Minutes of the GNSO Council Public Meeting in Dakar 26 October 2011

[Agenda and Documents](#)

The meeting started at 14:02 UTC.

List of attendees:

NCA – Non Voting - Carlos Dionisio Aguirre

Contracted Parties House
Registrar Stakeholder Group: Stéphane van Gelder, Adrian Kinderis, Tim Ruiz – remote participation
gTLD Registries Stakeholder Group: Jeff Neuman, Jonathan Robinson, Ching Chiao
Nominating Committee Appointee (NCA): Andrei Kolesnikov

Non-Contracted Parties House
Commercial Stakeholder Group (CSG): , Jaime Wagner, Wolf-Ulrich Knoben, Zahid Jamil, Kristina Rosette, John Berard- remote participation, Brian Winterfeldt temporary alternate for David Taylor.
Non Commercial Stakeholder Group (NCSG): Mary Wong, Wendy Seltzer, Debra Hughes, Rosemary Sinclair, absent, apologies - proxy vote to Wendy Seltzer, Robin Gross temporary alternate for Rafik Dammak, Konstantinos Komaitis temporary alternate for Bill Drake
Nominating Committee Appointee (NCA): Olga Cavalli

GNSO Council Liaisons/Observers
Alan Greenberg – ALAC Liaison
Han Chuan Lee – ccNSO Observer

ICANN Staff
David Olive - VP Policy Development - apologies
Liz Gasster - Senior Policy Counselor
Julie Hedlund - Policy Director
Rob Hoggarth - Senior Policy Director
Margie Milam - Senior Policy Counselor
Marika Konings - Senior Policy Director
Berry Cobb – Policy consultant
Glen de Saint Géry - GNSO Secretariat

For the recordings of the meeting, documents and transcripts, please refer to:
http://dakar42.icann.org/node/26967

GNSO Council Public Forum.

Presentations by Stakeholder and Constituency Group Leaders.

- Registries Stakeholder Group - David Maher
  http://dakar42.icann.org/meetings/dakar2011/transcript-excerpt-ry-26oct11-en.htm

- Registrars Stakeholder Group - Mason Cole
  http://dakar42.icann.org/meetings/dakar2011/transcript-excerpt-rr-26oct11-en.htm
- Non Commercial Users Constituency (NCUC) – Konstantinos Komaitis
  http://dakar42.icann.org/meetings/dakar2011/transcript-excerpt-ncuc-26oct11-en.htm
- Not-for-Profit Operational Concerns Constituency (NPOC – Debbie Hughes
  http://dakar42.icann.org/meetings/dakar2011/transcript-excerpt-npoc-26oct11-en.htm
- Commercial and Business Users Constituency (BC) – Marilyn Cade
  http://dakar42.icann.org/meetings/dakar2011/transcript-excerpt-bc-26oct11-en.htm
- Intellectual Property Constituency (IPC) – Paul McGrady
  http://dakar42.icann.org/meetings/dakar2011/transcript-excerpt-ipc-26oct11-en.htm
- Internet Service Providers and Connectivity Providers (ISPCP) – Tony Holmes
  http://dakar42.icann.org/meetings/dakar2011/transcript-excerpt-ispcp-26oct11-en.htm

It was suggested that the session could be made more productive with focused discussions if the constituencies/stakeholder groups were given a list of topics that the Council wanted input on prior to the meeting.

Item 1: Administrative Items

1.1 Roll call of Council members and update of Statements of Interest

Point of order
Kristina Rosette: I would just like to note, for the record, that one of our voting Council members has, in fact, been serving and was serving yesterday as a GAC representative. It would be preferable that the person does not vote, but I am not opposing it.

Olga Cavalli clarified that she was an observer to the GAC and would take up a position in the GAC when she left the Council.

After an informal poll of the Council, there were no objections raised to allowing Olga Cavalli to fully participate and vote in the Council meeting.

1.2 Updated statements of interest

- **Kristina Rosette**

  https://community.icann.org/display/gnsosoi/Kristina+Rosette+SOI

- **Rafik Dammak**

  https://community.icann.org/display/gnsosoi/Rafik+Dammak+SOI

1 2 Review/amend the agenda

No changes

1.3. The GNSO Council minutes from 6 October approved on 24 October 2011

Item 2: Update to Pending Projects List

Stéphane Van Gelder noted that the updated Pending Projects list would be posted shortly.

Item 3: Open Council Meeting Drafting Team

Following the Singapore meeting, a GNSO Drafting Team (DT) was formed to work on possible enhancements to the format of the GNSO Council's Open Meetings.

Highlights from the discussion:

- Encourage interaction with the community during the Council meeting and make it more of a forum.
- Make motions clear and understandable, avoid excessive use of 'whereas' clauses and acronyms. Have the presenter of the motion explain the motion.

Item 4: Amendments to Registrar Accreditation Agreement (RAA)

Kristina Rosette withdrew the motion and read the following statement:

"Actually, in lieu of reading the motion and providing the historical background I would like to read a slightly different statement instead, if I may.

As I mentioned previously the IPC (Intellectual Property Constituency) is delighted that the Registrar Stakeholder Group has opened negotiations to amend and update the current RAA. Kurt Pritz informed the GAC yesterday that those negotiations would cover the high priority topics included in the final report on proposals for improvements to the Registrar Accreditation Agreement.
The IPC requests that all of those high-priority topics and the medium-priority topics be the subject of those negotiations.

If, however, the negotiations will not cover all of the high-priority topics as the GAC has been advised, we do expect that the GAC would be informed accordingly. We look forward to a negotiating process with maximum feasible transparency into which those vitally affected by RAA rules will have an adequate input. And as we wish to give these negotiations an opportunity to proceed unfettered by a parallel process, I hereby withdraw my motion."

Item 5: Policy Development Process Work Team (PDP-WT)

Jeff Neuman, seconded by **Stéphane van Gelder** proposed a motion to adopt the Policy Development Process Work Team Updated Final Report

WHEREAS, in October 2008, the GNSO Council established a framework (see GNSO Council Improvement Implementation Plan; (http://www.icann.org/en/topics/gnso-improvements/gnso-improvements-implementation-plan-16oct08.pdf) for implementing the various GNSO Improvements identified and approved by the ICANN Board of Directors on 26 June 2008 (http://www.icann.org/en/minutes/resolutions-26jun08.htm#_Toc76113182) (http://www.icann.org/en/minutes/resolutions-26jun08.htm);

WHEREAS, that framework included the formation, in January 2009, of two Steering Committees, the Operations Steering Committee (OSC) and the Policy Process Steering Committee (PPSC), to charter and coordinate the efforts of five community work teams in developing specific recommendations to implement the improvements;

WHEREAS, the PPSC established two work teams, including the Policy Development Process Work Team (PDP-WT), which was chartered to develop a new policy development process that incorporates a working group approach and makes it more effective and responsive to ICANN's policy development needs;

WHEREAS, the GNSO Council decided to terminate the PPSC on 28 April 2011 and instructed the PDP-WT to deliver its Final Report directly to the GNSO Council;

WHEREAS, the PDP-WT submitted its Final Report (http://gnso.icann.org/issues/pdp-wt-final-report-final-31may11-en.pdf) on 1 June 2011 to the GNSO Council;

WHEREAS the GNSO Council opened a 30-day public comment period on the Final Report (see http://www.icann.org/en/announcements/announcement-2-09jun11-en.htm);

WHEREAS the GNSO Council referred those comments back to the PDP-WT for consideration (see http://gnso.icann.org/resolutions/#201107);

WHEREAS the PDP-WT has reviewed those comments and updated the report as deemed appropriate (see https://community.icann.org/download/attachments/9405500/PDP-WT+Public+Comment+Review+Tool+-+FINAL+-+21+September+2011.pdf?version=1&modificationDate=1317022410000);

WHEREAS the PDP-WT submitted its Updated Final Report (see http://gnso.icann.org/improvements/updated-final-report-pdpwt-28sep11.pdf) to the GNSO Council on 27 September 2011.

NOW THEREFORE, BE IT:

RESOLVED, the GNSO Council recommends that the ICANN Board of Directors adopt the revised GNSO Policy Development Process as reflected in the proposed Annex A and PDP Manual as outlined in the PDP Updated Final Report (see http://gnso.icann.org/improvements/updated-final-report-pdpwt-28sep11.pdf).

RESOLVED, the GNSO Council recommends that the procedures of the new Annex A shall be applicable to all requests for Issue Reports and PDPs initiated following adoption by the ICANN Board. For all ongoing PDPs initiated prior to the adoption by the Board, the Council shall determine the feasibility of transitioning to the procedures set forth in this Annex A for all remaining steps within the PDP. If the Council determines that any ongoing PDP cannot be feasibly transitioned to these updated procedures, the PDP shall be concluded according to the procedures set forth in Annex A in force on before the adoption of the new Annex A by the Board.

The motion carried unanimously.

Item 6: Outreach Task Force Charter

The Commercial and Business Users Constituency (BC) requested that the motion be deferred to 17 November 2011 Council meeting.

Item 7: Cross Community WG Drafting Team

Jonathan Robinson provided a brief overview of the Cross Community Working Group drafting team's status report.

Discussion highlighted:

- This should not look like "the GNSO is going to do this thing and we expect everybody else to follow"
- Different chartering organizations become confusing to participants.
- The GNSO should have a clear idea of how to deal with 'multi-chartering'.

Item 8: Geo regions WG

8.1 Rob Hoggarth provided a brief overview of the Geo Regions Working Group draft final report which is currently the subject of a public comment forum: http://www.icann.org/en/public-comment/geo-regions-draft-final-report-30sep11-en.htm.

8.3 GNSO Council representation on the Geo Regions Working Group. Zahid

Jamil volunteered to continue as the GNSO Council representative to the Working Group and **Ching Chiao** volunteered to take the place of Olga Cavalli who is leaving the Council following the Dakar meeting.

Item 9: ASO update

Louis Lee provided the Council with an [update on current Addressing Supporting Organisation activities.](#)

Item 10: Discussion of Final Issue Report on a Possible Policy Development Process (PDP) on the Uniform Dispute Resolution Policy (UDRP)

Margie Milam reported that a preliminary issue report was published prior to the Singapore meeting, a public comment period was opened and prior to Dakar meeting the Final Issue Report was published. The Council needs to decide whether or not to initiate a PDP on the UDRP. In the report there is a recommendation against initiating a PDP at this time. http://gnso.icann.org/issues/udrp/udrp-final-issue-report-03oct11-en.pdf

Discussion highlighted:

- The Registries stakeholder group noted that a motion would be forth coming at the next Council meeting on 17 November 2011 requesting the delivery of an Issue Report on all rights protection mechanisms to be delivered to the council by no later than 18 months after the launch of the first gTLD.
- The NCSG would like no delay in launching a PDP on the UDRP.
- A distinction should be made between a 'review' and a 'Policy Development Process'.
- If the review focus is on various rights protection mechanism, it should be done holistically and after the launch of new gTLDs.
- Stakeholder Groups and constituencies were encouraged to work with Jeff Neuman on the proposed motion.

Konstantinos Komaitis and **Brian Winterfeldt** volunteered to work with **Jeff Neuman** on drafting the proposed motion.

Item 11: Thanks to outgoing Councilors

Stéphane van Gelder thanked the parting Councillors for their years of effort, dedication, work, and courage, at helping the GNSO and the community at large work through important policy issues and presented those that were present with small gifts.

Olga Cavalli - Nominating Committee Appointee, **Kristina Rosette** - Intellectual Property Constituency, **Rosemary Sinclair**, in her absence,- Non Commercial Stakeholder Group, **Debbie Hughes -** Non Commercial Stakeholder Group, **Jaime**

Wagner - Internet Service Providers and Connectivity Providers Constituency, **Andrei Kolesnikov** - Nominating Committee Appointee, **Tim Ruiz** in his absence, - Registrar Stakeholder Group and Adrian Kinderis - Registrar Stakeholder Group.

Stéphane van Gelder adjourned the GNSO Council meeting and thanked everyone for their participation.
The meeting was adjourned at 18:01 UTC.

Next GNSO Council meeting will be on Thursday, 17 November 2011 at 20:00 UTC.
See: Calendar