TABLE OF CONTENTS – RESOLUTIONS & MINUTES

2013-05-18-DraftResolutions.docx

1. Consent Agenda:

a. Approval of Board Meeting Minutes

Resolved (2013.05.18.xx), the Board approves the minutes of the 11 April 2013 Regular Meeting of the ICANN Board.

b. Delegation of BGC authority (pending BGC recommendation)

Resolved (2013.05.18.xx), the Board hereby establishes the New gTLD Program Reconsideration Subcommittee of the Board Governance Committee ("Subcommittee"), comprised of all members of the Board Governance Committee that are members of the New gTLD Program Committee.

Resolved (2013.05.18.xx), the Board delegates to the Subcommittee all the powers of the Board Governance Committee in reference to the Reconsideration Process, set forth at Article IV, Section 2 of the ICANN Bylaws, for all Reconsideration Requests submitted regarding actions taken in reference to the New gTLD Program.

Resolved (2013.05.18.xx), unless exceptional circumstances weigh otherwise, the recommendations of the Subcommittee are, as appropriate and needed, to be provided to the New gTLD Program Committee for consideration.

Rationale for Resolution 2013.05.18.xx

This action is a logical extension of the Board's commitment to transparently handling issues related to conflicts of interest. As with the development of the New gTLD Program Committee, the development of this New gTLD Program Reconsideration Subcommittee of the Board Governance Committee will allow for more certainty and quicker action on Reconsideration Requests related to the New gTLD Program. This action enhances ICANN's accountability, as it sets out clear expectations for how the

Reconsideration process – one of the pillars of ICANN's accountability mechanisms – can be overseen even when there are potential conflict issues.

The alternative to this action would be to have the full BGC responsible for the consideration of each Reconsideration Request, no matter the subject matter. In this event, those members of the BGC that have an actual, potential or perceived conflict of interest in relationship to the issue may have to be present to maintain a quorum sufficient to act, but would be expected to abstain from deliberation and voting on the requests. While this practice is sufficient for general practice in dealing with specific conflicts of interest, it does not scale well to multiple anticipated Requests each with the same identified conflict issue. Here, the Board has become well-versed in addressing the New gTLD-related conflicts of interests, including the use of a separate Committee of the Board to manage quorum, information flow and deliberation concerns. The use of a similar process at the BGC-level, when multiple Reconsideration Requests relating to the New gTLD Program are anticipated, is an effective and efficient practice for the Board to adopt. As with the NGPC, the Subcommittee will have the ability – when appropriate – to invite those members of the Board with expertise on an issue to participate in the discussions.

This action is expected to have a positive impact on ICANN and the community, in that it sets out clear rules for the handling of Reconsideration Requests related to the New gTLD Program. There are no expected fiscal impacts from this decision, nor are there any anticipated impacts to the security, stability or resiliency of the Domain Name System.

This is an Organizational Administrative Function not requiring public comment.

c. Site of the October 2014 ICANN Meeting in North America (pending PSEC/possible BFC recommendation)

Whereas, ICANN intends to hold its third Meeting for 2014 in the North America region as per its policy,

Whereas, staff has completed a thorough review of all available meeting venues in North America and finds the one in Los Angeles, California to be the most suitable.

Whereas, the Board Finance Committee is expected to approve the budget for the ICANN 2014 North America Meeting as proposed on 16 May 2103.

Resolved (2013.05.18.xx), the Board accepts the staff recommendation, and approves that the ICANN 2014 North America Meeting shall be held in Los Angeles, California from 12-17 October 2014, with a budget not to exceed US$568K, and that the Los Angeles Meeting be designated as the 2014 Annual Meeting.

Rationale for Resolution 2013.05.18.xx

As part of ICANN's public meeting schedule, three times a year ICANN hosts a meeting in a different geographic region (as defined in the ICANN Bylaws) of the world. Meeting Number 51, scheduled for 12-17 October 2014, is to occur in the North America geographic region. The Staff performed a search to identify all available and suitable locations, and conducted a thorough analysis of those venues to ensure that they met the Meeting Selection Criteria. Based on that analysis, the Staff has recommended that ICANN 51 be held in Los Angeles, California.

The Board reviewed Staff's recommendation for hosting the meeting in Los Angeles, California and the determination that the proposal met the significant factors of the Meeting Selection Criteria used to

guide site selection work. The process for selection of this site does not call for public consultation, as the staff assessment of the feasibility of any site is the primary consideration.

There will be a financial impact on ICANN in hosting the meeting and providing travel support as necessary, as well as on the community in incurring costs to travel to the meeting. But such impact would be faced regardless of the location of the meeting. There is no impact on the security or the stability of the DNS due to the hosting of the meeting.

Item Removed From Agenda

2. Main Agenda:

a. ACDR Proposal to be a UDRP Provider

Whereas, the Arab Center for Dispute Resolution (ACDR) submitted a proposal to ICANN to be approved as an UDRP provider.

Whereas, the ACDR proposal was posted for public comment on 28 September 2010 and a revised version was posted on 1 March 2013, which took into account comments received; ACDR has produced a further revised proposal addressing a final issue raised in the 1 March 2013 public comment forum.

Whereas, the revised ACDR proposal meets the suggested elements as set forth in Information Concerning Approval Process for Dispute Resolution Service Providers.

Resolved (2013.05.18.xx), the Board approves the application of ACDR to become a UDRP provider, and advises the President and CEO, through the General Counsel's Office, to enter into discussions with ACDR regarding the process for ACDR's provision of UDRP services.

Rationale for Resolution 2013.05.18.xx

The Board's approval of the ACDR application brings to a close the work of the ACDR (in cooperation with ICANN staff) in working to meet the standards and elements of the process for approval of Uniform Domain Name Dispute Resolution Policy ("UDRP") providers. This enhances ICANN's accountability through adherence to its processes. In addition, the approval of the first UDRP provider located in the Middle East enhances ICANN's accountability to the Internet community as a whole, enhancing choice for UDRP complainants.

The ACDR's proposal was posted twice for public comment. All of the comments received were provided to ACDR for consideration. Some of the comments in opposition addressed issues such as the level of

fees, which is fully within the ACDR's purview. Other commenters suggested that ICANN develop contracts with each of its UDRP providers as a means to require uniformity among providers. Contracts have never been required of UDRP providers. On the issue of uniformity among providers, however, the ACDR's proposal does two things: first, highlighted areas where risk of non-uniform conduct was perceived (such as issues with commencement dates and definitions of writings) have been modified; second, the proposal now includes an affirmative recognition that if ICANN imposes further requirements on providers, the ACDR will follow those requirements; third, the ACDR has revised a specific portion of its Supplemental Rules that was highlighted by commenters as a potential risk to uniformity. This is a positive advancement and helps address concerns of ICANN's ability to, in the future, identify areas where uniformity of action is of its obligation to abide by ICANN modifications that could enhance uniformity among providers.

ICANN's consideration of the ACDR's proposal also highlights the import of accountability to the community. After the community requested the opportunity to see the proposal again prior to approval, the Board agreed and asked staff to proceed with a further comment period. In addition, the Board also requested that staff report to the community on how ICANN's earlier consideration of UDRP provider uniformity issues was concluded. As a result, a briefing paper has been prepared and will be publicly posted.

There is a minimal resource impact on ICANN as a result of this decision in assuring that ICANN staff is available to work with the ACDR in starting and maintaining its work as a provider. There is no expected impact on the security, stability or the resiliency of the DNS as a result of this decision.

This is an Organizational Administrative Function for which public comment was received.

b. SSAC Advisory on Internal Name Certificates

Whereas, the delegation of TLDs in a way that promotes security and a good user experience is a longstanding topic of importance to ICANN's Board and the global Internet community.

Whereas, on 15 March 2013, the ICANN Security and Stability Advisory Committee (SSAC) published SAC 057: SSAC Advisory on Internal Name Certificates.

Whereas, enterprises have local environments may include strong assumptions about the number of top-level domains and/or have introduced local top-level domains that may conflict with names yet to be allocated.

Whereas, in its stewardship role, ICANN wishes to determine what these potential clashes are.

RESOLVED (2013.05.18.xx), the Board requests ICANN staff, in consultation with the SSAC, commission a study on the use of non-allocated TLDs in enterprises. The study should consider the potential security impacts of applied-for new-gTLD strings in relation to this usage

RESOLVED (2013.05.18.xx), the Board requests the RSSAC reach out to root server operators to provide a one time daily ranking of query statistics of all top level domains (right-most label) during a 24-hour capture period, regardless of whether the TLDs are delegated or not. These statistics should be provided to ICANN as soon as possible, but no later than the next 30 days from this resolution.

RESOLVED (2013.05.18.xx), The Board requests that the ICANN staff reach out to Certificate Authority/Browser forum to collect statistics on the distribution of internal name certificates by top-level domain.

RESOLVED (2013.05.18.xx), the Board requests the SSAC to update SAC045 and SAC057 based on its assessment of the issues identified in the ICANN study.

Rationale for Resolution 2013.05.18.xx

Why the Board is addressing the issue now?

The internal certificate issue identified by SSAC in SAC 057 is a symptom that enterprises have local environments that include strong assumptions about the static number of top-level domains and/or have introduced local top-level domains that may conflict with names yet to be allocated. Regardless of whether these assumptions are valid or not, to be proactive in its stewardship role, ICANN wishes to determine what security and stability implications these potential conflicts have, especially since applications for new gTLDs are in the process of being evaluated by ICANN for delegation into the root.

What are the proposals being considered?

The Board is considering requesting ICANN staff to commission a study on the use of non-allocated TLDs in enterprises. The study would also consider the potential security impacts of applied-for new-gTLD strings in relation to this usage. In fulfilling the study, the Board is also considering requesting RSSAC and root operators to provide some statistics. Finally the Board is considering requesting the SSAC to update its recommendations, if any, on SAC 045 and SAC 057.

What Stakeholders or others were consulted?

The SSAC presented the "SAC 057: SSAC Advisory on Internal Name Certificates" to the ICANN community in Beijing. As a result, the SSAC received feedback from the community on this issue and their input informed the SSAC's request.

What concerns or issues were raised by the community?

Some community members have raised concerns about the use of non-delegated TLDs and its impact to enterprises when ICANN delegate these TLDs. Some have asked for an evaluation of such risks so that the ICANN community can make informed decisions. Some have said that their studies show no significant risk to the security and stability of the DNS and have exhorted ICANN to continue on the course of evaluation and eventual delegation of all successful gTLD applications, regardless of conflict due to internal name certificates.

What significant materials did Board review?

The SSAC Report on Internal Name Certificates[1], The SSAC Report on invalid Top Level Domain Queries at the Root Level of the Domain Name System (15 November 2010 with corrections)[2], Report of the Security and Stability Advisory Committee on Root Scaling (6 December 2010)[3]

What factors the Board found to be significant?

In taking its action, the Board considered the recommendations of the SSAC in SAC 045, 046 and 057.

Are there Positive or Negative Community Impacts?

The Board's action to direct Staff to commission a detailed study on the risks related to the use of non-allocated TLDs in enterprises will provide a positive impact on the community as it will enhance the understanding of this issue by providing additional information on security impacts of applied-for new-gTLD strings in relation to this usage. This will permit the community and the Board to understand in more detail the potential security and stability concerns if TLDs that are in conflict are delegated, and the impact on the overall functionality of the Internet.

---

[1] See http://www.icann.org/en/groups/ssac/documents/sac-057-en.pdf
[2] See http://www.icann.org/en/groups/ssac/documents/sac-045-en.pdf
[3] See http://www.icann.org/en/groups/ssac/documents/sac-046-en.pdf

Are there fiscal impacts/ramifications on ICANN (Strategic Plan, Operating Plan, Budget); the community; and/or the public?

This action is not expected to have an impact on ICANN's resources, and directing this work to be done may result in changes to the implementation plans for new gTLDs. While the study itself will not have a fiscal impact on ICANN, the community or the public, it is possible that study might uncover risks that result in the requirement to place special safeguards for gTLDs that have conflicts. It is also possible that some new gTLDs may not be eligible for delegation. Are there any Security, Stability or Resiliency issues relating to the DNS?

SAC057 has identified several security risks to the DNS. This study intends to provide a more quantitative view of the problem, and to provide information that would inform future decisions.

2013-05-18-01a-Minutes of 04-11-2013 Board Meeting .docx

A Regular Meeting of the ICANN Board of Directors was held on 11 April 2013 at 6:15 pm local time in Beijing, China. A transcript of the meeting is available at http://beijing46.icann.org/node/37481.

Steve Crocker, Chair, promptly called the meeting to order.

In addition to the Vice Chair the following Directors participated in all or part of the meeting: Sébastien Bachollet, Fadi Chehadé (President and CEO), Bertrand de La Chapelle, Chris Disspain, Bill Graham, Olga Madruga-Forti, Erika Mann, Gonzalo Navarro, Ray Plzak, George Sadowsky, Mike Silber, Bruce Tonkin (Vice Chair), Judith Vazquez and Kuo-Wei Wu

The following Board Liaisons participated in all or part of the meeting: Francisco da Silva (TLG Liaison), Heather Dryden (GAC Liaison), Ram Mohan (SSAC Liaison); Thomas Narten (IETF Liaison); and Suzanne Woolf (RSSAC Liaison).

This is a preliminary report of the approved resolutions resulting from the Special Meeting of the ICANN Board of Directors, which took place on 11 April 2013.

1. Consent Agenda:

The Chair introduced the consent agenda process, noting that it is comprised of matters that the Board is likely to approve unanimously, though any member of the Board can request for something to be moved to the main agenda.

Bruce Tonkin then provided a quick summary of the items on the Board's consent agenda, and the Chair discussed the Thank You resolutions at the end of the consent agenda.

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

Resolved, the following resolutions in this Consent Agenda are approved:

a. Approval of Board Meeting Minutes

Resolved (2013.04.11.01), the Board approves the minutes of the 28 February 2013 Special Meeting of the ICANN Board.

b. RSSAC Bylaws Amendments

Whereas, in Resolution 2011.01.25.10, the Board approved the Root Server System Advisory Committee (RSSAC) review final report implementation steps and instructed the Structural Improvements Committee (SIC), in coordination with staff, to provide the Board with a final implementation plan to address the RSSAC review final recommendations and conclusions.

Whereas, in July and August 2012, a working group of RSSAC and SIC members was formed to draft a revised RSSAC charter in order to meet the requirements of the final RSSAC review recommendations. The RSSAC Charter is set forth within the ICANN Bylaws at Article XI, Section 2.3.

Whereas, on 4 December 2012, the SIC reviewed the proposed Bylaws revisions and recommended that the suggested changes to Article XI, Section 2.3 be posted for public comment. The Board approved the public comment posting on 20 December 2012, and the comment period was opened on 3 January 2013. No comments were received.

Whereas, on 28 March 2013, the SIC recommended that the Board adopt the changes to Article IX, Section 2.3 of the Bylaws.

Resolved (2013.04.11.02), the Board adopts the proposed changes to Article XI, Section 2.3 of the ICANN Bylaws that are necessary to modify the charter for the RSSAC in line with the recommendations arising out of the organizational review of the RSSAC.

Rationale for Resolution 2013.04.11.02

These ICANN Bylaws amendments will clarify the continuing purpose of the Root Server Advisory Committee (RSSAC). They were recommended by the joint RSSAC-SIC Working Group formed to conclude the implementation of the RSSAC review WG final report: implementation steps [PDF, 448 KB], approved by the Board on 25

January 2011. The proposed Bylaws changes were posted for public comment, and no comments were received in response. The absence of public comment indicates that such amendments are desirable for the RSSAC to improve its effectiveness in the current environment. The Bylaws revisions are drafted to allow the RSSAC sufficient time to coordinate the new RSSAC member terms that are required under the Bylaws, with the first full term under the new Bylaws provision beginning on 1 July 2013.

The approval of these Bylaws revisions is an Organizational Administrative Function for which public comment was sought. While the approval of the Bylaws amendments has no budget implications per se, it is expected that the Bylaws revisions will induce RSSAC expenditures. Empowered by the revised Bylaws amendment, the RSSAC will contribute to strengthening the security, stability and resiliency of the DNS.

This is an Organizational Administrative Function for which public comment was received.

c. Hub office in Istanbul, Turkey

Resolved (2013.04.11.03), the President and CEO is authorized to implement either the resolutions relating to a liaison office or the resolutions relating to the branch office, which ever is deemed by the President and CEO to be more appropriate, and to open any bank accounts necessary to support the office in Turkey.

(i)   Whereas, the Internet Corporation for Assigned Names and Numbers, a legal entity duly incorporated and existing under the laws of the State of California and the United States of America, having its principal place of business at 12025 E. Waterfront Drive, Suite 300, Los Angeles, California USA 90094 ("ICANN"), has decided to establish a branch office in Istanbul, Turkey ("Branch Office").

Resolved (2013.04.11.04), David Olive, holding a United States passport numbered [REDACTED], is appointed as the representative of the Branch Office with each and every authority to act individually on behalf of the Branch Office before, including but not limited to, any and all courts, private and public institutions.

(ii)   Whereas, the Internet Corporation for Assigned Names and Numbers, a legal entity duly incorporated and existing under the laws of the State of California and the United States of America, having its principal place of business at 12025 E. Waterfront Drive, Suite 300, Los Angeles, California USA 90094 ("ICANN"), has decided to establish a liaison office in Istanbul, Turkey ("Liaison Office").

Resolved (2013.04.11.05), David Olive, [personal identification information REDACTED], is appointed as the representative of the Liaison Office with each and every authority to act individually on behalf of the Liaison Office before, including but not limited to, any and all courts, private and public institutions.

Rationale for Resolutions 2013.04.11.03 – 2013.04.11.05

ICANN is committed to continuing to expand its global reach and presence in all time zones throughout the globe. One of the key aspects of ICANN's internationalization is to establish offices in Turkey and Singapore. Another key aspect of ICANN's internationalization is to ensure that not all members of ICANN's senior management are located in the Los Angeles office. To that end, one of ICANN's officers, David Olive, has agreed to relocate to Istanbul and to be the designated branch representative.

In order to formally establish an office in Istanbul, ICANN must register to do business in Turkey. The registration to do business in Turkey requires a specific Board resolution establishing the branch and designating the branch representative, which is why the Board has passed this resolution.

Establishing hub office around the globe will be a positive step for the ICANN community as it will provide a broader global reach to all members of the community. There will be a fiscal impact on ICANN, which has been considered in the FY13 budget and will be taken into account when approving the FY14 budget and beyond. This resolution is not intended to have any impact on the security, stability and resiliency of the DNS except that it might provide additional coverage around the globe that could help more quickly address any security, stability or resiliency issues.

This is an Organizational Administrative Function not requiring public comment.

d. Accountability Structures Bylaws Effective Date

Whereas, the Accountability and Transparency Review Team's Recommendations 23 and 25 recommended that ICANN retain independent experts to review ICANN's accountability structures and the historical work performed on those structures.

Whereas, ICANN convened the Accountability Structures Expert Panel (ASEP), comprised of three international experts on issues of corporate governance, accountability and international dispute resolution, which after research and review of ICANN's Reconsideration and Independent Review processes and multiple opportunities for public input, produced a report in October 2012.

Whereas, the ASEP report was posted for public comment, along with proposed Bylaws revisions to address the recommendations within the report.

Whereas, after ASEP and Board review and consideration of the public comment received, on 20 December 2012 the Board approved Bylaws revision to give effect to the ASEP's recommendations, and directed

additional implementation work to be followed by a staff recommendation for the effective date if the revised Bylaws.

Whereas, as contemplated within the Board resolution, and as reflected in public comment, further minor revisions are needed to the Bylaws to provide flexibility in the composition of a standing panel for the Independent Review process (IRP).

Resolved (2013.04.11.06), the Bylaws revisions to Article IV, Section 2 (Reconsideration) and Article IV, Section 3 (Independent Review) as approved by the Board and subject to a minor amendment to address public comments regarding the composition of a standing panel for the IRP, shall be effective on 11 April 2013.

Rationale for Resolution 2013.04.11.06

The Board's action in accepting the report of the Accountability Structures Expert Panel (ASEP) and approving the attendant Bylaws revisions is in furtherance of the Board's commitment to act on the recommendations of the Accountability and Transparency Review Team (ATRT). The ASEP's work was called for in ATRT Recommendations 23 and 25, and the work performed, including a review of the recommendations from the President's Strategy Committee's work on Improving Institutional Confidence, is directly aligned with the ATRT requested review.

The adoption of the ASEP's work represents a great stride in ICANN's commitment to accountability to its community. The revised mechanisms adopted today will bring easier access to the Reconsideration and Independent Review processes through the implementation of forms, the institution of defined terms to eliminate vagueness, and the ability to bring collective requests. A new ground for Reconsideration is being added, which will enhance the ability for the community to seek to hold the Board accountable for its decisions. The revisions are geared towards instituting more predictability into the processes, and certainty in ICANN's decision making, while at the same time making it clearer when a decision is

capable of being reviewed. The Bylaws as further revised also address a potential area of concern raised by the community during the public comments on this issue, regarding the ability for ICANN to maintain a standing panel for the Independent Review proceedings. If a standing panel cannot be comprised, or cannot remain comprised, the Bylaws now allow for Independent Review proceedings to go forward with individually selected panelists.

The adoption of these recommendations will have a fiscal impact on ICANN, in that there are anticipated costs associated with maintaining a Chair of the standing panel for the Independent Review process and potential costs to retain other members of the panel. However, the recommendations are expected to result in less costly and time-consuming proceedings, which will be positive for ICANN, the community, and those seeking review under these accountability structures. The outcomes of this work are expected to have positive impacts on ICANN and the community in enhanced availability of accountability mechanisms. This decision is not expected to have any impact on the security, stability or resiliency of the DNS.

This is an Organizational Administrative Function of the Board for which the Board received public comment.

e. .CAT Cross-Ownership Removal Request

Whereas, in December 2012, the Fundació puntCAT requested the removal of the cross-ownership restrictions reflected on the 23 September 2005 Registry Agreement signed between ICANN and Fundació puntCAT.

Whereas, the request followed the "Process for Handling Requests for Removal of Cross-Ownership Restrictions on Operators of Existing gTLDs" adopted by the Board on 18 October 2012.

Whereas, ICANN conducted a competition review in accordance to the Board-approved process and has determined that the request does not raise significant competition issues.

Whereas, a public comment period took place between 22 December 2012 and 11 February 2013 and only one comment was received, which was in support of Fundació puntCAT's request.

Resolved (2013.04.11.07), an amendment to remove the cross-ownership restriction in the Fundació puntCAT 23 September 2005 Registry Agreement is approved, and the President and CEO and the General Counsel are authorized to take such actions as appropriate to implement the amendment.

Rationale for Resolution 2013.04.11.07

Why the Board is addressing the issue?

The cross-ownership removal for existing registries has been subject to extensive discussions by the board and the community. This is the first time an existing registry has made the request according the Board-approved process adopted 18 October 2012. However, the Board is likely to see additional requests in the further.   Under the Board process adopted in October 2012, to lift cross-ownership restrictions existing gTLD registry operators could either request an amendment to their existing Registry Agreement or request transition to the new form of Registry Agreement for new gTLDs. Although Fundació puntCAT requested an amendment to its Registry Agreement, it still will be offered the opportunity to transition to the new form of Registry Agreement for the new gTLDs. Removal of the cross-ownership restrictions for .BIZ, .INFO and .ORG are being considered as part of their overall renewal negotiations. ICANN is also in preliminary discussions with .MOBI and .PRO on removal of the cross-ownership restrictions.

What is the proposal being considered?

An amendment to the 23 September 2005 Registry Agreement signed between ICANN and Fundació puntCAT.

Which stakeholders or others were consulted?

A public comment period took place between 22 December 2012 and 11 February 2013.

What concerns or issues were raised by the community?

Only one comment was received during the public comment period. The comment was in favor of the Fundació puntCAT request.

What factors did the Board find to be significant?

ICANN conducted a competition review in accordance to with the Board-approved process for handling requests of removal of cross-ownership restrictions in Registry Agreements. ICANN has determined that the request does not raise significant competition issues.

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

There is no fiscal impact to ICANN.

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

There are no security, stability and resiliency issues identified.

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 request followed the "Process for Handling Requests for Removal of Cross-Ownership Restrictions on Operators of Existing gTLDs" adopted by the Board on 18 October 2012.

This is an Organizational Administrative Function for which public comment was received.

f. Confirm Process Followed Regarding Redelegation of the .GA domain representing Gabon

Resolved (2013.04.11.08), ICANN has reviewed and evaluated the request, and the documentation demonstrates the process was followed and the redelegation is in the interests of the local and global Internet communities.

Rationale for Resolution 2013.04.11.08

As part of the IANA Functions, ICANN receives request to delegate and redelegate country-code top-level domains. ICANN Staff has reviewed and evaluated a redelegation request for this domain and has provided a report to the ICANN Board that proper procedures were followed in that evaluation. The Board's oversight of the process helps ensure ICANN is properly executing its responsibilities relating to the stable and secure operation of critical unique identifier systems on the Internet and pursuant to the IANA Functions Contract.

Ensuring that the process is followed adds to the accountability of ICANN. This action will have no fiscal impact on ICANN or the community, and will have a positive impact on the security, stability and resiliency of the domain name system.

This is an Organizational Administrative Function not requiring public comment.

g. Change to Public Participation Committee Name

Whereas, Article XII of the Bylaws provides that the "Board may establish one or more committees of the Board, which shall continue to exist until otherwise determined by the Board".

Whereas, on 7 November 2008, the Board established a committee named the Public Participation Committee pursuant to its authority under Article XII of the Bylaws.

Whereas, the Public Participation Committee now desires to change its name to the "Public and Stakeholder Engagement Committee," which will be consistent with the new Stakeholder Engagement focus that ICANN has adopted.

Whereas, the Board Governance Committee has recommended that the Board approve this committee name change.

Resolved (2013.04.11.09), the Board approves the name change of the Public Participation Committee to the Public and Stakeholder Engagement Committee.

Rationale for Resolution 2013.04.11.09

The proposed name change is consistent with the manner in which ICANN is now focusing on Stakeholder Engagement on a global basis. This resolution seeks only a name change of the Committee, and not a change in the structure or scope of the Committee. As the Board Governance Committee ("BGC") intends to conduct a full review of the structure and scope of all committees later this year the current resolution seeks only a name change for the PPC.

Taking this action will positively impact the ICANN community by ensuring that the committee's name adequately reflects the global outreach and engagement with under which ICANN is operating and the committee is overseeing. This resolution will not have any fiscal impact on ICANN or the community. This action will not have any

impact on the security, stability and resiliency of the domain name system.

This is an Organizational Administrative Function not requiring public comment.

h. SO/AC Fast-Track Budget Request

Whereas, a working group on budget improvements, which include ICANN staff and Community members identified the need for an earlier decision on the funding of specific requests from the ICANN Community which required funding at the beginning of the fiscal year.

Whereas, an SO/AC Additional Budget Requests Fast-Track Process was developed in response to the working groups suggestion; the process was meant to facilitate the collection, review and submission of budget requests to the Board Finance Committee and the Board for consideration.

Whereas, timely requests were submitted by the ICANN Community, and were reviewed by a panel of staff members representing the Policy, Stakeholder Engagement and Finance personnel.

Whereas, the review panel recommended 12 fast track budget requests representing $279,000 requests for approval.
Whereas the Board Finance Committee met on 5 April 2013, reviewed the process followed and the staff's recommendations, and has recommend that the Board approve the staff's recommendation.

Resolved (2013.04.11.10), the Board approves the inclusion in ICANN's Fiscal Year 2014 budget an amount for funds relating to 12 requests identified by the Community as part of the SO/AC Additional Budget Requests Fast-Track Process.

Rationale for Resolution 2013.04.11.10

The SO/AC Additional Budget Requests Fast-Track Process leading to budget approval earlier than usual is a reasonable accommodation for activities that begin near the beginning of FY14. This slight augmentation to ICANN's established budget approval process and timeline helps facilitate the work of the ICANN Community and of the ICANN Staff, and does not create additional expenses. The amount of the committed expenses resulting from this resolution is considered sufficiently small so as not to require resources to be specifically identified and separately approved.

There is no anticipated impact from this decision on the security, stability and resiliency of the domain name system as a result of this decision.

This is an Organizational Administrative Function for which ICANN received community input.

i. Thank You Resolutions – Departing Community Members

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

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

Whereas, the following member of the Commercial and Business Users Constituency (BC) of the Generic Names Supporting Organization (GNSO) is leaving her position when her term ends:

Marilyn Cade

Resolved (2013.04.11.11), Marilyn Cade has earned the deep appreciation of the Board for her term of service, and the Board wishes her well in future endeavors.

Whereas, the following members of the Country Code Names Supporting Organization (ccNSO) Council are leaving their positions when their terms end:

Fernando Espana, .us
Paulos Nyirenda, .mw
Rolando Toledo, .pe

Resolved (2013.04.11.12), Fernando Espana, Paulos Nyirenda and Rolando Toledo have earned the deep appreciation of the Board for their terms of service, and the Board wishes them well in their future endeavors.

j. Thank You to Sponsors of ICANN 46 Meeting

The Board wishes to thank the following sponsors:

Verisign, Inc., Afilias Limited, .ORG, The Public Interest Registry, HiChina Zchicheng Technology Limited, .PW Registry, Community.Asia, Iron Mountain, Zodiac Holding Limited, Minds + Machines, Neustar Inc., KNET Co., Ltd., Deloitte Bedrijfsrevisoren BV ovve CVBA, JSC Regional Network Information Center (RU-CENTER), UniForum SA T/A ZA Central Registry, CORE Internet Council of Registrars, Symantec, APNIC Pty Ltd, NCC Group, APTLD (Asia Pacific Top Level Domain Association), Freedom Registry B.V., Uniregistry Corp., Afnic, ICANN WIKI and our local sponsors CNNIC, CONAC and Internet Society of China.

k. Thank You to Scribes, Interpreters, Staff, Event and Hotel Teams of ICANN 46 Meeting

The Board expresses its appreciation to the scribes, interpreters, technical teams, and the entire ICANN staff for their efforts in facilitating the smooth operation of the meeting. Board would also like to thank the management and staff of the Beijing International Hotel for the wonderful facility to hold this event. Special thanks are given to Li Yun, Senior Sales Manager, Beijing International Hotel and Nick Yang, Manager of Convention Services, Beijing International Hotel.

l. Thank You to Local Hosts of ICANN 46 Meeting

Local Hosts of Beijing Meeting The Board wishes to extend its thanks to the local host organizer, Mr. Bing SHANG, Minister of Ministry of Industry and Information Technology; Ms. Xia HAN, Director of the Telecommunications Regulation Bureau of MIIT; Mr. Er-Wei SHI, Vice President of Chinese Academy of Sciences; Mr. Tieniu TAN, Vice Secretary General of Chinese Academy of Sciences; Mr. Xiangyang HUANG, Director of CNNIC; Mr. Xiaodong Lee, Chief Executive Officer of CNNIC; Mr. Feng WANG, Vice Minister of State Commission Office for Public Sector Reform; Mr. Ning, FU Chairman of CONAC Board; Mr. Ran ZUO, Vice Chairman of CONAC Board; Mr. Qing SONG, CEO of CONAC; Ms. Qiheng HU, President of Internet Society of China; Mr. Xinmin GAO, Vice President of Internet Society of China; Mr. Wei LU, Secretary General of Internet Society of China.

All members of the Board voted in favor of Resolutions 2013.04.11.01, 2013.04.11.02, 2013.04.11.03, 2013.04.11.04, 2013.04.11.05, 2013.04.11.06, 2013.04.11.07, 2013.04.11.08, 2013.04.11.09, 2013.04.11.10, 2013.04.11.11 and 2013.04.11.12. The Resolutions carried.

2. Main Agenda:

a. IDN Variant TLD Root LGR Procedure and User Experience Study Recommendations

Ram Mohan introduced the topic, noting that ICANN has been doing focused work in the IDN area and in engaging with the community to make

sure IDNs can be delegated at the top level. The issue of variants has arisen, and a set of projects were developed to address the variant issues. Ram then read the text of the resolution, and Ray Plzak seconded the motion. The Board then took the following action:

> Whereas, IDNs have been a Board priority for several years to enable Internet users to access domain names in their own language, and the Board recognizes that IDN variants are an important component for some IDN TLD strings;

> Whereas, the Board previously resolved that IDN variant gTLDs and IDN variant ccTLDs will not be delegated until relevant work is completed;

> Whereas, since December 2010 ICANN has been working to find solutions to ensure a secure and stable delegation of IDN variant TLDs, and the IDN Variant TLD Program benefited from significant community participation in developing the Procedure to Develop and Maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels and the Report on User Experience Implications of Active Variant TLDs.

> Resolved (2013.04.11.13), the Board directs staff to implement the Procedure to Develop and Maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels, including updating the gTLD Applicant Guidebook and IDN ccTLD Process to incorporate the Label Generation Rules for the Root Zone in Respect of IDNA Labels in the respective evaluation processes.

> Resolved (2013.04.11.14), the Board requests that, by 1 July 2013, interested Supporting Organizations and Advisory Committees provide staff with any input and guidance they may have to be factored into implementation of the Recommendations from the Report on User Experience Implications of Active Variant TLDs.

All members of the Board voted in favor of Resolutions 2013.04.11.13 and 2013.04.11.14. The Resolutions carried.

After the vote, Ram clarified that this is still a complex topic, and while some IDN variants may eventually get delegated, others will not. This resolution is not a carte blanche that all will be delegated. There are a specific set of criteria that have to be developed, and recommendations from the user experience project that have to be weighed and analyzed.

The Chair thanked Ram for his cautionary statement.

Rationale for Resolutions 2013.04.11.13 – 2013.04.11.14

Why the Board is addressing the issue now?

IDN variant TLDs have been a subject of interest for several years to a number of IDN users. The IDN Variant TLD Program has been working with subject matter experts in the community to develop solutions to enable a secure and stable delegation of IDN variant TLDs. The Program has concluded the work on two key components of the solution: the Procedure to Develop and Maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels and the Report on User Experience Implications of Active Variant TLDs, hereinafter referred to as the Procedure. The Procedure is now ready for consideration for adoption as the mechanism, between other things, to evaluate potential IDN TLD strings and to identify their variants (if any). The recommendations from Report on User Experience Implications of Active Variant TLDs are now ready to be implemented with any input and guidance that interested Supporting Organizations and Advisory Committees may have.

What is the proposal being considered?

The Procedure describes how to populate and maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels, which is expected to become a key component in processing IDN TLD applications. The Procedure requires participation from the relevant communities as a central component. The Procedure includes

safeguards to ensure maximum community participation of a given linguistic community and avoid dominance of a single interested party, and requires technical experts involvement to ensure technical and linguistic accuracy on the contents of the Rules. The Report on User Experience Implications of Active Variant TLDs includes a series of recommendations to enable a good user experience with IDN variant TLDs.

What Stakeholders or others were consulted?

The development of the Procedure and the Report included full participation of several members from the community. Both documents also went through two public comment processes and a number of public presentations where feedback was gathered.

What concerns or issues were raised by the community?

There were concerns raised about the idea that variants in general are inappropriate in the root zone, though, allowing that some specific case might be acceptable. There were also concerns about conflict resolution and governance of the Procedure. However, by having a requirement of consensus within and between panels the conflict resolution issue would seem to be mitigated. In regard to the governance of the Procedure, it is foreseen that having the integration panel under contract with ICANN will allow removing a panelist that could be behaving in a non-constructive manner. Concerns were also raised that the issues raised in the Report may frighten readers away from supporting variants and the Report does not highlight the risks (problems and security issues) if variants are not supported or activated. However, in order to ensure a secure, stable and acceptable experience, these issues need to be called out for the respective parties to work on. The need for variants is well articulated by the individual issues reports, so that issue outside the scope of the current study.

What significant materials did Board review?

A Board paper and Reference Materials detailing the proposal, the Procedure to Develop and Maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels, and the Report on User Experience Implications of Active Variant TLDs.

What factors the Board found to be significant?

The Board found that the Label Generation Rules for the Root Zone in Respect of IDNA Labels will improve the current process to evaluate IDN strings by using a pre-approved, deterministic process to define which code points are allowed in the root. The Board also found significant that the rules are a key component to consistently identify the variants of applied-for IDN strings. The Procedure has the participation of the relevant communities as a core feature. In addition, the Recommendations aim to enable a good user experience in regards to IDN variant TLDs.

Are there Positive or Negative Community Impacts?

Adopting the Procedure and consequently the Label Generation Rules for the Root Zone in Respect of IDNA Labels will benefit future TLD applicants by enabling future applicants to check whether the string they are intending to apply for is allowed. The Rules will also allow the deterministic identification of IDN variants for the applied-for strings. Implementing the Recommendations will enable a good user experience with IDN variant TLDs.

Are there fiscal impacts/ramifications on ICANN (Strategic Plan, Operating Plan, Budget); the community; and/or the public?

No fiscal impacts/ramifications on ICANN are foreseen by adopting this resolution.

Are there any Security, Stability or Resiliency issues relating to the DNS?

The adoption of the Rules and the implementation of the Recommendations is expected to have a positive impact on the Security of the DNS by having a technically sound process with multiple checkpoints, including public review, of the code points and their variants (if any) that will be allowed in the root zone and the deployment of measures avoid user confusion regarding IDN variant TLDs.

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 not requiring public comment.

b. PIA-CC Application to Form New Constituency

Ray Plzak introduced the topic, noting that in June 2011, the Board adopted a process to meet the Board's responsibility for the recognition of new constituencies in the GNSO. That process includes eligibility criteria, encourages collaboration, and puts the decision in the first instance in the hands of the community groups that are in the best position to evaluate.

The Board's decision today is taken in line with that process. It is without prejudice to the applicant's ability to pursue participation in other venues or submit a new application. In addition, the community will have to be aware that with the introduction of the New gTLD Program, there could be more applications coming, and these could have an impact on ICANN's processes and structures. Ray then read the text of the resolution, and Mike Silber seconded the resolution.

The Chair called for discussion.

Ray confirmed that the conversation regarding this particular applicant is continuing, regarding their options for future participation.

The Chair noted that the role of the Board in this instance is to oversee the process by which the Noncommercial Stakeholder Group took a decision on this application. The underlying question here is whether the proposed constituency really a noncommercial group or a commercial group? That the constituency is coming from cybercafé owners calls into question the noncommercial nature of the group. The Board's decision, however, is not to discourage applications for new constituencies.

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

> Whereas, the ICANN Board wants to encourage participation by a broad spectrum of existing and potential community groupings in ICANN processes and activities.
>
> Whereas, the ICANN Board has established a Process for the Recognition of New GNSO Constituencies that includes objective eligibility criteria, encourages collaboration and puts the decisions regarding applications, in the first instance, in the hands of the communities to be directly impacted by the potential new Constituency.
>
> Whereas, the Cybercafé Association of India (CCAOI), submitted an application for formal recognition of a new GNSO Constituency called the "Public Internet Access/Cybercafé Ecosystem (PIA/CC)" within the GNSO's Non-Commercial Stakeholder Group (NCSG).
>
> Whereas, ICANN staff managed a 68-day Public Comment Forum for community review and reaction to the PIA/CC proposal.
>
> Whereas, the NCSG Leadership and ICANN staff engaged in collaborative consultation and dialogue with the PIA/CC proponents.
>
> Whereas the NCSG Leadership and ICANN staff have followed the process and the NCSG has advised the Structural Improvements Committee of the Board of its determination to deny the application

because the application does not meet the criteria established by the Board.

Resolved (2013.04.11.15) the decision of the NCSG to deny the PIA/CC application is ratified with the understanding that the decision is without prejudice and the Constituency proponents have the right to re-submit a new application.

Resolved (2013.04.11.16) the President and CEO is directed to continue collaborative discussions with the PIA/CC proponents to further investigate and consider other options for community engagement within the ICANN community and its processes.

All members of the Board voted in favor of Resolutions 2013.04.11.15 and 2013.04.11.16. The Resolutions carried.

Rationale for Resolutions 2013.04.11.15 – 2013.04.11.16

The process for the recognition of new GNSO Constituencies was designed to provide specific and objective application criteria and to place decisions on the recognition of new GNSO Constituencies, in the first instance, in the hands of the community groups in the best position to evaluate those applications. In the present case, the process was followed and the NCSG has made its determination.

It is important to note that Board ratification of the NCSG decision to reject the PIA/CC application is without prejudice to the right of the proponents to resubmit a new application. The Board hopes that further discussions with the PIA/CC proponents can result in a course of action that will allow PIA/CC interests to be effectively incorporated into ICANN's activities and processes.

This action will have no immediate or substantial impact on ICANN's resources. This action is not expected to have any impact on the security, stability or resiliency of the DNS.

This action is an Organizational Administrative Function for which public comment was received.

c. Any Other Business

Bertrand de La Chapelle raised the issue of the working methods of the organization, as highlighted in the recent comment period on "closed" generic/exclusive use TLDs, and noted the good collection of perspectives that have been raised. Bertrand stated that this has been an illustration of the value of the public comment periods and the capacity of bringing the different perspectives, including of the actors who have a stake in a particular issue, around the table.

Bertrand continued that one of the challenges is that public comment period is mostly a parallel track, and not really a discussion among the different actors that may allow the participants to bridge a little bit more the different positions. This is an issue for another debate on the evolution of the working methods of the organization. That being said, there is a timeline that is present there.

Bertrand stated that he is waiting with great anticipation for the summary of the staff, which is an element that would be taken into account. And there is a correlation also with the suggestion that has been made following the release of the GAC advice, which among other issues is addressing this exclusive use of TLDs. There is a significant amount of information that will have to be digested by the New gTLD Program Committee.

Bruce Tonkin raised the issue of ICANN's accountability mechanisms to clarify that the reconsideration process does not actually allow for a full-scale review of a new gTLD application. The Independent Review Process is for areas where there are alleged breaches by the Board of ICANN's Articles of Incorporation or Bylaws. The ICANN Ombudsman has a broader remit, to provide an evaluation of complaints that the ICANN Board, staff or a constituent body has treated the complainant unfairly. Bruce encouraged the community to use the Ombudsman where they have complaints of potential unfairness.

The Chair noted the privilege that it is to serve as the Chair of the Board, and noted the amount of work the Board does, through committees and working groups, which is in addition to all of the broader community participation in the ICANN structure that feed into ICANN's work. The Chair acknowledged all of the work that occurs within the supporting organizations, advisory committees, constituencies, stakeholder groups, working groups and more. The Chair recognized the work of the President and CEO in leading the staff, and the amount of depth that has been introduced into the organization. The Chair thanked the community for the hard work at the meeting and called the meeting to a close.