

Title: GNSO Activity Brief for ccNSO Council

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Date of Meeting: November 29, 2018

Status: Most Recent GNSO Meeting

Review of Projects & Action List

Here are some GNSO Council on-going projects that were reviewed:

- The Whois Procedure Implementation Advisory Group is currently on hold pending the outcome of the Expedited Policy Development Process (EPDP). Given the EPDP has published its Initial Report, staff reminded councilors that a decision needs to be made regarding a call for volunteers.
- There are four Working Groups (WGs) currently active at the moment: the EPDP team (to be discussed as agenda item), the Cross Community Working Group on New gTLD Auction Proceeds whose Public Comment has been extended until the 11 December 2018, the Review of All Rights Protection Mechanisms in all gTLDs (RPM PDP) and the New gTLD Subsequent Procedures Policy Development Process (SubPro PDP).

Full Project list can be found here: [Projects List](#)

Updates to the [Action Items' list](#) included:

- ATRT3 and scheduling of the 2019 GNSO Council meetings are completed Action Items
- The 2019 Strategic Planning Session item is ongoing
- GNSO Council has received a response from Global Domains Division (GDD) in regards to the impact of General Data Protection Regulation (GDPR) on Review Team (RT) work, more specifically on the Privacy and Proxy Services Accreditation Implementation (PPSAI) RT.
- The IANA Function Review (IFR) item is in progress, the GNSO Council will receive notification as to when it is expected to determine a selection process for its representative as GNSO co-chair.
- WHOIS conflicts with privacy laws remains open and as the EPDP team has published its Initial Report, Council action is expected.

Consent Agenda

There were two items on the Consent Agenda:

- [Motion to adopt the GNSO Council response to the GAC Communiqué.](#)
- [Motion for the confirmation of GNSO representative to the Empowered Community Administration](#)

Councilors discussed the selection procedure (recommended by the Standing Committee on Improvements, approved by the GNSO Council) of the GNSO representative to the Empowered Community (EC) Administration.

Whereas,

1. The GNSO Council confirmed in October 2018 that the GNSO Chair (currently Keith Drazek) will represent the GNSO as the Decisional Participant on the Empowered Community (EC) Administration on an interim basis.
2. The GNSO Council leadership team subsequently met to agree who from the Council leadership should perform the role of GNSO representative to the Empowered Community Administration and communicated this decision to the Council mailing list on 19 November 2018.

Resolved,

1. The GNSO Council hereby confirms that Keith Drazek, GNSO Chair will represent the GNSO as the Decisional Participant on the Empowered Community Administration until the end of his term at ICANN66.
2. The GNSO representative shall act solely as directed by the GNSO Council in accordance with the ICANN Bylaws and other related GNSO Operating Procedures.
3. The GNSO Council requests the GNSO Secretariat to communicate this decision to the ICANN Secretary which will serve as the required written certification from the GNSO Chair designating the individual who shall represent the Decisional Participant on the EC Administration.

Councilors voted unanimously in favour of the Consent Agenda.

COUNCIL VOTE – COUNCIL VOTE –Adoption of the GNSO Council response to the GAC Communique

The motion to adopt the GNSO Council response to the GAC Communique was removed from the Consent agenda and placed in the main agenda.

After discussions amongst councilors regarding the process proper and substantive content of the GNSO Council response and after staff communicated that the draft GNSO Council response had in fact not been sent to the Board ahead of its 28th November 2018 meeting with the GAC, the decision was made to defer the motion to the December 2018 Council meeting.

COUNCIL DISCUSSION – IGO-INGO Access to Curative Rights Protection Mechanisms

Councilors discussed next steps regarding the IGO INGO Curative Rights Protection Mechanisms PDP WG recommendations, in particular recommendation 5, in the light of documents prepared by staff and [circulated](#) on the GNSO Council mailing list.

The suggestions were summarized as follows:

1. Board facilitated discussion between the GAC and the GNSO
2. Rejection of all five recommendations, none of them would be sent to the Board and the PDP would be terminated.

3. Accept all five recommendations, all five would be sent to the Board in conflict with GAC advice
4. Accept recommendations 1-4 and reject recommendation 5 (potentially problematic as it relates to the scope and charter of the group).. Four recommendations would be therefore sent to the Board in conflict with GAC advice.
5. Send back all or only recommendation 5 to the WG, consistent with the PDP manual, however issues with the WG dynamics may mean this triggers further delays.
6. Consult the WG on its deliberations and on the rationale for Recommendation Number 5, including the charter scope interplay with the RPMs.

Councilors were reminded that whilst it was the GNSO Council prerogative to send recommendations which conflicted with GAC advice to the Board, it would only make sense with absolute confidence in the recommendations themselves. He also that the GAC Chair, had reached out to the Council by letter during ICANN63 and that a response was expected.

It was then resolved that *Council leadership* to again present options for the IGO-INGO Access to Curative Rights Protection Final Report for councilors to consider and discuss with their respective SG/Cs.

COUNCIL UPDATE – Temporary Specification for Registration Data Expedited Policy Development Process - Recurring Update

Council was provided with an update on EPDP activities and on the content of the Initial Report.

The first policy recommendation contains a list of GDPR compliant purposes for processing registration data.

The second policy recommendation contains a set of workbooks with work done on the data elements collected from the purpose for which they were collected, how they were processed and for how long they were retained with legal bases for each data purpose and equally the processing of each element of data. In addition to the two policy recommendations, the Initial Report contains a list of eleven questions for community input on topics which lack EPDP team consensus.

Councilors then briefly discussed the topics of gating question and of access model issues, the EPDP charter laid out that once the gating questions in the charter are answered, it is then possible for the EPDP Working Group to pivot its work and start discussing access model issues.

COUNCIL DISCUSSION – ICANN Reserve Fund

In the absence of Erika Mann and in the interest of time, this agenda item was postponed till the December 2018 Council meeting.

COUNCIL DISCUSSION – Discussion of the Inter-Registrar Transfer Policy (IRTP) Policy Status Report

The GNSO Council was provided with an update of the IRTP Policy Status Report which was mandated by the IRTP-D Working Group and the Consensus Policy Implementation Framework. The report was structured in terms of the three overarching goals of the IRTP, which are the domain name portability, transfer related abuse prevention and transfer related information provision. The [Public Comment](#) on the Policy Status Report is open until the 24 December 2018.

Council leadership is to send note to Councilors to encourage their respective groups to provide input to the public comment forum, if applicable

GNSO Council Chair, adjourned the GNSO Council meeting till the December date for GNSO Council meeting.