

Motions 16 August 2018

Consent Agenda: Adoption of the GNSO Council Review of GAC Communiqué for submission to the ICANN Board

Made by Martin Silva Valent

Seconded by Michele Neylon

Whereas,

1. The Governmental Advisory Committee advises the ICANN Board on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements. It usually does so as part of a Communiqué, which is published towards the end of every ICANN meeting.
2. The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.
3. The GNSO has expressed a desire to provide feedback to the ICANN Board on issues in the GAC Communiqué as these relate to generic top-level domains to inform the ICANN Board as well as the broader community of past, present or future gTLD policy activities that may directly or indirectly relate to advice provided by the GAC.
4. The GNSO Council hopes that the input provided through its review of the GAC Communiqué will further enhance the co-ordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.

Resolved,

1. The GNSO Council adopts the GNSO Council Review of the Panama GAC Communiqué (see <https://gnso.icann.org/sites/default/files/file/field-file-attach/review-gac-communique-25jul18-en.pdf>) and requests that the GNSO Council Chair communicate the GNSO Review of the Panama GAC Communiqué to the ICANN Board.
2. The GNSO Council requests that the GNSO Chair also informs the GAC Chair of the communication between the GNSO Council and the ICANN Board.

MOTION TO APPROVE THE FINAL RECOMMENDATIONS FROM THE RECONVENED WORKING GROUP ON RED CROSS NAMES - DEFERRED TO Council meeting in September 2018

Proposed by: Heather Forrest

Seconded by:

Whereas:

1. In November 2013, the Working Group for the Protection of International Governmental Organizations (IGO) and International Non-Governmental Organizations (INGO) in All gTLDs completed a Policy Development Process (PDP) and submitted its Final Report to the GNSO Council (<https://gnso.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf>), including Minority Statements: <https://gnso.icann.org/en/issues/igo-ingo-final-minority-positions-10nov13-en.pdf>);
2. On 20 November 2013, the GNSO Council approved all the consensus recommendations in the PDP Final Report (<http://gnso.icann.org/en/council/resolutions#20131120-2>);
3. On 30 April 2014, the ICANN Board approved those of the GNSO's consensus recommendations that were consistent with advice received from the Governmental Advisory Committee (GAC) on the topic of IGO and INGO protections (which approval, in relation to the Red Cross, was limited to withholding from registration at both the top and second levels the specific terms designated as so-called "Scope 1" identifiers by the PDP Working Group (i.e., "Red Cross", "Red Crescent", "Red Crystal" and "Red Lion & Sun" in all six official languages of the United Nations)) and requested additional time to consider those remaining consensus PDP recommendations that were not consistent with GAC advice (<http://www.icann.org/en/groups/board/documents/resolutions-30apr14-en.htm#2.a>);
4. In March 2017, representatives of the GAC and GNSO held a discussion at the ICANN58 Public Meeting in Copenhagen, facilitated by former ICANN Board member Dr. Bruce Tonkin, to discuss a possible path forward for reconciling GAC advice and GNSO policy on the topic of protection at the second level of the domain name system for IGO acronyms and the remaining names and acronyms associated with the Red Cross (being those designated by the IGO-INGO PDP Working Group as "Scope 2" identifiers);
5. Following the March 2017 facilitated discussion, the ICANN Board passed a resolution requesting that the GNSO Council consider initiating the Policy Amendment Process documented in the GNSO PDP Manual in respect of certain of the so-called "Scope 2" identifiers for the Red Cross, i.e., the full names of the National Societies recognized within the International Red Cross and Red Crescent movement, and the full names of the International Red Cross and Red Crescent Movement, the International Committee of the Red Cross, and the International Federation of Red Cross and Red Crescent Societies (in the six official languages of the United Nations) (<https://www.icann.org/resources/board-material/resolutions-2017-03-16-en#2.e.i>);
6. In May 2017, the GNSO Council passed a resolution noting that the March 2017 facilitated discussions had highlighted a set of exceptional circumstances (in the availability of a finite list of names and documented evidence of the legal basis for their protection) constituting a justifiable basis for the Council's taking the extraordinary step of reconvening the original IGO-INGO PDP Working Group pursuant to Section 16 of the GNSO PDP Manual for the specific purpose of considering possible modifications to its previous consensus policy recommendations concerning and limited to the so-called "Scope 2" Red Cross full names noted by the Board, and including a defined, finite list of variants of those names, and with acronyms and any other names not falling within the scope of this reconvened effort (<https://gnso.icann.org/en/council/resolutions#20170503-071>);

7. The Reconvened PDP Working Group held its first meeting on 14 June 2017, and has since worked diligently to develop a set of recommendations that were published for public comment on 21 June 2018 (<https://www.icann.org/public-comments/red-cross-protection-initial-2018-06-21-en>); and
8. Following the close of the public comment period on 31 July 2018, the Reconvened PDP Working Group reviewed the comments that were received and completed its Final Report and finite List of names, which it submitted to the GNSO Council for its consideration on 6 August 2018 (<https://gnso.icann.org/en/issues/igo-ingo/red-cross-protection-policy-amend-process-final-06aug18-en.pdf>) (<https://gnso.icann.org/en/issues/igo-ingo/red-cross-identifiers-proposed-reservation-06aug18-en.pdf>).

Resolved:

1. The GNSO Council has reviewed the Final Report and approves all of the consensus recommendations made by the Reconvened PDP Working Group;
2. The GNSO Council thanks the Reconvened PDP Working Group for its diligence and its successful work in attaining consensus on all recommendations;
3. The GNSO Council thanks the International Red Cross and Red Crescent Movement for its efforts in providing the documentation and information needed to justify and underpin the consensus recommendations; and
4. The GNSO Council directs ICANN staff to prepare a Recommendations Report for delivery to the ICANN Board in accordance with the process outlined in the ICANN Bylaws.

MOTION IN RELATION TO THE ADOPTION OF THE GNSO REVIEW WORKING GROUP IMPLEMENTATION FINAL REPORT

Made by: Rafik Dammak

Seconded by: Donna Austin

Whereas:

1. The second independent review of the GNSO commenced in 2014.
2. The Final Report of the independent examiner was published on 15 September 2015 (see <https://www.icann.org/en/system/files/files/gnsso-review-final-15sep15-en.pdf>) and contained 36 recommendations in the areas of: participation & representation, continuous development, transparency and alignment with ICANN's future.
3. The GNSO Council adopted the GNSO Review Recommendations Feasibility and Prioritization analysis (see: <http://gnso.icann.org/en/drafts/review-feasibility-prioritization-25feb16-en.pdf>) on 14 April 2016 with the modification of Recommendation 21, that the council recommends staff working with the GNSO to institute methods of information sharing of highly relevant research related to gTLDs to help the GNSO community members increase their knowledge base (low priority).
4. On 25 June 2016, the ICANN Board accepted the Final Report from the independent examiner, taking into account the GNSO Working Party's Feasibility and Prioritization Analysis of the GNSO Review Recommendations, adopted with modifications by the GNSO Council, the Board adopts thirty-four (34) recommendations of the Final Report (i.e. all recommendations excluding recommendations 23 and 32).
5. Furthermore, the Board requested that the GNSO Council convene a group that oversees the implementation of Board-accepted recommendations. An implementation plan, containing a realistic timeline for the implementation, definition of desired outcomes and a way to measure current state as well as progress toward the desired outcome, shall be submitted to the Board as soon as possible, but no later than six (6) months after the adoption of this resolution.
6. The GNSO Council requested that ICANN policy staff prepare a discussion paper that outlines the possible options for dealing with the implementation of the GNSO Review recommendations following adoption by the ICANN Board taking into account the past implementation of the GNSO Review as well as existing mechanisms such as the SCI, the GNSO Review Working Party and other applicable best practices and lessons learned from past reviews. This discussion paper was submitted to the GNSO Council on 20 June 2016 (see <http://gnso.icann.org/en/drafts/review-implementation-recommendations-discussion-paper-20jun16-en.pdf>).
7. The GNSO Council reviewed and discussed next steps during the ICANN meeting in Helsinki where it was proposed to repurpose the SCI as a Working Group to develop the requested implementation plan as outlined in the staff discussion paper.
8. The GNSO Council adopted the [Charter](#) of the GNSO Review Working Group during its meeting on 21 July 2016.
9. This Working Group was tasked to develop an implementation plan for the [GNSO Review recommendations](#) which were [adopted](#) by the ICANN Board on 25 June 2016.
10. The [implementation plan](#) was [adopted](#) by the GNSO Council on 15 December 2016.
11. On 03 February 2017 the ICANN Organizational Effectiveness Committee (OEC) of the Board of Directors [adopted](#) the plan.
12. Following approval of the implementation plan by the ICANN Board of Directors, the GNSO Review Working Group executed the implementation of the recommendations as specified in the implementation plan, and provided the GNSO Council with regular status updates (at a minimum prior to every ICANN meeting) on the status of implementation, including an overview for which recommendations implementation was considered complete.
13. On 26 July 2018 the GNSO Review Working Group submitted to the GNSO Council for consideration the GNSO2 Review Implementation [Final Report](#) indicating that the Working Group had agreed by full consensus that all GNSO Review recommendations have been implemented as of 21 June 2018.

Resolved:

1. The GNSO Council adopts the GNSO2 Review Implementation [Final Report](#).

2. The GNSO Council directs staff to submit the GNSO2 Review Implementation Final Report to the OEC of the ICANN Board of Directors for its consideration.
3. The GNSO Council thanks the GNSO Review Working Group members for their diligence and dedication in the successful execution of the implementation of the GNSO review recommendations.
4. The GNSO Council shall decide to disband the GNSO Review Working Group after the Implementation Final Report has been approved by the ICANN Board of Directors.