/Motions+17+October+2012>

- 7.1 Update from Staff (Brian Peck)
- 7.2 Reading of the motion (Jeff Neuman)
- 7.3 Discussion & open microphone
- 7.4 Vote (PDP threshold: 1/3rd of each house, or 2/3 of one house).

Item 8: Thick Whois PDP WG Charter (10 minutes)

The Thick Whois DT has finalised a charter for the WG which will be formed as part of the PDP initiated on this issue by the GNSO Council.

The Council must now approve the charter.

Refer to motion 5:

<https://community.icann.org/display/gnsocouncilmeetings/Motions+17+October+2012>

- 8.1 Reading of the motion (Jeff Neuman)
- 8.2 Discussion & open microphone
- 8.3 Vote (PDP threshold: 1/3rd of each house, or 2/3 of one house).
- 8.4 If motion carries, selection of Council Liaison to WG.

Item 9: Inter-Registrar Transfer Policy Part C (IRTP Part C) Working Group (WG) (10 minutes)

IRTP is an ongoing 5-part PDP. Current work is on the 3rd part, part C. The WG is now presenting its Final Report for approval by the GNSO Council.

Refer to motion 6:

<https://community.icann.org/display/gnsocouncilmeetings/Motions+17+October+2012>

- 9.1 Reading of the motion (Stéphane van Gelder)
- 9.2 Discussion & open microphone
- 9.3 Vote (Approval of consensus policy PDP threshold: Supermajority (2/3 of each house, or ¾ of one house and a majority of the other)).

Item 10: Internationalized Registration Data WG (10 minutes)

Having received the IRD WG's final report, the GNSO and SSAC have submitted it to the Board via a joint letter. There is now discussion of initiating an issue report as a follow-up to the IRD WG's final report.

The Council must consider whether to request such an issue report.

Refer to motion 7:

<https://community.icann.org/display/gnsocouncilmeetings/Motions+17+October+2012>

- 10.1 Reading of the motion (Ching Chiao)
- 10.2 Discussion & open microphone
- 10.3 Vote (Issue report threshold: 25% of each house, or majority of one house).

Item 11: WHOIS Proxy/Privacy Reveal & Relay Feasibility Survey Report (10 minutes)

This survey evaluated the feasibility of conducting a future in-depth study into communication Relay and identity Reveal requests sent for gTLD domain names registered using Proxy and Privacy services. The Interisle Consulting Group has completed this survey and initial results have been reported, and explored in a community webinar held on 13 August. This item is an overview of the final report to be published in mid-September, and an examination of possible next steps for the GNSO Council to consider.

- 11.1 Update from Staff (Lyman Chapin)
- 11.2 Discussion & open microphone
- 11.3 Next step

Item 12: Uniform Rapid Suspension (URS) (10 minutes)

On September 18, 2012, Kurt Pritz wrote to the GNSO Council Chair to inform the Council of ongoing discussions on the implementation of the Uniform Rapid Suspension (URS) system.

It is being suggested that some of the implementation solutions may not match the work of the Special Trademark Issues (STI) group and that increased involvement by the GNSO may be helpful at this stage.

This is a discussion item.

- 12.1 Update from Staff (Kurt Pritz)
- 12.2 Discussion & open microphone

Item 13: Whois Review Team Final Report (10 minutes)

The GNSO Council has put together a team to work on a response to a request from the Board to comment the WHOIS RT Final Report recommendations. However, this group was unable to agree on a response and it was suggested that the Council might instead respond with a list of individual constituency and SG opinions.

At its September 13 meeting, the Council agreed to ask Staff to compile this list
<http://gnso.icann.org/en/node/34735>
The Council must now agree on next steps.

- 13.1 Update from the group (Brian Winterfeldt)
- 13.2 Discussion & open microphone
- 13.3 Next steps

Item 14: Thanks to outgoing Councilors (5 minutes)

Stéphane van Gelder, Mary Wong, Rafik Dammak, Bill Drake, Carlos Aguirre, David Taylor.

Item 15. Any Other Business (5 minutes)

BREAK

18:00 - 18:30 New Council convenes

Item 1. Seating of the New Council

- 1.1 Roll call
- 1.2 Statements of interest

David Cake <https://community.icann.org/display/gnsosoi/David+Cake+SOI>
Maria Farrell <https://community.icann.org/display/gnsosoi/Maria+Farrell+SOI>
Magaly Pazello <https://community.icann.org/display/gnsosoi/Magaly+Pazello+SOI>
Jennifer Wolfe <https://community.icann.org/display/gnsosoi/Jennifer+Wolfe+SOI>

Item 2 Vote for GNSO Council chair

Two nominations were received for this position, Jonathan Robinson and Thomas Rickert. The GNSO Council held a question & answer session over the weekend with Dr. Robinson and Mr Rickert.

Vote by secret Ballot.

GNSO Operating Procedures

<http://gnso.icann.org/en/council/gnso-operating-procedures-13sep12-en.pdf>

2.2 Officer Elections: Chair and Vice-Chairs

The GNSO Council shall select the GNSO Chair and two Vice-Chairs as follows:

a. The GNSO Chair shall be elected by a 60 percent vote of each house.

b. Each house will be allowed to nominate one candidate for GNSO Council Chair.

Each house is responsible for determining how to nominate its candidate. A candidate for GNSO Council Chair does not need to be a member of a house, but must be a member of the GNSO Council. Should a Chair be elected from outside of the houses that Chair will be a non-voting Chair.

i. All ballots will include the "none of the above" option. In the event that a 60 percent vote of each house selects the "none of the above" option, each house will commence a new nomination period of not longer than 15 days. An election for the new nominees will be scheduled for no sooner than 30 days after the unsuccessful vote.

ii. In the case of a tie for the most votes between the two candidates, or between a candidate and "none of above," a second election will be held no sooner than 30 days. The candidates shall remain the same for this second election. In the case this second election also results in a tie, each house will commence a new nomination period of not longer than 15 days. An election for the new nominees will be rescheduled for no sooner than 30 days after the unsuccessful vote.

iii. The leading candidate will be defined as the one with the highest score. The score is calculated by adding together the voting percentages attained from each house. The highest percentage attainable in each house is 100. Thus, the maximum score a candidate can achieve is 200 as a result of attaining 100 percent of the votes from the contracted party house and 100 percent from the non-contracted party house (100 percent + 100 percent = score of 200). In case neither candidate reaches the 60 percent of each house threshold, a second ballot will be held between the leading candidate and "none of the above."

iv. In case neither candidate reaches the 60 percent of each house threshold and the candidates do not tie, a second runoff ballot will be held between the

leading candidate and "none of the above."

v. If the single candidate does not reach the 60 percent of each house threshold in the runoff ballot, then each house will commence a new nomination period of not longer than 15 days. An election for the new nominees will be rescheduled for no sooner than 30 days after the unsuccessful runoff ballot.

c. Each house shall select a Council Vice-Chair from within its respective house.

d. A Chair may not be a member of the same Stakeholder Group of either of the Vice-Chairs.

e. The Chair and Vice-Chairs shall retain their votes (if any) in their respective houses (if any).

f. In the event that the GNSO Council has not elected a GNSO Council Chair by the end of the previous Chair's term, the Vice-Chairs will serve as Interim GNSO Co-Chairs until a successful election can be held.

g. The Council shall inform the Board and the Community appropriately and post the

election results on the GNSO website within 2 business days following each election

and runoff ballot, whether successful or unsuccessful.

Appendix 1

9. Except as otherwise specified in these [Bylaws](#), [Annex A](#) hereto, or the GNSO Operating Procedures, the default threshold to pass a GNSO Council motion or other voting action requires a simple majority vote of each House. The voting thresholds described below shall apply to the following GNSO actions:

a. Create an Issues Report: requires an affirmative vote of more than one-fourth (1/4) vote of each House or majority of one House.

b. Initiate a Policy Development Process ("PDP") Within Scope (as described in [Annex A](#)): requires an affirmative vote of more than one-third (1/3) of each House or more than two-thirds (2/3) of one House.

c. Initiate a PDP Not Within Scope: requires an affirmative vote of GNSO Supermajority.

d. Approve a PDP Team Charter for a PDP Within Scope: requires an affirmative vote of more than one-third (1/3) of each House or more than two-thirds (2/3) of one House.

e. Approve a PDP Team Charter for a PDP Not Within Scope: requires an affirmative vote of a GNSO Supermajority.

f. Changes to an Approved PDP Team Charter: For any PDP Team Charter approved under d. or e. above, the GNSO Council may approve an amendment to the Charter through a simple majority vote of each House.

g. Terminate a PDP: Once initiated, and prior to the publication of a Final Report, the GNSO Council may terminate a PDP only for significant cause, upon a motion that passes with a GNSO Supermajority Vote in favor of termination.

h. Approve a PDP Recommendation Without a GNSO Supermajority: requires an affirmative vote of a majority of each House and further requires that one GNSO Council member representative of at least 3 of the 4 Stakeholder Groups supports the Recommendation.

i. Approve a PDP Recommendation With a GNSO Supermajority: requires an affirmative vote of a GNSO Supermajority,

j. Approve a PDP Recommendation Imposing New Obligations on Certain Contracting Parties: where an ICANN contract provision specifies that "a two-thirds vote of the council" demonstrates the presence of a consensus, the GNSO Supermajority vote threshold will have to be met or exceeded.

k. Modification of Approved PDP Recommendation: Prior to Final Approval by the ICANN Board, an Approved PDP Recommendation may be modified or amended by the GNSO Council with a GNSO Supermajority vote.

l. A "GNSO Supermajority" shall mean: (a) two-thirds (2/3) of the Council members of each House, or (b) three-fourths (3/4) of one House and a majority of the other House."

Appendix 2: Absentee Voting Procedures [GNSO Operating Procedures](#).

4.1 Applicability

Absentee voting is permitted for the following limited number of Council motions or measures.

a. Initiate a Policy Development Process (PDP);

b. Approve a PDP recommendation;

c. Recommend amendments to the GNSO Operating Procedures (GOP) or ICANN Bylaws;

d. Fill a Council position open for election.

4.4.2 Absentee ballots, when permitted, must be submitted within the announced time limit, which shall be 72 hours from the meetings adjournment. In exceptional circumstances, announced at the time of the vote, the Chair may reduce this time to 24 hours or extend the time to 7 calendar days, provided such amendment is verbally confirmed by all Vice-Chairs present.

4.4.3 The GNSO Secretariat will administer, record, and tabulate absentee votes according to these procedures and will provide reasonable means for transmitting and authenticating absentee ballots, which could include voting by telephone, e-mail, web-based interface, or other technologies as may become available.

4.4.4 Absentee balloting does not affect quorum requirements. (There must be a quorum for the meeting in which the vote is initiated.)

Local time between March and October, Summer in the NORTHERN hemisphere

Reference (Coordinated Universal Time) UTC 19:00

California, USA (PDT) UTC-8+1DST 12:00
Toronto, Canada (EDT) UTC-5+1DST 15:00
New York/Washington DC, USA (EDT) UTC-5+1DST 15:00
Rio de Janeiro, Brazil (BRT) UTC-3+0DST 16:00
Buenos Aires, Argentina (ART) UTC-3+0DST 16:00
Montevideo, Uruguay (UYT) UTC-3+0DST 17:00
Edinburgh, Scotland (BST) UTC+1DST 20:00
London, United Kingdom (BST) UTC+1DST 20:00
Abuja, Nigeria (WAT) UTC+1+0DST 20:00
Tunis, Tunisia (CET) UTC+1+0DST 20:00
Bonn, Germany (CEST) UTC+1+1DST 21:00
Paris, France (CEST) UTC+1+1DST 21:00
Ramat Hasharon, Israel (IST) UTC+2+0DST 21:00
Karachi, Pakistan (PKT) UTC+5+0DST 00:00
Beijing/Hong Kong, China (HKT) UTC+8+0DST 03:00
Perth, Australia (WST) UTC+8+0DST 03:00 – next day
Tokyo, Japan (JST) UTC+9+0DST 04:00 – next day
Wellington, New Zealand (NZDT) UTC+12+0DST 08:00 – next day

The DST starts/ends on last Sunday of October 2012, 2:00 or 3:00 local time (with exceptions)

For other places see <http://www.timeanddate.com>
<http://tinyurl.com/9v4qpbr>