

Directors and Liaisons,

Attached below please find the Notice of date and time for the Special Meeting of the ICANN Board of Directors:

5 August 2010 - Special Meeting of the ICANN Board of Directors --  
at 20:00 UTC – This Board meeting is estimated to last 3 hours.

Some other time zones:

5 August 2010 – 01:00 PM PDT Los Angeles

5 August 2010 – 10:00 PM CEST Brussels

5 August 2010 – 04:00 PM EDT Washington, D.C.

6 August 2010 – 08:00 AM Wellington

<http://www.timeanddate.com/worldclock/fixetime.html?month=8&day=5&year=2010&hour=20&min=0&sec=0&p1=0>

**MATERIALS - SPECIAL NOTE – Following on the changes that were recently made to the Materials, they have been broken into two separate books – included in the Board Book (along with the notice and call information) are the following: 1) an expanded agenda and 2) a more concisely formatted set of board papers. The last part – titled “Additional Materials” is a separate board book, available on Board Vantage which includes additional materials and exhibits that are related to some of the papers where board members would like to explore additional information on many of the topics.**

MATERIALS -- All Materials are available on [www.boardvantage.com](http://www.boardvantage.com) <<http://www.boardvantage.com/> <<http://www.boardvantage.com/>> > , if you have trouble with access, please let us know and we will work with you to assure that you can use the BoardVantage Portal for this meeting.

The materials are all available in two board books from BoardVantage, if you are unable to access, it can be mailed to you directly.

If you have any questions, or we can be of assistance to you, please let us know.

The call information is also attached. If you require a call out to be brought into the meeting, because you are not in a location with a toll free dial-in, please let us know and we will have the call operators call you 5-10 minutes before the start of the meeting.

If you have any questions, or we can be of assistance to you, please let us know.

**John Jeffrey**

**General Counsel & Secretary, ICANN**

[John.Jeffrey@icann.org](mailto:John.Jeffrey@icann.org) <John.Jeffrey@icann.org>

<<mailto:John.Jeffrey@icann.org> <<mailto:John.Jeffrey@icann.org>>>

+1.310.301.5834 direct

Redacted

**CALL INFORMATION:**

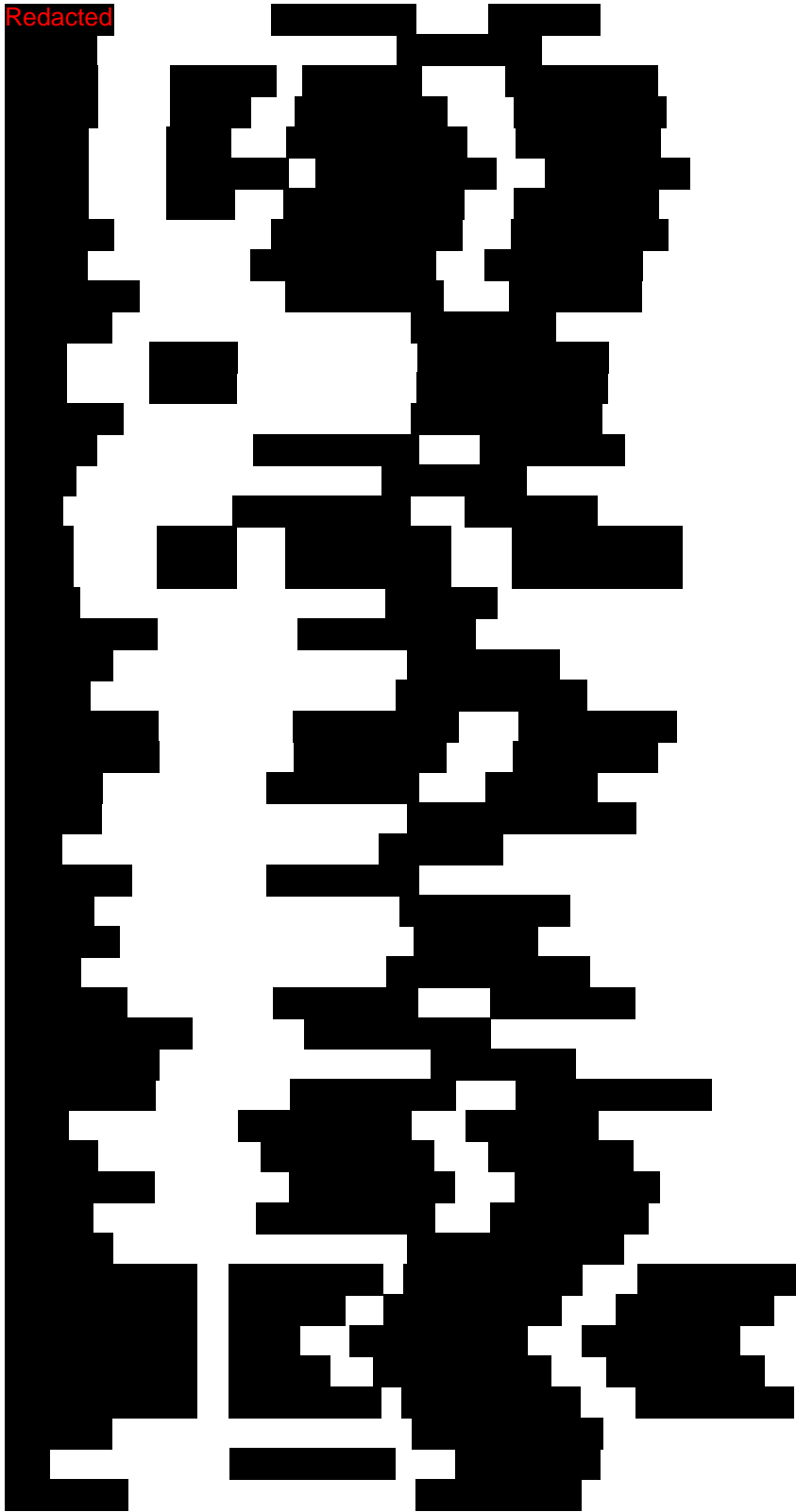
Passcodes/Pin codes:

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Restrictions may exist when accessing freephone/toll free numbers using a mobile telephone.

Dial-Out / Speaker List:

PARTICIPANT

PHONE1

PHONE2

COMMENTS

Redacted

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

# **Agenda – 5 August 2010-book-final- ICANN Board Meeting**

**Agenda – 5 August 2010 ICANN Board Meeting**  
**Expected duration; 3 hours**

1. **Executive Session – 30 minutes**

*Five Minute Break for Staff & Scribes to Join the Call*

*Consent Agenda [5 Minutes – no discussion – papers submitted and voted in one resolution unless board member requests discussion and then moved to Main Agenda]:*

2. **Consent Agenda Resolution:**

- a. Approval of Minutes of 23 June 2010 ICANN Regular Board Meeting

***RESOLVED** (2010.08.05.XX) the Board hereby approves the minutes of the 23 June 2010 Board Meeting.*

- b. Approval of Minutes of 25 June 2010 ICANN Special Board Meeting

***RESOLVED** (2010.08.05.XX) the Board hereby approves the minutes of the 25 June 2010 Board Meeting.*

- c. Delegation of IDN ccTLDs:

- i. Occupied Palestine Territory – Board Submission Paper 2010-08-05-01

*Whereas, the Occupied Palestinian Territory is a country currently listed in the ISO 3166-1 standard.*

*Whereas, فلسطين (‘‘Falasteen’’), encoded as ‘‘xn--ygbi2ammx’’, is a string that has been deemed to appropriately represent the Occupied Palestinian Territory through the IDN Fast Track process.*

*Whereas, ICANN has received a request for delegation of فلسطين . to the Ministry of Telecom and Information Technology of the Palestinian National Authority.*

*Whereas, ICANN has reviewed the request, and has determined that the proposed delegation would be in the interests of the local and global Internet communities.*

*It is hereby **RESOLVED** (2010.08.05.XX), that the proposed delegation of the فلسطين . domain to the Ministry of Telecom and Information Technology is approved.*

ii. Tunisia – Board Submission Paper 2010-08-05-02

*Whereas, Tunisia is a country currently listed in the ISO 3166-1 standard;*

*Whereas, تونس ("Tunis"), encoded as "xn--pgbs0dh", is a string that has been deemed to appropriately represent Tunisia through the IDN Fast Track process;*

*Whereas, ICANN has received a request for delegation of .تونس to Agence Tunisienne d'Internet;*

*Whereas, ICANN has reviewed the request, and has determined that the proposed delegation would be in the interests of the local and global Internet communities;*

*It is hereby **RESOLVED** (2010.08.05.xx), that the proposed delegation of the .تونس top-level domain to Agence Tunisienne d'Internet is approved.*

iii. Sri Lanka – Board Submission Paper 2010-08-05-03

*Whereas, Sri Lanka is a country currently listed in the ISO 3166-1 standard.*

*Whereas, .ලංකා ("Lanka"), encoded as "xn--fzc2c9e2c"; and .இலங்கை ("Ilangai"), encoded as "xn--xkc2al3hye2a"; are both strings that have been deemed to appropriately represent Sri Lanka through the IDN Fast Track process.*

*Whereas, ICANN has received requests for delegation of .ලංකා and .இலங்கை to LK Domain Registry.*

*Whereas, ICANN has reviewed the requests, and has determined that the proposed delegations would be in the interests of the local and global Internet communities.*

*It is hereby **RESOLVED** (2010.08.05.xx), that the proposed delegation of .ලංකා to LK Domain Registry is approved.*

*It is further **RESOLVED** (2010.08.05.xx), that the proposed delegation of .இலங்கை to LK Domain Registry is approved.*

iv. Thailand – Board Submission Paper 2010-08-05-04

*Whereas, the Thailand is a country currently listed in the ISO 3166-1 standard.*

*Whereas, .ไทย ("Thai"), encoded as "xn--o3cw4h", is a string that has been deemed to appropriately represent Thailand through the IDN Fast Track process.*

*Whereas, ICANN has received a request for delegation of .ไทย to*

*the Thai Network Information Center Foundation.  
Whereas, ICANN has reviewed the request, and has determined that the proposed delegation would be in the interests of the local and global Internet communities.  
It is hereby **RESOLVED** (2010.08.05.xx), that the proposed delegation of the .~~TH~~ domain to the Thai Network Information Center Foundation is approved.*

v. Jordan – Board Submission Paper 2010-08-05-05

*Whereas, Jordan is a country currently listed in the ISO 3166-1 standard.  
Whereas, الاردن (“al-Ordon”), encoded as “xn--mgbayh7gpa”, is a string that has been deemed to appropriately represent Jordan through the IDN Fast Track process.  
Whereas, ICANN has received a request for delegation of الاردن . to the National Information Technology Center.  
Whereas, ICANN has reviewed the request, and has determined that the proposed delegation would be in the interests of the local and global Internet communities.  
  
It is hereby **RESOLVED** (2010.08.05.xx), that the proposed delegation of the الاردن .domain to the National Information Technology Center is approved.*

d. Approval of RSEP Request for Allocation of 1 and 2-Character Domains in .TRAVEL – Board Submission Paper 2010-8-05-06

*Whereas, Tralliance submitted a request pursuant to ICANN’s Registry Services Evaluation Policy to amend the .TRAVEL Registry Agreements to allocate one and two-character domain names via a phased allocation process.  
Whereas, the proposed release of single and two-character domain names in .TRAVEL would be consistent with the recommendations of the GNSO Reserved Names Working Group and other approvals to permit the release of one and two-character domain names.  
Whereas, ICANN has evaluated the proposed amendment to the .TRAVEL Registry Agreement as new registry services pursuant to the Registry Services Evaluation Policy and has posted amendments for public comment and Board approval (<http://www.icann.org/registries/rsep/>).*

*It is hereby **RESOLVED** (2010.08.05.xx) that the .TRAVEL amendment is approved, and the President and General Counsel are*



*authorized to take such actions as appropriate to implement the amendments.*

- e. From the Security & Stability Advisory Committee
  - i. Bylaw changes – Board Submission Paper 2010-08-05-07

*Whereas, Article XI, Section 2, Subsection 2 of the Bylaws governs the Security and Stability Advisory Committee (SSAC).*

*Whereas, in its final report published 29 January 2010*

*<http://www.icann.org/en/reviews/ssac/ssac-review-wg-final-report-29jan10-en.pdf>, the Security and Stability Advisory Committee (SSAC) recommended SSAC membership appointments be for a term of three years renewable by the Board at the recommendation of the SSAC Chair indefinitely, and that the terms be staggered to*

*allow for the terms of one-third of the SSAC members to expire at the end of every year.*

*Whereas, on 12 March 2010, the Board received the SSAC final report and directed the Structural Improvements Committee (SIC) to identify actions necessary to address the recommendations within the report, at*

*<http://www.icann.org/en/minutes/resolutions-12mar10-en.htm#1.6>.*

*Whereas, Article XI, Section 2(2)(b)*

*<http://www.icann.org/en/general/bylaws.htm#XI>*

*of the Bylaws states that the SSAC chair and members shall be appointed by the Board, and does not state any term for such appointments.*

*Whereas, staff supporting the SIC have identified that a Bylaws amendment is required in order to implement the recommended change to the SSAC membership appointments.*

*Whereas in Resolution 2010.06.25.04 the Board directed the CEO to have staff draft proposed Bylaws amendments addressing the recommendations arising out of the SSAC review Working Group and to post the proposed Bylaws amendments for public comment for a period of no less than 30 days.*

*Whereas the proposed amendments were posted for public comment for a period of 30 days beginning 02 July 2010 and ending 01 August 2010,*

*Whereas staff provided the Board with a summary and analysis of the public comments received and recommended that the Board approve the Bylaws revisions as posted at [insert link].*

**Resolved** (2010.08.05.xx) *the Board approves the Bylaws revisions as posted for public comment in furtherance of the*

*recommendations arising out of the SSAC review Working Group.*

- ii. Membership appointments to initial term lengths – Board Submission Paper 2010-08-05-08

*Whereas, Article XI, Section 2, Subsection 2 of the Bylaws governs the Security and Stability Advisory Committee (SSAC). Whereas, in its final report published 29 January 2010 <http://www.icann.org/en/reviews/ssac/ssac-review-wg-final-report-29jan10-en.pdf>, the Security and Stability Advisory Committee (SSAC) recommended SSAC membership appointments be for a term of three years renewable by the Board at the recommendation of the SSAC Chair indefinitely, and that the terms be staggered to allow for the terms of one-third of the SSAC members to expire at the end of every year.*

*Whereas, the Board, at Resolution 2010.08.05.xx approved Bylaws revisions that create three-year terms for SSAC members, require staggering of terms, and obligate the SSAC chair to recommend the re-appointment of all current SSAC members to full or partial terms to implement the Bylaws revisions. The SSAC Chair must provide those recommendations prior to 1 January 2011. As noted in the Bylaws, prior to 1 January 2011, the SSAC shall remain comprised as stated in the Bylaws as amended 25 June 2010.*

*Whereas, the Chair of the SSAC provided recommendations to the Board in fulfillment of his obligations under the Bylaws.*

**RESOLVED** (2010.XX.XX.XX) *the Board accepts the recommendation of the SSAC Chair and appoints the following SSAC members to partial terms of one year commencing on 01 January 2011 and ending on 31 December 2011: Harald Alvestrand, KC Claffy, Steve Crocker, Rodney Joffe, Mark Kosters, Russ Mundy, Ray Plzak, Christophe Reverd, Mark Seiden, Bruce Tonkin, Stefano Trumpy, Patrick Vande Walle, Paul Vixie; the Board appoints the following SSAC members to partial terms of two years commencing on 01 January 2011 and ending on 31 December 2012: Alain Aina, Jaap Akkerhuis, Patrik Fältström, James Galvin, Douglas Maughan, Ram Mohan, Frederico Neves, John Schnizlein, Doron Shikmoni, Rick Wesson, Richard Wilhelm, Suzanne Woolf; the Board appoints the following SSAC members to full terms of three years commencing on 01 January 2011 and ending on 31 December 2013: Roy Arends, Jeffrey Bedser, Duncan Hart, Jeremy*

*Hitchcock, Sarmad Hussain, Warren Kumari, Matt Larson, Xiaodong Lee, Danny McPherson, Shinta Sato, Vanda Scartezini, Danny McPherson, Shinta Sato, Vanda Scartezini, Dan Simon.*

- f. From the Structural Improvements Committee – Receipt of Final Report from RSSAC Review Working Group – Board Submission Paper 2010-08-05-09

*Whereas, after public comment, the RSSAC review Working Group (WG) has delivered to the Structural Improvements Committee (SIC) its final report of activity, which contain conclusions and recommendations for enhancing the effectiveness of this structure; Whereas, at its 22 July 2010 meeting, the SIC recommended that the Board receive the final report, thank the members of the RSSAC review WG, and dissolve the RSSAC review WG, which has fulfilled the tasks assigned to it at the time of establishment; Whereas, the SIC also recommended that the ICANN Board direct the SIC with presenting a set of suggested implementation actions arising out of the Final Report for Board consideration and approval at the 28 October 2010 meeting of the Board.*

***RESOLVED*** (2010.08.05.xx), *the Board receives the final report of the RSSAC review Working Group.*

***RESOLVED*** (2010.08.05.xx), *the Board thanks the Chair and Members of the RSSAC review Working Group: Harald Alvestrand (Chair), Steve Crocker and Bruce Tonkin, for their commitment and ability to fulfil their tasks.*

***RESOLVED*** (2010.08.05.xx), *the Board dissolves the RSSAC review Working Group.*

***RESOLVED*** (2010.08.05.xx), *the Board directs the Structural Improvements Committee to present a set of suggested actions for approval at the October 2010 Board meeting, so as to address the conclusions and recommendations formulated in the final report of this Working Group.*

- g. Receipt and Posting for Public Comment of the Application to be a New UDRP Provider – Board Submission Paper 2010-08-05-10 – No resolution

- h. Approval of the At-Large Improvements Implementation Plan – Board Submission Paper 2010-08-05-11

*Whereas, on 26 June 2009, the Board resolved to direct ICANN Staff to assist the At-Large community in developing a proposed implementation plan and timeline for the recommendations in the ALAC Review Final Report (except for the recommendation to provide At-Large with voting seats) and to submit these to the Structural Improvements Committee for review and Board approval. (Resolution 2009.06.26.12).*

*Whereas, at its 19 June 2010 meeting, the SIC acknowledged receipt from staff and the At-Large community of an implementation plan, with timeline, "ALAC/At- Large Improvements Implementation Project Plan", dated 7 June 2010, and resolved to recommend it to the ICANN Board for consideration.*

*Whereas, at its 25 June 2010 Meeting, the Board directed ICANN's CEO to provide the Board with a summary of the " ALAC/At- Large Improvements Implementation Project Plan " dated 7 June 2010, for consideration at the next Board meeting, if practicable. (Resolution 2010.06.25.10).*

***It is hereby RESOLVED*** (2010.08.05.xx), *that the Board approve the ALAC/At-Large Improvements Project Plan and directs ICANN's CEO to take action according to the ALAC/At-Large Improvements Implementation Project Plan and report back on the progress at the 2010 Annual General Meeting.*

#### Main Agenda:

3. CEO's Report [For discussion] – 15 minutes
4. Chair Remuneration – Board Submission Paper 2010-08-05-12 [for possible action -- public comment period ends just prior to meeting on related proposed Bylaws Change] – 20 minutes

*Whereas, the Board has determined that it is appropriate to consider reasonable compensation for the Chair of the Board of ICANN.*

*Whereas, in order for the Board to approve any level of compensation for the Board Chair the Bylaws must be revised.*

*Whereas, at the Board's direction, the proposed Bylaws revisions providing for compensation for the Board Chair were posted for public comment for 30 days.*

*Whereas, in authorizing the consideration of Board Chair compensation and the posting of proposed Bylaws revisions, the Board followed all requirements to ensure that the Compensation Committee and the Board followed the process set forth in the United States Treasury Regulation intended to enable the Board to establish the presumption that the compensation to be paid to the Board Chair is reasonable (see <http://www.icann.org/en/minutes/resolutions-25jun10-en.htm#7>).*

*Whereas, the Board has confirmed that it has continued to follow all steps necessary to enable the Board to establish the presumption that the compensation to be paid to the Board Chair is reasonable for federal income tax purposes.*

*Whereas, the Board has considered the public comments, as well as all other information received, including the independent analysis from Towers Watson on reasonable compensation for the Board Chair.*

**RESOLVED** (2010.08.05.xx), *the proposed revisions to ICANN's Bylaws, Article VI, section 22, are hereby adopted and staff is directed to update the ICANN Bylaws accordingly.*

**RESOLVED** (2010.08.05.xx), *the Board approves compensation for the Board Chair in the amount of \$75,000 per year, to be paid out on a pro-rata basis beginning as of 12:01 a.m. on 6 August 2010 as calculated at ICANN's headquarters in Marina del Rey, California.*

5. International Dimension of ICANN – Board Submission Paper 2010-08-05-13 [To be distributed by Peter Dengate Thrush] [for consideration & possible action] – 20 minutes
6. Approval of RSEP Request for Phased Allocation Program in .JOBS – Board Submission Paper 2010-08-05-14 [for possible action] – 20 minutes

*Whereas, EmployMedia submitted a request pursuant to ICANN's Registry Services Evaluation Policy to amend Appendix S of the .JOBS Registry Agreement permit the registration and allocation of jobs domain names through a phased allocation process.*

*Whereas, the proposal was submitted to ICANN following the policy development process defined in its delegated authority in Appendix S as a sponsored TLD, with the endorsement of the sponsoring organization for .JOBS, the Society for Human Resource Management. The proposal is also consistent with other approvals to permit the registration and allocation of certain types of domain names via phased allocation mechanisms.*

*Whereas, ICANN has evaluated the proposed amendment to the Appendix S of the .JOBS Registry Agreement as a new registry service pursuant to the Registry Services Evaluation Policy and has posted amendments for public comment and Board approval (<http://www.icann.org/registries/rsep/>).*

*It is hereby **RESOLVED** (2010.\_\_) that the .JOBS amendment is approved, and the President and General Counsel are authorized to take such actions as appropriate to implement the amendments.*

7. Update on New gTLD program – plan going forward – Board Submission Paper 2010-08-05-15[for discussion] - 15 minutes
8. ICM Registry Application for .XXX sTLD – Board Submission Paper 2010-08-05-16 [update and possible action along the planned path] – 20 minutes

*Whereas, ICANN's General Counsel has completed the expedited due diligence regarding ICM Registry, as directed by the Board, and has concluded that ICM has shown that its Application for the .XXX sTLD is still current and that there have been no negative changes in ICM's qualifications.*

*Whereas, ICANN Staff is in consultation with ICM on a new proposed registry agreement for the .XXX sTLD and expects to receive a finalized proposal from ICM.*

**RESOLVED** (2010.08.05.xx), upon receipt of ICM's finalized agreement proposal, ICANN Staff is authorized to post ICM's proposed registry agreement for the .XXX sTLD for public comment for a period of no less than 30 days.

**RESOLVED** (2010.08.05.xx), upon completion of public comment period, ICANN Staff shall provide the Board with a summary of the public comments and shall make a recommendation to the Board as to whether the proposed registry agreement for the .XXX sTLD is consistent with GAC advice.

**RESOLVED** (2010.08.05.xx), once the Board has received the above public comment summary and recommendation from the ICANN Staff regarding the proposed registry agreement for the .XXX sTLD, the Board shall at its next possible meeting, consider this recommendation, and determine, consistent with the ICANN Bylaws, whether a GAC consultation shall be required.

9. Data & Consumer Protection – Board Submission Paper 2010-08-05-17 [for discussion] – 15 minutes

*Whereas, the use of registry data has been a topic of consideration, particularly as the subject relates to the registrant protection issues.*

*Whereas, given the import of the topic, further discussion is warranted.*

**RESOLVED** (2010.08.05.xx), *the Board will establish a working group to identify issues relating to the use of registry data and where registrant protection might be further explored or proposed policies might be introduced.*

**RESOLVED** (2010.08.05.xx), *the Board asks the Board Governance Committee to assist in following the Process for Establishment of Board Working Groups for the formation of a Registry Data Working Group, including the selection of members and drafting of proposed terms of reference.*

10. Update on ICANN & IGOs – Board Submission Paper 2010-08-05-18[for discussion] – 15 minutes
11. From the ASO – Ratification of Proposed Global Policy for Autonomous System Numbers – Board Submission Paper 2010-08-05-19 [for information]
12. UDRP Status Briefing – Board Submission Paper 2010-08-05-20[for information]
13. Any Other Business

## **2010-06-23 Special Board Meeting Mintues**



## **Special Board Meeting – 23 June 2010 Preliminary Report**

A Special Meeting of the ICANN Board of Directors was held on 23 June 2010. All Board members waived notice of this meeting.

Chairman Peter Dengate Thrush promptly called the meeting to order.

In addition to Chairman Peter Dengate Thrush the following Directors participated in all or part of the meeting: Rod Beckstrom (President and CEO), Dennis Jennings (Vice Chairman), Harald Tveit Alvestrand, Steve Crocker, Gonzalo Navarro, Rita Rodin Johnston, Raymond A. Plzak, Rajasekhar Ramaraj, George Sadowsky, Mike Silber, Jean-Jacques Subrenat, Bruce Tonkin, Katim Touray and Kuo-Wei Wu.

The following Board Liaisons participated in all or part of the meeting: Janis Karklins, GAC Liaison; Ram Mohan, SSAC Liaison; Thomas Narten, IETF Liaison; Jonne Soininen, TLG Liaison; Vanda Scartezini, ALAC Liaison and Suzanne Woolf, RSSAC Liaison.

The Board members discussed various topics relating to Officer and Staff compensation and approved the following resolutions.

### **Officer Compensation**

Whereas, the retention of high calibre staff is essential to ICANN's operations and ICANN desires to ensure competitive compensation for staff.

Whereas, it has been three years since Kurt Pritz and John Jeffrey have had a compensation review.

Whereas, independent market data provided by the outside compensation consultants indicates that the compensation for Kurt Pritz and John Jeffrey is below ICANN's compensation policy of compensating executives in the salary span of the 50th to 75th percentile of the for-profit market place.

RESOLVED (2010.06.23.01), the Board authorizes the CEO to make compensation adjustments for the compensation year commencing 1 March 2010, for Kurt Pritz, Senior Vice President, Services, in accordance with the independent study on comparable compensation received, subject to a limitation that his annual base salary shall not increase more than 15% per annum from its current rate for this year.

RESOLVED (2010.06.23.02), the Board authorizes the CEO to make compensation adjustments for the compensation year commencing 1 March 2010 for John Jeffrey, General Counsel and Secretary, in accordance with the independent study on comparable compensation received, subject to a limitation that his annual base salary shall not increase more than 15% per annum from its current rate for this year.

These resolutions were approved unanimously 15-0.

### **Comparable Compensation Study for CEO**

Whereas, the employment contract with the CEO requires a review of CEO compensation, current comparable compensation data should be gathered for the President and CEO.

RESOLVED (2010.06.23.03), the Board hereby directs staff to engage independent consultants to conduct a current comparable compensation study for the President and CEO.

Fourteen Board members voted in favor of this resolution. Rod Beckstrom abstained.

### **Corporation Compensation Policy**

Whereas, the current compensation policy dates from studies from 2004 and 2006;

Whereas the Compensation Committee recommends a review of the current Corporation compensation policy.

Resolved (2010.06.23.04), the CEO is directed to engage independent consultants to conduct a study to establish: (i) the applicable group of comparable organizations against which ICANN staff compensation should be measured; and (ii) the appropriate salary span within that group of comparable organizations from which ICANN staff compensation should be set.

These resolutions were approved unanimously 15-0.

The Board also conducted a confidential session during which it passed other resolutions that shall remain confidential as an “action relating to personnel or employment matters”, pursuant to Article III, section 5.2 of the ICANN Bylaws.

## 2010-06-25 Board Draft Minutes

## **Draft Minutes of Board Meeting**

**25 June 2010**

**Note: A transcript of this meeting is available at <http://brussels38.icann.org/meetings/brussels2010/transcript-board-25jun10-en.txt>.**

**A Regular Meeting of the ICANN Board of Directors was held on 25 June 2010 in Brussels, Belgium.**

**Chairman Peter Dengate Thrush promptly called the meeting to order.**

**In addition to Chairman Peter Dengate Thrush the following Directors participated in all or part of the meeting: Rod Beckstrom (President and CEO), Dennis Jennings (Vice Chairman), Harald Tveit Alvestrand, Steve Crocker, Gonzalo Navarro, Rita Rodin Johnston, Raymond A. Plzak, Rajasekhar Ramaraj, George Sadowsky, Mike Silber, Jean-Jacques Subrenat, Bruce Tonkin, Katim Touray, and Kuo-Wei Wu.**

**The following Board Liaisons participated in all or part of the meeting: Heather Dryden, GAC Liaison; Ram Mohan, SSAC Liaison; Thomas Narten, IETF Liaison; Jonne Soininen, TLG Liaison; and Vanda Scartezini, ALAC Liaison.**

**John Jeffrey, General Counsel and Secretary, and Dan Halloran, Deputy General Counsel, participated in all or part of the meeting, and many members of ICANN Management and staff were present, along with community members attending live or through remote participation.**

### **1. Consent Agenda**

The Chair of the Board introduced the meeting with a discussion of the design of the agenda, and noted that the items on the consent agenda are those, which are relatively noncontentious, with work checked and the Board noting that no discussion is needed on those items. The Chair noted that every member of the Board may request, without explanation, that an item be removed from the consent agenda and placed on the main agenda.

The Chair then provided a brief overview of the items on the consent agenda for the meeting, including approval of minutes, the review of the Technical Liaison Group, housekeeping matters such as formal disbanding of various committees, and bylaws changes to allow for the seating of a director selected by the At Large.

The Chair noted that during the consent agenda, there would be thanks to the departing Board Director, Raimundo Baca, and a vote of thanks to the former

GAC Liaison, Janis Karklins, as well as thanks to departing volunteers from various committees. The Chair then welcomed Heather Dryden, the interim chair of the Government Advisory Committee, to her first meeting as the GAC Liaison to the Board, with applause from the Board and meeting attendees.

The Chair queried the Board as to whether there were any items on the consent agenda requiring clarification, and hearing none, Steve Crocker moved and Ray Plzak seconded following resolution:

**Resolved** (2010.06.25.01), the following resolutions in this Consent Agenda are hereby approved:

**1.1. *Approval of Minutes of 22 April 2010 Board Meeting***

**Resolved** (2010.06.25.02), the Board hereby approves the minutes of the 22 April 2010 Board Meeting.

**1.2. *Extension of Time for GNSO Constituencies to Review Charters***

Whereas, the Board has determined that existing GNSO Constituencies should regularly re-confirm their status as organizations operating consistent with the ICANN Bylaws principles of transparency, openness, fairness and representativeness.

Whereas, the Board most recently asked existing GNSO Constituencies to seek Board reconfirmation of their charters prior to the Brussels meeting.

Whereas, the GNSO Council Work Team developing recommendations for GNSO Constituencies and Stakeholder Groups has now made its recommendations, but additional time will be necessary for GNSO Council and community evaluation of the recommendations.

Whereas, those evaluation efforts are likely to produce final charters that will be more effective in linking GNSO-structure operations to the ICANN Bylaws principles of transparency, fairness, openness and representativeness.

**Resolved** (2010.06.25.03), the Board further extends the timetable for GNSO Constituency reconfirmation submissions to be provided in

sufficient time for consideration at the ICANN International meeting in Cartagena, Columbia.

### **1.3. SSAC Appointment Bylaws Amendments**

Whereas, Article XI, Section 2, Subsection 2 of the Bylaws governs the Security and Stability Advisory Committee (SSAC).

Whereas, in its final report published 29 January 2010 <<http://www.icann.org/en/reviews/ssac/ssac-review-wg-final-report-29jan10-en.pdf>>, the Security and Stability Advisory Committee (SSAC) recommended SSAC membership appointments be for a term of three years renewable by the Board at the recommendation of the SSAC Chair indefinitely, and that the terms be staggered to allow for the terms of one-third of the SSAC members to expire at the end of every year.

Whereas, on 12 March 2010, the Board received the SSAC final report and directed the Structural Improvements Committee (SIC) to identify actions necessary to address the recommendations within the report, at <<http://www.icann.org/en/minutes/resolutions-12mar10-en.htm#1.6>>.

Whereas, Article XI, Section 2(2)(b) <<http://www.icann.org/en/general/bylaws.htm#XI>> of the Bylaws states that the SSAC chair and members shall be appointed by the Board, and does not state any term for such appointments.

Whereas, staff supporting the SIC have identified that a Bylaws amendment is required in order to implement the recommended change to the SSAC membership appointments, and the SIC recommends the Board approve that proposed Bylaws amendments to this effect are posted for public comment.

**Resolved** (2010.06.25.04), the Board directs the CEO to have staff draft proposed Bylaws amendments addressing the recommendations arising out of the SSAC review Working Group and to post the proposed amendments for public comment for a period of no less than 30 days.

**1.4. Implementation of Board review Working Group, NomCom review finalization Working Group and SSAC review Working Group Recommendations**

Whereas, on 12 March 2010, the Board resolved to receive the Final Reports of the Board review Working Group, Nominating Committee review finalization Working Group and the Security and Stability Advisory Committee review Working Group, and directed the Structural Improvements Committee (SIC) to “present a set of suggested actions for approval at the June 2010 Board meeting, so as to address the conclusions and recommendations formulated in the final reports of these Working Groups”, at <http://www.icann.org/en/minutes/resolutions-12mar10-en.htm#1.6>.

Whereas, ICANN staff members supporting the organizational reviews identified a set of measures to address the recommendations arising out of the Working Groups and provided those to the SIC.

Whereas, the SIC continues to consider those proposed measures, and proposes to conclude on those measures and have staff finalize implementation plans based upon the SIC’s consideration, and to provide those final plans to the Board for receipt and consideration.

**Resolved** (2010.06.25.05), the SIC will, in coordination with staff, provide the Board with final implementation plans to conform with the measures recommended by the SIC to address the conclusions and recommendations in the final reports of the Board review Working Group, Nominating Committee review finalization Working Group and Security and Stability Advisory Committee review Working Group.

**1.5. Technical Liaison Group Review**

Whereas, on 12 March 2010, the Board authorized the review of the Technical Liaison Group (TLG) to be conducted by a TLG review Working Group (Resolution 2010.03.12.07) and authorized the Structural Improvements Committee (SIC) to establish a TLG review Working Group and adopt all necessary measures to perform the review (Resolution 2010.03.12.08).

Whereas, at its 20 May 2010 meeting, the SIC unanimously agreed that it would be preferable that a working group not be formed, and that an outside consultant would perform the review. The SIC members approved that the staff, reporting to SIC, would provide oversight to the outside consultants.

Whereas, Resolutions 2010.03.12.07 and 2010.03.12.08 require modification to reflect that no working group will be formed for the review of the TLG.

**Resolved** (2010.06.25.06), that the review of the TLG authorized on 12 March 2010 remains authorized by the Board and the Board reaffirms the aims of the review of the TLG as set forth in Resolution 2010.03.12.06.

**Resolved** (2010.06.25.07), the review of the TLG is not required to be conducted through the formation of a TLG review Working Group and the Structural Improvements Committee (SIC) is authorized to adopt all necessary measures to perform the review, in consultation with the community, and to report to the Board through the SIC on the final findings and recommendations.

#### **1.6. *Disbanding Inactive President's Committees***

Whereas, on 27 March 2003, the Board established the President's Privacy Committee.

Whereas, on 23 July 2004, the Board established the President's Advisory Committee on Internationalised Domain Names.

Whereas, on 4 December 2005, the Board established the President's IANA Consultation Committee and the President's Strategy Committee.

Whereas, at the request of the President & CEO Rod Beckstrom, the Board Governance Committee reviewed the list of open President's Committees to determine if they should remain active and has determined that these committees have served their purposes.

Whereas, the Board Governance Committee has recommended that the Board resolve to disband the President's Privacy Committee, the President's Advisory Committee on Internationalised Domain Names,



the President's IANA Consultation Committee, and the President's Strategy Committee.

**Resolved** (2010.06.25.08), the ICANN Board hereby disbands the following Committees and thanks all of the community members who served on these Committees: the President's Privacy Committee, the President's Advisory Committee on Internationalised Domain Names, the President's IANA Consultation Committee, and the President's Strategy Committee.

**1.7. *Posting of Bylaws Amendments on Selection of Board Director from At-Large Community***

Whereas, on 27 August 2009, the Board approved in principle the recommendation of the Board review Working Group (BRWG) to add one voting director from the At-Large Community to the ICANN Board of Directors and removing the present ALAC Liaison to the Board.  
<<http://www.icann.org/en/minutes/minutes-27aug09-en.htm>>.

Whereas, the BRWG issued its Final Report containing the recommendation with the expectation that "the selection process will be designed, approved and implemented in time for the new Director to be seated at the 2010 Annual General Meeting."

Whereas, on 12 March 2010 the Board directed the Structural Improvements Committee (SIC) to present a set of suggested actions to address the recommendations formulated in the BRWG final report.  
<<http://www.icann.org/en/minutes/resolutions-12mar10-en.htm#1.6>>.

Whereas, the ICANN Bylaws must be amended to allow for the seating of a Board Director selected by the At-Large Community and to remove the present ALAC Liaison.

Whereas, the SIC, in consultation with the Board Governance Committee, agreed that the term of the Board Director selected by the At-Large Community should coincide with the terms of the Board Directors selected by the Sponsoring Organizations, so as to allow the Nominating Committee to consider the full composition of the non-Nominating Committee-appointed Board membership when making its appointments.

Whereas, the Office of the General Counsel, in consultation with the SIC and the staff supporting the At-Large, has identified recommended Bylaws amendments necessary to allow the seating of the Director selected by the At-Large Community in line with the Board and committee directives.

Whereas, on 19 June 2010, the SIC considered the proposed Bylaws amendments and recommends that the Board direct the ICANN CEO to post for public comment the proposed Bylaws amendments.

**Resolved** (2010.06.25.09), the Board directs the ICANN CEO to post for public comment the draft Bylaws amendments necessary to allow for the seating of the Board Director selected by the At-Large Community so that the Board can take action on them no later than at its 28 October 2010 meeting.

### **1.8. *At-Large Improvement Implementation***

Whereas, on 26 June 2009, the Board resolved to direct ICANN Staff to assist the At-Large community in developing a proposed implementation plan and timeline for the recommendations in the ALAC Review Final Report (except for the recommendation to provide At-Large with voting seats) and to submit these to the Structural Improvements Committee for review and Board approval. (Resolution 2009.06.26.12).

Whereas, at its 19 June 2010 meeting, the SIC acknowledged receipt from staff and the At-Large community of an implementation plan, with timeline, "ALAC/At-Large Improvements Implementation Project Plan", dated 7 June 2010, and resolved to recommend it to the ICANN Board for consideration.

**Resolved** (2010.06.25.10), the Board directs ICANN's CEO to provide the Board with a summary of the "ALAC/At-Large Improvements Implementation Project Plan" dated 7 June 2010, for consideration at the next Board meeting, if practicable.

### **1.9. *Thanks to Raimundo Beca***

Whereas, Raimundo Beca, was appointed by the Address Supporting Organization to serve a three-year term on the Board beginning in May 2004.

Whereas, in May 2007, Raimundo was appointed by the Address Supporting Organization to serve a second three-year term on the Board.

Whereas, Raimundo has concluded his term as a member of the Board of Directors on 30 April 2010.

Whereas, Raimundo has served on the Structural Improvements, Audit, Reconsideration, Executive and IANA Committees, the President's Strategy Committee, as well as having served as a member and Chair of the Board Finance Committee.

**Resolved** (2010.06.25.11), that Raimundo has earned the deep appreciation of the Board for his term of service as a Director and the Board wishes Raimundo well in all future endeavours.

**1.10.     *Thanks to Janis Karklins***

Whereas, Janis Karklins has served as the Chairman of the Governmental Advisory Committee and Liaison from the GAC to the ICANN Board of Directors since March 2007.

Whereas, in his role as Chairman of the Governmental Advisory Committee, Janis has served as co-selector of the Accountability & Transparency Review Team.

Whereas, Janis is leaving the Governmental Advisory Committee, effective 25 June 2010, to assume a new position as Assistant Director General of UNESCO for Communication and Information.

**Resolved** (2010.06.25.12), that Janis Karklins has earned the deep appreciation of the Board for his term of service as Chairman of the Government Advisory Committee & Liaison to the ICANN Board, the Board wishes Janis well in all future endeavours.

**1.11.     *Approval of SSAC Appointments and Thanks to Departing Members***

Whereas, Security and Stability Advisory Committee (SSAC) does review its membership and make adjustments from time to time.

**Resolved** (2010.06.25.13), the Board hereby appoints the individuals identified below to the SSAC:

James Galvin;  
Sarmad Hussain;  
Xiaodong Lee; and  
Vanda Scartezini.

Whereas, Steve Conte and Robert Guerra were appointed to the ICANN Security and Stability Advisory Committee on 26 June 2009.

Whereas, ICANN wishes to acknowledge and thank Steve Conte and Robert Guerra for their service to the community by their membership on the Security and Stability Advisory Committee.

**Resolved** (2010.06.25.14), Steve Conte and Robert Guerra have earned the deep appreciation of the Board for their service to ICANN by their membership on the Security and Stability Advisory Committee, and the Board wishes Steve Conte and Robert Guerra well in all future endeavours.

#### **1.12. *Thanks to Departing At-Large Volunteers***

Whereas, ICANN wishes to acknowledge the considerable energy and skills which members of the stakeholder community bring to the ICANN process.

Whereas, in recognition of these contributions, ICANN wishes to acknowledge and thank members of the community when their terms of service end.

Whereas, two members of the At-Large community are leaving their positions at or before the Brussels meeting:

- Karaitiana Taiuru, Chair of APRALO (February 2008 - May 2010)
- Dragoslava Greve, Secretary of EURALO (March 2009-June 2010)

**Resolved** (2010.06.25.15), Karaitiana Taiuru and Dragoslava Greve have earned the deep appreciation of the Board for their terms of service, and the Board wishes them well in all future endeavours.

**1.13.     *Thanks to Sponsors***

The Board wishes to thank the following sponsors:

Afilias Limited, Neustar, .CO, VeriSign, Inc., SIDN, dns.be, China Internet Network Information Center (CNNIC), CENTR, InterNetX, Public Interest Registry, GMO Registry, Inc., EPAG Domainservices GmbH, Ascio, Iron Mountain, CORE Internet Council of Registrars, AusRegistry International, IP Mirror, RU-CENTER, pointquebec, PartnerGate GmbH, Internet Systems Consortium, Valideus, Dot Irish, China Organizational Name Administration Center (CONAC), CentralNic, .PRO, .Music, UrbanBrain, ICM Registry, Inc., AFNIC, Knipp Medien und Kommunikation GmbH, LogicBoxes, Skenzo, RegistryASP, and DotConnectAfrica.

**1.14.     *Thanks to Scribes, Interpreters, Staff, Event and Hotel Teams***

The Board expresses its appreciation to the scribes, the interpreters, technical teams, and to the entire ICANN staff for their efforts in facilitating the smooth operation of the meeting.

The Board would also like to thank the Square Brussels Meeting Centre and all the event staff for their support. Special thanks are given to Marie Tuteleers, Project Manager, David Dubois, Operations Manager, Julie Nysten, Event Coordinator, Nicolas Scheffers, Operations Manager, and Veronique Dallemagne, Freelance Event Producer.

**1.15.     *Thanks to Local Hosts***

The Board wishes to extend its thanks to the local host organizer, The European Registry of Internet Domain Names (EURid) for their support. Special thanks are given to Marc Van Wesemael, CEO, and the entire EURid Board and Staff.

Special thanks are given to Giovanni Seppia, External Relations Manager, and Daniela Medda, Marketing Coordinator, EURid, for their support over the past year to ensure the success of this meeting.

The Board also extends thanks to the following esteemed guests for their support and participation:

- Herman Van Rompuy, President of the European Council
- Neelie Kroes, Vice President of the European Commission and European Digital Agenda Commissioner
- Dr Silvana Koch-Mehrin, Vice President of the European Parliament

#### **1.16. *Thanks to Meeting Participants***

Whereas, the success of ICANN depends on the contributions of participants at the meetings.

Whereas, the participants engaged in fruitful and productive dialog at this meeting.

**Resolved**, the Board thanks the participants for their contributions.

**Resolutions 2010.06.25.01, 2010.06.25.02, 2010.06.25.03, 2010.06.25.04, 2010.06.25.05, 2010.06.25.06, 2010.06.25.07, 2010.06.25.08, 2010.06.25.09, 2010.06.25.10, 2010.06.25.11, 2010.06.25.12, 2010.06.25.13, 2010.06.25.14, and 2010.06.25.15 were approved unanimously, 16-0, in a single vote approving the consent agenda items.**

#### **Main Board Meeting**

### **2. Delegation of the 中国 and 中國 Top-Level Domains to China Internet Network Information Center**

The Chair acknowledged the considerable amount of work performed in relation to IDN ccTLD delegations, and called on Harald Alvestrand to present the first of three IDN ccTLD-related resolutions.

Harald read the proposed resolution into the record.

Kuo-Wei Wu noted his affiliation to TWNIC and the CDNC and stated for the record that he would not be voting on this resolution. Kuo-Wei also provided pronunciation assistance for the Chinese words.

Harald then moved and George Sadowsky seconded the proposed resolution, and the Chair opened the floor for discussion.

Jean-Jacques Subrenat commented on the import of all three IDN ccTLD resolutions before the Board, and cited to the UNESCO convention of 2005 on the diversity of cultural expression. Jean-Jacques highlighted the principles affirming cultural diversity as an inherent characteristic of humanity and that it thrives in a framework of democracy and tolerance. Jean-Jacques noted that languages are part of culture, and belong to populations and individuals.

Ram Mohan noted his pleasure in seeing this set of resolutions come to the Board, as has been working with IDNs for some time, and his involvement in the nuances behind the technology. Ram noted that nearly 1.8 billion Internet users speak the Chinese language, with China itself having nearly 400 million Internet users, and this is a historic landmark. Ram noted his pride in being part of the IETF, which has been at the forefront of making the technology behind IDNs compatible with the DNS, and that other communities, such as linguists, were involved as well, and the success of the working model. Finally Ram in both Chinese and English, stated "We welcome Chinese into the root server," and was joined with applause.

The CEO remarked on this historic moment reached in the meeting, and the incredible engineering, policy and linguistic work, as well as the work by the operators of the proposed IDN ccTLD and the ICANN Board, staff and community. The CEO noted his excitement in seeing the "root truly embrace the world.

The Chair then called for a vote, and the Board took the following action:

Whereas, ICANN has received a request for delegation of 中国, encoded as "xn--fiqz9s"; and 中國, encoded as "xn--fiqs8s"; to China Internet Network Information Center as country-code top-level domains.

Whereas, 中国 and 中國 are two strings that were deemed to have successfully completed the string evaluation portion of the IDN ccTLD Fast Track process by the ICANN Board of Directors in Resolution 2010.04.22.11.

Whereas, ICANN has determined that the proposal is on behalf of a country or territory that is currently listed in the ISO 3166-1 standard, and therefore eligible to be delegated country-code top-level domains under current policy.

Whereas, the strings applied for delegation are proposed to be used by the applicant in a manner consistent with the country or territory for which they were approved in the string evaluation process.

Whereas, the applicant has undertaken to operate the two top-level domains in a manner which does not cause confusion to the Internet user community, as documented in their implementation plan published online at <<http://www.cnnic.cn/html/Dir/2010/06/12/5852.htm>>.

Whereas, ICANN has reviewed the delegation request, and has determined that the proposal would be in the interests of the local and global Internet communities.

**Resolved** (2010.06.25.16), that the proposed delegation of the .中国 and .中國 top-level domains to China Internet Network Information Center is approved.

Fifteen Board members voted in favor of this resolution. Kuo-Wei Wu abstained from voting on this resolution due to his previously stated affiliations. No Board members voted in opposition to this resolution. The resolution carried.

The Board and meeting attendees applauded the carrying of this resolution with a standing ovation.

### **3. Delegation of the 香港 Top-Level Domain to Hong Kong Internet Registration Corporation Limited**

The Chair called on Jean-Jacques Subrenat to present the next resolution.

Jean-Jacques read the proposed resolution into the record, and noted that the enthusiasm, applause and consideration for the first of the three IDN ccTLD resolutions applies to all three resolutions, as it is the recognition of a cultural community not restricted to any single country.



The Chair confirmed that the acclamation applies to all three of the IDN ccTLD resolution.

Jean-Jacques moved, and Ray Plzak seconded the following resolution:

Whereas, ICANN has received a request for delegation of 香港, encoded as "xn--j6w193g", to Hong Kong Internet Registration Corporation Limited as a country-code top-level domain.

Whereas, 香港 is a string that has successfully completed the string evaluation portion of the IDN ccTLD Fast Track process.

Whereas, ICANN has determined that the proposal is on behalf of a country or territory that is currently listed in the ISO 3166-1 standard, and therefore eligible to be delegated country-code top-level domains under current policy.

Whereas, the string applied for delegation is proposed to be used by the applicant in a manner consistent with the country or territory for which they were approved in the string evaluation process.

Whereas, ICANN has reviewed the delegation request, and has determined that the proposal would be in the interests of the local and global Internet communities.

**Resolved** (2010.06.25.17), that the proposed delegation of the .香港 to Hong Kong Internet Registration Corporation Limited is approved.

Fifteen Board members voted in favor of this resolution. Kuo-Wei Wu abstained from voting on this resolution due to his previously stated affiliations. No Board members voted in opposition to this resolution. The resolution carried.

The Board and meeting attendees applauded the carrying of this resolution.

#### **4. Delegation of the 台灣 and 台灣 Top-Level Domains to Taiwan Network Information Center**

The Chair called on Ram Mohan to present the next resolution.

Ram Mohan read, and Ramaraj seconded the following resolution:

Whereas, ICANN has received a request for delegation of 台灣, encoded as "xn--kpry57d"; and 台湾, encoded as "xn--kprw13d"; to Taiwan Network Information Center as country-code top-level domains.

Whereas, 台灣 and 台湾 are two strings that were deemed to have successfully completed the string evaluation portion of the IDN ccTLD Fast Track process by the ICANN Board of Directors in Resolution 2010.04.22.11.

Whereas, ICANN has determined that the proposal is on behalf of a country or territory that is currently listed in the ISO 3166-1 standard, and therefore eligible to be delegated country-code top-level domains under current policy.

Whereas, the strings applied for delegation are proposed to be used by the applicant in a manner consistent with the country or territory for which they were approved in the string evaluation process.

Whereas, the applicant has undertaken to operate the two top-level domains in a manner which does not cause confusion to the Internet user community, as documented in their implementation plan published online at <[http://www.twnic.net/english/dn/dn\\_07a.htm](http://www.twnic.net/english/dn/dn_07a.htm)>.

Whereas, ICANN has reviewed the delegation request, and has determined that the proposal would be in the interests of the local and global Internet communities.

**Resolved** (2010.06.25.18), that the proposed delegation of the .台灣 and .台湾 top-level domains to Taiwan Network Information Center is approved.

Fifteen Board members voted in favor of this resolution. Kuo-Wei Wu abstained from voting on this resolution due to his previously stated affiliations. No Board members voted in opposition to this resolution. The resolution carried.

The Board and meeting attendees applauded the carrying of this resolution with a standing ovation.

The Chair noted his congratulations to everyone involved.

#### **5. Consideration of Independent Review Panel's Declaration on ICANN's decision regarding ICM Registry's sTLD Application**

The Chair provided background information on the Independent Review Process leading to the Panel Declaration under consideration by the Board, and the steps the Board had already undertaken since the issuance of the panel decision. He noted that this arises from the sTLD application round, and that the Board, after many discussions and contract negotiations, resolved in a split vote to decline the application. ICM, the applicant, then pursued the Independent Review Process to seek a review of that declination. ICM and ICANN attended a hearing in front of the Independent Review Panel, presenting their cases, and the Panelists reached a split decision finding that the ICANN Board did not act in conformity with the ICANN Bylaws, among other findings. The Board is now considering that finding and is considering the course of conduct for ICANN to follow. ICANN took the unprecedented step of publishing a decision tree of available options on how to respond to the panel decision, and received an unprecedented amount of public comment on the decision tree. The Chair noted the work done by staff to digest the public comment and report to the Board and the community.

The Chair then presented the resolution, and Dennis Jennings seconded the resolution.

The Chair opened the matter for discussion.

Harald Alvestrand noted his discomfort with the situation, stating his belief that the process has been followed, the Board has received advice on the reasonable path forward, and that he is effectively forced to stay that the proposed resolution is in the best interest of the organization and the interest of the furtherance of the organization's goals to act as if something is true that he believes is not. Harald stated that he can see no better way forward.

The Chair thanked Harald for his explanation of the position that many Board members find themselves in.

Rita Rodin Johnston noted her agreement with Harald. Rita recalled that when she was on the Board in 2007, she had to reevaluate what happened in 2005 in relation to ICM's application. Rita notes that she still questions whether there is a real sponsored community, but that question does not matter. ICANN has a process, and the process outcome was a finding that the sponsorship criteria were met. and the board has the courage to follow that finding.

Bruce Tonkin commented on the timing implications of the resolution. Bruce noted that the due diligence timing was in the control of the ICANN staff and the applicant. After that due diligence, the draft contract will be reviewed and negotiated. Then the Board has to review the proposed agreement and decide if it is in compliance with the GAC advice, and if it is not, the Board must enter into consultation with the GAC. If consultation is needed, Bruce estimated that it wouldn't happen until at least the meeting in Cartagena, Colombia, as the GAC as a whole does not meet intersessionally.

Katim Touray commented that, like others, he is in an uncomfortable position. This is a difficult decision that has to be made in the interests of ICANN, due process and the involvement of the community. Katim echoed Bruce's comment that there are still a number of steps to proceed, and stated that it's best to follow the process.

The Board then took the following action:

Whereas, on 19 February 2010, an Independent Review Panel ("Panel") issued an advisory Declaration in the Independent Review proceedings filed by ICM Registry challenging ICANN's denial of ICM's application for the .XXX sTLD.

Whereas, the Board understands and appreciates the inaugural utilization of the Independent Review process and the value of such an accountability mechanism.

Whereas, although the Board has not made a determination as to whether or not it agrees with the findings of the Panel's Majority (2-1 decision), the Board has determined to accept and act in accordance with some of the Panel's findings.

Whereas, in accordance with Article IV, section 3.15 of ICANN's Bylaws, the Board considered the Panel's Declaration throughout the week in

Nairobi from 7-12 March 2010 and reviewed various paths toward conclusion.

Whereas, in the absence of a process for approving an sTLD six years following the receipt of ICM's original Application, the Board chose to create a transparent set of process options and resolved to post those options for public comment.

Whereas, the process options were posted for public comment, and over 13,700 comments received have been reviewed and analyzed.

Whereas, the Board has reviewed public comments received, and further discussed and debated the process options for further consideration of the Panel Declaration.

**Resolved** (2010.06.25.19), the Board accepts and shall act in accordance with the following findings of the Independent Review Process Majority: (i) "the Board of ICANN in adopting its resolutions of June 1, 2005, found that the application of ICM Registry for the .XXX sTLD met the required sponsorship criteria;" and (ii) "the Board's reconsideration of that finding was not consistent with the application of neutral, objective and fair documented policy."

**Resolved** (2010.06.25.20), the Board directs staff to conduct expedited due diligence to ensure that: (1) the ICM Application is still current; and (2) there have been no changes in ICM's qualifications.

**Resolved** (2010.06.25.21), if the expedited due diligence results are successful, then the Board directs ICANN staff to proceed into draft contract negotiations with ICM, taking into account the GAC advice received to date.

**Resolved** (2010.06.25.22), upon staff's finalizing of a draft contract with ICM, the Board will determine whether the proposed contract is consistent with GAC advice, and if not, will enter into GAC consultation in accordance with the Bylaws.

**Resolved** (2010.06.25.23), after the GAC consultation is completed, the Board will decide whether to approve the contract, and will declare whether its action is in accordance with GAC advice or not.

Fourteen Board members voted in favor of these resolutions. Rod Beckstrom and Jean-Jacques Subrenat abstained from voting on these resolutions. No Board members voted in opposition. The resolution carried.

Jean-Jacques provided the following statement to explain his abstention: "My position is established on an informed basis with all due care, in good faith, in the honest belief that it is in the interests of the corporation of which I am a member of the Board. I believe that my abstention in this vote is consistent with the dispositions of Article 6, Section 23 of the ICANN Bylaws."

The CEO explained that his abstention was based on a concern about the determination by two of the three panelists that the ICANN Board should not use business judgment in the conduct of its affairs. He noted that the Board must be able to use business judgment in order to protect the global public interest in the coordination of the DNS. The CEO also commented that the accepts the contribution to ICANN's accountability and transparency provided through the use of the Independent Review Process.

## **6. Recognition of Raimundo Beca**

The Chair invited Raimundo Beca to the stage, and recalled the resolution in the consent agenda thanking Raimundo for his service. The Chair presented Raimundo with a certificate commemorating Raimundo's service on the Board and a token of appreciation. The Chair stated: "You have been an extraordinary board member and have served as chair of the Finance Committee and on many other committees, and I think one of the longer serving board members. Thank you very, very much for the extraordinary service you have rendered ICANN."

Ray Plzak then provided Raimundo with well wishes, recalling their years of interaction prior to service on the Board, and noting the value of Raimundo's contributions and opinions. Ray concluded: "I, for one, will miss your presence on this board. So from the deepest of my heart, I wish to thank you very much for everything you've done to help promote the development of the Internet in Latin America and your contributions to the development of the Internet as a whole. Thank you very much."

Vanda Scartezini thanked Raimundo for his kindness and devotion to ICANN, commented on his remarkable institutional memory, and expressed her hope that Raimundo will continue to remain involved in ICANN.

Jean-Jacques Subrenat, addressing Raimundo in French, commented on the level of care Raimundo devoted to each issue he tackled, and Raimundo's professionalism and ability to bring the Board back to the right path in their discussions. Jean-Jacques commented that Raimundo's departure will be a loss to ICANN, and hopes that some of Raimundo's memory and wisdom will remain with ICANN.

Gonzalo Navarro, addressing Raimundo in Spanish, noted that Raimundo has been very important to ICANN in his excellent representation of the Latin American communities. Gonzalo recalled Raimundo's generosity in assisting Gonzalo in navigating his way through ICANN, and noted how grateful he was for that assistance. Gonzalo noted that Raimundo will be missed, though "it is not a good-bye, it is just a see you later."

Raimundo then addressed the Board and the meeting attendees, stating:

"Thank you very much, everybody. I will speak first in Spanish, then in French and finally in English. In Spanish first.

"I'm so touched that it's difficult for me to express my feelings. Of course, I need my mother tongue to do that. Thank you, thank you so much to all of you. It's been six years, very interesting for me. It has been a huge experience. I really learned a lot. I have a bunch of extraordinary friends, and it's one of the best treasures I can keep.

"Now I speak in French. As Jean-Jacques said, France is a second home country to me. I spent 19 years of my life in France, 16 years were compulsory and three because I wanted to. So when I have to express feelings, French comes naturally. And now I will switch to English.

"In my life I have always had a very difficult time to get away from places. When I came out of the secondary school to the university, I didn't like that moment. I wanted to rest in the school. When I left the university to go to study in France, I didn't like to go. I wanted to rest in the university. And the sole moment in my life where I have which I didn't have the same emotion was the moment when I was not accepted to come back to my country for 16 years. So in this moment, the emotion which I feel is that I am not leaving ICANN because nobody has asked me to go out.

[Applause]

“And I always would have liked to be in the moment like the one we just had now with the IDNs which is filled with emotion, and history. So I live now this historic moment of the IDNs. And, of course, this is my memory. I would have liked also to be there for another moment which will be -- we are going to live in one year more, which is the moment when the last five blocks of IANA will be evenly distributed to the five regions. I worked a lot for that to happen, and I would have liked to have been in the Board when that happened. For sure I will be present when that will happen.

“Because I worked a lot of that, I would have like to have been there when the first new gTLDs of the round would happen. As a memory of that or in participation of that, I will wear this. [Putting on a “.RAY” T-Shirt.]”

The Board and meeting attendees applauded Raimundo with a standing ovation for his dedicated service.

## **7. Recognition of Local Hosts**

The Chair called representatives of the local meeting hosts to the stage, where they were greeted with a standing ovation. The Chair noted that the community applause states more than he could say. The Chair recalled from his experience on an organizing committee for a prior ICANN meeting, the extraordinary effort required to host a meeting, and requested that Marc van Wesemael carry thanks back to his entire team. The Chair commented that the meeting went very smoothly.

Marc van Wesemael thanked his team for the work, and thanked the participants for coming to Brussels.

Katim Touray noted the extraordinary efforts made by the hosts to assist in obtaining a visa for his travel.

The Board and meeting attendees again applauded the local hosts.

## **8. Board Committee Assignments**

The Chair called on Ray Plzak to present the resolution.

Ray then read and moved the proposed resolution, seconded by Dennis Jennings.

The Board took the following action:



Whereas, Kuo-Wei Wu has joined the ICANN Board, and Raimundo Beca's term as an ICANN Director has concluded.

Whereas, in light of the changes to Board membership, the Board Governance Committee (BGC) has made recommendations for revisions to the membership of certain Board committees.

Whereas, the Board agrees with the BGC's recommendations.

**Resolved** (2010.06.25.24), Kuo-Wei Wu shall become a member of the Public Participation and IANA Board Committees.

**Resolved** (2010.06.25.25), Rajasekhar Ramaraj shall become a member of the Board Executive Committee.

Thirteen Board members voted in favor of the resolution. Ramaraj, Jean-Jacques Subrenat and Kuo-Wei Wu abstained from voting on the resolution. No Board members opposed the resolution. The resolution carried.

Jean-Jacques provided an explanation for his abstention, clarifying that he holds the two colleagues appointed to committees in high esteem, is overjoyed about the particular appointments, and that his abstention is process related. Jean-Jacques commended Dennis and members of the Board Governance Committee for the work they have been doing, though the particular process of appointment of Board members to Board committees can and should be improved, and the ongoing Affirmations reviews impose a greater duty to improve internal governance. Jean-Jacques noted that he has sent some suggestions for improvements to the Board.

The Chair noted that Ramaraj and Kuo-Wei's abstentions were based upon their being the subjects of the resolutions.

## **9. Posting of Proposed Bylaw Changes relating to Chair Remuneration for Public Comment**

Prior to any discussion on this resolution, the Chair recued himself from the discussion.

The Vice-Chair, Dennis Jennings, assumed the responsibilities of the Chair, and presented and moved the resolution. Ray Plzak seconded the resolution.

The Vice-Chair called for discussion, and hearing none, put the resolution to a vote.

The Board then took the following action:

Whereas, the Board has determined that it is appropriate to consider reasonable compensation for the Chair of the Board of ICANN.

Whereas, as a nonprofit California public benefit corporation that is exempt from United States Federal income taxes because it is an organization described in §501(c)(3) of the Internal Revenue Code of 1986, as amended, ICANN may not pay more than "reasonable compensation" for services rendered to ICANN.

Whereas, the Compensation Committee was tasked with obtaining, reviewing, and considering comparable compensation data before making recommendations relating to Board Chair remuneration, taking into account organization size, geographic considerations, international presence, and other relevant factors.

Whereas, the Compensation Committee is authorized to engage and to seek advice from independent professionals with appropriate expertise in compensation arrangements for Board members of U.S.-based, nonprofit, tax-exempt organizations possessing a global employee base.

Whereas, in connection with consideration of compensation for the ICANN Board Chair, the Board Governance Committee, in furtherance of the Compensation Committee's remit, requested staff to engage the services of Towers Watson, an international consulting firm, to assist the Compensation Committee in compiling and analyzing appropriate compensation data as to comparability with respect to the Chair of ICANN's Board.

Whereas, in making recommendations to the full Board regarding the level of compensation to consider for ICANN's Chair of the Board, the Compensation Committee followed the process set forth in United States Treasury Regulation § 53.4958-6 which is intended to enable the Board to establish the presumption that the compensation to be paid to the Board Chair is reasonable for Federal income tax purposes.

Whereas, upon due inquiry of its members, the Compensation Committee concluded that no member participating in the deliberations and voting on the level of compensation recommended to the Board for the Board Chair compensation was conflicted.

Whereas, because the Board Chair, who is also the Chair of the Compensation Committee, is conflicted, the Board Chair did not participate in the deliberations or voting on the recommendations as to whether the Board should consider compensating the Board Chair, or the level of compensation considered.

Whereas, after consideration of the information the Compensation Committee received, including the comparability data provided by Towers Watson and the advice and counsel of Towers Watson, the non-conflicted voting members of the Compensation Committee agreed that it is in the best interests of ICANN to recommend that the Board consider compensating the ICANN Chair of the Board.

Whereas, after consideration of the information the Compensation Committee received, including the comparability data provided by Towers Watson and the advice and counsel of Towers Watson, the non-conflicted voting members of the Compensation Committee agreed that, taking into account organization size, geographic considerations, international presence, the role and responsibilities of the Board Chair and other relevant factors, determined that reasonable compensation for the Board Chair would be USD \$75,000 per year.

Whereas, upon due inquiry of its members, the Board has concluded that no member of the Board participating in the deliberations and voting on the issue of compensating the Board Chair was conflicted.

Whereas, because the Board Chair is conflicted, the Board Chair did not participate in the deliberations or voting on the issue of compensating the Board Chair.

Whereas, the Board considered the information that was gathered pursuant to the Compensation Committee remit, including the comparable compensation data compiled and reported by Towers Watson.

Whereas, there has been full a discussion among non-conflicted Board members regarding the reasonableness of compensating the Board Chair and the reasonableness of compensating the Board Chair in the amount of USD \$75,000 per year for services to ICANN, taking into account organization size, geographic considerations, international presence, the role and responsibilities of the Board Chair and other relevant factors.

Whereas, in reviewing the recommendations of the Compensation Committee regarding the level of compensation best suited for ICANN's Chair of the Board, the Board followed the process set forth in Treasury Regulation § 53.4958-6 which is intended to enable the Board to establish the presumption that the compensation recommended to be paid to the Board Chairman is reasonable for Federal income tax purposes.

Whereas, if the Board decides to compensate the Board Chair doing so will require a Bylaws change.

**Resolved** (2010.06.25.26), the Board has determined that it is appropriate to consider reasonable compensation for the ICANN Chair.

**Resolved** (2010.06.25.27), the Board directs staff to post for public comment for a period of at least 30 days revised Bylaws that would allow for compensation of the ICANN Chair of the Board, and after taking public comments into account, the Board will reconsider the matter.

Thirteen Board members voted in favor of the resolution. Rod Beckstrom, Steve Crocker, and Peter Dengate Thrush abstained from voting on this resolution. No Board members opposed the resolution. The resolution carried.

Peter Dengate Thrush noted that his abstention was based on an obvious conflict of interest.

Rod Beckstrom noted that his abstention was based on a potential perceived conflict of interest in voting on compensation to the Chair of the Compensation Committee, which is responsible for determining Rod's compensation.

Steve Crocker noted that his abstention was based on his judgment of a potential conflict of interest.

Once the consideration of this item was concluded, the Chair resumed his responsibilities in the oversight of the meeting.

## **10. Adoption of Fiscal Year 2011 Budget**

The Chair called upon Ramaraj to present the resolution.

Ramaraj then read and moved the proposed resolution, which was seconded by Bruce Tonkin.

The Chair then called for discussion on the resolution.

Ramaraj noted that there has been a lot of feedback received online and at the meeting about the budget, and discussed some improvements in the process going forward. In terms of constituency support, the CFO is requested to give greater detail than is available in the report, with greater granularity. From that input, the CFO is also requested to see if there are any changes or modifications that could be incorporated at this time.

Ramaraj also commented that the supporting and advisory organizations will be worked with much earlier in the process, maybe as early as August or September, to get involved with the project process and provide inputs.

The Chair noted the import of acknowledging the community input and responding to it.

Bruce Tonkin addressed the recurring issue at the meeting regarding compliance and the hope for stronger compliance initiatives around vertical integration in the new gTLDs, and the need to insure that ICANN can manage compliance to whatever structure is ultimately proposed. Arising from the Registrar constituency, there was a focus on compliance, the Intellectual Property Constituency called for compliance around Whois, as did law enforcement, etc. Bruce confirmed that ICANN will spend more on compliance than it did last year – an increase of 7.7% over the prior year, representing about 6% of ICANN's total budget. Bruce stated that general comments about the level of compliance budget are not as constructive as moving to identification of specific compliance actions for staff to undertake, which can then be viewed against other elements in the budget.

Bruce then discussed three potential models for compliance – performing checks at the time a name is registered or a registrar is accredited, and then re-checking those at regular intervals. If this was required for all registrations, it would be very expensive. Second is an audit approach to check a few items, have a basis from which to trigger a deeper review. Third are complaint-based systems, where there is follow-up on complaints. Particularly with Whois, the current compliance system is complaints based, and ICANN has spent a lot in recent years to improve that system. Each of these three systems have different costs, and the community needs to assess them. After Ramaraj presented the resolution, the Board discussed issues relating to community input into the budget process and responding to community requests for greater detail in the budget, as well as compliance-related budgeting issues.

Mike Silber noted that there was a slight lack of foresight in planning, as the Board was voting on the resolution on the same day the public comment forum was closing, particularly where some of the comments were requests for additional information. Mike urged a focus on a process improvement to allow for comments to be made and integrated prior to Board adoption.

The Chair then put the matter to a vote and the Board took the following action:

Whereas, on 19 February 2010, ICANN’s Board approved an update to the Strategic Plan: <<http://www.icann.org/en/planning/>>.

Whereas, the Framework for the FY11 Operating Plan and Budget was posted in February 2010 for community consultation and was presented at the Nairobi ICANN International public meeting.

Whereas, community consultations were held to discuss and obtain feedback on the initial Framework.

Whereas, the draft FY11 Operating Plan and Budget was posted for public comment in accordance with the Bylaws on 17 May 2010 based upon the Framework for the FY11 Operating Plan and Budget, community consultation, and consultations with the Board Finance Committee <<http://www.icann.org/en/public-comment/#draft-budget>>.

Whereas, ICANN has actively solicited further community feedback and consultation with the ICANN community through online fora, conference calls, meetings in Brussels, and in the open forum in Brussels.

Whereas, the ICANN Board Finance Committee has discussed, and guided staff on, the development of the FY11 Operating Plan and Budget at each of its regularly scheduled monthly meetings.

Whereas, the ICANN Board Finance Committee met in Brussels on 20 June 2010 to discuss the FY11 Operating Plan and Budget, and recommended that the Board adopt the FY11 Operating Plan and Budget.

Whereas, the Board has heard comments from the community during the meetings in Brussels, and with the comment period ending today, the Board will make adjustments to the budget where appropriate in order to address the community's concerns.

**Resolved** (2010.06.25.28), the Board adopts the FY11 Operating Plan and Budget <<http://www.icann.org/en/announcements/announcement-2-17may10-en.htm>>.

The resolution was approved unanimously, in a 16-0 vote.

## **11. New gTLD Budget**

Mike Silber noted that the organization is in a process of continual improvement on budget matters. Mike noted that the Board greatly appreciated the public input, including the input received at the public forum, and confirmed that the input received would be taken into consideration as ICANN continues processes to lead to the final launch of the new gTLD application process.

## **12. Internal Audit Function**

The Chair called on George Sadowsky to present the next resolution.

George then read and moved the proposed resolution, and Ramaraj seconded the resolution.

With no comments, the Chair called for a vote and the Board took the following action:

Whereas, the Board Audit Committee (BAC) has been carefully considering the institution of an internal audit function within ICANN as a best practice for financial controls and accountability within the organization.

Whereas, the BAC, through staff, identified an initial scope and firm to perform the internal audit function and report the results of such function directly to the BAC.

Whereas, the BAC had an initial discussion with the internal audit firm while in Brussels, and provided a brief presentation to the Board on the initiation of the internal audit function.

**Resolved** (2010.06.25.29), the Board appreciates the Board Audit Committee's institution of this important step in continued best practices for audit committees and increased accountability for the organization.

Fifteen Board members approved of the resolution. Rita Rodin Johnston abstained from voting on the resolution. No Board members opposed the resolution. The resolution carried.

The Chair noted Rita's abstention due to her position as chair of the Audit Committee.

### **13. New gTLDs Board Retreat on New gTLDs in September 2010**

The Chair called on Bruce Tonkin to present the resolution.

Bruce read and moved the proposed resolution, and George Sadowsky seconded the proposed resolution.

Jean-Jacques Subrenat commented that New gTLDs have been a constant agenda item since he has been on the Board, and he continues to listen carefully to everything stated by the public at the public forum. Jean-Jacques commended the chair on proposing a set-aside of a special retreat for this topic, and the stakeholders are owed a result and timeline.

The Chair thanked Jean-Jacques for his comments, and noted that there are costs of delay and uncertainty, and that one of the intentions of this retreat is to start getting some traction on this. The Chair also noted that the Board



would likely need to convene another retreat to deal with the more traditional Board issues.

The Board then took the following action:

Whereas, the public comment period for the Draft Applicant Guidebook 4 (for ASCII and IDN gTLDs) will close on 21 July 2010.

Whereas, the Board intends to work expeditiously to resolve any outstanding issues prior to the issuing of the Applicant Guidebook, noting however that some issues might be outside of the control of the Board.

Whereas, the Board noted a number of issues raised during the public forum in Brussels on which further consideration will be required.

**Resolved** (2010.06.25.30), the Board will use its retreat currently scheduled for 24-25 September 2010 for the consideration of all the outstanding issues relating to the implementation of the New gTLD program.

The resolution was approved unanimously, in a 16-0 vote.

#### **14. Publication of Board Briefing Materials for 22 April 2010**

The Chair called on Katim Touray to present the next resolution.

Katim Touray read and moved the proposed resolution.

The Board took the following action:

Whereas, the Board has for some time wanted to share the briefing papers it receives with the community in the interests of transparency and accountability, and the community has also requested the publication of these materials.

Whereas, as a proof of concept, staff has prepared a version of the Board briefing materials for the Board meeting of 22 April 2010 for publication, with confidential material redacted.

Whereas, the Board Governance Committee will assess results of the proof of concept publication and recommend further guidance to the Board on the practice of sharing Board briefing materials.

**Resolved** (2010.06.25.31), the Board directs staff to publish the non-confidential portions of the Board briefing materials for the Board meeting of 22 April 2010.

The resolution was approved unanimously, in a 16-0 vote.

#### **15. Nominating Committee Member to Represent Academic and Similar Organizations**

The Chair noted that after a period of time where the Board was appointing the delegate on the Nominating Committee intended to be filled by the academic and technical research community, the Board has decided to change that practice. The Chair then called on Kuo-Wei Wu to present the resolution.

Kuo-Wei read and moved the proposed resolution, and Ray Plzak seconded the recommendation.

The Chair then called for a vote, and the Board took the following action:

Whereas, in accordance with the Article VII of section 2.8.c., of the Bylaws, one voting delegate on the Nominating Committee (NomCom) shall be selected by "[a]n entity designated by the Board to represent academic and similar organizations" ("NomCom Academia member").

Whereas, in prior years, the Board did not develop a process for identifying the appropriate entity to select the NomCom Academia member.

Whereas, in lieu of identifying a selecting entity, the Board previously via recommendations from the BGC selected an individual to serve as the NomCom Academia member.

Whereas, it has been determined that the Board shall no longer select the NomCom Academia member and that an entity shall do so.

**Resolved** (2010.06.25.32), the Board directs staff to develop an entity selection process and evaluation procedure to comply with the Bylaws, for BGC and Board consideration, with a view toward identifying an

entity in sufficient time to select the NomCom Academia member for the 2011-2012 NomCom.

**Resolved** (2010.06.25.33), the Board will not appoint a NomCom Academia member of the 2010-2011 NomCom.

The resolution was approved unanimously, in a 16-0 vote.

#### **16. Approval of Bylaws Revision Pursuant to Recommendation on Reconsideration Request 10-1**

The Chair called on Rita Rodin Johnston to present the resolution.

Rita read and moved the proposed resolution, and Katim Touray seconded the resolution.

The Chair then called for a vote, and the Board took the following action:

Whereas, the Board Governance Committee (BGC) fully considered Reconsideration Request 10-1 and adopted a Recommendation in response, calling for revisions to the Bylaws with respect to the timing for posting of the adopted resolutions and the preliminary report after a Board meeting.

Whereas, the Board adopted the BGC's Recommendation on Reconsideration Request 10-1.

Whereas, the BGC has reviewed and considered the public comments received and recommended that the Board approve the Bylaws revisions as posted at <<http://icann.org/en/general/bylaws-iii-5-proposed-amendment-19apr10-en.pdf>>.

**Resolved** (2010.06.25.34), the Board approves the Bylaws revisions as posted for public comment in furtherance of the BGC's Recommendation on Reconsideration Request 10-1.

The resolution was approved unanimously, in a 16-0 vote.

#### **17. Any Other Business**

The Chair noted that work was underway to review how the Board interacts with various constituencies and groups at the International Public Meetings

and revisiting the institutionalized timing of some of those interactions, in order to increase the efficiency of the Board/community interaction. The Chair also noted the change in the Board's schedule at the meetings, which allowed the Board to provide presentation of the Board's current thinking on matters during the public forum. The Chair noted the Board's sense that this was a better way of engaging with the community, and appreciates community feedback about this.

The CEO provided an update on Human Resource matters, focusing on the fact that ICANN's first Chief Operating Officer, Doug Brent, would be stepping down and that ICANN has opened up a search for that position using Egon Zehnder International, as well as for candidates for the Vice President of Global Partnerships position, and encouraged community members to help in identifying suitable candidates. The CEO confirmed that ICANN would take the time it needed to find the right candidates.

Bruce Tonkin noted that the community can access ICANN's career links from home page of the ICANN website.

The CEO then invited Doug to the stage for recognition of his service to the organization. While this is normally a recognition reserved for departing Board members and CEOs, Doug's service has been an exceptional contribution. The CEO commented that the decision to create the COO role was an excellent moved, made even better by selecting Doug to serve in the position. The CEO commented:

"You are one of the most exceptional managers and leaders that I've seen in an organization. And what you have done here in the last 3 1/2 years is to build not only a foundation for this house but walls and structure in the retrofit and remodel that has really boosted the capacity of the organization, the professionalism and the strengthening of processes. And you have done that with the utmost attention to the quality of your relationship with staff members and also the community. And you provide an outstanding model in that sense.

"So we're all going to miss you hugely. And our loss is, indeed, Silicon Valley's gain. But we are just very, very sorry to see you go."

The Board and meeting attendees applauded Doug with a standing ovation.

Doug commented, "It has really been an honor to work with everybody here and the staff, and I'll miss you all. Thank you very much."

The Chair declared the meeting closed and thanked the Board.

## **2010-08-05-01 Board Submission Palestine**

## ICANN BOARD SUBMISSION NO. 2010-08-05-01

**TITLE:** Delegation of فلسطين. ("Falasteen") representing the Occupied Palestinian Territory in Arabic

**PROPOSED ACTION:** For Board Review and Approval on Main Agenda

**IANA REFERENCE:** 319775

### EXECUTIVE SUMMARY

[The ICANN Board is asked to consider and vote on the request to delegate the domain فلسطين. , comprised of the eligible IDN ccTLD Fast Track approved string representing the Occupied Palestinian Territory in Arabic script.

Redacted



### PROPOSED RESOLUTION

Whereas, the Occupied Palestinian Territory is a country currently listed in the ISO 3166-1 standard.

Whereas, فلسطين ("Falasteen"), encoded as "xn--ygbi2ammx", is a string that has been deemed to appropriately represent the Occupied Palestinian Territory through the IDN Fast Track process.

Whereas, ICANN has received a request for delegation of فلسطين. to the Ministry of Telecom and Information Technology of the Palestinian National Authority.

Whereas, ICANN has reviewed the request, and has determined that the proposed delegation would be in the interests of the local and global Internet communities.

It is hereby resolved (\_\_\_), that the proposed delegation of the فلسطين. domain to the Ministry of Telecom and Information Technology is approved.

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Submitted by:	Kim Davies
Position:	Manager, Root Zone Services
Date Noted:	16 July 2010
Email and Phone Number	kim.davies@icann.org; +1 310 430 0455

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## **2010-08-05-02 Board Submission Tunisia**

**ICANN BOARD SUBMISSION NO. 2010-08-05-02**

**TITLE:** Delegation of تونس. ("Tunis") representing Tunisia in Arabic

**PROPOSED ACTION:** For Board Review and Approval on Consent Agenda

**IANA REFERENCE:** 327310

**EXECUTIVE SUMMARY**

[The ICANN Board is asked to consider and vote on the request to delegate the domain تونس., comprised of the eligible IDN ccTLD Fast Track approved string representing Tunisia in Arabic script.

Redacted

- [Redacted]
- [Redacted]
- [Redacted]

**PROPOSED RESOLUTION**

Whereas, Tunisia is a country currently listed in the ISO 3166-1 standard;

Whereas, تونس ("Tunis"), encoded as "xn--pgbs0dh", is a string that has been deemed to appropriately represent Tunisia through the IDN Fast Track process;

Whereas, ICANN has received a request for delegation of تونس. to Agence Tunisienne d'Internet;

Whereas, ICANN has reviewed the request, and has determined that the proposed delegation would be in the interests of the local and global Internet communities;

It is hereby resolved (\_\_\_), that the proposed delegation of the تونس. top-level domain to Agence Tunisienne d'Internet is approved.

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Submitted by: Kim Davies

Position: Manager, Root Zone Services

Date Noted: 16 July 2010

Email and Phone Number kim.davies@icann.org; +1 310 430 0455

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## **2010-08-05-03 Board Submission Sri Lanka**

## ICANN BOARD SUBMISSION NO. 2010-08-05-03

**TITLE:** Delegation of .ලංකා ("Lanka") and .இலங்கை ("Ilangai") representing Sri Lanka

**PROPOSED ACTION:** For Board Review and Approval on Consent Agenda

**IANA REFERENCE:** 325054, 325055

### EXECUTIVE SUMMARY

[The ICANN Board is asked to consider and vote on the requests to delegate the domains .ලංකා and .இலங்கை, comprised of the eligible IDN ccTLD Fast Track approved strings representing Sri Lanka in Sinhala and Tamil scripts.

Redacted



### PROPOSED RESOLUTIONS

Whereas, Sri Lanka is a country currently listed in the ISO 3166-1 standard.

Whereas, .ලංකා ("Lanka"), encoded as "xn--fzc2c9e2c"; and .இலங்கை ("Ilangai"), encoded as "xn--xkc2al3hye2a"; are both strings that have been deemed to appropriately represent Sri Lanka through the IDN Fast Track process.

Whereas, ICANN has received requests for delegation of .ලංකා and .இலங்கை to LK Domain Registry.

Whereas, ICANN has reviewed the requests, and has determined that the proposed delegations would be in the interests of the local and global Internet communities.

It is hereby resolved (\_\_\_), that the proposed delegation of .ලංකා to LK Domain Registry is approved.

It is further resolved (\_\_\_), that the proposed delegation of .இலங்கை to LK Domain Registry is approved.

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Submitted by: Kim Davies

Position: Manager, Root Zone Services

Date Noted: 16 July 2010

Email and Phone Number kim.davies@icann.org; +1 310 430 0455

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## **2010-08-05-04 Board Submission Thailand**

## ICANN BOARD SUBMISSION NO. 2010-08-05-04

**TITLE:** Delegation of .ไทย ("Thai") representing Thailand in Thai  
**PROPOSED ACTION:** For Board Review and Approval on Consent Agenda  
**IANA REFERENCE:** 316861

### EXECUTIVE SUMMARY

[The ICANN Board is asked to consider and vote on the request to delegate the domain .ไทย, comprised of the eligible IDN ccTLD Fast Track approved string representing Thailand in Thai script.

Redacted



### PROPOSED RESOLUTION

Whereas, the Thailand is a country currently listed in the ISO 3166-1 standard.

Whereas, .ไทย ("Thai"), encoded as "xn--o3cw4h", is a string that has been deemed to appropriately represent Thailand through the IDN Fast Track process.

Whereas, ICANN has received a request for delegation of .ไทย to the Thai Network Information Center Foundation.

Whereas, ICANN has reviewed the request, and has determined that the proposed delegation would be in the interests of the local and global Internet communities.

It is hereby resolved (\_\_\_), that the proposed delegation of the .ไทย domain to the Thai Network Information Center Foundation is approved.

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Submitted by: Kim Davies  
Position: Manager, Root Zone Services  
Date Noted: 16 July 2010





## **2010-08-05-05 Board Submission Jordan**

## ICANN BOARD SUBMISSION NO. 2010-08-05-05

**TITLE:** Delegation of الاردن. ("al-Ordon") representing Jordan in Arabic

**PROPOSED ACTION:** For Board Review and Approval on Consent Agenda

**IANA REFERENCE:** 318028

### EXECUTIVE SUMMARY

[The ICANN Board is asked to consider and vote on the request to delegate the domain الاردن., comprised of the eligible IDN ccTLD Fast Track approved string representing Jordan in Arabic script.

Redacted



### PROPOSED RESOLUTION

Whereas, Jordan is a country currently listed in the ISO 3166-1 standard.

Whereas, الاردن ("al-Ordon"), encoded as "xn--mgbayh7gpa", is a string that has been deemed to appropriately represent Jordan through the IDN Fast Track process.

Whereas, ICANN has received a request for delegation of الاردن. to the National Information Technology Center.

Whereas, ICANN has reviewed the request, and has determined that the proposed delegation would be in the interests of the local and global Internet communities.

It is hereby resolved (\_\_\_), that the proposed delegation of the الاردن. domain to the National Information Technology Center is approved.

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Submitted by: Kim Davies  
Position: Manager, Root Zone Services  
Date Noted: 16 July 2010  
Email and Phone Number kim.davies@icann.org; +1 310 430 0455

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# **2010-08-05-06 Board Submission RSEP Request for .Travel**

ICANN BOARD SUBMISSION NO. 2010-08-05-06

TITLE: Approval of RSEP Request for Allocation of One and Two-Character Domains in .TRAVEL

PROPOSED ACTION: For Board Consideration

EXECUTIVE SUMMARY:

ICANN has received a request from Tralliance through the Registry Services Evaluation Process to allocate one and two-character domain names from the Schedule of Reserved Names in Appendix 6 of the dot-TRAVEL Registry Agreement via a phased allocation process.

For the reasons set forth below, the Tralliance proposal and amendments should be approved:

1. ICANN conducted the threshold security, stability and competition review on the proposed service, and did not identify any significant issues. In order to proceed with implementation, Tralliance was advised that an amendment to the Schedule of Reserved Names in Appendix 6, and Functional & Performance Specification in Appendix 7 would be necessary.
2. The ICANN Board has previously approved similar allocation of one and two-character domain names by sponsored and unsponsored gTLD registries DotCoop, dotMobi, Neustar, puntCAT, RegistryPro and Afilias.
3. The GNSO Reserved Names Working Group indicated openness to new allocation mechanisms for one and two-character domain names in May 2007 (see annex for more detail). This proposal is consistent with the GNSO advice.
4. In the online comment forum, two comments were received, one of which was related to the Tralliance proposal. The comment noted that ICANN should proceed with caution and referred to previous correspondence with ICANN's Contractual Compliance team. The Contractual Compliance team conducted a review of the behaviour referenced in the comment from early 2009 through June 2010. The review was closed after Tralliance completed corrective measures to delete 479 potentially infringing .travel domain names.

Tralliance also removed a self-management aspect of its original proposal to make the proposed amendment identical to that requested by other gTLD registries for phased allocation programs for one and two-character domain names.

**PROPOSED RESOLUTION:**

Whereas, Tralliance submitted a request pursuant to ICANN's Registry Services Evaluation Policy to amend the .TRAVEL Registry Agreements to allocate one and two-character domain names via a phased allocation process.

Whereas, the proposed release of single and two-character domain names in .TRAVEL would be consistent with the recommendations of the GNSO Reserved Names Working Group and other approvals to permit the release of one and two-character domain names.

Whereas, ICANN has evaluated the proposed amendment to the .TRAVEL Registry Agreement as new registry services pursuant to the Registry Services Evaluation Policy and has posted amendments for public comment and Board approval (<http://www.icann.org/registries/rsep/>).

It is hereby resolved (2010.\_\_) that the .TRAVEL amendment is approved, and the President and General Counsel are authorized to take such actions as appropriate to implement the amendments.

Submitted by:	Patrick Jones
Position:	Senior Manager, Continuity & Risk
Date Noted:	22 July 2010
Email and Phone Number	Patrick.jones@icann.org; 202-570-7115

# **2010-08-05-07 Board Submission SSAC Membership Bylaws Changes**



**ICANN BOARD SUBMISSION NO. 2010-08-05-07**

**TITLE:** **SSAC Related Changes to ICANN Bylaws**

**PROPOSED ACTION:** **For Board Consent Agenda**

**EXECUTIVE SUMMARY:**

One of the recommendations arising out of the 2009 organizational review of the Security and Stability Advisory Committee (SSAC) identified that SSAC appointments should be for a term of three years renewable by the Board at the recommendation of the SSAC Chair indefinitely, and that the terms be staggered to allow for the terms of one-third of the SSAC members to expire at the end of every year. Currently, the ICANN Bylaws do not set any term length to SSAC appointments. Therefore, to implement this recommendation, on 25 June 2010 (Resolution 2010.06.25.04) the Board approved a recommendation from the Structural Improvements Committee (SIC) that staff draft proposed Bylaws revisions necessary to achieve the recommendation, and post the proposed amendments for public comment for a period of no less than 30 days.

Staff drafted the proposed Bylaws revisions and posted the document for public comment on 2 July 2010. The proposed revisions are attached to this Submission. The public comment period will end on 1 August 2010, in advance of this 5 August 2010 meeting. As of the writing of this paper – 20 days into the public comment period – only one comment has been received, and was in support of the proposed revisions. While staff does not anticipate that comments will be presented in opposition to the proposed revisions, staff will continue to monitor the public comment period and will notify the Board in the event that any opposition arises. A draft Summary and Analysis document is attached to the Annex.

**STAFF RECOMMENDATION:**

Staff recommends that the Board approve the proposed changes to the ICANN Bylaws to accommodate member terms.

## **PROPOSED RESOLUTIONS:**

Whereas, Article XI, Section 2, Subsection 2 of the Bylaws governs the Security and Stability Advisory Committee (SSAC).

Whereas, in its final report published 29 January 2010 <http://www.icann.org/en/reviews/ssac/ssac-review-wg-final-report-29jan10-en.pdf>, the Security and Stability Advisory Committee (SSAC) recommended SSAC membership appointments be for a term of three years renewable by the Board at the recommendation of the SSAC Chair indefinitely, and that the terms be staggered to allow for the terms of one-third of the SSAC members to expire at the end of every year.

Whereas, on 12 March 2010, the Board received the SSAC final report and directed the Structural Improvements Committee (SIC) to identify actions necessary to address the recommendations within the report, at <http://www.icann.org/en/minutes/resolutions-12mar10-en.htm#1.6>.

Whereas, Article XI, Section 2(2)(b) <http://www.icann.org/en/general/bylaws.htm#XI> of the Bylaws states that the SSAC chair and members shall be appointed by the Board, and does not state any term for such appointments.

Whereas, staff supporting the SIC have identified that a Bylaws amendment is required in order to implement the recommended change to the SSAC membership appointments.

Whereas in Resolution 2010.06.25.04 the Board directed the CEO to have staff draft proposed Bylaws amendments addressing the recommendations arising out of the SSAC review Working Group and to post the proposed Bylaws amendments for public comment for a period of no less than 30 days.

Whereas the proposed amendments were posted for public comment for a period of 30 days beginning 02 July 2010 and ending 01 August 2010,

Whereas staff provided the Board with a summary and analysis of the public comments received and recommended that the Board approve the Bylaws revisions as posted at

[insert link].

**Resolved** (2010.XX.XX.XX) the Board approves the Bylaws revisions as posted for public comment in furtherance of the recommendations arising out of the SSAC review Working Group.

Submitted by:	Julie Hedlund
Position:	Director, SSAC Support
Date Noted:	22 July 2010
Email and Phone Number	<a href="mailto:Julie_hedlund@icann.org">Julie hedlund@icann.org</a> ; 202-549-3799

# **2010-08-05-08 Board Submission SSAC Member Appointments**

**ICANN BOARD SUBMISSION NO. 2010-08-05-08**

**TITLE: SSAC Member Appointments**

**PROPOSED ACTION: For Board Consent Agenda**

**EXECUTIVE SUMMARY:**

**NOTE: This resolution may only be considered if the Board approves the SSAC Related Bylaws Amendments.**

One of the recommendations arising out of the organizational review of the Security and Stability Advisory Committee (SSAC) is for SSAC membership appointments to be for a term of three years renewable by the Board at the recommendation of the SSAC Chair indefinitely, and that the terms be staggered to allow for the terms of one-third of the SSAC members to expire at the end of every year. As the current SSAC appointee terms are not defined, the newly-revised Bylaws mandate that the SSAC Chair provide the Board with recommendations as to the appointment of all current SSAC members to terms of three years or less. As a result, the SSAC Chair, Steve Crocker, through the SSAC Liaison to the Board, has identified a schedule for appointment to conform to the Bylaws, and recommends that the Board appoint the current SSAC membership to the full or partial terms set forth in the proposed resolution. Under the Bylaws, the Board appointments will take effect on 1 January 2011, and prior to that time the SSAC will remain comprised as it was on 25 June 2010.

**SSAC RECOMMENDATION:**

The Committee recommends the Board appoint SSAC members as identified in the proposed resolution.

**PROPOSED RESOLUTIONS:**

Whereas, Article XI, Section 2, Subsection 2 of the Bylaws governs the Security and Stability Advisory Committee (SSAC).

Whereas, in its final report published 29 January 2010

<http://www.icann.org/en/reviews/ssac/ssac-review-wg-final-report-29jan10-en.pdf>, the

Security and Stability Advisory Committee (SSAC) recommended SSAC membership appointments be for a term of three years renewable by the Board at the recommendation of the SSAC Chair indefinitely, and that the terms be staggered to allow for the terms of one-third of the SSAC members to expire at the end of every year.

Whereas, the Board, at Resolution 2010.08.05.xx approved Bylaws revisions that create three-year terms for SSAC members, require staggering of terms, and obligate the SSAC chair to recommend the re-appointment of all current SSAC members to full or partial terms to implement the Bylaws revisions. The SSAC Chair must provide those recommendations prior to 1 January 2011. As noted in the Bylaws, prior to 1 January 2011, the SSAC shall remain comprised as stated in the Bylaws as amended 25 June 2010.

Whereas, the Chair of the SSAC provided recommendations to the Board in fulfillment of his obligations under the Bylaws.

**Resolved** (2010.XX.XX.XX) the Board accepts the recommendation of the SSAC Chair and appoints the following SSAC members to partial terms of one year commencing on 01 January 2011 and ending on 31 December 2011: Harald Alvestrand, KC Claffy, Steve Crocker, Rodney Joffe, Mark Kosters, Russ Mundy, Ray Plzak, Christophe Reverd, Mark Seiden, Bruce Tonkin, Stefano Trumpy, Patrick Vande Walle, Paul Vixie; the Board appoints the following SSAC members to partial terms of two years commencing on 01 January 2011 and ending on 31 December 2012: Alain Aina, Jaap Akkerhuis, Patrik Fältström, James Galvin, Douglas Maughan, Ram Mohan, Frederico Neves, John Schnizlein, Doron Shikmoni, Rick Wesson, Richard Wilhelm, Suzanne Woolf; the Board appoints the following SSAC members to full terms of three years commencing on 01 January 2011 and ending on 31 December 2013: Roy Arends, Jeffrey Bedser, Duncan Hart, Jeremy Hitchcock, Sarmad Hussain, Warren Kumari, Matt Larson, Xiaodong Lee, Danny McPherson, Shinta Sato, Vanda Scartezini, Dan Simon.

Submitted by:

Ram Mohan

Position:

SSAC Liaison to the Board

Date Noted: 22 July 2010

Email and Phone Number rmohan@afilias.info

## **2010-08-05-09 Board Submission RSSAC review**



**ICANN BOARD SUBMISSION NO. 2010-08-05-09**

**TITLE:** Receipt of Final Report from the RSSAC Review Working Group  
**PROPOSED ACTION:** For Consent Agenda

**EXECUTIVE SUMMARY:**

ICANN Bylaws (Article IV, Section 4) provide for periodic reviews of SOs and ACs, which are to be conducted under the supervision of the Structural Improvements Committee (SIC). The SIC establishes a specific Working Group and appoints its members for each of the reviews. Working Groups are created to oversee the work of external reviewers and issue final recommendations for implementation.

In June 2008, the Board approved the composition of a specific RSSAC Review WG consisting of Harald Alvestrand (Chair), Steve Crocker and Bruce Tonkin.

In October 2008, Westlake Consulting Limited was appointed as external reviewer to undertake an independent review of the RSSAC. The external reviewer delivered its final report in April 2009. The RSSAC Review WG then undertook further consultations, inter alia with the RSSAC members at the ICANN meeting in Seoul in October 2009.

Following the posting of a draft final report for public comments, the RSSAC review Working Group released its final report of activity in June 2010, which was published pending final Board deliberation.

The SIC has received this final report, which is annexed to this Board submission, and transmits it to the Board, with thanks to the Chair and Members of the Working Group for their commitment and for completing their tasks as requested.

As its assignment is fulfilled, this Working Group can now be dissolved.

The SIC will prepare for Board adoption, a set of suggested actions to implement the recommendations of this final report, prior to implementation.

## **STRUCTURAL IMPROVEMENTS COMMITTEE RECOMMENDATION:**

The SIC met on 22 July 2010 and formally recommended the following actions be taken by the ICANN Board:

To receive the final report of the RSSAC Review Working Group;

To thank the members of the RSSAC Review Working Group;

To dissolve the RSSAC Review Working Group;

To task the Structural Improvements Committee to present a set of suggested actions for approval at the October 2010 Board Meeting.

## **PROPOSED RESOLUTION:**

Whereas, after public comment, the RSSAC review Working Group (WG) has delivered to the Structural Improvements Committee (SIC) its final report of activity, which contain conclusions and recommendations for enhancing the effectiveness of this structure;

Whereas, at its 22 July 2010 meeting, the SIC recommended that the Board receive the final report, thank the members of the RSSAC review WG, and dissolve the RSSAC review WG, which has fulfilled the tasks assigned to it at the time of establishment;

Whereas, the SIC also recommended that the ICANN Board direct the SIC with presenting a set of suggested implementation actions arising out of the Final Report for Board consideration and approval at the 28 October 2010 meeting of the Board.

Resolved (2010.08.05.\_\_), the Board receives the final report of the RSSAC review Working Group.

Resolved (2010.08.05.\_\_), the Board thanks the Chair and Members of the RSSAC review Working Group: Harald Alvestrand (Chair), Steve Crocker and Bruce Tonkin, for their commitment and ability to fulfil their tasks.

Resolved (2010.08.05.\_\_), the Board dissolves the RSSAC review Working Group.

Resolved (2010.08.05.\_\_), the Board directs the Structural Improvements Committee to present a set of suggested actions for approval at the October 2010 Board meeting, so as to address the conclusions and recommendations formulated in the final report of this Working Group.

Submitted by:	Olof Nordling
Position:	Director, Services Relations
Date Noted:	26 July 2010
Email and Phone Number	olof.nordling@icann.org; +32.475.42 08 05

# **2010-08-05-10 Board Submission Application - UDRP- Provider**

ICANN BOARD SUBMISSION NO. 2010-08-05-10

TITLE: Receipt and Posting of Application to Become UDRP Provider

PROPOSED ACTION: For Board Information

EXECUTIVE SUMMARY:

ICANN has received a proposal from the Arab Center for Dispute Resolution (ACDR), centered in Amman, Jordan, to serve as a new dispute resolution provider for disputes under the Uniform Domain Name Dispute Resolution Policy (UDRP). The ACDR submitted its proposal in accordance with the provider selection criteria set forth at <http://www.icann.org/en/dndr/udrp/provider-approval-process.htm>. ICANN staff has had a series of informal communications with the ACDR representatives regarding the application, and the ACDR representatives have now requested ICANN to post the application for public comment so that they may proceed towards consideration for approval.

Staff will be posting the ACDR's application for a public comment period of no less than 30 days. Upon the close of the public comment period, staff will summarize and analyze the public comments received, work with the applicant if any issues arise that may require response or modification to the application. Upon finalization of the application, staff will present the application and a summary and analysis of the public comment to the Board along with a staff recommendation for Board action on the application.

Submitted by: John O. Jeffrey  
Position: General Counsel and Secretary  
Date Noted: 26 July 2010  
Email and Phone Number: john.jeffrey@icann.org, +1-310-301-5834

# **2010-08-05-11 Board Submission Summary of At-Large Improvements Implementation Plan**

ICANN BOARD SUBMISSION NO. 2010-08-05-11

TITLE: [August 2010 – Approval of ALAC/At-Large Improvements Implementation Project Plan]

PROPOSED ACTION: [For Consent Agenda]

EXECUTIVE SUMMARY:

Through two resolutions, the first passed in June 2009 and the second in June 2010, the Board created a number of steps for the development and approval of an “ALAC/At-Large Improvements Implementation Project Plan” (annexed to this document) for the recommendations in the ALAC Review Final Report (except for the recommendation to provide At-Large with voting seats). These steps consisted firstly of directing ICANN staff to work with the At-Large community to develop an approach for the implementation of the At-Large Improvement recommendations followed by directing ICANN’s CEO to provide the Board with a summary (annexed to this document) of the “ALAC/At-Large Improvements Implementation Plan”. The “ALAC/At-Large Improvements Implementation Project Plan: Summary” was distributed to the members of the SIC on 22 July 2010 and was reviewed by the Chair of the SIC as confirmed in an e-mail of 28 July 2010 to David Olive, Vice President for Policy Development.

For administrative efficiency, Staff have prepared a draft resolution for Board consent that will facilitate the approval of the ALAC/At-Large Improvements Implementation Plan.

STAFF RECOMMENDATION:

Staff believes that approving the At-Large Improvements Implementation Project Plan, which outlines the approach developed by the At-Large Community and At-Large staff to implement the recommendations outlined in the Final Report of the ALAC Review Working Group on ALAC Improvements (9 June 2009), as well as addresses the key issues of Board governance, budgetary implications, liability, and ICANN bylaws changes, will facilitate the implementation of the remaining recommendations through providing the members of the ALAC and the At-Large Community with increased confidence that the Board supports both the approach developed in consultation with them as well as provide additional inspiration to them to ensure the timely implementation of the At-Large Improvement recommendations.

PROPOSED RESOLUTION:

Whereas, on 26 June 2009, the Board resolved to direct ICANN Staff to assist the At-Large community in developing a proposed implementation plan and timeline for the recommendations in the ALAC Review Final Report (except for the recommendation to

provide At-Large with voting seats) and to submit these to the Structural Improvements Committee for review and Board approval. (Resolution 2009.06.26.12).

Whereas, at its 19 June 2010 meeting, the SIC acknowledged receipt from staff and the At-Large community of an implementation plan, with timeline, "ALAC/At-Large Improvements Implementation Project Plan", dated 7 June 2010, and resolved to recommend it to the ICANN Board for consideration.

Whereas, at its 25 June 2010 Meeting, the Board directed ICANN's CEO to provide the Board with a summary of the "ALAC/At-Large Improvements Implementation Project Plan" dated 7 June 2010, for consideration at the next Board meeting, if practicable. (Resolution 2010.06.25.10).

It is hereby RESOLVED (2010.08.05), that the Board approve the ALAC/At-Large Improvements Project Plan and directs ICANN's CEO to take action according to the ALAC/At-Large Improvements Implementation Project Plan and report back on the progress at the 2010 Annual General Meeting.

Submitted by:	David Olive; Heidi Ullrich
Positions:	VP, Policy Development; Director for At-Large
Date Noted:	28 July 2010
Email and Phone Number	Policy-Staff@icann.org; 202-570-7126



## 2010-08 CEO's Report

## **5 August 2010 Board Meeting**

### **CEO's Report**

Another very productive period with another significant milestone reached with the DNSSEC signing on 15 July 2010, a milestone that was recognized by Secretary Locke, but more on that below. Following the Brussels meeting I attended the Aspen Security Forum that was an excellent opportunity for me to meet and network with a number of important and influential policy makers in this area. I have focused a lot of my time on the recruiting process for the COO position and I believe we have some strong candidates and we are making good progress in this regard. The team had another successful operations planning meeting to review goals set for the previous trimester, and to identify priorities for the period leading to Cartagena. We continue to make remarkable progress executing on many fronts. As always, much has happened since Brussels, and a few highlights are set out below.

### **White House event : a Discussion on the Progress of the President's Cybersecurity Efforts, hosted by the Cybersecurity Coordinator Howard A. Schmidt.**

I was invited to a meeting at the White House on 14 July 2010, at which President Obama spoke about the Administration's increased cybersecurity efforts. The meeting was led by Cybersecurity Coordinator, Howard Schmidt; Homeland Security Secretary, Janet Napolitano and Commerce Secretary, Gary Locke and was attended by an array of cybersecurity stakeholders. In his speech, Secretary Locke listed DNSSEC as "one of the Commerce Department's most important accomplishments" and recognized ICANN's leading role, noting that "the effort is an excellent example of public – private cooperation, which included extensive domestic and international community consultation." After the formal remarks, Secretary Locke personally thanked us for all of our good efforts at ICANN. In the discussions following the event, we also received words of support from Russ Housely, NIST, Howard Schmidt and others in the White House for moving forward on two additional security efforts- rolling out DNSSEC through more network zones and advancing RPKI. The text of Sec. Locke's speech is available at <http://www.commerce.gov/news/secretary-speeches/2010/07/14/remarks-cybersecurity-policy-review-meeting>.

### **DNSSEC**

Root DNSSEC signing efforts were completed as scheduled on July 15, 2010. This is a historic moment for the Internet and one that was recognized by many in our community.

The transition from Deliberately-Unvalidatable Root Zone (DURZ) to production signed root zone took place on July 15, 2010 at 2050 UTC. The first full production signed root

zone had SOA serial 2010071501. The root zone trust anchor can be found at <https://data.iana.org/root-anchors/>. There have been no reported harmful effects.

In advance of July 15, 2010, seven Top Level Domains (TLDs) had submitted DS records for inclusion in the signed root zone. On Sunday, July 18, 2010, all seven of those signed TLDs were visible in the root. The seven are: bg (Bulgaria), br (Brazil), cat (Catalan Language and Culture), cz (Czech Republic), na (Namibia), tm (Turkmenistan), and uk (United Kingdom). This established a chain of trust from the root to these TLDs. This represents approximately 3% of all TLDs, leaving 97% to go.

The second DNSSEC key signing ceremony took place on July 12, 2010 to establish a US West Coast facility to provide redundancy for the US East Coast facility. Both facilities are in full production in support of DNSSEC and securing the keys.

## **DNSCERT**

Community discussion on DNS-CERT remained vigorous during the Brussels meeting. Staff made presentations to registry and registrar constituencies as part of the dedicated session on strategic initiatives. Discussions within the ccNSO and GNSO took place about starting a working group that would address this topic under the larger purview of an SO/AC working group on ICANN's security activities. We understand the proposed charter for this working group will address:

- the broad concept of a DNS-CERT;
- the current work being undertaken to mitigate DNS-related threats;
- the actual level, frequency and severity of these threats;
- the gaps (if any) in the current security response to DNS issues;
- whether or not a DNS-CERT is a proposal they support; and
- if so, the logistics of the proposal.

Additionally, Paul Vixie held a 'birds of a feather' session during the Brussels meeting to discuss the idea of a DNS-CERT. This session was attended by over 60 people and the group plans to continue a bottom-up discussion on the community's need for such capabilities. DNS-OARC is also believed to be considering how it might play a role in providing operational capabilities in this area.

Staff believes that the community has begun to focus more productively on the need for such a capability, what functions it might perform and how it can be organized and funded given that we've stated that ICANN has not present plans to operate such a capability nor is any FY11 budget allocated to this function. Staff will continue to collaborate in support of community efforts and is planning to support the projected SO/AC working group.

## **New gTLD Program**

The ICANN community continues to engage in discussions following on from the Brussels meeting, and to review and comment on draft version 4 of the Applicant Guidebook and the associated set of documents (including the draft program budget and the Phase I economic study). The feedback received in this comment period will inform many of the key decisions – hopefully leading to the final version of the Guidebook.

For the upcoming period, the project team has established two sets of deliverables: one for the September Board retreat, and one for the ICANN meeting in December 2010. Key topics to be addressed in materials prepared for the Board retreat include: trademark protection, variant management, vertical integration, morality and public order, root scaling, and economic studies. The team of Greg Rosston and Michael Katz are working on the second phase of the study. A preliminary report is due in time for the retreat. These papers will be organized with a view toward establishing closure and documenting why certain key decisions were made. Materials prepared for the retreat will also include a current risk analysis associated with the program launch.

Other deliverables for the period leading to Cartagena in December include publication of a pro-forma (possibly final) version of the Applicant Guidebook, and preparation of the formal launch of the communications campaign.

## **IDN ccTLD approvals**

Most recently, five Chinese IDN ccTLDs were delegated. Four were approved exceptionally for delegation for CNNIC and TWNIC respectively. These are each sets of two IDN ccTLDs that are considered variants of each other. They were conditionally approved on the two organizations providing the public with their technical implementation plans. The plans were shared with ICANN staff and could assist the ongoing work of variant management. In addition to these, one IDN ccTLD for Hong Kong was also inserted in the DNS root zone.

Additional ccTLD delegations are scheduled for this Board meeting.

## **IDN ccTLD Fast Track Status**

To date ICANN has received 31 requests for IDN ccTLDs from countries and territories. These spread over 19 languages, and spread in the following categories:

- Requests received/initial check: 13
- Linguistic process validation: 0
- DNS stability Evaluation: 1

- Public posting: 15
- Rejected: 2
- IANA Delegation Process: 3
- In DNS root zone: 7 (some with 2 TLDs)

Updates will be provided continuously at: <http://icann.org/en/topics/idn/fast-track/>  
Other IDN activities includes a focus on participation in software developers consortium and related events to achieve additional and more consistent IDN implementations; IDN Guidelines revision to guide registries and registrars in the IDNA protocol revision; variant management project planning.

### **IDN ccTLD launches**

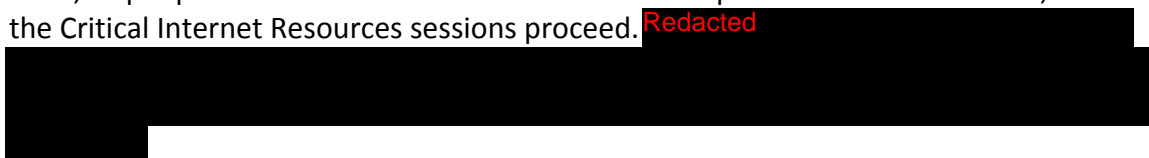
ICANN staff and Board members were invited to participate in the Sri Lanka launch of IDNs. This event took place in combination with the APTLD meeting, which was hosted by Sri Lanka and coincided with the .lk anniversary and technical training events. This event was in anticipation of the Board approving the Sri Lanka delegation request in a future Board meeting. From ICANN, Save Vocea, from Global Partnership, and Ram Mohan, participated in person, in the official ceremony on June 28. Ram's presentation in Tamil, the language of the new IDN script, was much appreciated. Sri Lanka is considering an additional event following the actual delegation of their requested IDN ccTLDs, (respectively in Tamil and Sinhalese).

Additional events are expected in connection with the Board approval of other Chinese IDN ccTLDs. ICANN participation in all such events will be coordinated and planned by an internal team. The role of this team includes staff and Board participation, event material/brochures, ICANN announcements and media communications.

### **Internet Governance Forum (IGF)**

#### 1) Vilnius

The ICANN Open Forum is on the first day of the Vilnius IGF from 14 to 17 September 2010, so people will have heard our version of what is part of ICANN's mandate, before the Critical Internet Resources sessions proceed. **Redacted**



The IGF format hosts a large number of workshops on a wide range of topics associated with Internet governance related issues, but the IGF is not a decision making body, rather it is a multi-stakeholder platform for sharing ideas. Workshops that have

relevance for ICANN and in which Board members and staff are involved include:

Workshop 63: Strengthening ccTLDs for Africa (Anne-Rachel Inne)

Workshop 146: Internet governance in Africa: Impact on Africa (Anne-Rachel Inne)

Workshop 165: A development agenda approach to Internet Names and Numbers (Mike Silber and Jean-Jacques Subrenat)

Workshop 174: Internet governance viewed through different lenses, with emphasis upon the lens of economic and social development (George Sadowsky)

Workshop 113: Resilience and contingency planning for the DNS (Veni Markovski)

There will be a strong focus on arranging bilateral meetings for the CEO with Ministers from around the world who attend this event..

## 2) IGF Renewal at UN

After 5 years as a multi-stakeholder forum, the IGF is due to either be renewed or scrapped. All stakeholders seem to agree on the renewal. The base of the renewal is what has divided the community with China as lead country wanting the IGF to be only Governmental and a decision making forum and the rest of the stakeholders wanting the IGF to stay open to all, non decision making and with an independent secretariat funded by all who can.

As a result the GP team and some other ICANN staff have participated in regional and national IGFs, supporting the bulk of the community who want renewal to maintain the status quo. As a result the Committee of Science and Technology for Development has agreed on a report that calls for IGF renewal with enhanced cooperation taking place. The report was recently adopted by ECOSOC that is a big step in the direction of keeping IGF multi-stakeholder.

Other meetings being monitored by the team include, regional ministerial meetings, the Millennium Development Summit at the UN in September, the ECOSOC meeting in September, the ITU Plenipotentiary in October and all other regional meetings where renewal of IGF could be 'studied' under the Government magnifying glass.

## International Telecommunications Union

1) September—the ITU IPv6 Working Group meeting will be attended by two ICANN staff following an invitation from the ITU for ICANN to attend.

2) ICANN CEO has written to the ITU Secretary General seeking observer status at the Plenipotentiary in September. **Redacted**

A more detailed briefing has been prepared for this Board meeting.

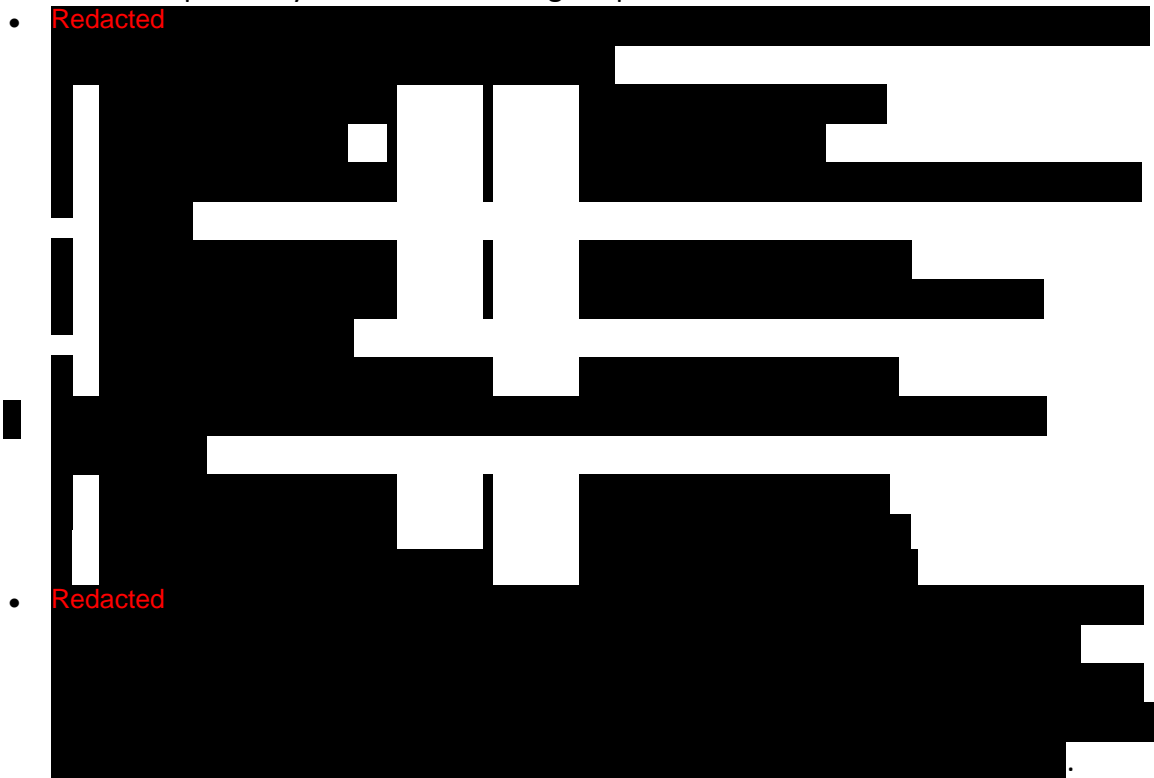
## Meetings Department

### 5-10 December 2010 ICANN Meeting – Cartagena

- Planning for the 5-10 December 2010 ICANN Meeting in Cartagena is on target. The ICANN meetings and security teams, as well as representatives from our host, .co SAS, will be in Cartagena the week of 16 August to finalize arrangements for the convention center, hotel accommodations, audio-visual requirements, ISP bandwidth, security arrangements, gala, etc.

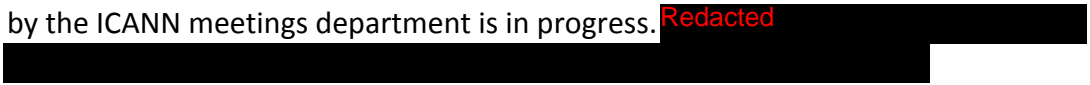
### 13-18 March 2011 ICANN Meeting – North America

- An extensive search for all facilities capable and available to host the Meeting has been completed by the ICANN meetings department.

- Redacted
- 

- On 22 July 2010, an announcement calling for location recommendations and sponsorships for the March 2011 ICANN Meeting in North America was posted on the ICANN website, with a requested response date of 23 August 2010.

### 19-24 June 2011 ICANN Meeting – Asia

- On 22 July 2010, an announcement calling for location recommendations and sponsorships for the June 2011 ICANN Meeting in Asia was posted on the ICANN website, with a requested response date of 30 August 2010. As per the revised Meeting site selection process announced on 21 June 2010, an extensive site search by the ICANN meetings department is in progress. Redacted
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### 23-28 October 2011 ICANN Meeting – Africa

- On 22 July 2010, an announcement calling for location recommendations and sponsorships for the October 2011 ICANN Meeting in Africa was posted on the ICANN website, with a requested response date of 30 August 2010. As per the revised Meeting site selection process announced on 21 June 2010, an extensive site search by the ICANN meetings department is in progress. Redacted

### **Policy Highlights and Developments at the Brussels Meeting**

The policy team continues to assist the GNSO, ccNSO and ALAC in their pursuits, which have been steadily increasing over a period of time. It is worthy of note that the Chairs of these three groups have established good working relationships, and this is assisting in the sharing of information across the three groups. A snapshot is provided below of some of the work being undertaken by these groups. More detailed information is provided at in the Annex book.

One important outcome for the GNSO was their conclusion of discussions on work prioritization. In Brussels, the GNSO Council successfully completed the fourth and last step of full Council prioritization of all 14 “active” GNSO projects. Discussions are now being undertaken about how best to support the GNSO in terms of workload and resource/activity management.

The Vertical Integration Working Group dedicated substantial time deliberating issues in its efforts to produce a consensus recommendation on the topic of vertical integration. Over 7+ hours of meetings enabled the working group to inform the Community of the progress of its work and to receive input from the Community on vertical integration. Discussions with the ICANN Board during Brussels allowed the GNSO Council to hear the Board’s desire to have the GNSO produce recommendations as quickly as possible, and preferably, prior to the Board’s retreat in September. The VI Working Group Initial Report <http://www.icann.org/en/announcements/announcement-2-23jul10-en.htm> was posted on July 23, and public comment is sought until 12 August.

The ccNSO has a number of focus areas at the moment and is making progress on the IDN ccTLD PDP. The ccNSO welcomed the Board’s position excluding country names from the first round of new gTLD applications (expressed in DAG 4) which will enable them time to consider whether ascii country and territory names are within scope of the PDP.

The Delegation, Redefinition and Retirement of ccTLDs Working Group (DRD WG) published two documents on 14 June: a draft analysis report, and a second progress report. In Brussels, the ccNSO held an extensive discussion of these papers in joint session with the GAC. In addition, the Working Group’s draft analysis will be submitted to the Accountability and Transparency Review Team



## **At-Large**

The ALAC continues to be make a significant contribution to many of the policy debates being undertaken, and is also developing good working relationships with a number of constituencies.

## **Recruitment**

We are pleased to announce the hiring of Juan Oceda as ICANN's Financial Controller. Juan is bilingual with his first language being Spanish. He has a degree from UCLA, and his CPA was earned while working at Ernst & Young. He has had a variety of work experiences, most recently with the Los Angeles Dodgers, a \$300 million organization. We are excited to have Juan joining us on 9 August 2010.

## **Brussels Media Coverage**

ICANN Brussels generated over 1,400 news articles English news stories internationally across technology, business and mainstream press. As anticipated, the majority of the coverage (about two-thirds), focused on developments relating to the .xxx sTLD application, primarily because the subject matter means that it is a general interest news story. The Chinese language IDN and the DNSSEC announcements also generated a significant amount of coverage.

Media highlights of the week included a radio story on the BBC World Service and news coverage in the New York Times, the Financial Times, The Guardian, Business Week, BBC News Online, ABC Online, USA Today, Wired News France 24, the People's Daily Online (China), the Times of India and the Montreal Gazette. Newswire articles also appeared on Associated Press, Reuters, AFP and the IDG News Service. There was also a large volume of coverage in the technology press.

More detailed information is available in the Annex book.

## 2010-08 CEO's Report - One Page



# CEO Monthly One Page Report to Board

15-Jul-10

Actual Financial Data*5 (As of June 2010)	YTD	Budget Variance
Operating Revenues	\$65.6 Mil	3.0%
Operating Expenses	\$56.0 Mil	3.0%
Contribution from Operations	\$7.1 Mil	11.1%
Assets	\$80.6 Mil	n/a
Liabilities	\$16.0 Mil	n/a
Cash	\$17.2 Mil	n/a
Reserve Fund	\$45.7 Mil	n/a

ccTLD commitments	Trimester 3	Percentage of Total
New ccTLD Accountability Frameworks	1	30%

Deployment IPv4	IANA /8 Blocks Available	IANA Percentage Available
IPv4 space remaining	16	7.22%

Deployment IPv6 *4	Percentage of Total
IPv6 traffic to ICANN sites	1.13%

Participation in ICANN Meetings	Brussels/38th ICANN Meeting	Percentage of Attendees
Participants	1,625	100%
Staff (w/Contractors and Vendors)	95	5.80%
Supported Travelers	120	7.40%

Support Services at Meetings	Brussels/38th ICANN Meeting	Percentage of Sessions
Sessions Conducted	160	100.0%
Live Audio Streaming	80	50.0%
Telephone Conferencing	35	21.9%
Interpretation	26	16.3%
Live Scribing	32	20.0%
Audio Transcription	59	36.9%
Web Chat Rooms	51	31.9%

Communications	Trimester 3	YTD Translations	Avg Languages per document
Published Documents	39	19,400 pages	
Translation Requests	125	5,829 M word	4

Policy Development *1	T3 - Initiated	In Progress	Completed
ASO global policy proposals *4	0	1	1
ccNSO work groups *2	3	9	2
GNSO work groups *2	2	17	3
SSAC projects	0	2	0
At-Large statements *3	15	2	12

Internet Metrics	T3 - Open	T3 - Closed	YTD Outstanding
IETF Requests	720	735	294
Root Zone Requests	151	119	120
RIR Requests	4	4	0

gTLD Registrations *2 (As of March)	New Registrations YTD	Total Registrations
gTLD Total	3,390,775	119,840,438

IDN FastTrack Requests *3	Month	YTD
Total Requests	20	39
Total Languages represented	8	19

Registrar Data Escrow	Now	% of gTLD Registrations Protected
No. registrars enrolled	859	99.25%

Involuntary Terminated or Non-Renewed Registrars	YTD	Percent of total Registrars
Terminated	5	0.53%

"L" Root Service	Month	YTD
Uptime	100%	100%
Requests Served	25 Billion	233 Billion
Average Requests per second		10,000

**\* Footnotes:**

- 1) Data is Trimester 3 - 15 March - 27 June 2010
  - 2) Includes community working groups, work teams, committees, task forces only
  - 3) Includes At-Large advisories and statements to Board and SOs only
  - 4) ASO global policy proposals "in progress" are those being tracked by ICANN staff
- 2) Based on ICANN confidentiality restrictions, there is a 90 day lag of data available
- 3) Data as of 5/31/10 and identifies the number of IDN Fast Track applications being processed
- 4) This is the highest proportion since we began measuring and could well be related to the Nairobi meeting having a V6 enabled network.
- 5) Pre-audit #'s. Excludes final fourth quarter billing and final accruals of expenses.

# **2010-08-05-12 Board-Submission Bylaws Board-Chair Remuneration**

ICANN BOARD SUBMISSION NO. 2010-08-05-12

TITLE: Board Chair Remuneration

PROPOSED ACTION: For Board Consideration and Action

EXECUTIVE SUMMARY:

For some time, the Board has been discussing compensation for the Chair of ICANN's Board of Directors for services rendered to the organization. Staff was directed to seek independent analysis as to whether it would be appropriate to compensate the ICANN Board Chair for services rendered, including the appropriate comparable data to determine the level of reasonable compensation. Staff did obtain such independent expert analysis, and most recently via a report from Towers Watson dated 14 May 2010 ("Report"), which the Compensation Committee and the Board have considered. (*See* Exhibit A to Annex.) The Report concludes that it is reasonable to compensate the ICANN Board Chair. The Report also discusses comparable compensation levels for Board Chairs and identifies a reasonable level of compensation for the ICANN Board Chair. The Compensation Committee recommended the Board consider \$75,000 for the Board Chair, which is consistent with the Report.

As written, however, the ICANN Bylaws do not allow for compensation of the Board chair. Currently, the Bylaws state that, except for reasonable expense reimbursement, "[t]he Directors shall receive no compensation for their services as Directors." (*See* Bylaws, Article VI, section 22.) The proposed Bylaws revisions to allow for Board compensation, in redline based on the current Bylaws provision, are attached to this Board submission.

In Brussels, the Board approved the posting of the proposed Bylaws provision for public comment. The public comment period has been scheduled to run from 6 July 2010 through 5 August 2010. As of the drafting of the Board submission, three commenters have submitted comments - two in favor, Antony Van Couvering and Michel Neylon, and one against, George Kirikos. Of the two in favor, one does caution that the amount of compensation be balanced so as not to deplete ICANN resources. A preliminary public comment summary is attached to the Annex as Exhibit B. Staff will

update the Board during the 5 August 2010 Board meeting regarding any further comments received after the drafting of this paper.

#### STAFF RECOMMENDATION:

To the extent no substantively different public comments are submitted before the Board meeting, staff recommends that the Board approve (which if so, will be confirmed by Staff during the Meeting): (i) the revised Bylaws and direct staff to update the Bylaws accordingly; and (ii) compensation for the Board Chair in the amount of \$75,000 as recommended by the Compensation Committee, to begin on 5 August 2010.

#### PROPOSED RESOLUTION:

Whereas, the Board has determined that it is appropriate to consider reasonable compensation for the Chair of the Board of ICANN.

Whereas, in order for the Board to approve any level of compensation for the Board Chair the Bylaws must be revised.

Whereas, at the Board's direction, the proposed Bylaws revisions providing for compensation for the Board Chair were posted for public comment for 30 days.

Whereas, in authorizing the consideration of Board Chair compensation and the posting of proposed Bylaws revisions, the Board followed all requirements to ensure that the Compensation Committee and the Board followed the process set forth in the United States Treasury Regulation intended to enable the Board to establish the presumption that the compensation to be paid to the Board Chair is reasonable (*see* <http://www.icann.org/en/minutes/resolutions-25jun10-en.htm#7>).

Whereas, the Board has confirmed that it has continued to follow all steps necessary to enable the Board to establish the presumption that the compensation to be paid to the Board Chair is reasonable for federal income tax purposes.

Whereas, the Board has considered the public comments, as well as all other information received, including the independent analysis from Towers Watson on reasonable compensation for the Board Chair.

Resolved (2010.08.05.xx), the proposed revisions to ICANN's Bylaws, Article VI, section 22, are hereby adopted and staff is directed to update the ICANN Bylaws accordingly.

Resolved (2010.08.05.xx), the Board approves compensation for the Board Chair in the amount of \$75,000 per year, to paid out on a pro-rata basis beginning as of 12:01 a.m. on 6 August 2010 as calculated at ICANN's headquarters in Marina del Rey, California.

Submitted by: John Jeffrey  
Position: General Counsel and Secretary  
Date Noted: 26 July 2010  
Email and Phone Number john.jeffrey @icann.org; +1-310-301-5834

## PROPOSED BYLAWS REVISION

### ARTICLE VI: BOARD OF DIRECTORS

#### Section 22. COMPENSATION

The Chair of the ICANN Board shall be entitled to receive reasonable compensation for his/her services as a Director. The compensation committee shall be responsible for recommending a reasonable level of compensation for the Board Chair. Only those members of the Compensation Committee that are free from conflicts of interest with respect to the party for whom compensation is under consideration shall participate in the deliberations or voting on the recommendation to the Board. Only those members of the Board that are free from conflicts of interest with respect to the party for whom compensation is under consideration shall participate in the deliberations or voting on the approval of compensation for the Board Chair. At no time shall the Board Chair participate in deliberations or voting on compensation for the Board Chair. The Compensation Committee and the Board shall follow appropriate processes set forth in the United States Internal Revenue Code and applicable Treasury Regulations to ensure that there is a rebuttable presumption of reasonable compensation established for the Board Chair.

All Directors other than the Board Chair shall receive no compensation for their services as Directors. The Board may, however, authorize the reimbursement of actual and necessary reasonable expenses incurred by any Directors and non-voting liaisons performing their duties as Directors or non-voting liaisons.



# **2010-08-05-13 Board Submission International Dimension of ICANN**

International Dimension of ICANN – Board Submission Paper 2010-08-05-13  
To be distributed by Peter Dengate Thrush

# **2010-08-05-14 Board Submission RSEP Request for .Jobs**

ICANN BOARD SUBMISSION NO. 2010-08-05-14

TITLE: Approval of RSEP Request for Phased Allocation Program in .JOBS

PROPOSED ACTION: For Board Consideration

EXECUTIVE SUMMARY

ICANN has received a request from EmployMedia through the Registry Services Evaluation Process to relax its domain name registration procedures and allocation procedures. The registration restrictions currently permit registrations from just employers (company names). This amendment will enable the registration of industry, occupational, and select geographic terms as .jobs domain names through a phased allocation process (e.g., ohio.jobs and engineer.jobs). Importantly, registrations will still be limited to “employer organizations.”

For the reasons set forth below, the EmployMedia proposal and amendments should be approved:

1. ICANN conducted the threshold security, stability and competition review on the proposed service, and did not identify any significant issues.
2. The proposal was submitted to ICANN following the delegated policy development process managed by its sponsoring organization, the Society for Human Resource Management (SHRM). The proposal does not change the Charter of the .JOBS sTLD; the proposal only impacts the naming convention and allocation mechanism for .JOBS domain names; it would remain a TLD for authenticated members of the international human resource management community. The proposal would permit the TLD to grow in a way consistent with other sTLDs that allow the registration of dictionary words, geographic terms, and industry and sector names as domain names.
3. The ICANN Board has previously approved similar contract amendments for phased allocation programs by sponsored and unsponsored gTLD registries including DotCoop, dotMobi, Neustar, puntCAT, RegistryPro and Afilias.

The online comment forum received significant interest, with over 300 comments received from a broad spectrum of the international employer community. EmployMedia acknowledges that it has a diverse community with widely differing views on the proposal, but that the proposal was endorsed by its sponsoring organization SHRM. A letter-writing campaign encouraged groups to send comments to ICANN urging rejection of the proposed amendment, resulting in nearly 200 nearly identical negative comments. Supportive comments were also received from a broad range of employers.

#### PROPOSED RESOLUTION:

Whereas, EmployMedia submitted a request pursuant to ICANN's Registry Services Evaluation Policy to amend Appendix S of the .JOBS Registry Agreement permit the registration and allocation of .jobs domain names through a phased allocation process.

Whereas, the proposal was submitted to ICANN following the policy development process defined in its delegated authority in Appendix S as a sponsored TLD, with the endorsement of the sponsoring organization for .JOBS, the Society for Human Resource Management. The proposal is also consistent with other approvals to permit the registration and allocation of certain types of domain names via phased allocation mechanisms.

Whereas, ICANN has evaluated the proposed amendment to the Appendix S of the .JOBS Registry Agreement as a new registry service pursuant to the Registry Services Evaluation Policy and has posted amendments for public comment and Board approval (<http://www.icann.org/registries/rsep/>).

It is hereby resolved (2010. \_\_) that the .JOBS amendment is approved, and the President and General Counsel are authorized to take such actions as appropriate to implement the amendments.

Submitted by:	Patrick Jones
Position:	Senior Manager, Continuity & Risk
Date Noted:	23 July 2010
Email and Phone Number	Patrick.jones@icann.org; 202-570-7115

# **2010-08-05-15 Board Submission Final Guidebook Planning**

**ICANN BOARD SUBMISSION NO. 2010-08-05-15**

**TITLE:** New gTLD Final Guidebook Planning

**PROPOSED ACTION:** For Board Consideration

**Management Summary**

As final issues in the New gTLD Program implementation are resolved, planning for launch of the process can be completed. This paper covers three areas:

The plan and timing for publishing the Final Guidebook and launching the process, including:

- A decision tree for various scenarios, and
- Timelines for each of the scenarios.

The most significant schedule risks to a timely launch.

A brief discussion of outstanding issues that will be settled by the Board retreat on 24-25 September, including the plan for resolution and a preliminary recommendation on those issues.

The Board is asked to decide which of three potential project launch timelines should be pursued. The decision revolves mainly around whether and how public comment should be collected and analyzed for the Proposed Final Guidebook.

The Board decision can be put off until comment on the current version of the Guidebook is complete and summarized. However, a decision (at least tentatively) can be made now, given the considerations listed below.

It is recommended that the Board consider the Final version of the Guidebook for approval at the Cartagena meeting. The final version will be posted for limited comment prior to the meeting. "Limited comment" is described below.

**Timeline: decision tree**

The below decision tree and timelines are to inform Board decisions regarding consideration of the Proposed Final Guidebook. As stated above, the decisions revolve around whether and how to conduct a public comment forum.

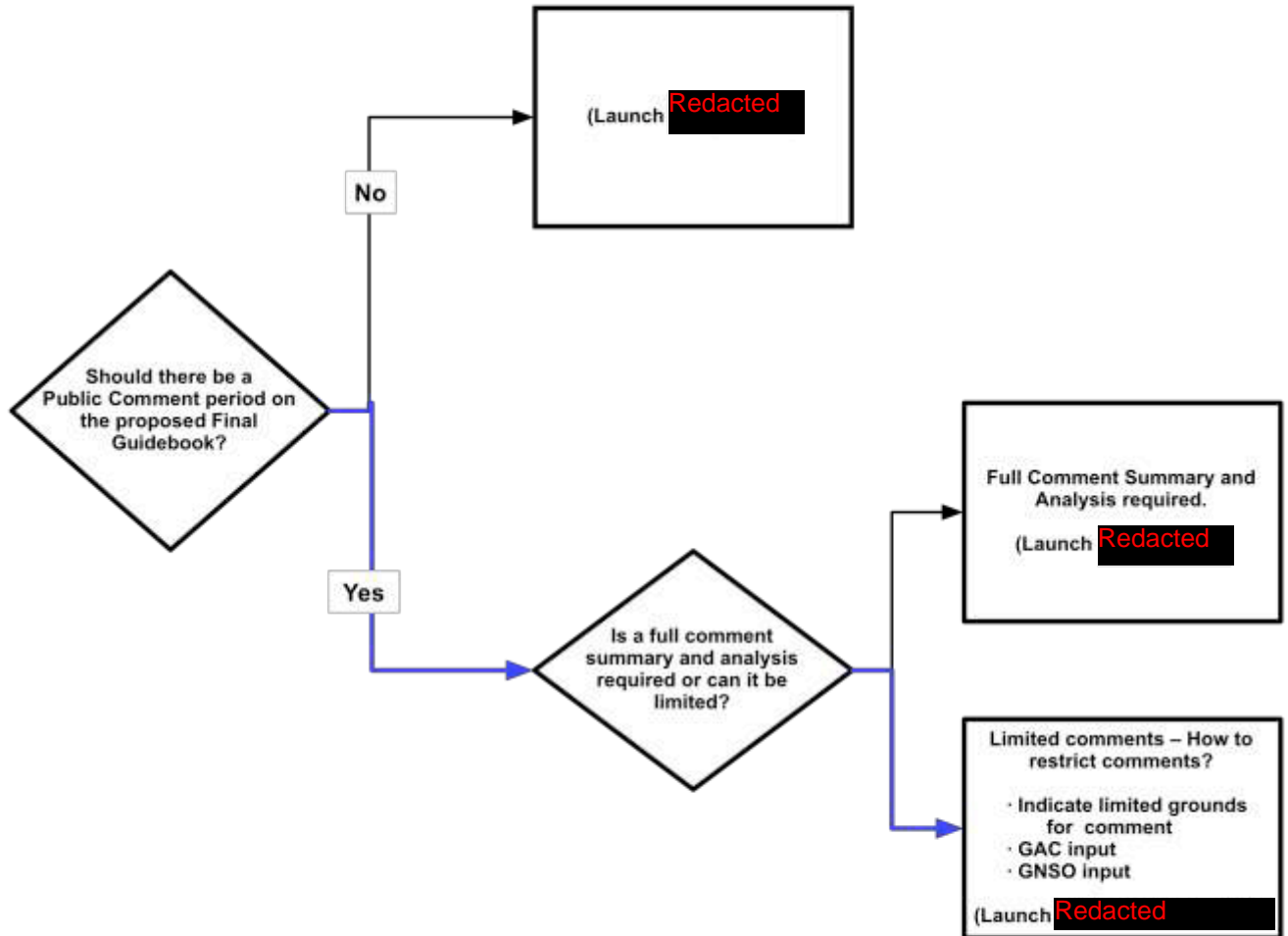
The timeline assumes that all remaining issues are resolved during the 24-25 September Board workshop. Those issues are listed and briefly discussed in the last section of this paper.

The timeline and steps for approval can be determined through the decision tree and annotations below (and do not depend on specific remaining issues so long as they are resolved in the workshop).

After the decision tree and annotation, three different timelines are plotted to indicate potential new gTLD launch dates under the various scenarios.



## Decision Tree: Final Applicant Guidebook



Notes: Recommended path in blue;  
"Launch" is the date upon which ICANN first accepts applications for the gTLD Program.

**Decision tree annotation**

I. Should there be public comment on the Proposed Final Guidebook?

PUBLIC COMMENT	NO PUBLIC COMMENT
<ol style="list-style-type: none"> <li>1. ICANN traditionally posts important documents for comment before a Board vote.</li> <li>2. If there is no path for comment, commenters will send letters directly to staff or Board members.</li> <li>3. A similar model: For the annual budget, a preliminary budget or framework is posted for comment and then the proposed final budget is posted for comment with Board vote immediately after the close of the comment period.</li> </ol>	<ol style="list-style-type: none"> <li>1. It can be indicated that there have been six opportunities for comment (four Guidebook versions and two sets of Guidebook excerpts); comments are exhausted.</li> <li>2. In line with other consensus policies, there has been significant review with the GNSO to test whether the draft implementation meets the policy goals.</li> <li>3. There was no public comment associated with the proposed final version of the IDN Fast Track implementation plan.</li> </ol>

Recommendation: there should be a comment forum established for the Proposed Final Guidebook.

II. Should the comment period be limited in some way or should there be a full set of comment summaries and analyses prepared?

LIMITED	FULL SUMMARIES AND ANALYSES
<ol style="list-style-type: none"> <li>1. All comments essentially have been heard and there has been opportunity for comment on all issues.</li> <li>2. A full process obviates the whole idea of this being the final version of the Guidebook (will in fact be draft 5).</li> <li>3. A full process will bring forth every last attempt for parties to repeat positions to modify the process to be in line with their pecuniary or other interest. The optics might falsely indicate that there is no consensus around the model.</li> </ol>	<ol style="list-style-type: none"> <li>1. Less than full comment might draw criticism of the consensus-based model.</li> <li>2. A full comment process will likely require time for summary and analysis that will result in earliest Board consideration at the Board teleconference occurring after the Cartagena meeting.</li> </ol>

<p>4. The limited model has a parallel in the budgeting process where most comments are received after the preliminary budget is posted but the ICANN Board considers comments on the proposed final budget made up to and at the public meeting just before the vote.</p>	
<p>5. A limited comment process might enable the Board to consider approval at the Cartagena meeting. The Board could consider summarized but not fully analyzed limited comments as they do in the budgeting process.</p>	

Recommendation: conduct a limited public comment process that allows raising of new issues but enables Board consideration at the Cartagena meeting.

### III. How can the public comment process be limited?

1. Limited to new issues. All comments made to date have been carefully considered. The answer may not always be agreeable to the commenter but the comments have been heard. The comment period may be framed in a way to focus consideration of comment on those areas where there is new material or any significant departure from draft v4. Input regarding new material or raising new issues (believed to be very few, if any) will be considered; repeated comments on issues that have been previously addressed will not be considered.

This sort of limitation has not been done in the past. However, it is thought that this is the best compromise to allow for a comment period that the community will demand and preserve the ability for the Board to react to a limited number of issues and consider the issues finally closed before voting at the Cartagena meeting.

2. Final consultation with the GAC can occur at the Cartagena meeting. That consultation may occur: as a bylaw required consultation (e.g., if the GAC were to object to the final form of the Morality & Public Order objection process), or more informally as part of the regularly scheduled Board-GAC meeting where the New gTLD topic will surely be on the agenda.

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### **Schedule risks to timely launch:**

There are several risks to a timely launch (i.e., a decision to approve the final Applicant Guidebook in Cartagena). While there are many risks, these are the most significant and of the highest probability.

Each of these issues is included in the discussion of remaining issues in the annex – with a proposed position and plan of action on each.

The issues can be divided into two groups:

Areas where anticipated results of the program are not stated as precisely as desired by some. Examples include the economic and root zone scaling studies.

Community members look forward to detailed, “empirical” analysis where, for example the economic net benefit of new gTLD introduction is stated as the dollar value of benefits minus costs. Authors of these studies have already warned that innovation cannot be predicted, and effectiveness of mitigation tools (e.g., trademark protections or root zone monitoring) cannot be precisely calculated.

Whatever the results of these efforts, there will be continued comment.

Late requests that seek to “perfect” the process, or win late concessions – to make the process “all things to all people”.

These might include ICANN devised mechanisms to fund needy applicants, relaxing the prohibition on delegating variants and confusingly similar TLDs, and creation of TLD categories to provide vertical integration exceptions and other community benefits.

While these are all worthy considerations, they all will add significant complexity and risk. Key goals of the implementation planning are to create a smooth running process, mitigate risks, and protect ICANN.

These issues can be considered after other unknowns are answered in the first round. In the meantime, new TLDs can be delegated, with corresponding enhancements to: competition and choice, innovation, and DNS protections.

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Submitted by:	Karen Lentz	Kurt Pritz
Position:	Mgr., Research & Content	SVP, Services
Date Noted:	23 July 2010	
Email and Phone Number	lentz@icann.org	pritz@icann.org

## **2010-08-05-16 Board Submission Status of ICM discussions**

ICANN BOARD SUBMISSION NO. 2010-08-05-16

TITLE: Status of discussions with ICM Registry Re:  
Application for a .XXX sTLD

PROPOSED ACTION: For Board Consideration and Action

EXECUTIVE SUMMARY:

In Brussels, the Board resolved to accept and “act in accordance with the following findings of the Independent Review Process Majority: (i) ‘the Board of ICANN in adopting its resolutions of June 1, 2005, found that the application of ICM Registry for the .XXX sTLD met the required sponsorship criteria;’ and (ii) ‘the Board’s reconsideration of that finding was not consistent with the application of neutral, objective and fair documented policy.’”

In furtherance of this resolution, the Board directed “staff to conduct expedited due diligence to ensure that: (1) the ICM Application is still current; and (2) there have been no changes in ICM’s qualifications.”

Since Brussels, staff has conducted expedited due diligence, including requesting and receiving documents from ICM, as well as participating in a face to face meeting and a video conference. Staff has concluded that the expedited due diligence has shown that the ICM Application is still current and that there have been no negative **changes in ICM’s qualifications. In fact, it is of note, that ICM has provided** additional information during the due diligence phase attempting to answer questions raised regarding their proposed policy-making body IFFOR, how it would work and who would likely be participating in it.

ICM has presented ICANN with a draft proposed registry agreement for the .XXX sTLD, and ICANN has asked questions regarding the agreement. Once the initial review of the agreement is complete, ICANN Staff will post that proposed registry agreement for public comment. Further, once the draft contract is completed, staff will make a recommendation to the Board as to whether the proposed contract is consistent with prior GAC advice. (*See* Annex to this paper identifying the GAC advice received as it relates to the proposed registry agreement.)



## STAFF RECOMMENDATIONS:

Staff recommends that the Board authorize staff to post ICM's proposed registry agreement for the .XXX sTLD for public comment as soon as a proposed contract is completed.

## PROPOSED RESOLUTIONS:

Whereas, ICANN's General Counsel has completed the expedited due diligence regarding ICM Registry, as directed by the Board, and has concluded that ICM has shown that its Application for the .XXX sTLD is still current and that there have been no negative changes in ICM's qualifications.

Whereas, ICANN Staff is in consultation with ICM on a new proposed registry agreement for the .XXX sTLD and expects to receive a finalized proposal from ICM.

Resolved (2010.08.05.xx), upon receipt of ICM's finalized agreement proposal, ICANN Staff is authorized to post ICM's proposed registry agreement for the .XXX sTLD for public comment for a period of no less than 30 days.

Resolved, (2010.08.05.xx), upon completion of public comment period, ICANN Staff shall provide the Board with a summary of the public comments and shall make a recommendation to the Board as to whether the proposed registry agreement for the .XXX sTLD is consistent with GAC advice.

Resolved, (2010.08.05.xx), once the Board has received the above public comment summary and recommendation from the ICANN Staff regarding the proposed registry agreement for the .XXX sTLD, the Board shall at its next possible meeting, consider this recommendation, and determine, consistent with the ICANN Bylaws, whether a GAC consultation shall be required.

Submitted by:	John Jeffrey
Position:	General Counsel and Secretary
Date Noted:	26 July 2010
Email and Phone Number	John.Jeffrey@ICANN.org; +1-310-301-5834

# **2010-08-05-17 Board Submission Consumer and Data Protection**

ICANN BOARD SUBMISSION NO. 2010-08-05-17

TITLE: Data Use Provisions in gTLD Registry Agreements

PROPOSED ACTION: For Board Information and Action

EXECUTIVE SUMMARY:

In recent months, particularly in relationship to discussions of vertical integration and as it relates to the New gTLD Program, there has been significant discussion on the topic of data use provisions in registry agreements. In response and to facilitate ongoing conversations, ICANN Staff has prepared a short summary on data use provisions found in existing registry agreements. That summary is attached to this Board Submission as Exhibit A.

STAFF RECOMMENDATION

As this is an important topic that is deserving of more focused consideration, staff recommends that the Board establish a working group to identify issues with use of registry data and potential resolution of those issues.

PROPOSED RESOLUTION

Whereas, the use of registry data has been a topic of consideration, particularly as the subject relates to the registrant protection issues.

Whereas, given the import of the topic, further discussion is warranted.

RESOLVED (2010.08.05.xx), the Board will establish a working group to identify issues relating to the use of registry data and where registrant protection might be further explored or proposed policies might be introduced.

RESOLVED (2010.08.05.xx), the Board asks the Board Governance Committee to assist in following the Process for Establishment of Board Working Groups for the formation of a Registry Data Working Group, including the selection of members and drafting of proposed terms of reference.

Submitted by: John O. Jeffrey  
Position: General Counsel and Secretary  
Date Noted: 26 July 2010  
Email and Phone Number john.jeffrey@icann.org, +1-310-301-5834

## Use of Registry Data Provisions in Current gTLD Registry Agreements

The following is a summary of the registry data-related provisions from ICANN's current gTLD registry agreements. All of ICANN's current gTLD registry agreements <<http://www.icann.org/en/registries/agreements.htm>> include similar provisions regarding the uses of registry data:

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### *Data Escrow*

Registry operators have to keep a copy of their registration databases on deposit with a trusted third-party to be transferred to a successor operator in the event of termination.

### *Whois Service*

Registry operators have to provide port 43 and web-based Whois services, providing registration data (and contact details in thick registries) in response to queries regarding individual registrations.

### *Zone File Access*

Registry operators have to allow for the downloading of complete registry zone files for free to any user willing to enter a standardized access agreement.

### *Traffic data*

Most of the current unsponsored gTLD agreements (BIZ/COM/INFO/ORG/NAME/NET) include a provision specifying that nothing in the agreement prevents registry operators from making commercial use of "traffic data" regarding domain names (or non-existent domain names), and that traffic data services are exempt from the process for the consideration of new registry services. Registries may use traffic data themselves for any (legal) commercial purpose, and may charge any price they like for access to the data, but any access to third parties must be on a non-discriminatory basis. This provision is not in our sponsored gTLD agreements, and has not been included in any of four drafts of the proposed base agreement for new gTLDs; the comments and rationale posted with the first draft new gTLD agreement in 2008 stated: "This section has been removed as part of the streamlining of the agreement. New registry services based on traffic data will be subject to the ICANN Registry Services Evaluation Policy (AKA "the funnel")."

### *Data Privacy Regulations*

In addition to these ICANN contract provisions, other legal obligations might compel or prevent certain uses of registry data by registries. For example, any registry (or registrar) with operations or customers based in Europe would need to operate there in compliance with data protection laws based on European Union's Data Protection Directive.

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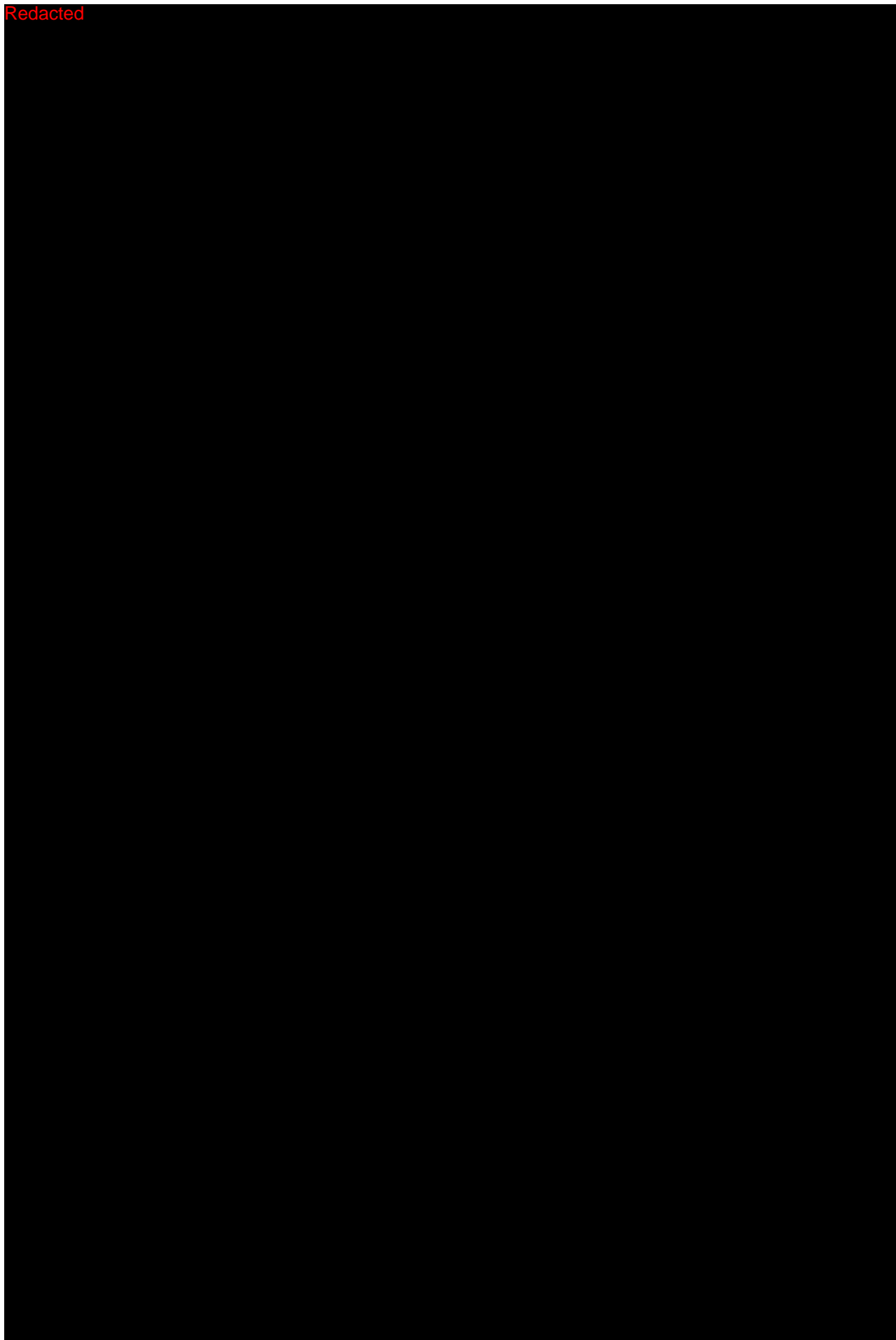


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# **2010-08-05-19 Board Submission Global Policy for ASN**

**ICANN BOARD SUBMISSION NO. 2010-08-05-19**

**TITLE: PROPOSED GLOBAL POLICY FOR ALLOCATION OF AUTONOMOUS SYSTEM NUMBERS (ASNs)**

**PROPOSED ACTION: For Information**

**EXECUTIVE SUMMARY:**

On 22 July 2010, the Address Supporting Organization Address Council (ASO AC) sent the Board a Proposed Global Policy for Allocation of Autonomous System Numbers (henceforth “ASN Global Policy Proposal” or just “Proposal”). The new policy will extend the period during which Regional Internet Registries (RIRs) can operate distinct pools of 16-bit and 32-bit ASNs for reasons explained below. There is no board decision to be taken at this meeting, as the current public comment period on this issue is still open.

**CURRENT POLICY:**

The Board ratified the current Global Policy for Allocation of ASN Blocks to Regional Internet Registries in July 2008. This policy supports the introduction of 32-bit ASNs with a timeline during which RIRs can operate distinct pools of 16-bit and 32-bit ASNs. That timeline ended on 31 December 2009 and requires ICANN to now treat all ASNs as coming from a single pool of numbers.

**THE REASON FOR THIS ASN GLOBAL POLICY PROPOSAL:**

Some equipment and software vendors have been slower to offer support for 32-bit ASNs than was originally anticipated by the addressing community. This may create a problem in case a new network needs a 16-bit ASN that the relevant RIR cannot assign as its pool of 16-bit ASNs is empty, nor can the RIR request more such ASNs from IANA as the RIR still has an ample supply of 32-bit ASNs. By extending the period during which RIRs can operate distinct pools of 16-bit and 32-bit ASNs, the RIRs will be able to make sure they have sufficient 16-bit ASNs to meet the needs within their regions while vendors complete their implementations of 32-bit ASN capabilities. The

proposed policy will extend the period for this type of operation through the end of 2010. It is thought that this will be sufficient time because this will effectively extend the period of 16-bit ASN availability by two years.

**PROCESS FOR CONSIDERATION:**

The Proposal has been accepted in the five RIR communities, according to each RIR's policy development process. The ASO AC has reviewed the process and written to support the Proposal's ratification by the Board.

The board is bound by the 2004 ASO MoU, which gives it 60 days to:

- a. accept the proposal by a simple majority vote; or
- b. reject the proposed policy by a supermajority (2/3) vote; or
- c. by a simple majority vote request changes to the proposed policy; or
- d. take no action.

If the ICANN Board takes no action (that is, fails to take actions (a), (b) or (c) in Step 9) within the 60-day window (22 July – 19 Sept 2010), the proposed policy is deemed to be accepted by the ICANN Board and it becomes global policy.

Since the Proposal has to be posted for public comments for 21 days before the Board can take action on it, the Proposal may get ratified by default 60 days after its submission to the Board, unless a new Board meeting is arranged before that window for ratification elapses.

The Proposal text, the ASO AC letter, the ASO AC advice and the ASO AC background report are attached for reference. Reference is also made to the background report posted on ICANN's web site at

<http://www.icann.org/en/announcements/announcement-04sep09-en.htm>

## STAFF RECOMMENDATION:

- Staff would recommend that the Board ratify the Proposal as a Global Policy unless the community raises any valid objections during the public comment period.
- The Proposal implies a date change that is intended to ease the full transition to 32-bit ASNs in practice. Staff believes that the Proposal is not contentious in any respect.
- In accordance with the Board's Review Procedures for Global Addressing Policy Proposals, the Proposal has been posted for public comments for 21 days, with the comment period ending 13 August 2010. The Board can only act upon the Proposal based on the outcome from the public comment period. Accordingly, no formal Board action on the Proposal can be taken at the 5 August 2010 meeting.
- The subsequent Board meeting takes place in October and will be after the expiry of the 60 days period for Board ratification. Unless Board action is taken before that time period, the Proposal is ratified by default, in accordance with the ASO MoU provisions.
- Staff will summarize the public comments for the Board as soon as it is concluded. If Board members raise any concerns due to public comments or for other reasons, staff will provide a method for any action deemed necessary before the 60 days expire.

Submitted by: Olof Nordling;  
Leo Vegoda

Position: Director, Services Relations;

Date Noted: 20 July 2010

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leo.vegoda@icann.org; +1-310-823-9358

# **2010-08-05-20 Board Submission UDRP Status Briefing**

ICANN BOARD SUBMISSION NO. 2010-08-05-20

TITLE: UDRP Status Briefing

PROPOSED ACTION: For Board Information

EXECUTIVE SUMMARY:

The UDRP has resulted in the resolution of over 30,000 domain name disputes and countless more that have been settled without UDRP filings. The policy adopted in 1999 has run primarily without changes since its inception. The Annex to this submission provides history and more detailed background information regarding the UDRP and ICANN's relationship with UDRP providers. There have been calls in the community to update or alter the UDRP, but those issues have not been raised to a level of initiation of policy development work in the GNSO. The Annex also provides a brief discussion of policy development work required to modify the UDRP.

Issues have been raised regarding the uniformity of UDRP administration and the means to enforce provider compliance are coming to the forefront of dialogue on the UDRP. ICANN staff is working proactively to address these issues, including developing a review process for revisions to provider supplemental rules as a means to assure continued uniformity. Also underway is a discussion of compliance or enforcement mechanisms to use with the ICANN approved providers, such as contracts, to allow for continued certainty in ICANN's oversight of the UDRP.

STAFF RECOMMENDATION:

No bottom up request for policy development change has arisen from the GNSO, and at this time staff does not recommend that the Board take action to initiate a policy development process on UDRP changes. Redacted

[Redacted]

[Redacted]

[Redacted]

Staff recommends that the creation of enforcement or compliance tools for use with approved UDRP dispute resolution providers does not require the initiation of a policy development process, and staff could appropriately start to form proposals for the



creation of these tools. Staff does not recommend the introduction of formal contracts at this time, however the staff will report back to the Board within 90 days regarding the creation of a less formal means of assuring compliance with the UDRP, after consultation with UDRP providers.

As a result, staff does not propose that the Board take any action at this time on UDRP-related matters, and staff will calendar an update of these issues in six months to provide a status report to the Board on all topics identified.

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