

Minutes of the GNSO Council Meeting 20 October 2022

[Agenda](#) and [Documents](#)

GNSO Council meeting on Thursday, 20 October 2022 at 20:00 UTC: <https://tinyurl.com/4yanvjs5>

13:00 Los Angeles; 16:00 Washington DC; 21:00 London; 22:00 Paris; 23:00 Moscow; (Friday) 07:00 Melbourne

List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Anne Aikman Scalese

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Theo Geurts (apologies, proxy to Greg DiBiase), Greg DiBiase,

gTLD Registries Stakeholder Group: Nacho Amadoz, Kurt Pritz, Sebastien Ducos,

Nominating Committee Appointee (NCA): Desiree Miloshevic

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo , Mark Datysgeld (apologies for first ½ meeting, proxy to Marie Pattullo), Osvaldo Novoa, Thomas Rickert (apologies, proxy to Osvaldo Novoa)`, John McElwaine, Susan Payne

Non Commercial Stakeholder Group (NCSG): Manju Chen, Wisdom Donkor, Farrell Folly, Stephanie Perrin, Bruna dos Santos Martins, Tomslin Samme-Nlar,

Nominating Committee Appointee (NCA): Paul McGrady

GNSO Council Liaisons/Observers:

Justine Chew – ALAC Liaison

Jeffrey Neuman– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

Guest speakers: Donna Austin, Chair of the EPDP on IDNs

ICANN Staff

David Olive – Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional

Mary Wong – Vice President, Strategic Policy Management

Marika Konings - Vice President Policy Development Support

Julie Hedlund – Policy Development Support Director

Steve Chan – Senior Director, Policy Development Support & GNSO Relations

Berry Cobb – Senior Program Manager, Policy Development Support

Emily Barabas – Policy Development Support Senior Manager (GNSO)

Ariel Liang – Policy Development Support Senior Specialist (GNSO)

Caitlin Tubergen – Policy Development Support Director (GNSO) - apologies

Terri Agnew - Policy Operations Specialist (GNSO)

Nathalie Peregrine – Manager, Policy Development and Operations Support (GNSO)

[Zoom recording](#)

[Transcript](#)

Item 1. Administrative Matters

1.1 - Roll Call

1.2 - Statements of Interest

There were no updates to the Statements of Interest.

1.3 - Review / Amend Agenda

The agenda was accepted as presented. **Sebastien Ducos, GNSO Chair**, added two items to AOB.

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

[Minutes](#) of the GNSO Council meeting on 25 August 2022 were posted on 07 September 2022.

Minutes of the GNSO Council meeting on 21 September 2022 [part 1](#) and [part 2](#) were posted on 15 October 2022.

Action items:

- None

Item 2. Opening Remarks / Review of Projects and Action List:

No time assigned for this item. **Sebastien Ducos, GNSO Chair**, reminded councilors of the importance of the Project Management Portfolio and encouraged councilors to view the [recording](#) available on the topic.

Action items:

- GNSO Councilors are encouraged to review the presentation on the Program Management Tool (PMT) and staff will circulate the link via the Council list:
https://icann.zoom.us/rec/play/onzwjav4DrOXXntfab_dfvwnccG2DS0SF6wt3S76C2SRzqB8p1crwFJkrI512NAgnpvlGRENJ9_evcg-.0E6nZg9m6fVLsdrw?startTime=1653061545000&_x_zm_rtaid=QtdTbioaRQy55B0lpRB6RQ.1666288812097.f8a514a1491dc5c62a0f9fd3c6f4888f&_x_zm_rhta_id=573

Item 3. Consent Agenda:

The Consent Agenda had four items listed:

- Approval of the updated standard term for the GNSO liaison to the Governmental Advisory Committee (GAC).

Action Items:

GNSO Council leadership team to inform the GAC leadership team that the updated role description for the GNSO liaison to the GAC has been approved by the GNSO Council.

- Reappointment of Jeffrey Neuman to serve as the GNSO liaison to the GAC for a two-year term ending AGM 2024.

Action Items:

The GNSO Council leadership team to inform the GAC leadership team that the GNSO Council reappointed Jeffrey Neuman to the role of GNSO Liaison to the GAC for a two-year term ending at the ICANN AGM 202

- Confirmation of the GNSO representative to the Empowered Community Administration.

Action items:

The GNSO Secretariat, on behalf of the GNSO Council, to notify the Empowered Community Administration (EC Admin) of the selection of Greg DiBiase, GNSO Vice Chair, as the GNSO representative to the EC Admin.

- Confirmation of Mike Silber to serve as the Chair of the GNSO Guidance Process (GGP) on Applicant Support.

Action Items:

The GNSO Secretariat, on behalf of the GNSO Council, to thank Mike Silber for his interest and notifies him of his approval by the GNSO Council as Chair of the Working Group of the GGP for Applicant Support.

Councilors present on the call voted in favor of all four items.

[Vote results](#)

Item 4. COUNCIL DISCUSSION- Whois Disclosure System Next Steps

Sebastien Ducos, GNSO Chair: the small team has been reviewing the ODA with the request from the Board to review both the SSAD and the result of the ODA to find a less costly path. The small team, made up of several members of Council as well as parties external to Council, collaborating with ICANN org, has come up with the Whois Disclosure System. This is a simplified version of the SSAD, concentrating on picking up requests for registration data information. These requests are processed through the system, the information is passed onto the concerned registrar via this ticketing system. The requests as well as the timing of the process will be recorded. A full report was planned for the October (this) Council meeting, but another month will be needed to include additional items in the scope. Questions were asked as to what would happen if a registrar would not be participating. A minimal amount of data was requested to be recorded. The registrars had a request for information to be sent to them provided they agreed to short terms and conditions. These are still in discussion.

Tomslin Samme Nlar, Non Commercial Stakeholder Group (NCSG) asked for clarification about what the registrars were requesting.

Sebastien Ducos, GNSO Chair, clarified that several registrars asked that the requests be packaged and emailed to them, to avoid monitoring via the ICANN portal. The issue here is protection of data. It is now suggested that encrypted emails be used, as is already used for UDRP. This would be for participating registrars only and for those who had requested the information be emailed to them.

Greg DiBiase, Registrar Stakeholder Group (RrSG), added that this was for efficiency, but that registrars would still enter the portal to update the status of the request received via email.

Anne Aikman Scalese, NomCom Appointee (NCA), asked about registrars expressing concern about not being able to opt out of the system should it not work for them. She also asked about UDRP providers being involved in the use of the system, as to whether it would be confusing and duplicative.

Sebastien Ducos, GNSO Chair, replied that the system relies on the voluntary basis only, so opting in and out is possible. On the matter of UDRP providers, this has not been discussed in the small team, but saw no issue with them participating as requestors.

Marie Pattullo, Business Constituency (BC), asked for clarification regarding the registrars who do not wish to participate, as the system will need to be reviewed in light of the number of requests received. If not all registrars are taking part, how will this be evaluated?

Sebastien Ducos, GNSO Chair: the main issue here is data minimisation, no data can be collected if it knowingly has no data behind it, which would be the case if there is no registrar behind it. There was discussion within the small team about sending the data anyway, but it could be considered spam. The minimum data recorded would be the domain name. If there is no sponsor name, this would be communicated to the requestor. This is still in discussion.

Kurt Pritz, Registries Stakeholder Group (RySG), echoed Marie Pattullo's concern, that this trial is a predictor of future demand. However this would not mean the system would fail. Will the implementation of the Whois Disclosure System help the Council evaluate use and cost efficiency of the future SSAD?

Sebastien Ducos, GNSO Chair, the prediction may not be a positive outcome on the SSAD as it currently stands. The small team decided should the tool be sufficient enough, and that the registrars could accomplish internally the remaining functions, this could be successful. It could be decided that the SSAD is too big, and simplification is needed.

In addition, there was discussion as to how Council would handle next steps: a motion which would report on work of the Small Team or exchange letters with the Board. This portion will be taken to the Council mailing list. The Board has made it clear the GNSO Council needs to respond clearly with guidance.

Action Items:

- Sebastien Ducos to raise the question on the GNSO Council list how the Council would like to convey its decision on the WDS to the Board (for example, through a letter or motion).

Item 5. COUNCIL DISCUSSION - Registration Data Accuracy Scoping Team (RDA ST) - Assignments #1 (Enforcement and Reporting and #2 (measurement of Accuracy) Write Up

Greg DiBiase, GNSO Council Vice Chair, reminded Council that the RDA ST returned a report with recommendations to Council during ICANN75 (September 2022).

Two proposals not requiring access to registration or the Council to consider: 1) The ST recommends GNSO Council requests ICANN org to carry out a Registrar Survey 2) The ST recommends that further work is undertaken by the ST in collaboration with ICANN org to explore the option of conducting a Registrar Audit.,

Other proposals requiring access to registration data: 1) GNSO Council pauses the work of the ST in relation to proposals that require access to registration data until such time when it is sufficiently clear whether proposals that require access to registration data are a viable path to assess the current state of accuracy. 2) Council to request ICANN org to proceed with their outreach to EDPB as a matter of urgency as well as DPI in connection with the scenarios.

He also added that the current lack of Chair is an important factor to consider.

Sebastien Ducos, GNSO Chair, shared the Council leadership's sense that there was no readily available Chair candidate. It is important to have a candidate who is informed and can finish the work efficiently, including charter and timeline review. Leadership also does not want this effort to be abandoned. There is a potential need for a pause, but also, no urgency until further information is confirmed.

Tomslin Samme-Nlar, NCSG, asked if the registrars were open to a survey and an audit.

Greg DiBiase, GNSO Council Vice Chair, confirmed they were, and that staff support is available to help, but can this be done without a Chair?

John McElwaine, Intellectual Property Constituency (IPC), agreed that there is little point in sending out the survey without a Chair. There were other issues in the ST, notably the lack of agreement on the definition of accuracy.

Kurt Prtiz, RySG, on the matter of survey (optional) and audit (mandatory), proposed survey questions. If the audit is to be led, it needs to be contract compliant and is therefore limited in scope.

Greg DiBiase, RrSG, without a DPA, it is impossible to request data which would help the audit. He also quoted the chat, in which several councilors suggested waiting for the DPA to be concluded before launching anything. The registrars are also keen for it to be concluded.

Sebastien Ducos, GNSO Chair, replied that it was close to being concluded, but no timeline had been provided.

Marie Pattullo, BC, agreed with keeping the ST as active as possible for work to be able to pick up when feasible.

Action Item:

- none

Item 6. COUNCIL DISCUSSION - Discussion of GAC's request for additional members in Applicant Support GGP Working Group.

John McElwaine, GNSO Council Vice Chair: a [letter](#) was sent to the GNSO Chair on the 3 October 2022 from the GAC expressing thanks for several observers being able to join the effort, but also requesting the option to have two members and two alternates to the GGP, which is a subject of interest to the GAC. The original model did have two members and two alternates assigned to the GAC. Once a restricted model was decided upon by the GNSO, the membership was reduced to one with no alternate, to simplify the structure and recognise the limited scope of the GGP. If this request is granted, consideration needs to be given to other SOs and ACs as well as SGs and Cs. If the GAC is denied this request, rationale needs to be provided as to limited scope, and existing recommendations already voted

on by Council would need to be modified. It is also of note, that if the additional GAC members were SMEs (Subject Matter Experts), they would be welcome to join in that capacity.

Jeff Neuman, GNSO Liaison to the GAC, added that there is an objective of interest to the GAC for the GGP: a substantive review of the 2012 program including the documents produced. The other tasks are focussed on metrics, and funding, However the first task is important and is triggering interest in GAC membership.

Tomslin Samme Nlar, NCSG, mentioned that all groups have a strong interest in the GGP, and in this model, with SMEs. A possible middle ground could be a single alternate per group.

Kurt Pritz, RySG, proposed sticking to the agreed upon structure, with the SME status providing regional flexibility for more GAC members to attend.

Anne Aikman Scalese, NCA, supported Tomslin's suggestion of an alternate per group, as SMEs would need to be evaluated by the GGP for their neutrality.

Sebastien Ducos, GNSO Chair, added that the addition of the alternate, would not affect the SMEs being able to be added after being vetted.

Susan Payne, IPC, asked about the status alternates and the concept of parity for all groups. Could this be extended to the GAC only, as other groups have not requested this?

Tomslin Samme Nlar, NCSG, warned against assuming other groups would turn an alternate down, as they may have followed the GGP structure without requesting an alternate.

Action Item:

- The GNSO Council leadership team to inform the GAC leadership team of the Council's decision with respect to the GAC's request for additional members in the Applicant Support GGP Working Group, specifically, to revise the membership to allow each group to designate an alternate member; as well as to notify the SGs, SOs, and ACs of the change in membership structure.

Item 7. COUNCIL DISCUSSION - Expedited Policy Development Process (EPDP) on Internationalized Domain Names (IDNs)

Donna Austin, Chair of the EPDP on IDNs, provided an update to the Council.

There are 47 Charter questions. The published milestones for the project will not be met. The key challenges have been the diversity and complexity of the IDN issues. There was the assumption in the charter that there would be a fully functioning SubPro IRT and that is not the case. This has increased the IDNs EPDP workload.

Many conversations have been supported by data collection and by several surveys. The composition of the EPDP is good but with different levels of understanding of the complex topics. A lot of preparation is necessary to understand the charter questions before even discussing them.

The EPDP is requesting an extended timeline and a two-phased approach: Top Level Charter Questions and Second Level Charter Questions. Progress can be made on the top level charter questions, which can be closed out before starting on the second level charter questions. The CPH Tech Ops group is looking into issues with the second level charter questions, whilst they work on that, it makes sense to move on the top level charter questions. There would therefore be two Final Reports with Phase 1 being scheduled for November 2023, and Phase 2 being scheduled for Nov 2025.

The new timeline is deliberately conservative to avoid requesting another extension to the GNSO Council. The impact of the change is the timeline, the scope will not be affected, but the EPDP has identified additional issues. There is a 31 month extension to the overall project completion.

The work being done has the potential to impact the SubPro ODP work, and the possible SubPro IRT. The EPDP is developing draft recommendations as they work, so the report's main effort will be done. Consideration is also being given to whether the recommendations are implementable or not. Other working methods are also being introduced which may impact the timeline positively. The EPDP is currently meeting for 90mins a week, would two accomplish more? With the geographic diversity of the EPDP membership, two weekly meetings may decrease membership. Leadership is also considering the possibility of a face to face meeting to move things along faster.

Sebasiten Ducos, GNSO Chair, asked whether the gating questions for a SubPro IRT would be resolved by November 2023?

Donna Austin, EPDP on IDNs Chair, replied that there was discussion about this in the EPDP, and that whilst that may be the case, there is no certainty. The decision to tackle the top level domains first for the Final Report was made to mitigate any delays to the SubPro IRT.

Tomslin Samme Nlar, NCSG, expressed support for what the EPDP is putting forward, as the issues being worked on are extremely complex.

Sebastien Ducos, GNSO Chair, agreed with Tomslin, adding that speeding the process by increasing meeting frequency was unrealistic given the work done by members with their groups outside of these calls.

Action Item:

- Confirm with Council that the suggested path is acceptable.

Item 8: COUNCIL DISCUSSION - DNS Abuse Small Team Report

Mark Datysgeld, BC Councilor and DNS Abuse Small team co-chair, reminded councilors that the DNS Abuse small team delivered its [report](#) to Council on 10 October 2022. The report identifies the phases in DNS abuse, and where changes should be implemented. There are phases 0 to 4. This helps decide when an action should take place. Phase 0 is preempting the action, phase 3 warrants action to take place. The nature of the action is dependent on the phase it should take place in. There are four recommendations pertaining to malicious registrations (a PDP might be useful), bulk registrations (needing outreach and engagement to better understand next steps), outreach (the community needs to work with the tools being developed, does a group need to be created for that aim?)

as well as suggestions for contracts (a letter could be drafted by the small team and confirmed by Council).

Anne Aikman Scalese, NCA, asked for next steps for recommendation 1 and the possibility of a PDP creation,

Paul McGrady, DNS Abuse small team co-chair, clarified that further discussion was necessary with the community before envisaging an Issue Report.

Mark Datysgeld, DNS Abuse small team co-chair, mentioned that recommendation 1 and 2 needed more information gathered before proceeding. For recommendation 3, how does Council wish to drive this forward?

Action items:

- ICANN org to invite the Co-Chairs/staff to propose a Motion for Council review

Item 9: COUNCIL DISCUSSION - SPS Planning

Sebastien Ducos, GNSO Chair, summarized discussion to date on the SPS. It will be held in Los Angeles, from the 14 - 16 December 2022, at the Hilton. SG and C leadership will be invited remotely for one session. There will be welcome drinks upon arrival at the Hilton, and a team activity at the end of day 1. Preparatory materials will be available ahead of time for members to be fully informed.

Action items:

- none

Item 10: ANY OTHER BUSINESS

10.1 – Vacant Council Liaison positions (TPR, Accuracy, RPM IRT)

Sebastien Ducos, GNSO Chair, requested, preferably, an NCPH councilor to replace Greg DiBiase as GNSO Council Liaison to TPR. There is less urgency for the Accuracy Liaison role, but it still needs to be considered. John McElwaine, GNSO Council Vice Chair, has volunteered for the RPM IRT Liaison role.

Action Item:

- Staff to draft a motion for leadership for the consent agenda for the Council to approve John McElwaine for the role of GNSO Council liaison to the RPMs Phase 1 IRT.

10.2 – Council participant in the ICANN Academy Leadership Program prior to ICANN76

Two candidates Mark Datysgeld & Manju Chen will both participate in the Program, as Mark has forfeited travel and hotel allowances.

Action Item:

- Staff, on behalf of the GNSO Council leadership team to inform ICANN org of the GNSO Council's approval of Manju Chen and Mark Datysgeld as the GNSO Council's participants in the ICANN Academy Leadership Program and that Mark will not require travel funding.

10.3 - Potential Council public comment on the Pilot Holistic Review Draft Terms of References

Traditionally, Council does not comment on Public Comments, leaving input to SGs and Cs. However Council could, if interested.

Action Item:

- none

10.3 – Zoom photo shoot of new Council

Action items:

- none

Sebastien Ducos, GNSO Chair, adjourned the meeting at 22:04 UTC.

The next GNSO Council meeting will take place on Thursday 17 November 2022.