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## Agenda Item 16: Meeting with Generic Name Supporting Organisation (GNSO) Council

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### Issues

Agendas for GAC bilateral meetings of this type tend to change up until the last minute for a range of reasons. However, the following issues are likely to be raised:

1. Introduction to the GNSO Policy Development Process (PDP) and possible improvements ("PDP 3.0").
2. Developments with regard to ICANN compliance with the European General Data Protection regulation (GDPR) including:
  - (a) The GNSO [Expedited Policy Development Process](#) (EPDP);
  - (b) Work outside the EPDP, including by ICANN.
3. The Policy Development Process (PDP) on IGO/INGO Curative Rights Protection Mechanisms.

### GAC action required

#### 1. Introduction to PDPs and PDP 3.0

The GNSO Council has expressed interest in providing the GAC, at this meeting, with an introduction to how the GNSO Policy Development process works. This is seen as particularly useful for newer GAC members.

The GNSO Council has been working for some time on a "PDP 3.0" [discussion paper](#) aimed at improving the efficiency and effectiveness of GNSO PDP Working Groups.

This is an internal GNSO exercise, but the GAC did provide some feedback at the meeting with the GNSO Council in Panama City (see below).

More information on the recommendations being considered is given below.

The GAC may wish to seek GNSO Council member views on:

- How discussion of the issues raised in the paper could be broadened to all community members, given interdependencies across ICANN work.
- Whether procedural issues in PDPs are in conflict with timely substantive outcomes.
- Lessons for procedural improvements (consensus-building, workable timelines, community consultation) from recent PDPs in which the GAC has participated, for example IGO-INGO Curative Rights Protection Mechanisms and New gTLD Subsequent Procedures Work Track 5 (Geographic Names).

#### 2. GDPR

The current situation with regard to GDPR issues is covered in briefing for Agenda Items 11, 12, 18, 19 and 33.

The GNSO Council has been reluctant to engage in any substantive discussion with the GAC leadership (or anyone else) on current work across the community on GDPR compliance because:

- The EPDP has its own working arrangements which includes GAC participation and reporting to the GAC.
- ICANN initiatives, including the Unified Access Model and periodic renewal of the Temporary Specification for gTLD Registration Data, are matters for the ICANN Board.
- The GNSO Council has no formal role in these matters at present while other processes are underway.

### 3. Policy Development Process (PDP) on IGO/INGO Curative Rights Protection Mechanisms.

The GAC will be discussing this issue in plenary. See briefing for Agenda Item 3.

#### Current Position

##### General

The GAC normally meets with the Chair and other members of the [GNSO](#) (Generic Names Supporting Organisation) Council at each ICANN meeting to discuss issues of common concern and identify methods for better co-operation. The current Chair of the GNSO Council is Dr Heather Forrest. Vice Chairs are Ms Donna Austin and Mr Rafik Dammak.

The GNSO Liaison to the GAC is Mr Johan (Julf) Helsingius.

The GNSO is one of the largest Supporting Organisations within the ICANN framework. It develops and revises policies for gTLDs (for example .com, .org, .hotel). Further information about the GNSO and its policy development process are available at <http://gns0.icann.org/en/about>.

The GNSO is a “federation” of different stakeholder groups. It comprises two “Houses”, one for parties contracted to ICANN (Registries and Registrars) and one for other parties (Commercial and Business Users, Intellectual Property, Internet Service Providers and Non-Commercial Stakeholders).

##### PDP 3.0

At the Panama City meeting the GAC raised PDP 3.0 with the GNSO Council and noted:

- GAC members see the paper as both timely and helpful.
- Given interdependencies across ICANN work, it would be helpful for discussion of the issues raised in the paper to go beyond just GNSO members
- The GAC remains committed to involvement in PDPs to the extent that public policy issues are being dealt with.
- A policy process that is determined by, in effect, anyone who volunteers and/or turns up to calls/meetings, is always going to be problematic for getting relevant expertise, a focus on problem-solving and simple project management, especially as the subject matter becomes more complex.

- Organising PDP Working Groups on the CCWG model, with designated members from relevant SOs/ACs and others participating as individuals, would encourage: (a) improved accountability, efficiency and transparency; (b) a genuine community-wide perspective within PDPs; and (c) better and more informed GAC engagement with PDPs.
- The measures proposed in the paper for better training of, and resources for, WG leaders and participants are helpful and sensible, and could build on the very good support already provided by GNSO staff.
- Iran noted that, while GNSO and GAC processes are separate, any measures to minimise conflicting advice should be explored.
- India suggested that the PDP3.0 improvements may be useful in improving the operations of GAC Working Groups.

Since Panama City there has been in-principle support across GNSO constituencies for the following recommendations in the PDP 3.0 paper:

### **Working Group Dynamics**

#1 Terms of participation for WG members

#2 Consider alternatives to the open WG model

#3 Limitations to joining of new members after a certain time WG Leadership

#4 Capture vs. Consensus Playbook

#5 Active role for and clear description of Council Liaison to PDP WGs

#6 Document expectations for WG leaders that outline role & responsibilities as well as minimum skills / expertise required

### **Consensus-building**

#9 Provide further guidance for section 3.6 (Standard Methodology for Decision Making) Role of Council as Manager of the PDP

#11 Enforce deadlines and ensure bite size pieces

#12 Notification to Council of changes in work plan

#13 Review of Chair(s)

#14 Make better use of existing flexibility in PDP to allow for data gathering, chartering and termination when it is clear that no consensus can be achieved

#15 Independent conflict resolution

#16 Criteria for PDP WG Updates

#17 Resource reporting for PDP WGs

## Further Information

[GNSO website](#)

[GNSO Council e-mail public archive](#)

## Document Administration

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