

ICANN BOARD PAPER NO. 2016.11.08.1b

TITLE: **Appointment of Jacques Latour and Tara Whalen to the Security and Stability Advisory Committee**

PROPOSED ACTION: **For Board Consideration and Approval**

EXECUTIVE SUMMARY:

The Chair of the Security and Stability Advisory Committee (SSAC) respectfully requests the appointment of Jacques Latour and Tara Whalen as new Committee members.

COMMITTEE RECOMMENDATION:

The Committee desires the appointment of Jacques Latour and Tara Whalen to the SSAC.

PROPOSED RESOLUTION:

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

Whereas, the SSAC Membership Committee, on behalf of the SSAC, requests that the Board should appoint Jacques Latour and Tara Whalen to the SSAC for three-year terms beginning immediately upon approval of the Board and ending on 31 December 2019.

It is resolved (2016.11.08.xx) that the Board appoints Jacques Latour and Tara Whalen to the SSAC for three-year terms beginning immediately upon approval of the Board and ending on 31 December 2019.

PROPOSED RATIONALE:

The SSAC is a diverse group of individuals whose expertise in specific subject matters enables the SSAC to fulfill its charter and execute its mission. Since its inception, the SSAC has invited individuals with deep knowledge and experience in technical and security areas that are critical to the security and stability of the Internet's naming and address allocation systems.

The SSAC's continued operation as a competent body is dependent on the accrual of talented subject matter experts who have consented to volunteer their time and energies to the execution of the SSAC mission. Jacques Latour is currently the CTO at CIRA, the Canadian Internet Registry Authority for .ca, a position he has held for the past 6 years. He also is an active member of the ccNSO community and the IETF DNS community. Jacques has extensive country code registry experience and all of the related technologies. He has been an active member of the SSAC's DNSSEC Workshop Program Committee for several years.

Tara Whalen has a PhD in Computer Science followed by a Masters in Law with a concentration in Law and Technology. She has over 20 years of experience in security and privacy, including working in the Office of the Privacy Commissioner of Canada, as a Privacy and Security Standards Engineer at Apple, and is currently a Staff Privacy Analyst at Google. She has been active in the IETF (intrusion detection working group) and is currently active in the W3C (Privacy Interest Group). She is generally engaged in an operational role around the nexus of security and privacy.

The SSAC believes Jacques Latour and Tara Whalen would be significant contributing members of the SSAC.

Submitted by: Ram Mohan
Position: Liaison to the ICANN Board from the Security & Stability
Advisory Committee
Date Noted: 18 October 2016
Email: mohan@afilias.info

ICANN BOARD PAPER NO. 2016.11.08.1c

TITLE: SSAC Member Reappointments
PROPOSED ACTION: For Board Consideration and Approval

EXECUTIVE SUMMARY:

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 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. On 05 August 2010 the ICANN Board approved Bylaws revisions that created three-year terms for SSAC members and assigned initial one-, two-, and three-year terms to all SSAC members. Each year the SSAC Membership Committee evaluates those members whose terms are ending in the calendar year, in this case 31 December 2016. The Membership Committee submitted its recommendations for member reappointments to the SSAC, which approved the reappointments of the following SSAC members: Jeff Bedser, Ben Butler, Merike Kaeo, Warren Kumari, Xiaodong Lee, Carlos Martinez, and Danny McPherson.

COMMITTEE RECOMMENDATION:

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

PROPOSED RESOLUTION:

Whereas, Article 12, Section 12.2(b) of the Bylaws governs the Security and Stability Advisory Committee (SSAC).

Whereas, the Board, at Resolution 2010.08.05.07 approved Bylaws revisions that created three-year terms for SSAC members, required staggering of terms, and obligated the SSAC Chair to recommend the reappointment of all current SSAC members to full or partial terms to implement the Bylaws revisions.

Whereas, the Board, at Resolution 2010.08.05.08 appointed SSAC members to terms of one, two, and three years beginning on 01 January 2011 and ending on 31

December 2011, 31 December 2012, and 31 December 2013.

Whereas, in January 2016 the SSAC Membership Committee initiated an annual review of SSAC members whose terms are ending 31 December 2016 and submitted to the SSAC its recommendations for reappointments in September 2016.

Whereas, on 21 September 2016, the SSAC members approved the reappointments.

Whereas, the SSAC recommends that the Board reappoint the following SSAC members to three-year terms: Jeff Bedser, Ben Butler, Merike Kaeo, Warren Kumari, Xiaodong Lee, Carlos Martinez, and Danny McPherson.

Resolved (2016.11.08.xx), the Board accepts the recommendation of the SSAC and reappoints the following SSAC members to three-year terms beginning 01 January 2017 and ending 31 December 2019: Jeff Bedser, Ben Butler, Merike Kaeo, Warren Kumari, Xiaodong Lee, Carlos Martinez, and Danny McPherson.

PROPOSED RATIONALE:

The SSAC is a diverse group of individuals whose expertise in specific subject matters enables the SSAC to fulfil its charter and execute its mission. Since its inception, the SSAC has invited individuals with deep knowledge and experience in technical and security areas that are critical to the security and stability of the Internet's naming and address allocation systems. The above-mentioned individuals provide the SSAC with the expertise and experience required for the Committee to fulfill its charter and execute its mission.

Submitted by: Ram Mohan

Position: Liaison to the ICANN Board from the Security & Stability
Advisory Committee

Date Noted: 18 October 2016

Email: mohan@afilias.info

ICANN BOARD PAPER NO. 2016.11.08.1d

TITLE: **Appointment of D-, E-, G-, and H-Root Server Operator Representatives to the RSSAC**

PROPOSED ACTION: **For Board Consideration and Approval**

EXECUTIVE SUMMARY:

Per ICANN Bylaws (Article XI, Section 2.3), the Root Server System Advisory Committee (RSSAC) is submitting the following members for appointment to the RSSAC:

D-Root: University of Maryland, Tripti Sinha

E-Root: National Aeronautics and Space Administration, Kevin Jones

G-Root: United States Department of Defense, Kevin Wright

H-Root: United States Army Research Laboratory, Howard Kash

These individuals have been selected by their root server operator (RSO) organizations to serve on the RSSAC.

RSSAC RECOMMENDATION:

The RSSAC Co-Chairs recommend the ICANN Board of Directors appoint Tripti Sinha as the representative for D-root server operator, Kevin Jones as the representative for E-root server operator, Kevin Wright as the representative for G-root server operator, and Howard Kash as the representative of H-root server operator.

PROPOSED RESOLUTION:

Whereas, the ICANN Bylaws call for the establishment of a Root Server System Advisory Committee (RSSAC) with the role to advise the ICANN community and ICANN Board of Directors on matters relating to the operation, administration, security, and integrity of the Internet's Root Server System.

Whereas, the ICANN Bylaws call for the ICANN Board of Directors to appoint one RSSAC member from each Root Server operator organization, based on recommendations from the RSSAC Co-Chairs.

Whereas, the RSSAC Co-Chairs have recommended for ICANN Board of Directors consideration the appointments of representatives from the D-, E-, G-, and H-root server operators to the RSSAC.

Resolved (2016.11.08.xx), the ICANN Board of Directors appoints the representatives from the D-, E-, G-, and H-root server operators, Tripti Sinha, Kevin Jones, Kevin Wright, and Howard Kash, respectively, through 31 December 2019.

PROPOSED RATIONALE:

In May 2013, the root server operators (RSO) agreed to an initial membership of RSO representatives for RSSAC, and each RSO nominated an individual. The ICANN Board of Directors approved the initial membership of RSSAC in July 2013 with staggered terms.

The representatives from the D-, E-, G-, and H-root server operators were appointed to an initial three-year term, which expires on 31 December 2016. These appointments are for full, three-year terms.

The appointment of these RSSAC members is not anticipated to have any fiscal impact on ICANN, though there are budgeted resources necessary for ongoing support of the RSSAC.

This resolution is an organizational administrative function for which no public comment is required. The appointment of RSSAC members contributes to ICANN's commitment to strengthening the security, stability, and resiliency of the DNS.

Signature Block:

Submitted by: Suzanne Woolf

Position: RSSAC Liaison to the ICANN Board of Directors

Date Noted: 17 October 2016

Email: suzworldwide@gmail.com

ICANN BOARD PAPER NO. 2016.11.08.1e

TITLE: **Investment of Auction Proceeds**
PROPOSED ACTION: **For Board Consideration and Approval**

EXECUTIVE SUMMARY:

To date, ICANN has collected auction proceeds totaling US\$233 million. Consistent with ICANN's investment strategy to minimize the risk of custody, the auction proceeds are to be distributed across three different investment firms for custody and investment management. In addition, several factors, including the progress of the Community work on the future use of these funds, create the need for these funds to be readily available on a short term basis.

As a result, the Board is being asked to consider that the organization's and the Board Finance Committee's (BFC) recommendation set forth below.

ORGANIZATION and BFC RECOMMENDATION:

The Organization and the BFC recommend that the Board approve the distribution of auction proceeds to three different investment managers to reduce the risk of custody, and to be invested in safe and liquid financial instruments.

PROPOSED RESOLUTION:

Whereas, to date ICANN has collected US\$233 million of auction proceeds.

Whereas, the Board Finance Committee has determined that auction proceeds need to be invested in a manner that preserves capital and keeps these funds readily available.

Whereas, the Board Finance Committee recommends that auction proceeds be distributed across three different investment managers, and invested in safe and liquid financial instruments.

Resolved (2016.11.08.xx), the Board authorizes the President and CEO, or his designee(s), to take all actions necessary to distribute the auction proceeds across three different investment managers, which will be tasked with investing those proceeds in safe and liquid financial instruments.

PROPOSED RATIONALE:

To date ICANN has collected auction proceeds totaling US\$233 million. ICANN continuously mitigates the risk of custody by distributing investments across more than one investment management firm. Considering the amount of auction proceeds collected to date, the number of firms used to manage these funds need to be increased from the one firm currently used, to three firms. Through an RFP conducted in 2013 for the New gTLD Program, ICANN has already qualified three investment management firms. The auction funds will be distributed across these three firms, in separate and distinct accounts holding exclusively auction proceeds. In addition, considering the intended usage of these funds in the near future, as per the ongoing community process, the BFC has recommended that the managers hold these funds in safe and liquid financial instruments.

As a result, the organization recommends that the auction proceeds be invested at three different investment managers to reduce the risk of custody, and be invested in safe and liquid financial instruments.

This action is not expected to have any fiscal impact, or any impact on the security, stability and resiliency of the domain name system.

This is an Organizational Administrative Function that does not require public comment.

Submitted by:	Xavier Calvez, CFO
Date Noted:	21 October 2016
Email:	Xavier.calvez@icann.org

ICANN BOARD PAPER NO. 2016.11.08.1f

TITLE: ICANN Delegation of Authority Guidelines

PROPOSED ACTION: For Board Consideration and Approval

EXECUTIVE SUMMARY:

To provide clear guidance and clarification of roles between the Board and CEO/Management, the Board is being asked to adopt Delegation of Authority Guidelines (“Guidelines”). The Guidelines identify the respective key roles of the Board, key roles of CEO/Management, and the key interdependencies in those relationships.

As outlined in the Guidelines, a primary source of the Board’s powers come directly from the ICANN Bylaws, as well as internal policies. Among others, these key powers include: (1) acting collectively by voting at meetings to authorize and direct management to take action on behalf of the ICANN organization, (2) interacting with the ICANN community to ensure that ICANN is serving the global public interest within ICANN’s mission, and (3) considering policy recommendations arising out of Supporting Organizations, including participating in consultation processes if necessary.

The ICANN CEO is authorized to act within the authority delegated by the Board. The CEO may designate key management to assist in carrying out these responsibilities. The CEO’s responsibilities, include, but are not limited to: (1) interacting with the ICANN community to ensure that ICANN is serving the global public interest within ICANN’s mission, (2) maintaining open line of communication with the Board, (3) interacting with governments within the scope of ICANN’s mission and Board’s directives, and (4) leading and overseeing ICANN’s day-to-day operations.

Across the roles and obligations that the Board, CEO and senior management share, there are numerous interdependencies in these relationships. These include: the CEO speaking for the ICANN organization, but serving at the pleasure of the Board, and senior management leading the activities to develop budget, operating and strategic plans, while the Board approves such plans and sets priorities.

By adopting the Guidelines, the Board will help clarify the key roles in the organization, as well help the organization run efficiently and effectively within the scope of ICANN’s mission.

The Board discussed the Delegation of Authority document with the CEO on two occasions: (1) on 24 June 2016 at the ICANN 56 Board workshop, and (2) on 15 September 2016 at the Brussels workshop. Based on the conversation at the 15 September workshop, the document has been modified to reflect the Board and management role in the meeting venue selection process, specifically that while the Board approves any need to move the location of an ICANN Public Meeting or vary from the meetings strategy, it is the management responsibility to identify and select the meeting locations.

STAFF RECOMMENDATION:

Staff recommends that the Board consider adopts the Delegation of Authority Guidelines, which are presented in Attachment A. This document has been presented in draft form to the Board on two prior occasions for review and discussion, and has been modified to reflect the Board’s inputs.

PROPOSED RESOLUTION:

Whereas, ICANN Bylaws [Article II](#) establishes that with certain exceptions, the powers of ICANN shall be exercised by, and its property controlled and its business and affairs conducted by or under the direction of, the Board.

Whereas, ICANN Bylaws [Article XII](#) establishes officers of ICANN, and designates the President to be the Chief Executive Officer (CEO) of ICANN in charge of all of its activities and business. All other officers and staff shall report to the President or his or her delegate, unless stated otherwise in the Bylaws.

Whereas, the Board desires to set out a clear line of delegation of authority between the role of the Board and the roles of CEO and management.

Resolved (2016.11.08.xx), the Board hereby adopts the “ICANN Delegation of Authority Guidelines” to provide clear guidance and clarification of roles between the ICANN Board and the ICANN CEO/Management (“Guidelines”). The Guidelines shall be reviewed regularly and amended from time to time by resolution of the Board.

PROPOSED RATIONALE:

The Board is taking action at this time to adopt a set of guidelines to provide greater clarity of roles between the Board and CEO/Management. These guidelines, titled “ICANN Delegation of Authority Guidelines,” identify the respective key roles of the Board, key roles of CEO/Management, and the key interdependencies in those relationships. As outlined in the Guidelines, a primary source of the Board’s powers come directly from the ICANN Bylaws, as well as internal policies. Among others, these key powers include: (1) acting collectively by voting at meetings to authorize and direct management to take action on behalf of the ICANN organization, (2) interacting with the ICANN community to ensure that ICANN is serving the global public interest within ICANN’s mission, and (3) considering policy recommendations arising out of Supporting Organizations, including participating in consultation processes if necessary.

The ICANN CEO is authorized to act within the authority delegated by the Board. The CEO may designate key management to assist in carrying out these responsibilities. The CEO’s responsibilities, include, but are not limited to: (1) interacting with the ICANN community to ensure that ICANN is serving the global public interest within ICANN’s mission, (2) maintaining open line of communication with the Board, (3) interacting with governments within the scope of ICANN’s mission and Board’s directives, and (4) leading and overseeing ICANN’s day-to-day operations.

By adopting these Guidelines, the Board intends to ensure that the Board and CEO/Management continue to operate within the scope of its mission. The Board’s approval of the Guidelines will have positive impact on the community as provides additional transparency and clarity about the roles and responsibilities of key members in the ICANN organization. Additionally, it provides additional accountability to the community by clearly defining the roles and responsibilities.

There is no anticipated fiscal impact of the Board taking this action, and there are no expected security, stability, or resiliency issues related to the DNS associated with the Board’s approval of the Guidelines.

This decision is an Organizational Administrative Function that does not require public comment.

Signature Block:

Submitted by: John Jeffrey

Position: General Counsel/Secretary

Date Noted: 19 October 2016

Email: john.jeffrey@icann.org

ICANN BOARD PAPER NO. 2016.11.08.1g

TITLE: Renewal of .TEL Registry Agreement
PROPOSED ACTION: For Board Consideration and Approval

EXECUTIVE SUMMARY:

The Board is being asked to approve renewal of the .TEL Registry Agreement. In connection with the renewal of the legacy .TEL registry agreement, ICANN and the Registry Operator have agreed to transition to the [form of the New gTLD Registry Agreement](#) and to incorporate terms unique to a legacy TLD, such as .TEL, through an [Addendum](#) to the New gTLD Registry Agreement (collectively, the “Renewal Registry Agreement”). Taken together, these two documents comprise the proposed Renewal Registry Agreement and would replace the 30 May 2006 legacy agreement between ICANN and the Registry Operator, which is set to expire on 01 March 2017 <<https://www.icann.org/resources/unthemed-pages/tel-2012-02-25-en>>.

The proposed Renewal Registry Agreement includes modified provisions to bring the Agreement in line with the form of the New gTLD Registry Agreement. In order to account for the specific nature of the .TEL TLD, a Sponsored TLD, relevant provisions in the 30 May 2006 Sponsored TLD Registry Agreement have been carried over to this renewal Agreement in Specification 12. A similar approach was taken for the renewal of the [.JOBS \(20 February 2015\)](#), [.CAT \(08 October 2015\)](#) and [.TRAVEL \(09 October 2015\)](#) Sponsored TLD Registry Agreements. A Sponsored TLD is a specialized TLD that has a charter which defines the purpose for which the sponsored TLD has been created and will be operated. As part of the renewal, some of the Sponsored TLD Charter of .TEL was incorporated into the proposed Renewal Registry Agreement as Specification 12, a special section in the New gTLD Registry Agreement reserved for TLDs who were approved by the New gTLD Program with the “Community” designation. A “Community” TLD is operated for the benefit of a clearly delineated community. In the case of .TEL, Specification 12 incorporates the language of the original [Sponsorship Charter - Appendix S](#) in the current .TEL TLD Agreement, with modifications to remove the requirement that the Registry control the name servers of delegated domain names, and the restriction that registrants cannot define the contents of the zone for their domain names. As the .TEL TLD was originally approved under this premise, the change will transform the .TEL TLD

into a gTLD with a limited set of community parameters. These parameters will be optional rather than required.

In transitioning to the New gTLD Registry Agreement format, provisions have been added to protect registrants as well as allow for swifter action in the event of certain threats to the security or stability of the DNS. Additionally, this transition makes contract administration more manageable, and enables more predictable Contractual Compliance enforcement.

As Telnic Limited is an existing Registry Operator for the .TEL TLD, the start-up provisions in the New gTLD Registry Agreement are inapplicable, including Sunrise and Claims (rights protection mechanisms), and the Continued Operations Instrument which is normally required of New gTLD registries for funding critical registry functions on an annual basis in case of registry failure in the first few years of operation. Significant provisions included in the proposed Renewal Registry Agreement are detailed in the supporting Reference Materials document.

The proposed Renewal Registry Agreement was posted for public comment. Commenters expressed their views in three key areas during the public comment period:

- Extension of .TEL Registry Agreement: Some of the commenters expressed support for the extension of .TEL Registry Agreement, while others suggested that operational improvements should be implemented for .TEL domain names if the .TEL Registry Agreement is to be extended
- Proposed Renewal Registry Agreement for .TEL: Three key issue areas were raised on the specific text of the proposed Renewal Registry Agreement:
 - General Views – Some commenters positively noted the technical and operational advantages to the New gTLD Registry Agreement which benefit registrants and the Internet community over the earlier versions of the legacy Agreements
 - Rights Protection Mechanisms – One commenter sought clarity over the language proposed in Section 1 of Specification 7 regarding applicability and implementation of rights protection mechanisms. While the revisions to Specification 7 were consistent with prior legacies, ICANN has made a modification to the language of the proposed Renewal Registry Agreement to address the comment

- Registration Data Directory Service (Whois) – Some commenters raised concerns with continuing the unique Registration Data Directory Service that ICANN’s Board approved in 2007 for the .TEL TLD
- The continued operation of the .TEL TLD by Telnic Limited: Concerns were expressed over Telnic Limited continuing to be the Registry Operator of the .TEL TLD claiming, among other things, that Telnic Limited has violated ICANN’s regulations several times and no longer has stable financials to continue the operation of the .TEL TLD

With respect to transitioning the .TEL TLD to the form of Agreement used by New gTLDs, ICANN notes that the existing .TEL TLD Registry Agreement presumptively renews in accordance with its terms at its expiration so long as certain requirements are met. This would have resulted in few, if any, improvements. The proposed Renewal Registry Agreement is the result of the negotiation of renewal terms reasonably acceptable to ICANN and the Registry Operator on the New gTLD form. The renewal terms being presented to the Board for approval are the result of the bilateral negotiations required by the current Registry Agreement. As noted above, the new form of the Registry Agreement provides technical and operational advantages and benefits to registrants and the Internet community. It also allows ICANN to designate an emergency interim Registry Operator in the event that emergency thresholds for critical Registry Services are reached, requires Public Interest Commitments including the obligation to only use registrars under the 2013 RAA and requires the implementation of additional Rights Protection Mechanisms (RPMs) to protect rights holders.

STAFF RECOMMENDATION:

Taking into consideration community feedback requesting clarity over the language in Section 1 of Specification 7 and a typographical error identified by staff in Section 2.19, staff has prepared a revised version of the Renewal Registry Agreement, which is included in the board reference materials. Staff recommends that the Board approve the revised Renewal Registry Agreement with Telnic Limited for operation of the .TEL top-level domain.

PROPOSED RESOLUTION:

Whereas, ICANN commenced a public comment period from 04 August 2016 to 13 September 2016 on a proposed Renewal Registry Agreement for the .TEL TLD.

Whereas, the proposed .TEL Renewal Registry Agreement includes modified provisions to bring the .TEL Registry Agreement into line with the form of the New gTLD Registry Agreement.

Whereas, the public comment forum on the proposed Renewal Registry Agreement closed on 13 September 2016, with ICANN receiving twenty-seven (27) comments, both by individuals and organizations/groups. A summary and analysis of the comments were provided to the Board and in one instance, ICANN modified the proposed Renewal Registry Agreement to incorporate additional clarifying language in response to the public comments related to the RPM language proposed in Section 1 of Specification 7 regarding applicability and implementation of applicable rights protection mechanisms.

Whereas, the proposed .TEL Renewal Registry Agreement that was published for public comment included one typographical error, identified by staff, in Section 2.19. The typographical error was corrected to conform the text of the Renewal Registry Agreement to consistently reflect the terms agreed to by the parties.

Whereas, ICANN conducted a review of Telnic's recent performance under the current .TEL Registry Agreement and found that Telnic substantially met its contractual requirements.

Resolved (2016.11.08.xx), the .TEL Renewal Registry Agreement, as revised, is approved and the President and CEO, or his designee(s), is authorized to take such actions as appropriate to finalize and execute the Agreement.

PROPOSED RATIONALE:

Why the Board is addressing the issue now?

ICANN and Telnic Limited (the "Registry Operator") entered into a [Registry Agreement](#) on 30 May 2006 for operation of the .TEL top-level domain. The current .TEL Registry Agreement expires on 01 March 2017. The proposed Renewal Registry Agreement was posted for public

comment between 04 August 2016 and 13 September 2016. At this time, the Board is approving the Renewal Registry Agreement for the continued operation of the .TEL TLD by the Registry Operator.

What is the proposal being considered?

The revised Renewal Registry Agreement approved by the Board includes modified provisions to bring the Agreement into line with the form of the New gTLD Registry Agreement. The modifications include: updating technical specifications; Public Interest Commitments including the obligation to only use registrars under the 2013 Registrar Accreditation Agreement; and requiring the implementation of additional Rights Protection Mechanisms, namely the Uniform Rapid Suspension and the Post-Delegation Dispute Resolution Procedure.

Specifically, all approved registry services in the current .TEL Registry Agreement carry over to the revised Renewal Registry Agreement. Such services include Bulk Transfer After Partial Portfolio Acquisition, Registry Controlled DNS Records Service, Domain data change notifications, Whois private contact information opt-out for Individuals, Special Access Service, Additional RDDS Data Fields and Internationalized Domain Names.

With regard to the Schedule Of Reserved Names, the revised Renewal Registry Agreement includes existing provisions permitting the Registry Operator to allocate previously reserved one and two-character names through ICANN-accredited registrars via a Phased Allocation Program. However, all single-character numerical labels continue to be reserved at the second level.

As part of the adaptation needed to carry over the Sponsored TLD Charter of .TEL to the revised Renewal Registry Agreement, Specification 12 incorporates the language of the original [Sponsorship Charter - Appendix S](#) in the current .TEL TLD Agreement, with modifications to remove the requirement that the Registry control the name servers of delegated domain names, and the restriction that registrants cannot define the contents of the zone for their domain names. As .TEL was originally approved under this premise, the change will transform the .TEL TLD into a gTLD with a limited set of community parameters. These parameters will become optional rather than required.

Which stakeholders or others were consulted?

ICANN conducted a public comment period on the proposed .TEL Renewal Registry Agreement from 04 August 2016 through 13 September 2016, following which time the comments were summarized and analyzed. Additionally, ICANN engaged in bilateral negotiations with the Registry Operator to agree to the package of terms to be included in the proposed Renewal Registry Agreement that was posted for public comment.

What concerns or issues were raised by the community?

The proposed Renewal Registry Agreement was posted for public comment. Commenters expressed their views in three key areas during the public comment period:

- Extension of .TEL Registry Agreement: Some of the commenters expressed support for the extension of .TEL Registry Agreement, while others suggested that improvements should be implemented for .TEL domain names if the .TEL Registry Agreement is to be extended.
- Proposed Renewal Registry Agreement for .TEL: Three key issue areas were raised on the specific text of the renewal:
 - General Views – Some commenters positively noted there are technical and operational advantages to the New gTLD Registry Agreement form that serve as a benefit to registrants and the Internet community over earlier versions of the legacy Agreement. Additionally, there was support for ICANN’s efforts at bilateral negotiations with legacy TLD registries in order to transition to the New gTLD Registry Agreement and the procedural benefit of consistency that will come with ICANN’s bilaterally negotiating for transition to provisions of the New gTLD Registry Agreement not only with .TEL but with other legacy TLDs like .JOBS, .CAT, .PRO, and .TRAVEL.
 - Rights Protection Mechanisms – One commenter sought clarity over the language proposed in Section 1 of Specification 7 regarding applicability and implementation of rights protection mechanisms.

- Registration Data Directory Service (Whois) – Some commenters raised concerns with continuing the unique Registration Data Directory Service that ICANN’s Board approved in 2007 for the .TEL TLD.
- The continued operation of .TEL by Telnic Limited: Concerns were expressed over Telnic Limited continuing to be the Registry Operator of .TEL, claiming, among other things that Telnic has violated ICANN’s regulations several times and Telnic no longer has stable financials to continue the operation of .TEL.

What significant materials did the Board review?

As part of its deliberations, the Board reviewed various materials, including, but not limited to, the following materials and documents:

- .TEL form of the New gTLD Registry Agreement:
<<https://www.icann.org/sites/default/files/tlds/tel/tel-proposed-renewal-04aug16-en.pdf>>
- .TEL Addendum to form of the New gTLD Registry Agreement:
<<https://www.icann.org/sites/default/files/tlds/tel/tel-proposed-renewal-addendum-04aug16-en.pdf>>. At this time, ICANN is proposing to implement the incorporation of terms unique to a legacy TLD, such as .TEL, through an "Addendum" to the Registry Agreement. The Addendum will show the terms of the .TEL Registry Agreement that are unique from the New gTLD Registry Agreement that are incorporated into the renewal.
- Public comments: <<https://forum.icann.org/lists/comments-tel-renewal-04aug16/>>
- Summary and analysis of public comments:
<<https://www.icann.org/en/system/files/files/report-comments-tel-renewal-07oct16-en.pdf>>
- 27 September 2016 letter from Telnic CEO to ICANN Board:
<https://www.icann.org/en/system/files/correspondence/mahdavi-to-icann-board-27sep16-en.pdf>. Telnic's observations on past achievements and opportunities for .tel.
- Current .TEL Registry Agreement and Appendices:
<<https://www.icann.org/resources/unthemed-pages/tel-2012-02-25-en>>

- New gTLD Registry Agreement – Updated 09 January 2014
<<http://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-09jan14-en.pdf>>
- [18 December 2007 Board Resolution](#) that approved changes to .TEL’s Registration Data Directory Service (Whois) requirements

What factors has the Board found to be significant?

The Board carefully considered the public comments received for the Renewal Registry Agreement, along with the summary and analysis of those comments. The Board also considered the terms agreed to by the Registry Operator as part of the bilateral negotiations with ICANN. The Board acknowledges the concerns expressed by some community members regarding suggested improvements that should be implemented for .TEL domain names if the .TEL Registry Agreement is to be extended. However, the terms of the .TEL Registry Agreement set forth the contractual obligations that must be fulfilled by Telnic Limited in its operation of the .TEL registry but do not prescribe or proscribe the Registry Operators’ business model. Additionally, the [Staff Report of Public Comment Proceeding](#) encouraged those commenters that desire to see changes in the business model of the .TEL registry to contact Telnic Limited to discuss these matters.

The Board acknowledges the request for clarity over the RPM language proposed in Section 1 of Specification 7 regarding applicability and implementation of applicable rights protection mechanisms. While the revisions to Specification 7 were consistent with prior legacies, a modification was made to the language of the Renewal Registry Agreement for .TEL to address the comment. The revision is now reflected in Section 1 of Specification 7 of the revised Renewal Registry Agreement to read “Registry Operator will include all RPMs required by this Specification and any additional RPMs developed and implemented by Registry Operator in the registry-registrar agreement entered into by ICANN-accredited registrars authorized to register names in the TLD.”

The Board acknowledges the concerns raised with continuing the unique Registration Data Directory Service that the Board approved in 2007 for the .TEL TLD. The Board notes the [18](#)

[December 2007 Board Resolution](#) that approved changes to .TEL's Registration Data Directory Service (Whois) requirements was based on unique business and legal circumstances stating, "...the Board concludes that the requested modifications are justified by the unique business and legal circumstances of the .TEL toplevel domain...". After conferring with Telnic Limited, ICANN has confirmed that, to the knowledge of the Registry Operator, the legal circumstances related to Registration Data Directory Service (Whois) have not changed. Therefore, the Registration Data Directory Service (Whois) requirements which were ultimately replicated from the prior agreement between ICANN and Telnic Limited will be retained in the Renewal Registry Agreement.

Additionally, the Board has considered comments regarding the continued operation of .TEL by Telnic Limited, including concerns that Telnic has violated ICANN's regulations several times and Telnic no longer has stable financials to continue the operation of .TEL. As part of the renewal process ICANN conducts a review of contractual compliance under the .TEL Registry Agreement. Telnic Limited was found to be in substantial compliance with their contractual requirements. Also, during the past 10 years of operation, ICANN has no knowledge of Telnic Limited experiencing financial or other operational impediments that have caused a failure of registry operations or security and stability concerns. If Telnic Limited were to experience financial problems that resulted in the Registry Operator failing to comply with its obligations under the Registry Agreement, ICANN can take action to protect registrants and ensure continuity of registry operations.

Finally, the Board notes that existing Registry Agreement calls for presumptive renewal of the Agreement at its expiration so long as certain requirements are met. These provisions are intended to promote stability and security of the registry by encouraging long-term investment in TLD operations which benefits the community in the form of reliable operation of registry infrastructure. The Renewal Registry Agreement is subject to the negotiation of renewal terms reasonably acceptable to ICANN and the Registry Operator. The renewal terms approved by the Board are the result of the bilateral negotiations called for in the current Registry Agreement.

Are there positive or negative community impacts?

The Board's approval of the Renewal Registry Agreement also offers positive technical and operational benefits. Pursuant to Renewal Registry Agreement, in the event that any of the emergency thresholds for registry functions is reached, Registry Operator agrees that ICANN may designate an emergency interim Registry Operator of the registry for the TLD, which would mitigate the risks to the stability and security of the Domain Name System. Also, technical onboarding of the Registry Operator to comply with the provisions in the New gTLD Agreement will allow the registry to use uniform and automated processes, which will facilitate operation of the TLD.

There will also be positive impacts on registrars and registrants. The transition to the New gTLD Registry Agreement will provide consistency across all registries leading to a more predictable environment for end-users and also the fact that the proposed Renewal Registry Agreement requires that the Registry Operator uses ICANN accredited registrars that are party to the 2013 Registrar Accreditation Agreement (RAA) only will provide more benefits to registrars and registrants.

Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public?

There is no significant fiscal impact expected if ICANN approves the proposed .TEL Renewal Registry Agreement. It should be noted however that as a result of approval of the Renewal Registry Agreement, projected annual registry fees to ICANN will result in a minimal negative fiscal impact. This change has been considered in ICANN's budget.

Are there any security, stability or resiliency issues relating to the DNS?

There are no expected security, stability, or resiliency issues related to the DNS if ICANN approves the proposed .TEL Renewal Registry Agreement. The proposed Renewal Registry Agreement in fact includes terms intended to allow for swifter action in the event of certain threats to the security or stability of the DNS. As part of ICANN's organizational administrative function, ICANN posted the draft Renewal Registry Agreement for public comment on 04 August 2016.

Signature Block:

Submitted by: Cyrus Namazi

Position: Vice President, Domain Name Services & Industry Engagement

Date Noted: 09 November 2016

Email: cyrus.namazi@icann.org

ICANN BOARD PAPER NO. 2016.11.08.2a

TITLE: **Two-character Domain Names in the New gTLD Namespace - GAC Helsinki Advice 30 June 2016**

PROPOSED ACTION: **For Board Consideration and Approval**

EXECUTIVE SUMMARY:

The Board is being asked to take action to address reserved two-letter domain names (e.g. “it”, “cn”, etc.) in the new gTLD namespace by: (1) addressing the GAC advice in the [Helsinki Communiqué](#) regarding two-character labels, and (2) authorizing new gTLD registry operators to release the reserved names on the condition that they implement community-developed protections to avoid confusion with corresponding country codes.

After the launch of new gTLDs, several registry operators submitted requests to ICANN pursuant to the Registry Services Evaluation Policy to request release of two-character labels required to be reserved by the New gTLD Registry Agreement¹. Under the Registry Agreement, the reserved two-character labels may be released to the extent that registry operator reaches agreement with the applicable government and country-code manager, or the registry operator may propose the release of the names based on implementation of measures to avoid confusion with the corresponding country code, subject to approval by ICANN. ICANN notified the GAC about these requests.

The topic of releasing reserved two-character labels in new gTLDs has been discussed for the past two years since the first requests from new gTLD registry operators to release these labels were submitted. Some governments and ccTLD operators take the position that the release of such labels should be subject to government and/or ccTLD operator approval; other members of the community, such as gTLD registry operators and the IPC, take the position that governments and ccTLD operators do not have special rights to two-character labels at the second level and should not be given “veto power” over the labels’

¹ These names are not reserved, and in use, in many legacy TLDs (delegated prior to the 2012 New gTLD application round), which have not caused apparent security, stability or resiliency issues in relation to the DNS.

release. Per the New gTLD Registry Agreement, ICANN has the ability to approve requests from registry operators.

On 16 October 2014, the Board adopted a resolution directing ICANN to develop and implement an efficient procedure for the release of two-character domains currently required to be reserved in the New gTLD Registry Agreement, taking into account the GAC's advice in the [Los Angeles Communiqué](#) on the matter.

On 1 December 2014, ICANN launched the [Authorization Process for Release of Two-Character ASCII Labels](#).² The general process includes three key components:

1. For all number/number, letter/number, and number/letter two-character ASCII labels (e.g. "24", "2n" and "n2") – ICANN authorized all new gTLD registries to release these labels.³
2. For all letter/letter two-character ASCII labels (e.g. "us", "za", etc.) – ICANN posted requests from registries for a 60-day comment period, and notified governments of the request. After the comment period, ICANN released all letter/letter labels that did not receive negative comments from governments.
3. For all letter/letter labels that received negative comments from governments, ICANN launched a [community consultation process](#) to (i) ask governments to identify how release of the requested label might result in confusion with the corresponding country code, and (ii) request that registries submit measures to address confusion identified by the governments. The inputs received as part of this community consultation process were published on ICANN's website (see [Two-Character Letter/Letter Label Comments and Mitigation Measures](#)). All comments were fully considered.

Taking into consideration the feedback provided by governments and registry operators (as

² The Process was updated in February 2015 and October 2015 in response to Board directive addressing newly received GAC advice and to make enhancements to the system to submit comments.

³ The GAC confirmed it was only concerned with letter/letter combinations. See: <https://www.icann.org/en/system/files/correspondence/crocker-to-dryden-2-02sep14-en.pdf> and <https://www.icann.org/en/system/files/correspondence/dryden-to-crocker-10sep14-en.pdf>

described in #3), ICANN created and published for public comment a standard set of requirements to be implemented by registry operators to avoid confusion with country codes (see [Proposed Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes](#)).⁴ These requirements incorporated advice from the GAC's [Helsinki Communiqué](#), in which the GAC advised the Board to “urge the relevant Registry or the Registrar to engage with the relevant GAC members when a risk is identified in order to come to an agreement on how to manage it or to have a third-party assessment of the situation if the name is already registered.” In addition, the requirements include pre- and post-registration measures that were to be implemented concurrently so that confusion could be avoided throughout the lifecycle of a letter/letter two-character domain. The proposed mandatory measures required registry operators to:

1. implement an exclusive availability pre-registration for governments or ccTLD operators to register domains corresponding to their country codes, before the names are generally available;
2. include a provision in the registry's registration policy requiring registrants to avoid misrepresenting affiliation with a government or ccTLD; and
3. investigate and respond to reports of confusion from government or ccTLD operators.

These requirements are in addition to other safeguards already built into the Registry Agreement and other measures that registries implement at their discretion.

STAFF RECOMMENDATION:

Taking into consideration community feedback received during the public comment period, staff has prepared a revised version of the requirements, which is included in the Board reference materials. Staff recommends that the Board approve the revised requirements which have been changed to make the exclusive availability pre-registration period a voluntary measure, rather than a mandatory measure, and to clarify the post-registration complaint investigation measure. The change to the exclusive availability measure was made due to minimal support from commenters, and to address concerns raised in public comments

⁴ ICANN released the labels where governments did not identify confusion with the relevant country code in the comments submitted.

including concerns that the measure would create an unnecessary burden on governments and that the measure would create an assumption that governments and ccTLD operators have priority rights that are not found in international law. The modification to the post-registration complaint investigation measure was made to better align the measure with the intent to have registry operators investigate and respond to reports of conduct corresponding to confusion with the relevant country-code.

By taking this action, the Board would be: 1) addressing GAC advice from the [Helsinki Communiqué](#), and 2) authorizing ICANN's President and CEO, or his designee(s), to issue a blanket authorization that allows all new gTLD registry operators who implement the required measures, as revised, to release all letter/letter two-character ASCII labels not otherwise reserved pursuant to Specification 5, Section 6 of the New gTLD Agreement. The current authorization process, whereby a registry operator submits an individual request subject to a 60-day comment period and ICANN's review of comments, will be retired.

PROPOSED RESOLUTION:

Whereas, Specification 5, Section 2 of the New gTLD Registry Agreement requires registry operators to reserve two-character ASCII labels within the TLD at the second level. The reserved two-character labels “may be released to the extent that Registry Operator reaches agreement with the related government and country-code manager of the string as specified in the ISO 3166-1 alpha-2 standard. The Registry Operator may also propose the release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes, subject to approval by ICANN.”

Whereas, the GAC has issued advice to the Board in various communiqués on two-character domains. The [Los Angeles Communiqué](#) (15 October 2014) stated, “The GAC recognized that two-character second level domain names are in wide use across existing TLDs, and have not been the cause of any security, stability, technical or competition concerns. The GAC is not in a position to offer consensus advice on the use of two-character second level domains names in new gTLD registry operations, including those combinations of letters that

are also on the ISO 3166-1 alpha 2 list.” The GAC also issued advice in the [Singapore Communiqué](#) (11 February 2015) and the [Dublin Communiqué](#) (21 October 2015).

Whereas, on 16 October 2014, the Board directed ICANN to develop and implement an efficient procedure for the release of two-character domains currently required to be reserved in the New gTLD Registry Agreement, taking into account the GAC’s advice in the Los Angeles Communiqué on the matter. ICANN launched this procedure (the “Authorization Process”) on 1 December 2014.

Whereas, as part of the Authorization Process, ICANN launched a community consultation process to help develop a standard set of proposed measures to avoid confusion with country codes. The measures were intended to be mandatory for new gTLD registries seeking to release reserved letter/letter two-character labels.

Whereas, in the GAC’s [Helsinki Communiqué](#) (30 June 2016), the GAC advised the Board to “urge the relevant Registry or the Registrar to engage with the relevant GAC members when a risk is identified in order to come to an agreement on how to manage it or to have a third-party assessment of the situation if the name is already registered.” The advice was incorporated in the proposed measures to avoid confusion.

Whereas, on 8 July 2016, ICANN published for public comment the [Proposed Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes](#), which listed measures registry operators could adopt to avoid confusion with corresponding country codes. The measures incorporated the GAC’s advice issued in the [Helsinki Communiqué](#). Forty-three comments were submitted by individuals, governments and groups/organizations.

Whereas, the Board considered the public comments, staff summary and analysis report of public comments and GAC advice. The proposed measures were updated to take into account the public comments and GAC advice relating to the proposed measures and two-character labels.

Resolved (2015.11.08 xx), the Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes as revised are approved, and the President and CEO, or his designee(s), is authorized to take such actions as appropriate to authorize registry operators to release at the second level the reserved letter/letter two-character ASCII labels not otherwise reserved pursuant to Specification 5, Section 6 of the Registry Agreement, subject to these measures.

PROPOSED RATIONALE

Why the Board is addressing the issue?

On 16 October 2014, the Board adopted a resolution directing staff to develop and implement an efficient procedure for the release of two-character domains currently required to be reserved in the New gTLD Registry Agreement, taking into account the GAC's advice in the [Los Angeles Communiqué](#) on the matter.

For nearly two and a half years, ICANN has been developing and implementing a procedure as directed by the Board. On 1 December 2014, ICANN launched the first phase of the procedure, an [Authorization Process for Release of Two-Character ASCII Labels](#). The finalization of this procedure is the implementation of a framework containing standardized measures registry operators can implement to avoid confusion, in accordance with the Registry Agreement, and allow for the release of all letter/letter two-character ASCII labels corresponding with country codes not otherwise reserved pursuant to Specification 5, Section 6 of the Registry Agreement.

The GAC has issued advice on this topic in various communiqués over the past two years including, most recently, the [Helsinki Communiqué](#). Per [Article XI, Section 2.1 of the ICANN Bylaws](#), the GAC may "put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies." The ICANN Bylaws require the Board to take into account the GAC's advice on public policy matters in the formulation and adoption of the policies.

What is the proposal being considered?

The proposal is to address requests from registry operators to release reserved letter/letter two-character ASCII labels and the advice from the GAC on reserved letter/letter labels. The Board is taking action to approve the Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes, as revised. By approving the revised measures, the Board is authorizing ICANN to issue a blanket authorization that

allows new gTLD registry operators who implement the required measures to release all reserved letter/letter two-character ASCII labels not otherwise reserved pursuant to Specification 5, Section 6 of the New gTLD Agreement. The current authorization process, whereby a registry operator submits an individual request subject to 60-day comment period and ICANN's review of comments, will be retired.

Which stakeholders or others were consulted?

ICANN initiated multiple public comment periods and consulted with various stakeholders on this matter over a period of nearly two and a half years.

From June through September 2014, ICANN staff initiated 5 public comment forums to obtain feedback from the community on the amendments that resulted from various RSEPs to implement the proposed new registry service of releasing from reservation two-character ASCII labels⁵ for 203 TLDs. Various members of the community submitted comments, including the At-Large Advisory Committee (ALAC), gTLD registry operators, the Brand Registry Group (BRG), INTA Internet Committee (INTA), the Business Constituency (BC), the Intellectual Property Constituency (IPC) and a registrar.

Since 1 December 2014 at the launch of the [Authorization Process for Release from Two-Character ASCII Labels](#), all authorization requests for letter/letter two-character ASCII labels were subject to a comment period. Over 646 requests have been received under this process.

Throughout the nearly two and a half years, ICANN notified 1) the GAC for amendments posted from June through September 2014 and 2) governments for requests under the Authorization Process since December 2014, when two-character requests from registry operators were posted for comment. The GAC had not submitted comments under the Public

⁵ 12 June 2014 < <https://www.icann.org/public-comments/two-char-new-gtld-2014-06-12-en>>; 8 July 2014 < <https://www.icann.org/public-comments/two-char-new-gtld-2014-07-08-en>>; 23 July 2014 < <https://www.icann.org/public-comments/two-char-new-gtld-2014-07-23-en>>; 19 August 2014 < <https://www.icann.org/public-comments/two-char-new-gtld-2014-08-19-en>>; and 12 September 2014 < <https://www.icann.org/public-comments/two-char-new-gtld-2014-09-12-en>>

Comment Periods for the amendments to release two-character labels. Under the Authorization Process, the GAC had not submitted comments, but various individual governments submitted comments on requests.

On 6 October 2015, ICANN corresponded with governments who previously submitted comments requesting that clarification of their comments be provided via a new comment form within 60 days; new comments were required to be submitted via the new comment form.

On 25 February 2016, ICANN corresponded with registry operators requesting they provide proposed measures to avoid confusion with corresponding country codes in order to respond to governments' confusion concerns within 60 days.

On 8 July 2016, taking into consideration the inputs from governments and registry operators, ICANN published for public comment the [Proposed Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes](#), which listed measures registry operators could adopt to avoid confusion with corresponding country codes and which incorporated the GAC's advice issued in its [Helsinki Communiqué](#). As part of the proposal, registry operators who adopt the measures would be authorized to release all letter/letter two-character ASCII labels not otherwise reserved in other sections of the Registry Agreement, and the current process would be retired. 43 comments were received, including comments from the RySG, the BRG, the IPC, the NCSG, LACNIC, various governments, ccTLD registry operators and gTLD registry operators.

What concerns or issues were raised by the community?

From the 5 public comment periods from 2014 on registry agreement amendments that resulted from RSEPs, the majority of the comments received were in favor of the release of two-character domain names.

The arguments made in favor of the release of the two-character domain names included:

- The introduction of two-character domain names would increase competition since the current restrictions hinder competition, in particular for the new gTLDs which are competing with legacy TLDs that are allowed to offer such registrations. The current restrictions to the new gTLD registry operators create a discriminatory situation which is contrary to the ICANN Bylaws Article II, Section 3 which provide for Non-Discriminatory Treatment of ICANN stakeholders.
- The introduction of two-character domain names poses a limited risk of confusion, or no risk at all, as demonstrated by prior use of two-character domain names in existing TLDs.
- The release of two-character domain names would provide opportunities for companies and brands to have tailored segmented domain names to connect with the public as well as provide localized content, thus expanding consumer choice and driving economic growth, in particular in developing countries.
- There is uniform precedent regarding the release of two-character domain names in the history of relevant RSEP requests.
- The release of country codes and names is allowed by the Applicant Guidebook.

The arguments made in opposition to the release of the two-character domain names expressed two general concerns: the first concern is related to the general recognition and associated use of the two character domain names leading to user confusion or abuse; the second concern is how to specifically protect ccTLDs when country and territory names are newly formed.

From the public comment forum for the [Proposed Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes](#), which established a standard set of registry operator requirements to avoid confusion, comments indicated support for the release of two-character labels reserved pursuant to Specification 5, Section 2 of the New gTLD Registry Agreement overall, including comments of support from the NCSG, IPC and RySG among others. Comments noted that the Registry Agreement allows for 2 paths by which registry operators may release two-character labels: one path of agreement with the government and country-code manager, and a second path of ICANN approval.

There was moderate support for the Proposed Measures to the extent the Proposed Measures allows for the release of two-character labels, including comments of support from the RySG and BRG among others. Comments that seem to generally support the Proposed Measures made specific suggestions about how the framework could be improved, such as noting that two of the three proposed measures (registration policy and post-registration investigation) pertained to confusion and suggesting one measure (exclusive availability pre-registration period) be made voluntary.

Some commenters took the position that governments do not have special rights to two-character labels that correspond with country codes, and that the labels should be released as soon as possible. Conversely, some governments and ccTLD operators commented with objections to the release of two-character labels that correspond with country codes and took the position that government and/or ccTLD operator approval is required.

Over the past two years, the GAC has issued advice through various communiqués and formal correspondence to ICANN. Members of the GAC have varying views on the topic. In the [Los Angeles Communiqué](#) (15 October 2014), the GAC stated, “The GAC recognized that two-character second level domain names are in wide use across existing TLDs, and have not been the cause of any security, stability, technical or competition concerns. The GAC is not in a position to offer consensus advice on the use of two-character second level domains names in new gTLD registry operations, including those combinations of letters that are also on the ISO 3166-1 alpha 2 list.” In the [Helsinki Communiqué](#) (30 June 2016), the GAC stated, “Some countries and territories have stated they require no notification for the release of their 2 letter codes for use at the second level. The GAC considers that, in the event that no preference has been stated, a lack of response should not be considered consent. Some other countries and territories require that an applicant obtains explicit agreement of the country/territory whose 2-letter code is to be used at the second level.”

The [Singapore Communiqué](#) (11 February 2015) and [Dublin Communiqué](#) (21 October 2015) advised improvements to the process such as extending the comment period from 30 days to 60 days and working with the GAC Secretariat to address technical issues on the

comment form. In both communiqués, the GAC advised that comments from relevant governments should be fully considered. In its [Helsinki Communiqué](#), the GAC also advised the Board to “urge the relevant Registry or the Registrar to engage with the relevant GAC members when a risk is identified in order to come to an agreement on how to manage it or to have a third-party assessment of the situation if the name is already registered.”

What significant materials did the Board review? What factors did the Board find to be significant?

The Board reviewed several materials and also considered several significant factors during its deliberations about whether or not to approve the request. The significant materials and factors that the Board considered as part of its deliberations, included, but not limited to the following:

- [Specification 5, Section 2 of the New gTLD Registry Agreement](#) (updated 9 January 2014)
- [RSTEP Report on the Proposal for the Limited Release of Initially Reserved Two-Character Names](#) (4 December 2006)
- [Correspondence from the Board to the GAC regarding requests for release of two-character labels as second-level domains in New gTLDs](#) (2 September 2014)
- [Correspondence from the GAC to the Board regarding requests for release of two-character labels as second-level domains in New gTLDs](#) (10 September 2014)
- [GAC Los Angeles Communiqué](#) (15 October 2014)
- [ICANN Board Resolution 2014.10.16.14: Introduction of Two-character Domain Names in the New gTLD Namespace](#) (16 October 2014)
- [Authorization Process for Release of Two-Character ASCII Labels](#) (launched 1 December 2014, last updated 14 April 2016)
- [GAC Singapore Communiqué](#) (11 February 2015)
- [ICANN Board Resolution 2015.02.12.2016: Release of Two-Letter Codes at the Second Level in gTLDs](#) (12 February 2015)
- [Correspondence from RySG to the President of the Global Domains Division regarding the treatment of government comments on requests to release two-character](#)

[ASCII labels](#) (13 March 2015)

- [Response from the President of the Global Domains Division to the RySG regarding the treatment of government comments on requests to release two-character ASCII labels](#) (23 March 2015)
- [Joint Correspondence from the BRG, the BC and the IPC to the Board regarding the release of 2-letter labels and country names for Specification 13 registries](#) (14 April 2015)
- [Response from the President of the Global Domains Division to the BRG, the BC and the IPC regarding the release of 2-letter labels and country names for Specification 13 registries](#) (15 June 2015)
- [Correspondence from GAC to the President of the Global Domains Division regarding two-character codes as Second Level Domains](#) (16 July 2015)
- [Response from the President of the Global Domains Division to the GAC regarding two-character codes as Second Level Domains](#) (6 August 2015)
- [Two-Character Letter/Letter Labels Comments Consideration Process](#) (launched 8 October 2015, last updated 25 February 2016)
- [GAC Dublin Communiqué](#) (21 October 2015)
- [Correspondence from RySG to the Board regarding advice contained in the GAC's Dublin communiqué regarding the use of two-letter country codes](#) (9 November 2015)
- [Response from the Board to the RySG regarding advice contained in the GAC's Dublin communiqué regarding the use of two-letter country codes](#) (30 March 2016)
- [GAC Helsinki Communiqué](#) (30 June 2016)
- [Proposed Measures for Letter/Letter Two-Character ASCII Labels to Avoid Confusion with Corresponding Country Codes](#) (8 July 2016)
- [Public Comment Summary and Analysis Report on Proposed Measures](#) (23 September 2016)
- [Correspondence from the Secretariat General of the Cooperation Council for the Arab States of the Gulf to the ICANN President and CEO regarding the proposed measures for letter/letter two-character ASCII labels](#) (received 3 October 2016)
- [Correspondence from the Communication and Information Technology Regulatory](#)

Are there positive or negative community impacts? Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public? Are there any security, stability or resiliency issues relating to the DNS?

The overall impact on the community is anticipated to be positive as new opportunities for diversification, competition and targeted content creation in the gTLD namespace are created, while minimal risk of user confusion has been identified.

It is not expected that there will be any significant fiscal impact on ICANN.

In December 2006, the Registry Services Technical Evaluation Panel (RSTEP) issued a [report](#) regarding the release of two-character labels and found that “taken in the context of our overall understanding, none of the observations point to the proposed release of two-character Second Level Domain having a material security or stability impact on the Internet.” Additionally, these names are not reserved in many legacy TLDs, which have not caused apparent security, stability or resiliency issues in relation to the DNS.

It is expected that the release of these names in new gTLDs will not cause security, stability or resiliency issues.

Is this either a defined policy process within ICANN’s Supporting Organizations or ICANN’s Organizational Administrative Function decision requiring public comment or not requiring public comment?

This is an Organizational Administrative Function for which public comments were received.

Signature Block:

Submitted by: Cyrus Namazi

Position: Vice President, Domain Name Services & Industry Engagement

Date Noted: 09 November 2016

Email: cyrus.namazi@icann.org

Pages 39 -46 Removed. Updated with Revised Briefing Materials.

ICANN BOARD PAPER NO. 2016.11.08.2c

TITLE: **Thank You to the Global Multistakeholder Community**

PROPOSED ACTION: **For Board Consideration and Approval**

PROPOSED RESOLUTION

Whereas, on 14 March 2014, the National Telecommunications and Information Administration (NTIA) of the United States Department of Commerce announced its intention to transition the stewardship of the IANA Functions to the global multistakeholder community.

Whereas, NTIA asked ICANN to convene global stakeholders to develop a proposal to transition the current role, played by NTIA, in the coordination of the Internet's domain name system (DNS). NTIA required that the proposal for transition must have broad community support and uphold the following principles:

- Support and enhance the multistakeholder model;
- Maintain the security, stability, and resiliency of the Internet DNS;
- Meet the needs and expectation of the global customers and partners of the IANA services; and,
- Maintain the openness of the Internet.

NTIA also stated it would not accept a proposal that replaces the NTIA role with a government-led or an inter-governmental organization solution.

Whereas in the Board resolutions 2016.03.10.12-15 the ICANN Board resolved to accept the IANA Stewardship Transition Coordination Group's (ICG) IANA Stewardship Transition Proposal, reflecting the proposals developed by CRISP, IANA Plan and the

CWG-Stewardship, and approve the transmittal of the Proposal to NTIA of the United States Department of Commerce in response to NTIA's 14 March 2014 announcement.

Where as the Board further resolved that the President and CEO, or his designee, was directed to plan for the implementation of the Proposal so that ICANN is operationally ready to implement in the event NTIA approves of the Proposal and the IANA Functions Contract expires.

Whereas in its Board resolutions 2016.03.10.16-19, the ICANN Board resolved to accept the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) Work Stream 1 Report ("Report"), and approve the transmittal of the Report to NTIA to accompany the IANA Stewardship Transition Proposal developed by the ICG.

Whereas the Board further resolved that the President and CEO, or his designee, is directed to plan for the implementation of the Report so that ICANN is operationally ready to implement in the event NTIA approves of the IANA Stewardship Transition Proposal and the IANA Functions Contract expires.

Whereas, on 27 May, the Board adopted resolution 2016.05.27.01-04, resolving that the [New ICANN Bylaws](#) will be deemed effective upon the expiration the IANA Functions Contract between ICANN and NTIA, and directed the President and CEO, or his designee, to plan for the implementation of the Bylaws so that ICANN is operationally ready to meet its obligations in the event NTIA approves of the IANA Stewardship Transition Proposal and the IANA Functions Contract expires. Whereas, on 9 June NTIA stated [informed](#) ICANN that NTIA had completed its review of the IANA Stewardship Proposal along with the other US agencies, and determined that the proposal meets the criteria set out by NTIA in March 2014 when it announced its intent to transition NTIA's stewardship of key Internet domain name functions to the global multistakeholder community. NTIA noted and outlined in their report that there was still some work to be done before the IANA functions stewardship transition could occur, and requested that

ICANN provide NTIA with an implementation planning status report by August 12, 2016.

Whereas, on 12 August, ICANN provided NTIA with the [implementation planning status report](#) noting that: “ICANN, working with the multistakeholder community, confirms that all required IANA functions stewardship transition tasks specified in NTIA’s June 9, 2016 letter are complete, and all other tasks in support of the IANA stewardship transition are either in a final review stage or awaiting approval, which will be complete in advance of September 30, 2016 to allow the IANA functions contract to expire.”

Whereas on 1 October, the [NTIA advised ICANN](#) and the global multistakeholder community that the IANA Functions contract had expired.

Resolved (2016.11.08.xx), the Board expresses its deep appreciation for the tireless efforts of the global multistakeholder community, including the leadership of the various community-led groups contributing to the Proposals The development of the coordinated Proposals across the global community, that met the criteria set out by NTIA, and the work to achieve implementation to allow for the contract to lapse on 30 September 2016, is unprecedented and serves as an historical record of the success of the work of the community to achieve a longstanding goal.

Resolved (2016.11.08.xx), the Board expresses its deep appreciation to the US Department of Commerce, for standing by the long-standing commitment to end the IANA Functions contract, and for its dedication, and tireless efforts as a partner with ICANN and the community to achieving this historical goal.

AGENDA – 8 NOVEMBER 2016 REGULAR BOARD Meeting

Last Updated 25 October

Time, etc.	Agenda Item	Shepherd
Assembly, Roll Call & Consent Agenda Vote	1. Consent Agenda	
	1.a. Approval of Minutes from 9 Aug, 15 Aug, 17 Sept and 30 Sept 2016	Steve Crocker
	1.b. Security and Stability Advisory Committee (SSAC) Member Appointment	Ram Mohan
	1.c. Security and Stability Advisory Committee (SSAC) Member Reappointment	Ram Mohan
	1.d. Appointment of Root Server Operator Representatives to (RSSAC)	Suzanne Woolf
	1.e. Investment of Auction Proceeds	Asha Hemrajani
	1.f. ICANN's Delegation of Authority Guidelines	Göran Marby John Jeffrey
	1.g. Renewal of .TEL Registry Agreement	Akram Atallah Cyrus Namazi

AGENDA – 8 NOVEMBER 2016 REGULAR BOARD Meeting

Last Updated 25 October

Time, etc.	Agenda Item	Shepherd
	1.h. Thank You to Community Members <i>(to be formally recognized after Public Board Meeting, so no need to read through all names during board meeting)</i>	Steve Crocker
	1.i. Thank You to Local Host of ICANN 57 Meeting	Steve Crocker
	1.j. Thank you to Sponsors of ICANN 57 Meeting	Steve Crocker
	1.k. Thank you to Interpreters, Staff, Event and Hotel Teams of ICANN 57 Meeting	Steve Crocker
Discussion & Decision	2. Main Agenda	
	2.a. Two-Character Domain Names in the New gTLD Namespace	Bruce Tonkin
	2.b. Consideration of the Corn Lake, LLC v. ICANN Independent Review Process Final Declaration	John Jeffrey

AGENDA – 8 NOVEMBER 2016 REGULAR BOARD Meeting

Last Updated 25 October

Time, etc.	Agenda Item	Shepherd
Discussion & Decision (cont'd)	2.c. Thank You to the Global Multistakeholder Community in Support of the Transition	Steve Crocker
	2.d. Thank You to Bruno Lanvin for his service to the ICANN Board	
	2.e. Thank You to Erika Mann for her service to the ICANN Board	
	2.f. Thank You to Kuo-Wei Wu for his service to the ICANN Board	
	2.g. Thank You to Suzanne Woolf for her service to the ICANN Board	
	2.h. Thank You to Bruce Tonkin for his service to the ICANN Board	
	2.i. AOB	

Directors and Liaisons,

Attached below please find Notice of date and time for our Annual General Meeting, consisting of a Regular Meeting of the ICANN Board of Directors, followed by an Organizational Meeting of the ICANN Board of Directors:

8 November 2016 – Annual General Meeting of the ICANN Board of Directors - at 03:00am UTC (8:30am in Hyderabad). These Board meetings are estimated to last approximately 90 minutes.

<http://www.timeanddate.com/worldclock/fixetime.html?msg=Annual+General+Meeting&iso=20161108T0830&p1=505&ah=1&am=30>

Some other time zones:

7 November 2016 – 7:00pm PST Los Angeles

7 November 2016 – 10:00pm EST Washington, D.C.

8 November 2016 – 4:00am CEST Brussels

8 November 2016 – 11:00am CST Taipei

REGULAR MEETING OF THE ICANN BOARD

Consent Agenda:

- Approval of Minutes from 9 August, 15 August, 17 September and 30 September 2016
- Security and Stability Advisory Committee (SSAC) Member Appointments and Reappointments
- Appointment of D-, E-, G-, and H-Root Server Operator Representatives to the Root Server System Advisory Committee (RSSAC)
- Investment of Auction Proceeds
- ICANN's Delegation of Authority Guidelines
- Renewal of .TEL Registry Agreement
- Thank You to Community Members
- Thank You to Local Host of ICANN 57 Meeting

- Thank You to Sponsors of ICANN 57 Meeting
- Thank You to Interpreters, Staff, Event and Hotel Teams of ICANN 57 Meeting

Main Agenda

- Two-character Domain Names in the New gTLD Namespace
- Consideration of the *Corn Lake, LLC v. ICANN* Independent Review Process Final Declaration
- Thank You to the Global Stakeholder Multistakeholder Community in Support of the Transition
- Thank You to Bruno Lanvin for his service to the ICANN Board
- Thank You to Erika Mann for her service to the ICANN Board
- Thank You to Kuo-Wei Wu for his service to the ICANN Board
- Thank You to Suzanne Woolf for her service to the ICANN Board
- Thank You to Bruce Tonkin for his service to the ICANN Board
- AOB

ORGANIZATIONAL MEETING OF THE ICANN BOARD

Main Agenda

- Election of ICANN Board Chair
- Election of ICANN Vice Chair
- Appointment of Membership of Board Committees and Changes to Board Working Groups
- Confirmation of Officers of ICANN
- AOB

MATERIALS – You can access the Regular Meeting of the ICANN Board materials in Google Drive here:

Contact Information Redacted

If you have trouble with access, please let us know and we will work with you to assure that you get access to the documents.

If call information is required, it will be distributed separately.

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

John Jeffrey

General Counsel & Secretary, ICANN

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