

2012-10-18-NoticeBDMtg

Directors and Liaisons,

Attached below please find the Notice of date and time for of a Regular Meetings of the ICANN Board of Directors:

18 October 2012 – Regular Meeting of the ICANN Board of Directors -- at approximately 22:30 UTC – This Board meeting is estimated to last 1.0 hour.

Some other time zones:

13 October 2012 – 3:30 PM PDT Los Angeles

14 October 2012 – 12:30 AM CEST Brussels

13 October 2012 – 6:30 PM Washington, D.C.

14 October 2012 - 9:30 AM Sydney

<http://www.timeanddate.com/worldclock/fixetime.html?iso=20121013T230&p1=1440&ah=1>

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) is 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

, 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.

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

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Contact Information Redacted

2012-10-18-AgendaTable

AGENDA – 18 October 2012 – 1 hour total

Time, etc.	Agenda Item	Presenter	Expected Action	Potential Conflict of Interest
<ul style="list-style-type: none"> • 40 mins • Approval, Discussion & Decision 	1. Main Agenda – Regular Meeting			
	1.a. Cross-Ownership Process for Existing Registries	Kurt Pritz	Approval	Bruce Tonkin, Ram Mohan
	1.b. Approval of Language Services Policy & Procedures	Sebastien Bachollet	Approval	
	1.c. WHOIS Policy Review Team Final Report	Bruce Tonkin	Discussion	
	1.d. Security, Stability & Resiliency of the DNS Review Team Final Report	Bruce Tonkin	Discussion	
	2. Any Other Business			

AGENDA – 18 October 2012 – 1 hour total

Time, etc.	Agenda Item	Presenter	Expected Action	Potential Conflict of Interest
<ul style="list-style-type: none"> • 15 mins • Approval, Discussion & Decision 	1. Main Agenda – Organizational Meeting			
	1.a. Election of Board Chair		Approval	
	1.b. Election of Board Vice-Chair		Approval	
	1.c. Appointment of Membership of Board Committees		Approval	
	1.d. Confirmation of Officers of ICANN		Approval	

2012-10-18-ProposedResolutions



Proposed Board Resolutions
18 October 2012
Regular Meeting of the ICANN Board

1. Main Agenda:.....	2
a. Approval of Revised Process for Handling Requests for Removal of Cross-Ownership Restrictions on Operators of Existing gTLDs.....	2
<i>Rationale for Resolution 2012.10.18.xx</i>	2
b. Approval of ICANN Language Services Policy and Procedures	4
<i>Rationale for Resolution 2012.10.18.xx</i>	5
c. WHOIS Policy Review Team Final Report	6
d. Security, Stability & Resiliency of the DNS Review Team Final Report	6
<i>Rationale for Resolution 2012.10.18.xx</i>	6

1. Main Agenda:

a. Approval of Revised Process for Handling Requests for Removal of Cross-Ownership Restrictions on Operators of Existing gTLDs

Whereas, on 20 June 2011, the Board approved the Process for Handling Request for Removal of Cross-Ownership Restrictions of Existing gTLDs.

Whereas, when the Process for Handling Request for Removal of Cross-Ownership Restrictions of Existing gTLDs was approved in June 2011, it deferred application of it to existing registry operators with respect to seeking removal of cross-ownership restrictions as to their own registries, in order to provide time to discuss the process with competition authorities.

Whereas, ICANN has undertaken discussions with, and explained the proposed revised process to, competition authorities that had expressed interest and ICANN has received no further inquiries from those authorities.

Resolved (2012.10.18.xx), the Proposed Revised Process for Handling Request for Removal of Cross-Ownership Restrictions of Existing gTLDs, as was posted on 16 May 2012, is approved as revised.

Rationale for Resolution 2012.10.18.xx

Why the Board is addressing the issue now?

The prior .name Registry Agreement expired on 15 August 2012. (Verisign is continuing to operate under the terms of the prior agreement during ICANN's consideration of the proposed new form of agreement.) The proposed renewal agreement was posted for public comment on 3 July 2012. The comment period closed on 23 August 2012.

What is the proposal being considered?

The changes to the .name Agreement and the Appendices fall within several broad categories: changes to promote consistency across registries; changes to update the agreement to reflect changes that have occurred since the current .name Registry Agreement was signed (including updating references, technical changes and other updates); and changes to allow Verisign to better serve the internet community (including to allow Verisign to more quickly address certain imminent threats to the security and stability of the TLD or the Internet).

Which stakeholders or others were consulted?

ICANN conducted a public comment period on the proposed .name renewal Registry Agreement from 3 July 2012 through 23 August 2012, following which time the comments were summarized and analyzed.

What concerns or issues were raised by the community?

Three members of the community participated in the public comment, however, only one substantial comment was made. That comment addressed competitive contract bidding.

What significant materials did the Board review?

The Board reviewed the proposed .name Renewal Registry Agreement and its Appendices.

What factors the Board found to be significant?

The Board carefully considered the public comments and the Staff recommendation with respect to those comments. The Board considered ICANN's contractual obligations with respect to the current .name Registry Agreement in reaching this decision, specifically that the agreement must be renewed absent certain uncured breaches by the registry operator and that certain terms of the renewal are required to conform to existing comparable gTLD registry agreements.

Are there positive or negative community impacts?

As part of the renewal process, ICANN conducted a review of Verisign's recent performance under the current .name Registry Agreement. The compliance review covered areas including: SRS Outage Restrictions; equal Registrar access to the SRS; bulk zone file access; payment of required fees; and submission of monthly reports. Verisign was found to have met its contractual requirements (see

<http://www.icann.org/en/resources/compliance/reports/operator-verisign-name-06apr12-en.pdf>). Evidence indicates that the community can expect that good performance to continue.

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 .name renewal Registry Agreement. The provisions regarding registry-level fees and pricing constraints are for the most part consistent with the new gTLD base agreement and the current major gTLDs.

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 .name renewal Registry Agreement. The proposed 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.

This is an ICANN Organizational Administrative Function requiring public comment.

b. Approval of ICANN Language Services Policy and Procedures

Whereas, on 15 February 2008 the ICANN Board approved Accountability Frameworks and Principles,

http://www.icann.org/en/groups/board/documents/resolutions-15feb08-en.htm#_Toc64545917, which included ICANN Translation Principles <http://archive.icann.org/en/accountability/frameworks-principles/community.htm>.

Whereas, the Language Services Policy and Procedures document was created to formalize the principles that guide all language related services, and was submitted for public comment.

Whereas, ICANN has completed a thorough review of the comments received.

Whereas, the ICANN Language Services Policy and Procedures are regularly reviewed under guidance of the Board Public Participation Committee and changes will be considered as part of the upcoming budget and operational planning cycles.

Resolved (2012.10.xx.xx), the Board adopts the ICANN Language Services Policy and Procedures as outlined in the ICANN Language Services Policy and Procedures document.

Rationale for Resolution 2012.10.18.xx

ICANN's Language Services Policy and Procedures needed to be formalized, as this will enhance ICANN's accountability to the community in setting out standard expectations. ICANN produced the ICANN Language Services Policy and Procedures document and posted it for public comment, and evaluated the public comments received. The comments will be considered as part of the upcoming budget and operational planning cycles.

Funding for ICANN's Language Services Policy and Procedures has been provided in the FY2013 budget. It is expected that additional funding to further enhance ICANN's multilingual strategy will be provided in the FY2014 budget. There is no impact on the security or the stability of the DNS due to the implementation of this policy.

This is an ICANN Organizational Administration Function requiring public comment.

c. WHOIS Policy Review Team Final Report

No resolution submitted at this time.

d. Security, Stability & Resiliency of the DNS Review Team Final Report

Whereas, on 13 September 2012, the Board thanked the Security, Stability & Resiliency of the DNS Review Team for its Final Report, Whereas, the Board requested that the President and CEO instruct Staff to consider the public comments and community input, assess the Recommendations, evaluate the potential implementation paths for each Recommendation, and provide the Board with guidance and advice on the Final Report, including, where appropriate, potential implementation plans and budgets, by the ICANN Toronto meeting.

Whereas, Staff has provided an initial implementation plan, finding that the 28 Recommendations in the Final Report are feasible and implementable.

Resolved (2012.10.18.xx), the Board accepts the Final Report of the Security, Stability and Resiliency of the DNS and instructs Staff to proceed with implementation plans for each of the 28 Recommendations.

Rationale for Resolution 2012.10.18.xx

The Affirmation of Commitments (AoC) between ICANN and the U.S. Department of Commerce commits ICANN to preserve the security, stability and resiliency of the DNS, and to organize a community review of its execution of this commitment no less frequently than every three years. The AoC further commits ICANN's Board to publish

for public comment the report submitted by the review team, and to take action on the report within six months of its submission.

The Team's volunteer members were appointed by ICANN's CEO and the GAC Chair, per the AoC requirements, and reflected the broad Internet community's interests in Internet security, stability and resiliency matters. Over the past 19 months, the SSR Review Team conducted fact-finding, including meetings with ICANN's relevant Supporting Organizations and Advisory Committees, members of the broader Internet security community, and other interested parties, and issued a draft report for public comment before submitting its Final Report to the Board on 20 June 2012. The Report was posted for two months of public comment and the forum closed on 29 August 2012.

The Board thanked the Review Team on 13 September 2012 for their Final Report and instructed staff to consider feasibility of 28 Recommendations in the Final Report, and prepare a proposed implementation plan.

Why is the Board addressing the issue now?

As required by the Affirmation of Commitments, the recommendations resulting from the SSR RT were provided to the Board on 20 June 2012 and posted for public comment. The SSR RT provided a report that validates and builds on ICANN's commitments and SSR responsibilities. The Board encouraged and considered input from the community, including the Supporting Organizations, Advisory Committees, stakeholder groups and interested individuals. The public comments were supportive of the SSR RT Final Report and Staff's due diligence resulted in advice that ICANN move forward with implementation of all 28 recommendations. The Board has concluded that ICANN should move forward on implementation plans for the 28 recommendations.

What is the proposal being considered?

Staff views all 28 recommendations as feasible and implementable and recommends that the Board accept the SSR RT Final Report and the 28 recommendations.

Which stakeholders or others were consulted?

Comments were received on the Final Report from ALAC, the GAC, the gTLD Registry Stakeholder Group, registrars. The SSR RT conducted briefings with SSAC and consultations at ICANN meetings in Dakar, Costa Rica and Prague as its recommendations were being developed and finalized. The community has had substantial opportunity to engage with the SSR RT during the development of its recommendations. A broad spectrum of community inputs were received on the earlier Draft Report, including from LACRALO, the Business Constituency, individuals, CNNIC, and ICC.

What concerns or issues were raised by the community?

There was general support in the public comments on the 28 recommendations. The common sentiment on the Final Report and recommendations were that they “are sensible, carefully crafted, and specific...the recommendations appear to be implementable without being so particular as to constitute operational instructions. We like the report’s emphasis on clear, or where appropriate, measurable outcomes.” The GAC noted that it fully supports all of the recommendations from the SSR RT.

What significant materials did the Board review?

The Board reviewed the SSR RT Draft Report and public comments, Final Report and public comments, the preliminary staff report for the 13 September Special Meeting of the Board, and the GAC Communique from Prague.

What factors the Board found to be significant?

The community and staff generally view the recommendations to be feasible and implementable.

Are there positive or negative community impacts?

Approval of the SSR RT Final Report and recommendations will have a positive impact in bringing another Affirmation of Commitments review process to a close and highlight ICANN and community commitments to security, stability and resiliency of the Internet's unique identifier systems.

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

Fiscal impacts on the community and public are expected to be minimal. ICANN will need to make changes in its Strategic and Operating Planning processes to incorporate the recommendations relating to greater transparency on SSR-related projects, initiatives, budgeting, and alignment of Strategic Objectives to the annual SSR Framework. Some of the recommendations have already been implemented by staff as the SSR RT conducted its review. There are several recommendations related to a comprehensive DNS Risk Management Framework, and this will require additional budget and staff resources to support in FY 14. Several other recommendations will need community-staff collaboration in order to be fully implemented.

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

The SSR RT Final Report reinforces ICANN's commitment to the security, stability and resiliency of the DNS and there are no negative issues related to security, stability and resiliency in the approval of this report or recommendations.

This is an ICANN's Organizational Administrative Function requiring public comment.

2012-10-18-01a-Board-Submission-Registry-Cross-Ownership-Restriction-Removal-Process

ICANN BOARD SUBMISSION NO. 2012-10-18-01a

TITLE: **APPROVAL OF REVISED PROCESS FOR HANDLING REQUESTS FOR REMOVAL OF CROSS-OWNERSHIP RESTRICTIONS ON OPERATORS OF EXISTING gTLDs**

PROPOSED ACTION: **For Board Approval**

EXECUTIVE SUMMARY:

On 16 May 2012, ICANN posted for public comment a Proposed Revised Process for Handling Requests for Removal of Cross-Ownership Restrictions of Existing gTLDs. (See Annex, Exhibit A.) Previously, in June 2011 the Board approved the first version of this process, but stated at that time that consideration of whether existing operators could seek to lift cross-ownership restrictions as to the registry that they operated would be deferred pending discussions with competition authorities. (See <http://www.icann.org/en/minutes/resolutions-20jun11-en.htm>.) As explained in Exhibit B of the Annex, those discussions have taken place and appear to have concluded.

A total of four comments were received during the Public Comment and Reply Period. (See Report on Public comments attached as Exhibit B to Annex).

1. The Registry Stakeholder Group supports implementation of the process as soon as possible.
2. The Intellectual Property Constituency (IPC), suggests that existing registries be transitioned to the new gTLD registry Agreement. But, if registries were allowed to amend their existing agreements to lift restrictions, the IPC suggests there should be conditions: (a) including the new gTLD registry Code of Conduct; (b) requiring thick WHOIS; and (c) requiring registries to honor the new trademark protections established for new gTLDs with respect to new second level domain names and renewals of existing names.

In response to these comments, ICANN has noted that: (a) the new gTLD registry Code of Conduct is a requirement in the proposed revised process; (b) thick WHOIS is currently the subject of a PDP, which should be completed before a decision is made on whether it becomes mandatory; and (c) requiring existing registry operators to comply with new gTLD trademark protections is a policy that should not be mandated against registries one at a time.

3. The ALAC supports the removal of the cross-ownership restrictions for existing gTLD operators but expressed concern that the transition of existing gTLD operators to new gTLD registry agreements would remove the price caps in existing agreements and this issue has not been discussed. The ALAC suggests therefore that a change in cross-ownership restrictions should not remove price caps for dominant gTLDs without substantive community involvement.

In response to this comment, ICANN notes that the removal of price caps for dominant gTLDs would be precisely the type of consideration that would go into determining whether ICANN would refer a request to competition authorities as provided for under the process. Accordingly, this issue has been addressed.

4. The fourth commenter was an individual, Christopher Wilkinson. He concurred with ALAC's concern about price caps, but did not agree with ALAC's support for the removal of cross-ownership restrictions and stated that the proposed change in policy would make it more difficult for small startup registries to compete with established registrars offering competing services.

In response ICANN points to the response to the ALAC, and notes that the process does not automatically lift restrictions, but is merely a request that ICANN must analyze. Further, the currently approved process allows existing registry operators to request the lifting of restrictions on acquisition of ownership or controlling interest in registrars that sell names in new gTLDs and other existing registries, and this change just extends that to registrars that would sell names in their own registries.

STAFF RECOMMENDATION

Staff recommends that the Board approve the Proposed Revised Process for Handling Request for Removal of Cross-Ownership Restrictions of Existing gTLDs.

PROPOSED RESOLUTION

Whereas, on 20 June 2011, the Board approved the Process for Handling Request for Removal of Cross-Ownership Restrictions of Existing gTLDs.

Whereas, when the Process for Handling Request for Removal of Cross-Ownership Restrictions of Existing gTLDs was approved in June 2011, it deferred application of it to existing registry operators with respect to seeking removal of cross-ownership restrictions as to their own registries, in order to provide time to discuss the process with competition authorities.

Whereas, ICANN has undertaken discussions with, and explained the proposed revised process to, competition authorities that had expressed interest and ICANN has received no further inquiries from those authorities.

Resolved (2012.10.xx.xx), the Proposed Revised Process for Handling Request for Removal of Cross-Ownership Restrictions of Existing gTLDs, as was posted on 16 May 2012, is approved as revised.

PROPOSED RATIONALE:

On 20 June 2011, the Board adopted resolution 2011.06.20.01, that included approval of a process that ICANN developed “for handling requests for removal of cross-ownership restrictions on operators of existing gTLDs who want to participate in the new gTLD program” The resolution did note however, that “consideration of modification of existing agreements to allow cross-ownership with respect to the operation of existing gTLDs is deferred pending further discussions including with competition authorities.”

Delaying the ability for registry operators to request removal of restrictions on cross-ownership for their own registries was to provide time for discussions with the competition authorities that had expressed interest in this issue. On 14 June 2011, the United States Department of Justice Antitrust Division sent a letter to the U.S. Department of Commerce on the subject of cross-ownership. Thereafter, in October 2011, ICANN's counsel spoke to the supervising lawyer at the Antitrust Division, who confirmed that there is no active Antitrust Division investigation with respect to the cross-ownership issues at this time. In light of this representation, there have been no other communications with the Antitrust Division, and none are planned.

The other competition authority that had expressed interest is the European Commission (EC). Immediately before the Singapore meeting, on 17 June 2011, the EC sent ICANN a “non-paper” expressing some concerns regarding the removal of cross-ownership restrictions. Following the Board’s approval of the New gTLD Program, ICANN’s counsel sent a note to the EC offering to meet to discuss the “non-paper,” and the issues identified in the Board’s 20 June 2011 resolution. In response, the EC requested that ICANN respond to the “non-paper” in writing. On 25 October 2011, ICANN provided the EC with a comprehensive response to the “non-paper” and again requested a meeting to discuss these matters.

On 19 January 2012, the EC responded to ICANN’s 25 October 2011 letter. The EC’s letter stated, “we do not oppose the removal of vertical separation as a matter of principle.” The letter continues, however, that the EC is “currently not convinced that the full removal of vertical separation for generic Top-Level Domains, particularly for existing ones such as .COM, is the most appropriate solution from a competition point of view.” The EC then requested that ICANN furnish the EC with responses to questions seeking additional information.

A comprehensive response to the EC's 19 January 2012 letter was delivered to the EC on 9 March 2012, responding in detail to each of the questions posed by the EC. In the letter ICANN again offered to meet with the EC. In Costa Rica ICANN representative discussed the matter with the EU GAC Representative who asked for two things: (i) a bullet-point description of the Process; and (ii) assurance that the time limits placed on ICANN to act are in no way meant to limit the EC's authority to act at any time. ICANN provided the requested information and has heard no further comments from the EC, either as part of the Public Comment Forum or otherwise.

Accordingly, it appears that there is no longer any reason not to extend the approved process to existing registry operators for their own TLDs.

This action will be an advantage for the ICANN community, as it will provide the opportunity for treating all registry operators equally with respect to cross-ownership restrictions. This action will not have any fiscal impact on ICANN and will have no impact on the security, stability and resiliency of the domain name system.

This decision is a Board-level Organizational Administrative Function – public comment sought.

Submitted by: Amy A. Stathos, Deputy General Counsel
Date Noted: 8 October 2012
Email: amy.stathos@icann.org

2012-10-18-01b-Board-Submission-LSP

ICANN BOARD SUBMISSION No. 2012-10-18-01b

TITLE: ICANN Language Services Policy and Procedures

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

ICANN's Language Services Policy and Procedures, as identified in the Language Services Policy and Procedures document, need to be approved.

STAFF RECOMMENDATION:

Staff recommends that the board approve ICANN's Language Services Policy and Procedures.

BOARD COMMITTEE RECOMMENDATION:

The Board Public Participation Committee is coordinating the review of the Staff proposal and supports the approval by the ICANN Board of the following resolution.

PROPOSED RESOLUTION:

Whereas, on 15 February 2008 the ICANN Board approved Accountability Frameworks and Principles,

http://www.icann.org/en/groups/board/documents/resolutions-15feb08-en.htm#_Toc64545917, which included ICANN Translation Principles
<http://archive.icann.org/en/accountability/frameworks-principles/community.htm>.

Whereas, the Language Services Policy and Procedures document was created to formalize the principles that guide all language related services, and was submitted for public comment.

Whereas, ICANN has completed a thorough review of the comments received.

Whereas, the ICANN Language Services Policy and Procedures are regularly reviewed under guidance of the Board Public Participation Committee and changes will be considered as part of the upcoming budget and operational planning cycles.

Resolved (2012.10.xx.xx), the Board adopts the ICANN Language Services Policy and Procedures as outlined in the ICANN Language Services Policy and Procedures document.

PROPOSED RATIONALE

ICANN's Language Services Policy and Procedures needed to be formalized, as this will enhance ICANN's accountability to the community in setting out standard expectations. ICANN produced the ICANN Language Services Policy and Procedures document and posted it for public comment, and evaluated the public comments received. The comments will be considered as part of the upcoming budget and operational planning cycles.

Funding for ICANN's Language Services Policy and Procedures has been provided in the FY2013 budget. It is expected that additional funding to further enhance ICANN's multilingual strategy will be provided in the FY2014 budget. There is no impact on the security or the stability of the DNS due to the implementation of this policy. This is an ICANN Organizational Administration Function requiring public comment.

Submitted by:	Christina Rodriguez
Position:	ICANN Language Services Manager
Date Noted:	10 October 2012
Email and Phone Number	christina.rodriguez@icann.org

2012-10-18-01c-Board-Submission-Whois Review Team Report

ICANN BOARD SUBMISSION NO. 2012-10-18-01c

TITLE: WHOIS Policy Review Team Final Report

PROPOSED ACTION: For Board Information and Discussion

EXECUTIVE SUMMARY:

As instructed, for the WHOIS Policy Review Team Report Staff is considering public comments and SO/AC input (due 31 August), assessing the Report and other WHOIS-related proposals under discussion (in the RAA negotiations and elsewhere), and evaluating the feasibility of, and the potential implementation paths for, each of the Report's 16 Recommendations. This paper provides the Board with Staff's assessment thus far of the Team's Recommendations, and a proposal for Toronto meeting activities and publications on this topic.

Initial Assessment: Staff's initial assessment determined that a majority of the 16 final Recommendations could be implemented and are consistent with ICANN's strategic plans (see details below and in the Annex to this paper). The objectives articulated for several Recommendations are being pursued in the RAA negotiations. Should the RAA negotiations not result in an agreement in these areas, GNSO policy development processes (PDPs) could be required and other implementation options (involving public policy, legal and operational issues) would need to be considered.

Toronto: Staff recommends that the Board encourage additional community discussion on the Recommendations in a workshop in Toronto (as well as in SO/AC meetings, as appropriate), and that Staff post a background paper in advance of the workshop to encourage more detailed comments.

SO/AC Input: Additional input from key stakeholders is expected. At this writing, comments on the Recommendations are being finalized by the GNSO. The ALAC endorsed all of the Recommendations and urged the Board to "unilaterally move on" Recommendations 1, 2, 3, 4, 11 and 15 (see below). The GAC endorsed all of the Recommendations in its Prague communiqué. The SSAC provided substantial comment prefaced by stating the critical need for a policy defining the purpose of collecting and maintaining registration data. SSAC stated that the policy is an essential first step to implementing the Recommendations, which SSAC then characterized as high, medium or low priorities. . The public comment forum contained input from the Non-Commercial Stakeholders Group, the Registries Stakeholder Group, the Internet Service Providers Constituency and the Business Constituency. All of these inputs are being carefully considered as part of Staff's assessment.

BACKGROUND

WHOIS Policy Review Team Report Recommendations Summary, Initial Staff Assessment & Key Dependencies (More detailed Staff analysis is included in the [Annex](#) to this paper.)

WHOIS Policy Review Team Report Recommendations	Initial Staff Assessment	Key Dependencies
<p>1. Strategic Priority -- WHOIS, in all its aspects, should be a strategic priority, form the basis of staff incentivization (including CEO's) and organizational objectives; Board should create a committee that includes the CEO to be responsible for priority and key actions; issue public updates on progress against targets for all aspects of WHOIS.</p>	<p>The Recommendation is feasible and a majority of it could be implemented. A range of activities involving WHOIS occur throughout ICANN and a Board Committee potentially could assist in overseeing these strategic efforts. The decision to create such a committee rests with the Board, while its membership would be the purview of the BGC.</p>	<p>Staff</p>
<p>2. Single WHOIS Policy -- Board should oversee creation of a single WHOIS policy document, and reference it in agreements with Contracted Parties; clearly document the current gTLD WHOIS policy as set out in the gTLD Registry & Registrar contracts & Consensus Policies and Procedure.</p>	<p>In general, the Recommendation -- which Staff understands to mean publicly documenting on a webpage current policies, procedures and contractual language relating to WHOIS -- is feasible and could be implemented. Staff is exploring what "reference it in agreements with Contracted Parties" would entail.</p>	<p>Staff; Registrars (referencing it in agreement)</p>
<p>3. Outreach -- ICANN should ensure that WHOIS policy issues are accompanied by cross-community outreach, including outreach to the communities outside of ICANN with a specific interest in the issues, and an ongoing program for consumer awareness.</p>	<p>The Recommendation is feasible and could be implemented. This is consistent with Staff's and GNSO's outreach strategies. Staff is exploring options for promoting consumer awareness, including integration with existing plans, resource needs and steady-state requirements.</p>	<p>Staff (in consultation/coordination with community)</p>
<p>4. Compliance -- ICANN should ensure that its compliance function is managed in accordance with best practice principles, including full transparency on resourcing and structure; provide annual reports; appoint a senior executive whose sole responsibility would be to oversee and manage ICANN's compliance function (<u>reporting to Board Committee</u>); provide all necessary resources to manage and scale compliance team's activities.</p>	<p>Elements of the Recommendation are feasible – e.g. best practices, transparency, reporting, resourcing and involvement of a senior executive. However, it is not feasible for an executive (other than the CEO and the Ombudsman) to report to the Board (or a Board Committee) without structural changes to the organization.</p>	<p>Staff; Board</p>
<p>Data Accuracy</p> <p>5. ICANN should ensure that the requirements for accurate WHOIS data are widely and pro-actively communicated, including to current and prospective Registrants, and should use all means available to progress WHOIS accuracy, including any internationalized WHOIS data, as an organizational objective.</p> <p>6. ICANN should take appropriate measures to reduce the number of WHOIS registrations that fall into the accuracy groups "Substantial Failure and Full Failure" (as defined by the NORC Data Accuracy Study, 2009/10) by 50% within 12 months and by 50% again over the following 12 months.</p>	<p>5. The Recommendation is feasible and a majority of it could be implemented. Staff is exploring options for reaching prospective registrants, who are unknown to ICANN and are a large global audience.</p> <p>6. Staff is exploring the feasibility of this Recommendation. Currently, Staff does not have the authority to meet the specified targets. Potential changes require negotiations or a PDP. If policy or contract changes occur, and additional funding and resources are provided, additional measures could be implemented by ICANN to enhance and regularly measure the accuracy of WHOIS data.</p>	<p>Staff</p> <p>Staff; Registrars; GNSO (if agreement is not reached in negotiations)</p>
<p>7. ICANN shall produce and publish an accuracy report focused on measured reduction in WHOIS registrations that fall into the accuracy groups "Substantial Failure and Full Failure" on an annual basis.</p>	<p>7. With the above provisos, this Recommendation is feasible and Staff will explore appropriate potential metrics.</p>	<p>Staff</p>
<p>8. ICANN should ensure that there is a clear, unambiguous and enforceable chain of</p>	<p>8. Staff is exploring the feasibility of this Recommendation. This potentially could</p>	<p>Registrars; Registries; GNSO PDP (if agreement is not reached in</p>

<p>contractual agreements with registries, registrars, and registrants to require the provision and maintenance of accurate WHOIS data; agreements should ensure that clear, enforceable and graduated sanctions apply to registries, registrars and registrants that do not comply with its WHOIS policies; sanctions should include de-registration &/or de-accreditation in cases of serious or serial non-compliance.</p> <p>9. Board should ensure that the Compliance Team develop metrics to track the impact of the annual WHOIS Data Reminder Policy (WDRP) notices to registrants; metrics should be used to develop and publish performance targets, to improve data accuracy over time; if this is unfeasible, Board should ensure that an alternative, effective policy is developed and implemented that achieves the objective of improving data quality, in a measurable way.</p>	<p>be accomplished through negotiations with Registrars or Registries, or via a GNSO PDP.</p> <p>9. Current limitations of the WDRP require that an alternative, effective policy be developed and implemented to achieve all of the stated objectives. Potentially, steps could be taken by ICANN to improve data accuracy and to regularize the metrics associated with assessing progress toward improved accuracy, and Registrar/Registry negotiations or a PDP are also options.</p>	<p>negotiations)</p> <p>Staff; Registrars, Registries; GNSO (if agreement is not reached in negotiations)</p>
<p>10. Data Access – Privacy and Proxy Services -- ICANN should initiate processes to regulate and oversee privacy and proxy service providers; processes should be developed in consultation with all interested stakeholders and note relevant GNSO studies; a possible approach to achieving this would be to establish an accreditation system for all proxy/privacy service providers, and consider the merits (if any) of establishing or maintaining a distinction between privacy and proxy services; goal is to provide clear, consistent and enforceable requirements for the operation of these services consistent with national laws, and to strike an appropriate balance between stakeholders with competing but legitimate interests -- including privacy, data protection, law enforcement, the industry around law enforcement and the human rights community. A list of objectives for regulation is provided for consideration, including: labeling WHOIS entries made by a privacy or proxy service; providing full WHOIS contact details for the privacy/proxy service provider; adopting agreed standardized relay and reveal processes and timeframes; Registrars should disclose their relationship with any proxy/privacy service provider; maintaining dedicated abuse points of contact for each provider; conducting periodic due diligence checks on customer contact information; maintaining the privacy and integrity of registrations in the event that major problems arise with a privacy/proxy provider; and providing clear and unambiguous guidance on the rights and responsibilities of registered name holders, and how those should be managed in the privacy/proxy environment.</p>	<p>The Recommendation is feasible and Staff is pursuing it in the RAA negotiations. Staff agrees with the overarching objective and has proposed creating an accreditation program for privacy and proxy services and additional registrar requirements, which could provide a framework for implementing this. Implementation could be achieved via RAA negotiations or a PDP, or ICANN potentially could develop and implement a new program to accredit proxy and privacy providers, in consultation with the community, without initiating a PDP.</p>	<p>Staff; Registrars; GNSO (if a PDP is pursued)</p>
<p>11. Data Access – Common Interface It is recommended that the Internic Service is overhauled to provide enhanced usability for consumers, including the display of full registrant data for all gTLD domain names (whether those gTLDs operate thin or thick WHOIS services); operational improvements should include enhanced promotion of the service to increase user awareness.</p>	<p>Staff is exploring the feasibility and analyzing the potential costs and benefits of this Recommendation. Implementation has technical, operational and budget implications.</p>	<p>Staff</p>

<p>Internationalized Domain Names</p> <p>12. ICANN should task a working group within six months of publication of this report, to determine appropriate internationalized domain name registration data requirements and evaluate available solutions; at a minimum, the data requirements should apply to all new gTLDs, and the working group should consider ways to encourage consistency of approach across the gTLD and (on a voluntary basis) ccTLD space; working group should report within a year.</p> <p>13. The final data model, including (any) requirements for the translation or transliteration of the registration data, should be incorporated in relevant Registrar & Registry agreements within 6 months of Board adoption of working group's recommendations, or put explicit placeholders in the new gTLD program agreements, & in existing agreements when they come up for renewal.</p> <p>14. Metrics should be developed to maintain and measure the accuracy of the internationalized registration data and corresponding data in ASCII, with clearly defined compliance methods and targets.</p>	<p>12 – 14 These Recommendations are feasible and could be implemented as detailed by Staff (see Annex). Translation and transliteration has broader policy implications that could be addressed through a GNSO PDP or through a targeted group of experts convened to analyze this specific issue. The final data model also could either be addressed via a PDP (for uniform application on all parties) or via direct contract negotiations with registrars or registries, or could be incorporated at the time of renewal of these agreements (over time).</p>	<p>Staff; Registrars; Registries; GNSO (if PDP is pursued)</p>
<p>15. Detailed and Comprehensive Plan -- ICANN should provide a detailed and comprehensive plan within 3 months after the submission of the Final WHOIS Review Team report that outlines how ICANN will move forward in implementing these recommendations.</p>	<p>While a detailed, comprehensive plan is feasible, issuing one by 11 August would have pre-empted critical community input and discussion. The Recommendation can be implemented by November (or earlier, depending on the outcome of RAA negotiations, and completion of necessary consultations).</p>	<p>Staff; Registrars</p>
<p>16. Annual Status Reports -- ICANN should provide at least annual written status reports on its progress towards implementing the recommendations of this WHOIS Review Team. The first of these reports should be published one year, at the latest, after ICANN publishes the implementation plan mentioned in recommendation 15, above.</p>	<p>The Recommendation is feasible and can be implemented (for Recommendations adopted by the Board)</p>	<p>Staff</p>

By 24 September, Staff is scheduled to provide the Board with full findings, feasibility, implementation options, and Staff advice. By this date, Staff also will post documents on this topic for community consideration in Toronto (incorporating any guidance received by the Board).

At the Toronto meeting, if the Board finds that additional time is needed prior to a Board vote on the Report, Staff will provide additional supporting materials to the Board by 2 November. 11 November is the date by which the Board is committed to act on the Report, per the Affirmation of Commitments (that action can take many forms).

STAFF RECOMMENDATION:

See above

PROPOSED RESOLUTION

No resolution required at this time.

ATTACHMENTS (posted on Board Vantage):

Annex to this paper

Submitted by:	Denise Michel -- in coordination with General Counsel, COO, Compliance, Stakeholder Services, Policy, Registrar Liaison.	Date Noted:	7 September 2012
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2012-10-18-01d-Board-Submission-SSR RT

ICANN BOARD SUBMISSION NO. 2012-10-18-01d

TITLE: **Staff Assessment and Action on Security, Stability & Resiliency of the DNS Review Team Final Report**

PROPOSED ACTION: **For Board Information and Action**

EXECUTIVE SUMMARY:

The Security, Stability & Resiliency of the DNS Review Team (SSR RT), constituted under ICANN's Affirmation of Commitments (AoC) with the U.S. Department of Commerce, submitted its Final Report to the ICANN Board on 20 June 2012. The Final Report was immediately posted in a public comment forum, which ended 29 August 2012. The Board received the report on 13 September 2012, thanked the Review Team and entities that provided public comment on the Final Report.¹ It is Staff's view that the Report and its Recommendations are within the scope of the Team's AoC mandate,² and that the Recommendations' general goals are consistent with ICANN's SSR Framework, and SSR-related responsibilities and activities.

The Team found areas in which ICANN is working well, areas in which there is room for improvement, and other areas where key elements of SSR should be defined and implemented. Staff's view is that the Team's 28 Recommendations can be implemented and are consistent with ICANN's plans (see Annex). Several Recommendations involve internal improvements that fall within Staff's purview and for these, implementation efforts are underway (see Annex). Some Recommendations will involve community consultation and collaboration for complete implementation.

Staff recommends that the Board accept the 28 Recommendations in the SSR RT Final Report and direct staff to proceed with implementation plans.

BACKGROUND

¹ See Board Resolution <http://www.icann.org/en/groups/board/documents/resolutions-13sep12-en.htm#1.b>.

² 9.2 Preserving security, stability and resiliency: ICANN has developed a plan to enhance the operational stability, reliability, resiliency, security, and global interoperability of the DNS, which will be regularly updated by ICANN to reflect emerging threats to the DNS. ICANN will organize a review of its execution of the above commitments no less frequently than every three years. The first such review shall commence one year from the effective date of this Affirmation. Particular attention will be paid to: security, stability and resiliency matters, both physical and network, relating to the secure and stable coordination of the Internet DNS; ensuring appropriate contingency planning; and maintaining clear processes. Each of the reviews conducted under this section will assess the extent to which ICANN has successfully implemented the security plan, the effectiveness of the plan to deal with actual and potential challenges and threats, and the extent to which the security plan is sufficiently robust to meet future challenges and threats to the security, stability and resiliency of the Internet DNS, consistent with ICANN's limited technical mission.

The SSR RT's findings state that ICANN is performing well in a number of areas: understanding and communicating how it operates within different levels of control and influence; adhering to its SSR remit and limited technical mission; improving the formulation of the SSR Framework; engaging in good SSR-related operational practices; and providing thought leadership on DNSSEC. The Team recommends additional action and improvements in six broad areas: (high level) SSR role and remit, strategy, transparency; terminology and relationships; monitoring, outreach and engagement; operations; best practices; and risk management and threat mitigation (see summary of Recommendations in Annex).

A two-month long public comment forum on the Report and Recommendations recently closed with three supportive submissions on record. The At-Large Advisory Committee, the Registry Stakeholder Group and Dynamic Network Services, Inc. all supported the Team's Recommendations, and the latter two offered implementation guidance on specific Recommendations. Since the Report was submitted right before ICANN's Prague meeting, the leadership of the SSR RT held a public workshop and met with the Governmental Advisory Committee in Prague to present the Report and Recommendations and encourage input to the Board. Again, the comments offered in these events (and in the GAC Communiqué) were supportive of the Recommendations. The Team also conducted outreach in advance of issuing a draft Report and after the draft Report was issued. Community comments on the draft Report were considered and largely incorporated in the Final Report.

The 28 Recommendations are briefly summarized in the Annex and notes on initial Staff work are included. Staff is in the process of developing for each Recommendation: an assessment of whether it is feasible; key consultations needed; initial implementation plans and resource estimates for the Board's consideration.

STAFF RECOMMENDATION:

Staff recommends that:

- The Board accept the SSR Review Team Final Report and Recommendations;
- The Board instruct Staff to proceed with implementation plans for each of the 28 Recommendations.

PROPOSED RESOLUTION

Whereas, on 13 September 2012, the Board thanked the Security, Stability & Resiliency of the DNS Review Team for its Final Report,

Whereas, the Board requested that the President and CEO instruct Staff to consider the public comments and community input, assess the Recommendations, evaluate the potential implementation paths for each Recommendation, and provide the Board with guidance and advice on the Final

Report, including, where appropriate, potential implementation plans and budgets, by the ICANN Toronto meeting.

Whereas, Staff has provided an initial implementation plan, finding that the 28 Recommendations in the Final Report are feasible and implementable.

Resolved (2012.10.xx.xx), the Board accepts the Final Report of the Security, Stability and Resiliency of the DNS and instructs Staff to proceed with implementation plans for each of the 28 Recommendations.

RATIONALE

The Affirmation of Commitments (AoC) between ICANN and the U.S. Department of Commerce commits ICANN to preserve the security, stability and resiliency of the DNS, and to organize a community review of its execution of this commitment no less frequently than every three years. The AoC further commits ICANN's Board to publish for public comment the report submitted by the review team, and to take action on the report within six months of its submission.

The Team's volunteer members were appointed by ICANN's CEO and the GAC Chair, per the AoC requirements, and reflected the broad Internet community's interests in Internet security, stability and resiliency matters. Over the past 19 months, the SSR Review Team conducted fact-finding, including meetings with ICANN's relevant Supporting Organizations and Advisory Committees, members of the broader Internet security community, and other interested parties, and issued a draft report for public comment before submitting its Final Report to the Board on 20 June 2012. The Report was posted for two months of public comment and the forum closed on 29 August 2012.

The Board thanked the Review Team on 13 September 2012 for their Final Report and instructed staff to consider feasibility of 28 Recommendations in the Final Report, and prepare a proposed implementation plan.

Why is the Board addressing the issue now?

As required by the Affirmation of Commitments, the recommendations resulting from the SSR RT were provided to the Board on 20 June 2012 and posted for public comment. The SSR RT provided a report that validates and builds on ICANN's commitments and SSR responsibilities. The Board encouraged and considered input from the community, including the Supporting Organizations, Advisory Committees, stakeholder groups and interested individuals. The public comments were supportive of the SSR RT Final Report and Staff's due diligence resulted in advice that ICANN move forward with implementation of all 28 recommendations. The Board has concluded that ICANN should move forward on implementation plans for the 28 recommendations.

What is the proposal being considered?

Staff views all 28 recommendations as feasible and implementable and recommends that the Board accept the SSR RT Final Report and the 28 recommendations.

Which stakeholders or others were consulted?

Comments were received on the Final Report from ALAC, the GAC, the gTLD Registry Stakeholder Group, registrars. The SSR RT conducted briefings with SSAC and consultations at ICANN meetings in Dakar, Costa Rica and Prague as its recommendations were being developed and finalized. The community has had substantial opportunity to engage with the SSR RT during the development of its recommendations. A broad spectrum of community inputs were received on the earlier Draft Report, including from LACRALO, the Business Constituency, individuals, CNNIC, and ICC.

What concerns or issues were raised by the community?

There was general support in the public comments on the 28 recommendations. The common sentiment on the Final Report and recommendations were that they “are sensible, carefully crafted, and specific...the recommendations appear to be implementable without being so particular as to constitute operational instructions. We like the report’s emphasis on clear, or where appropriate, measurable outcomes.” The GAC noted that it fully supports all of the recommendations from the SSR RT.

What significant materials did the Board review?

The Board reviewed the SSR RT Draft Report and public comments, Final Report and public comments, the preliminary staff report for the 13 September Special Meeting of the Board, and the GAC Communique from Prague.

What factors the Board found to be significant?

The community and staff generally view the recommendations to be feasible and implementable.

Are there positive or negative community impacts?

Approval of the SSR RT Final Report and recommendations will have a positive impact in bringing another Affirmation of Commitments review process to a close and highlight ICANN and community commitments to security, stability and resiliency of the Internet’s unique identifier systems.

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

Fiscal impacts on the community and public are expected to be minimal. ICANN will need to make changes in its Strategic and Operating Planning processes to incorporate the recommendations relating to greater transparency on SSR-related projects, initiatives, budgeting, and alignment of Strategic Objectives to the annual SSR Framework. Some of the recommendations have already been implemented by staff as the SSR RT conducted its review. There are several recommendations related to a comprehensive DNS Risk Management Framework, and this will require additional budget and staff resources to support in FY 14. Several other recommendations will need community-staff collaboration in order to be fully implemented.

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

The SSR RT Final Report reinforces ICANN’s commitment to the security, stability and resiliency of the DNS and there are no negative issues related to security, stability and resiliency in the approval of this report or recommendations.

ATTACHMENTS:

- Annex to this paper

Submitted by:	Patrick Jones	Date Noted:	5 October 2012
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