

ICANN 57

GNSO Council Meeting

November 7, 2016

ICANN | GNSO

Generic Names Supporting Organization

20 November 2016

This document has been prepared by Sarah Clayton to provide an overview of the GNSO Council day-long meeting at ICANN57 in Hyderabad on November 7, 2016. Sarah Clayton was selected by the NCSG to serve as a temporary alternate councilor in place of Marilia Maciel, who was unable to attend ICANN57.

Hopefully, the report will serve as a useful point of reference for the community.

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Part 1

Noteworthy PDPs

- RPMs
- WHOIS reforms
- Subsequent topics for subsequent rounds of new gTLDs
- GNSO review + implementation plan

Motions

Passed

- Carlos Raul Gutierrez - new GNSO Liaison to GAC
- CWG-IG
- Auction proceeds

Deferred

- Empowered community – deferred to December (due to v. last minute amendments)

Q&A

IGO special protections

Q. Thomas Rickert

Asked about the discussion around whether the curative rights protection (CRP) mechanisms in place for both pre-2012 and new gTLDs should be amended to permit their use by International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs).

A. Phil Corwin

Commented on where the working group (WG) on CRP recommendations is up to. The working group:

- proactively reached out to both the leaders of the IGO small group and the chair and vice chairs of the GAC very early on and appealed to them to engage – they chose not to engage, but are carefully monitoring the working group
- updated the community on the likely output of their draft recommendations in the open session (9-10:30am, Nov 7, MR 1.03).

Working group has been completely transparent, and will continue to be.

Raised concerns about transparency outside of the working group:

- Over two years ago, the GNSO provided recommendations on preventative measures. Then, the GAC provided conflicting advice. As a result, the Board met with the GAC and IGO reps in a closed-door, non-transparent meeting. There were no parallel meetings with the GNSO – which was a huge concern.
 - The IGOs had developed a proposal, which was conveyed to the GNSO last month. The WG understood what the IGOs have wanted for two years now, but never saw a compelling rationale to go down the route they wanted. As the WG got more into their work, and researched the legal and policy-relevant considerations, they more strongly disagreed with the proposal from the IGOs.
- It would be useful for the GAC to hear both sides (IGOs and WG) before they offer advice on this subject. However, one IGO representative stated in the meeting between the GNSO and the GAC that the co-chair of the WG publicly stated that their recommendations were going to differ from the GAC advice.
 - If policy WGs were compelled to adopt GAC advice, then there would be no reason for the GNSO to exist – so there would be no reason for chairs or WG members to put in countless hours in coming up with recommendations.
 - Simply deferring policy issues to the GAC would eliminate the multistakeholder model.

Preliminary draft report will be published by the end of December, for Public Comment.

A. Donna Austin

Requested to get a resolution that works for the GNSO and the GAC. Acknowledged that this was an unusual situation.

Closed GNSO meetings

Q. Avri Doria

Concerned about closed GNSO meetings.

A. Edward Morris

Shared Avri's concern. Suggested starting the conversation by using the development session to figure a way to retain the benefits of the informal session, while finding a way to open it up a little bit so people could find out what the GNSO is doing. Agreed that a conversation needs to commence, even if the solution was not known.

A. Susan Kawaguchi

Agreed with Ed.

Part 2

Introduction to Herb Wayne (Ombudsman)

- Appointed role of Ombudsman in summer 2016.

Background

- From Canada.
- Retired from law enforcement.
- Currently teaching in the social justice program at Royal Roads University.

ICANN focus

- Short term
 - Focusing on outreach strategy within ICANN
 - Developing and building new and existing relationships
- Longer term
 - Wanting the office of the ombudsman to be more of a complaint intake mechanism.
 - Although it's a resource for the community when relationships break down
 - Recognising that progress requires conflict and conflict is generally a positive, efficient, effective way of moving forward when decisions have to be made.

ICANN has recently published expected standards of behaviour:

- Read standards:
<https://www.icann.org/resources/pages/expected-standards-2016-06-28-en>
- Live the standards
- Set an example to youth and newcomers to the organisation
- Create a safe, harassment-free, respectful environment for everybody

Election of GNSO chair

One nomination (James Bladel) to run for a second and final term.

Vote – passed (60% of vote required from each house). James is still chair.

James' speech: takes responsibility very seriously.

AOB

Opened to the table for AOB or to the floor for GNSO topics.

Second review of Registration Directory Service (RDS) - formerly known as the WHOIS Review

Q. Susan Kawaguchi

Asked about timeline for proposal to narrow the scope of the RDS (WHOIS Review).

A. James Bladel

No quick answer. Asked for councillors to review the document and submit feedback so that a GNSO statement could be written in a timely manner to feed back into the process.

Response to Board - input required on the small group proposal in relation to IGOs

Comment. Heather Forest

Reminded everyone that there was a letter from Board that required a response from the GNSO. Suggested volunteers who weren't involved in the first iteration of the letter should add their voices to the discussion on the council list so that a response could be sent to the Board in a timely manner – “...demonstrate that we're not dragging our feet on this issue”.

Mentioned letter from Chris Disspain – posted on council list:

4 November 2016

Dear Councilors,

Chris Disspain has asked that the note below be forwarded to you on his behalf.

Hello All,

I understand that statements are being made that the small discussion group on IGOs was set up by me. That is not correct. The Board through the New gTLD Program Committee asked me and Jamie Hedlund (acting as staff support) to enter into discussions with the IGOs through the GAC, in an attempt to establish what the possible solutions could be to the issue of IGO acronyms given that the NGPC told the GAC that its advice to reserve the IGO acronyms was problematic.

The existence of this effort has been discussed with the GNSO Council at a number of GNSO/Board meetings and also at ICANN public meetings. These discussions included the logistics of the Board asking the GNSO to consider revising its policy recommendations along with explanations of the status of the discussions with IGOs.

I also understand that it has been suggested that Mary Wong was part of the small discussion group. That is incorrect. Mary became involved recently to provide input on history and to help facilitate the discussions with the GNSO. In fact, to be clear, all staff were involved solely to facilitate the discussions and have played no substantive role.

Cheers,

Chris Disspain

Asked councillors to make sure the message gets out on own constituency mailing lists.

Comment. Paul McGrady

On letter to the ICANN Board.

Volunteered to help revise the letter on Tuesday evening.

Comment. Philip Corwin

Suggested waiting until the GAC Communique is issued, before finalising letter.

Comment. James Bladel

Agreed that waiting for the GAC Communique to be released was a sound suggestion.

Comment. Donna Austin

Not sure GNSO should be in a hurry to respond to IGO letter. Although GAC Communique would be an important document, the Red Cross issue should also be understood - because for the purposes of the GNSO, both the Red Cross and IGO are two outstanding recommendations from the PDP.

Recommended reviewing transcript from the GAC and Board meeting, where they discussed the IGO and Red Cross issues. GNSO should understand what the Board will do, because Chris Disspain insinuated that the Board would not take any action on this until after the curative rights PDP has run its course.

Comment. James Bladel

Agreed that the Red Cross issue was perhaps a special case from that PDP.

Accepting/rejecting GNSO PDP recommendations

Comment. Philip Corwin

Acknowledged that the Board has failed to make any decision on either the GNSO recommendations or the GAC advice on the permanent protections for more than two years. Stated that if the GNSO delays until there is a final report on the CRP, the decision could be extended to 3/3.5 years – as a report will not be ready until March/April 2017, at the earliest.

Advised that combining the permanent protections and the CRP into one bigger Chinese puzzle was not going to help the GNSO get to a resolution. Suggested that a more promising route to getting some decisions and diffusing the situation could be moving forward positively on the permanent protections, before the PDP on the CRP is completed.

Comment. Keith Drazek

Agreed with Philip – more than two years of inaction around a PDP recommendation from the GNSO is a terrible precedent. There are certain time frames (two meetings?) associated with the expectation for the board to act.

Comment. Donna Austin

Thought would be interesting to understand from the council's position whether the GNSO actually wanted the board to reject those recommendations. With that PDP there were around 25 recommendations, and only two that were withheld. So with the original set of recommendations, the board did act within a certain time frame; however, outstanding recommendations present a problem for the GNSO council.

Thought GNSO should consider:

- What course of action we want the board to take?
- Do we actually want them to reject those recommendations?
- What are the consequences of any action?

Comment. Paul McGrady

Stated how/why would you ask the Board to reject a policy that the GNSO sent them to adopt, especially since you would be asking the Board to reject a lot of volunteer work.

Comment. James Bladel

Replied to Paul: "that that would be a sufficient trigger for us to go back and reopen the recommendations if they were to reject it."

Stated that the Board should take action on the GNSO recommendations.

Replied to Donna: "If the board rejects a PDP and we go back and we revisit that, in addition to the problem of throwing a bucket of cold water on all the volunteer efforts is we don't know that we will have the support to create a new PDP...we're rolling the dice..."

Comment. Stephanie Perrin

Asked whether Board could forum shop if they were able to throw out GNSO PDP and initiate one of their own – e.g. a CCWG.

Comment. James Bladel

Responded to Stephanie: "we could go from a rejected recommendation directly to forming a new PDP. There is an interim step that we could do to consult the previous PDP. Would be nice to do in months rather than years."

If the Board rejects a GNSO PDP, there's an obligation to always come back with a response – but that response could be here's the same recommendation again.

Comment. Chuck Gomes

Stated that you don't have to go back to a full PDP – there are some new options, including an expedited PDP.

Comment. James Bladel

Stated that the GNSO must find out from the Board and/or GAC where the PDP got it wrong – perhaps that was the case with the Red Cross identifiers.

Comment. Donna Austin

Recent communication from the Board suggested that there's a mechanism under operating procedures, regarding how to reconsider PDP recommendations.

Comment. James Bladel

Agreed that this is an option at the GNSO's disposal, but not an option to be taken lightly.

Overall consensus.

The GNSO is closely aligned on this issue – all want PDP outcomes to be legitimate and enforceable by ICANN staff; reworking a PDP is not something to undertake lightly.

GAC Communiqué

Comment. Stephanie Perrin

Public Safety Group was expecting to attach a series of recommendations from John Carr's report on protection of children to Communiqué. Expressed desire to be on any small group that crafts a response to that list of recommendations.

Volunteers for response:

- Heather Forest
- Carlos Raul Gutierrez
- Stephanie Perrin
- Michele Neylon
- Phil Corwin
- Paul McGrady

Phil Corwin and Paul McGrady specifically said that they were willing to respond to the IGO letter from the Board.

Schedule for meetings

Q. Donna Austin

Wanted to talk about scheduling associated with the meetings? –how we can better schedule sessions, figure out how the schedule is put together and who's in control.

A. Greg Shatan

Suggested a post mortem should be done on Hyderabad and how the GNSO plans stakeholder group and constituency meetings. The earlier the better re. scheduling for Copenhagen.

A. Tony Holmes

The issue was raised with the Board and the ISPs proposed that each stakeholder group, SO/AC and constituencies, to try to address the problem. The Board asked them to send

them a letter – a letter was sent. Wanted to let the council know that “there's already something in train that may have some impact on this.”

A. Donna Austin

Four PDPs currently in operation – in a 7-day schedule there should be enough time to work on them. Recommended that a conversation needs to be had re. progressing substantive topics, particularly those being covered by PDPs, in the time available at meetings. Recommended full day, face-to-face to move forward on key issues.

A. Philip Corwin

RPM review PDP group passed on an all-day, face-to-face in Hyderabad, but may be useful in Copenhagen or Johannesburg.

Re. scheduling in general – really liked the new format, which started in Helsinki. Although, that meeting had a narrow and different focus to Hyderabad. Not so happy with the scheduling of Hyderabad. Many people were repeating themselves in different sessions in Hyderabad. No issues with GNSO council meetings/activities, more of a problem with the rest of the schedule. Better to lock items into the schedule as early as possible.

A. Chuck Gomes

People tune out in long meetings – after 3 or 4 hours or so. Could be a good idea to have a few 3-hour sessions spread out in order to maintain productivity.

A. Tony Holmes

Recommended pushing to “hard-bake” things that ICANN is responsible for into the schedule. So, council business should be part of that and hard baked into the program. Other items, such as high interest topics, should work around those hard-baked things.

A. James Bladel

One hard-baked item would be constituency day.

A. Rafik Dammak

Suggested going back to constituency day was a good idea. Eight high interest topics was challenging.

A. Chris Wilson

Suggested three or four high interest topics seemed more reasonable. Spreading out the PDP working group work could also be a good idea – also helps to justify travel with employer.

GNSO Council meeting format

Q. Rafik Dammak

Should the council go back to having its meeting over the weekend, or stick to having the weekend condensed into a long one-day session?

A. James Bladel

ICANN57 worked quite well – had one day and then “picked up some of the things that wouldn't fit in lunches”.

A. Heather Forrest

Not having breakfast meetings that start at 7-7:30am was a good thing – it recognised the fact that some people had a fair distance to travel to the conference centre. Lunch meetings were also effective.

Part 3

Wrap-up session.

Vice Chair [re-]elections

Heather Forrest (NCPH), and Donna Austin (CPH) were re-elected as Vice Chairs of the GNSO Council.

Volunteers for council liaison positions

Implementation Recommendation Team (IRT) positions to fill:

- Translation and Transliteration of gTLD Contact Data – Amr Elsadr
- Inter-registrar Transfer Policy (IRTP) (note that currently it is not the expectation that the IRT will convene again as the policy is effective per 1 December) - Rubens Kuhl
- Privacy and Proxy Services Accreditation Issues (PPSAI) – Susan Kawaguchi and Darcy Southwell
- GNSO Review WG – Rafik Dammak. Wolf will continue as vice chair.

Call for volunteers - Security, Stability and Resiliency (SSR) Review Team

Post-IANA transition - so operating on revised process, as stated in ICANN's Bylaws:

- Three primary candidates, four alternate candidates.
 - The GNSO can submit three individuals who will be included in the SSR review team.
 - Then the GNSO can add an additional four who may or may not be included in the review team.
 - Recommended balancing for gender/region/skillset.

Deadline – 15 December 2016.

Redesign of appointment process

Susan Kawaguchi and Edward Morris to redesign the appointment process for the GNSO.

Process will be applied beyond the SSR Review Team – will have to be done for WHOIS and others.

Training for WG Chairs

Nominating effective chairs

Call for identification of people in GNSO or other groups who demonstrate best-practice chairing skills - send identified individuals to Heather Forrest (by email) for consideration.

Nominating attendees

Call for identification of people in GNSO or other groups to attend - send identified individuals to Heather Forrest (by email) for consideration.
