

2011-01-25 NoticeBDMtg

Directors and Liaisons,

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

25 January 2011 - Special Meeting of the ICANN Board of Directors --
at 20:00 UTC – This Board meeting is estimated to last 3 hours.

Some other time zones:

25 January 2011 – 12 Noon PST Los Angeles

25 January 2011 – 9:00 PM CEST Brussels

25 January 2011 – 3:00 PM EST Washington, D.C.

26 January 2011 – 9:00 AM Wellington

<http://www.timeanddate.com/worldclock/fixetime.html?month=1&day=25&year=2011&hour=20&min=0&sec=0&p1=0>

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

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

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

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

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

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

John Jeffrey

General Counsel & Secretary, ICANN

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+1.310.301.5834 direct

Personal Information
Redacted

CALL INFORMATION:

Passcodes/Pin codes:

Contact Information Redacted

Contact Information Redacted

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

Dial-Out / Speaker List:

PARTICIPANT

PHONE1

PHONE2

COMMENTS

Contact Information Redacted

Resolutions-13-Jan-2011-Agenda-25 January 2011 ICANN Board Meeting

Draft Agenda – 25 January 2011 ICANN Board Meeting
Expected duration; 3 hours

1. Executive Session of the Board

- a. Without CEO – 15 mins
- b. With CEO – 15 mins

Five Minute Break for Staff & Scribes to Join the Call

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

2. Consent Agenda

RESOLVED, the following resolutions in this Consent Agenda are hereby approved:

- a. Approval of Minutes of 8 December 2010 ICANN Special Board Meeting

RESOLVED (2011.01.25.xx) the Board hereby approves the minutes of the 8 December 2010 ICANN Special Board Meeting.

- b. Approval of Minutes of 10 December 2010 ICANN Regular Board Meeting

RESOLVED (2011.01.25.xx) the Board hereby approves the minutes of the 10 December 2010 ICANN Regular Board Meeting.

- c. Approval of Minutes of 10 December 2010 ICANN Organizational Board Meeting

RESOLVED (2011.01.25.xx) the Board hereby approves the minutes of the 10 December 2010 ICANN Organizational Board Meeting.

- d. Approval of Revised Charter of the Finance Committee (Board Submission 2011-01-25-01)

Whereas, the Board Finance Committee (BFC) is currently operating under a Charter approved in 2000, available at <http://www.icann.org/en/committees/finance/>.

Whereas, as part of the BFC's obligation to review its operations and make appropriate recommendations for updates or enhancements, on 5 December 2010 the BFC approved a Revised Charter that better reflects

the BFC's current operations. The Revised Charter also incorporates, unchanged, the standard language for Board Committee Charters as previously approved by the Board Governance Committee. See <http://www.icann.org/en/minutes/resolutions-06mar09.htm#10>.

RESOLVED (2011.01.25.xx), *the Revised Charter of the Board Finance Committee is approved.*

- e. Approval of Proposed Bylaws Amendments Changing Term Ending Dates for Supporting Organization and At-Large Selected Board Members (Board Submission 2011-01-25-02)

Whereas, the Bylaws currently require that all incoming members of the ICANN Board of Directors not selected by the Nominating Committee (NomCom) are seated on the Board six months after the prior year's Annual General Meeting (AGM).

Whereas, six months after the prior year's AGM typically occurs in between ICANN's International Public Meetings ("Meeting").

Whereas, the Board Review Working Group (BRWG) recommended that the seating of Board members not appointed by NomCom occur at a mid-year Meeting to facilitate the smooth transition of Board members.

Whereas, the Board Governance Committee ("BGC") considered this issue, agreed with the rationale of the BRWG, but recognized that a mid-year Meeting may not always occur; the BGC thus recommended modifications to the BRWG recommendation to allow for seating of incoming directors without delay.

Whereas, proposed Bylaws amendments to reflect the BRWG recommendations were posted for public comment for two months (8 November 2010 through 8 January 2011) at <http://www.icann.org/en/public-comment/#bylaws-amend-article-vi82010>.

Whereas, just one public comment, supporting the proposed amendments, was received during the public comment period.

RESOLVED (2011.01.25.xx), *the Board approves the proposed Bylaws amendments necessary to facilitate a change in transition of Board members selected by the Supporting Organizations or At-Large community.*

- f. From SSAC –Appointment of SSAC Chair (Board Submission 2011-01-25-03)

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

Whereas, Article XI, Section 2, Subsection 2 of the Bylaws states that the Board shall appoint the Chair and the members of the SSAC.

Whereas, on 10 December 2010 Steve Crocker announced his intention to resign as Chair of the SSAC upon the selection by the SSAC of a new Chair and appointment by the Board.

Whereas, on 22 December 2010 Ray Plzak resigned as Vice Chair of the SSAC.

Whereas, the SSAC initiated an election for Chair and Vice Chair from the members of the Committee beginning 10 December 2010 and ending 07 January 2011.

Whereas, the Committee elected Patrik Fältström as Chair and James Galvin as Vice Chair.

RESOLVED (2011.01.25.xx) *the Board accepts the recommendation of the SSAC and appoints as Chair of the SSAC and extends its best wishes to Patrik Fältström and to James Galvin in their important new roles.*

- g. From SSAC – Thank you to departing SSAC Member - Christophe Reverd (Board Submission 2011-01-25-04)

Whereas, Christophe Reverd was appointed to the ICANN Security and Stability Advisory Committee on 26 June 2009.

Whereas, ICANN wishes to acknowledge and thank Christophe Reverd for his service to the community by his membership on the Security and Stability Advisory Committee.

RESOLVED (2011.01.25.xx), *that Christophe Reverd has earned the deep appreciation of the Board for his service to ICANN by his membership on the Security and Stability Advisory Committee, and that the Board wishes Christophe Reverd well in all future endeavours.*

- h. From SSAC – Thank you to departing SSAC Member & Vice-Chair – Ray Plzak (Board Submission 2011-01-25-05)

Whereas, Ray Plzak was appointed to the ICANN Security and Stability Advisory Committee on 17 May 2002.

Whereas, ICANN wishes to acknowledge and thank Ray Plzak for his service to the community as Vice Chair and member of the Security and Stability Advisory Committee.

RESOLVED (2011.01.25.xx) that Ray Plzak has earned the deep appreciation of the Board for his service to ICANN as Vice Chair and member of the Security and Stability Advisory Committee, and that the Board wishes Ray Plzak well in all future endeavours.

- i. From SSAC – Thank you to departing SSAC Chair – Steve Crocker (Board Submission 2011-01-25-06)

Whereas, Dr. Stephen Crocker was appointed as Chair of the ICANN Security and Stability Advisory Committee on 14 March 2002.

Whereas, Dr. Crocker has served with consummate skill and dedication as the Chair of the SSAC.

Whereas, Dr. Crocker brought structure and substance to the operation of the SSAC, and led the Committee through major landmark events such as SiteFinder and Root Scaling.

Whereas, Dr. Crocker expanded the membership of SSAC to include subject matter experts on a broad range of topics, simultaneously increasing the Committee's geographic diversity and depth of Staff support.

Whereas, Dr. Crocker guided the SSAC through its first comprehensive external review, and ensured the implementation of all recommendations in a timely manner.

Whereas, Steve Crocker transformed the Security and Stability Advisory Committee from a concept to excellence in execution, resulting in enhanced credibility to the Committee in specific and to ICANN in general.

Whereas, on 10 December 2010 Dr. Crocker announced his intention to resign as Chair of the SSAC upon the selection by the SSAC of a new Chair and appointment by the Board.

Whereas, the SSAC initiated an election for Chair and Vice Chair from the members of the Committee beginning 10 December 2010 and ending 07 January 2011.

Whereas, the Committee elected as Chair and James Galvin as Vice Chair.

Whereas, on 25 January 2011 the Board appointed as the new Chair of the SSAC.

RESOLVED (2011.01.25.xx), that Dr. Crocker has earned the tremendous gratitude and deep appreciation of the Board for his tireless service and dedication to ICANN as Chair of the Security and Stability Advisory Committee, and that the Board wishes Dr. Crocker well in all future endeavours.

- j. Approval to Track Global Policy Process for IPv4 Post-Exhaustion (Board Submission 2011-01-25-07)

Whereas, the Board's Review Procedures for Global Internet Number Resource Policies Forwarded for Ratification by the ASO Address Council in Accordance with the ASO MoU, states that "When, in accordance with step 1 in the Global Policy Development Process of the ASO MoU (Attachment A, article 1), ICANN staff liaising with the addressing community becomes aware of a global policy development within the scope of the ASO MoU, ICANN staff informs the ICANN Board of this development. The Board decides, as and when appropriate, that this development should be followed by ICANN staff and instructs the ICANN CEO to assign staff for this purpose. ICANN staff so assigned shall inform all ICANN Supporting Organizations and Advisory Committees, shall establish an ICANN web page to be kept up to date and shall compile a background report to be kept up to date on this global policy development. This background report shall be provided to the Board as requested."

Whereas, ICANN staff has informed the Board that a policy proposal entitled "Global Policy Proposal for the Allocation of IPv4 by the IANA post exhaustion" is in development and that this Proposal has entered the first adoption steps within the individual RIRs as well as being recognized by the ASO Address Council as a valid Global Policy Proposal. Whereas, the Proposal is identified as a global policy development within the scope of the Memorandum of Understanding between ICANN and the ASO.

RESOLVED (2011.01.25.XX), the Board requests that the development of the policy proposal entitled "Global Policy Proposal for the Allocation of IPv4 by the IANA post exhaustion" be followed by ICANN staff in line with the Board's Review Procedures for such policy proposals and instructs the ICANN CEO to assign staff for this purpose.

- k. Approval of RSSAC Review Implementation Plan (Board Submission 2011-01-25-08)

Whereas, on 5 August 2010, the Board resolved to receive the Final Report of the RSSAC review Working Group, and directed the Structural Improvements Committee (SIC) to "to present a set of suggested actions for approval at the October 2010 Board meeting, so as to address the

conclusions and recommendations formulated in the final report of this Working Group”, at <http://icann.org/en/minutes/resolutions-05aug10-en.htm#2.f>.

Whereas, ICANN staff members supporting the organizational reviews identified a set of measures in a document “RSSAC review WG final report: implementation steps”, dated December 2010, to address the recommendations arising out of the Working Group and provided those to the SIC.

Whereas, the SIC finds the proposed measures are adequate and proposes to have staff, working in coordination with the SIC, to finalize an implementation plan based upon the implementation steps identified, and to provide a final implementation plan to the Board for receipt and consideration.

RESOLVED (2011.01.25.xx), the Board approves the “RSSAC review WG final report: implementation steps” put forward by the SIC and instructs the SIC, in coordination with staff, to provide the Board with a final implementation plan to address the conclusions and recommendations in the final reports of the RSSAC review Working Group.

- l. Approval of Proposed Bylaws Amendment to Create a Non-Voting Chair-Elect to the Nominating Committee (Board Submission 2011-01-25-09)*

Whereas, Article VII, Section 2 and 3 of the Bylaws govern the composition of the Nominating Committee (NomCom) and the terms of the NomCom members.

Whereas, in its final report published 29 January 2010 <http://www.icann.org/en/reviews/nomcom/nomcom-review-finalization-wg-final-report-29jan10-en.pdf>, the NomCom Review Finalization Working Group recommended that the Chair of the NomCom be elected one year in advance, requiring changes to the ICANN Bylaws in Article VII, Section 2 and 3 at <http://icann.org/en/general/bylaws.htm#VII>.

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

Whereas, the SIC, at its 14 October 2010 meeting, recommended that the Bylaws should be amended to achieve the recommendation of the

NomCom Review Finalization Working Group by electing the NomCom Chair one year in advance, while also highlighting that the related Bylaws amendments must incorporate appropriate flexibility for the Board.

Whereas, the Board, at its 28 October 2010 meeting, resolved that the proposed Bylaws amendments should be posted for public comments.

Whereas, the proposed Bylaws amendments, see <http://icann.org/en/general/proposed-bylaws-revision-vii-10nov10-en.pdf>, were posted for public comments from 10 November to 10 December 2010 and this period elapsed without any comments being received.

*It is hereby **RESOLVED** (2011.01.25.xx), that the Board approves the proposed Bylaws amendments and directs staff to work with the Structural Improvements Committee to prepare for implementation of the new provisions to be effective for the 2013 Nominating Committee.*

- m. Approval of Telnice RSEP request for release of numeric-only strings except for single-character labels (Board Submission 2011-01-25-10)

Whereas, Telnice submitted a Request pursuant to ICANN's Registry Services Evaluation Policy to amend the .TEL Registry Agreement to allow the allocation of numeric-only (excluding single-digit) domain names in .TEL.

Whereas, .TEL is one of the only two gTLDs currently not allowed to allocate numeric-only domain names.

Whereas, ICANN evaluated the proposed amendment to the .TEL Registry Agreement as a new registry service pursuant to the Registry Services Evaluation Policy, did not identify any security, stability or competition issues, and posted an amendment for public comment and Board consideration (see <http://icann.org/en/announcements/announcement-14oct10-en.htm>). Whereas, the potential issues cited during the public comment period and by ICANN were adequately addressed by Telnice's responses.

Whereas, approving the proposal would augment the options available to registrants for registering names in .TEL.

*It is hereby **RESOLVED** (2011.01.25.__) that the amendment to allow allocation of numeric-only (excluding single-digit) domain names in .TEL is approved, and the President and General Counsel are authorized to take such actions as appropriate to implement the amendment.*

- n. Approval of VeriSign RSEP request (for .NAME) for release of numeric-only strings and numeric strings with hyphens (Board Submission 2011-01-25-11)

Resolution Not Considered

- o. Thanks to the 2010 Nominating Committee (Board Submission 2011-01-25-12)

Whereas, on 27 August 2009, ICANN appointed Wolfgang Kleinwächter as Chair of the Nominating Committee.

Whereas, the 2010 Nominating Committee consisted of delegates from each of ICANN's constituencies and advisory bodies.

RESOLVED (2011.01.25.xx), *the ICANN Board expresses its deep appreciation to Wolfgang Kleinwächter and all of the members of the 2010 Nominating Committee for their dedication, hard work, and successful efforts.*

- p. Approval of Redelelegation of the .BF domain representing Burkina Faso (Board Submission 2011-01-25-13)

Whereas, BF is the ISO 3166-1 two-letter country-code designated for Burkina Faso.

Whereas, ICANN has received a request for redelegation of .BF to the Autorité de Régulation des Communications Electroniques;

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

*It is hereby **RESOLVED** (2011.01.25.xx), that the proposed redelegation of the .BF domain to the Autorité de Régulation des Communications Electroniques is approved.*

- q. Approval of Redelegation of the .CD domain representing the Democratic Republic of Congo (Board Submission 2011-01-25-14)

Whereas, CD is the ISO 3166-1 two-letter country-code designated for the Democratic Republic of the Congo;

Whereas, ICANN has received a request for redelegation of .CD to Office Congolais des Postes et Telecommunications;

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

*It is hereby **RESOLVED** (2011.01.25.xx), that the proposed redelegation of the .CD domain to the Office Congolais des Postes et Telecommunications is approved.*

- r. Approval of Redelegation of the .SY domain representing the Syrian Arab Republic (Board Submission 2011-01-25-15)

Whereas, SY is the ISO 3166-1 two-letter country-code designated for the Syrian Arab Republic;

Whereas, ICANN has received a request for redelegation of .SY to the National Agency for Network Services;

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

*It is hereby **RESOLVED** (2011.01.24.xx), that the proposed redelegation of the .SY domain to the National Agency for Network Services is approved.*

- s. Approval of Delegation of the .한국 ("Hanguk") domain representing the Republic of Korea in Korean (Board Submission 2011-01-25-16)

Whereas, 한국 ("Hanguk"), encoded as "xn--3e0b707e", is a string that has been deemed to appropriately represent the Republic of Korea through the IDN Fast Track process.

Whereas, ICANN has received a request for delegation of . 한국 to the Korea Internet & Security Agency.

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

*It is hereby **RESOLVED** (2011.01.25.xx), that the proposed delegation of the . 한국 domain to the Korea Internet & Security Agency is approved.*

- t. Approval of Delegation of the .新加坡 ("Singapore") domain, and the .新加坡 ("Singapore") domain, representing Singapore in Chinese and Tamil (Board Submission 2011-01-25-17)

Whereas, Singapore is currently listed in the ISO 3166-1 standard; Whereas, 新加坡 ("Singapore"), encoded as "xn--yfro4i67o"; and !" 𑄓𑄑𑄒𑄓 ("Singapore"), encoded as "xn--clchc0ea0b2g2a9gcd"; are two strings that were deemed to appropriately represent Singapore through the IDN Fast Track process;

Whereas, ICANN has received a request for delegation of .新加坡 and !" 𑄓𑄑𑄒𑄓 to Singapore Network Information Centre Pte Ltd;

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

*It is hereby **RESOLVED** (2011.01.25.xx), that the proposed delegation of the top-level domains to Singapore Network Information Centre Pte Ltd is approved.*

- u. Approval of Delegation of the .سورية ("Sourya") domain representing the Syrian Arab Republic in Arabic (Board Submission 2011-01-25-18)

Whereas, the Syrian Arab Republic is currently listed in the ISO 3166-1 standard;

Whereas, سورية ("Sourya"), encoded as "xn--ogbpf8fl", is a string that has been deemed to appropriately represent the Syrian Arab Republic through the IDN Fast Track process.

Whereas, ICANN has received a request for delegation of سورية to the National Agency for Network Services.

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

It is hereby **RESOLVED** (2011.01.25.xx), that the proposed delegation of the سورية ("Sourya") domain to the National Agency for Network Services is approved.

- v. Approval of Delegation of the seven top-level domains representing India in various languages (Board Submission 2011-01-25-19)

Whereas, India is currently listed in the ISO 3166-1 standard;

Whereas, ("Bharat"), encoded as "xn--h2brj9c"; भारत
"Bharat"), encoded as "xn--mgbbh1a71e"; ("Bharat"), encoded
as "xn--fpcrj9c3d"; ("Bharat"), encoded as "xn--gecrj9c";
("Bharat"), encoded as "xn--s9brj9c";
("Bharat"), encoded as "xn--xkc2dl3a5ee0h"; and ("Bharat"),
encoded as "xn--45brj9c"; are seven strings that were deemed to
appropriately represent India through the IDN Fast Track process;

Whereas, ICANN has received a request for delegation of the seven strings as top-level domains to the National Internet Exchange of India; Whereas, ICANN has reviewed the request, and has determined that the proposed delegations would be in the interests of the local and global Internet communities.

It is hereby **RESOLVED** (2011.01.25.xx), that the proposed delegation of the seven top-level domains to the National Internet Exchange of India is approved.

Main Agenda – 2 hours 20 minutes

3. CEO's Report (for discussion)
4. 2011-2014 Strategic Plan – for discussion (Board Submission 2011-01-25-20)
5. Rationale documents – for discussion & adoption of Rationale ((Board Submission 2011-01-25-21)

- a. Format – discussion of various rationales included throughout the Board Book
- b. Economic Studies – adopting rationale (Board Submission 2011-01-25-21a)

Resolution Text Superseded

- c. Cross-ownership - adopting rationale (Board Submission 2011-01-25-21b)

Whereas, on 5 November 2010, the Board passed a resolution on the issue of cross-ownership between registries and registrars for the New gTLD Program. <http://www.icann.org/en/minutes/resolutions-05nov10-en.htm>.

Whereas, the Board has reviewed and considered a Proposed Rationale explaining the Board's decision.

RESOLVED (2010.01.25.xx), *the Board adopts the Proposed Rationale as the Rationale for the Board's decision on cross-ownership between registries and registrars in the New gTLD Program.*

6. Board/GAC Consultations – for discussion

a. Process Document (Board Submission 2011-01-25-22a)

Resolution Not Considered

b. New gTLDs (Board Submission 2011-01-25-22b)

Resolution Text Superseded

c. ICM (Board Submission 2011-01-25-22c)

Whereas, at its meeting in Cartagena, Colombia, the Board noted its agreement with the staff's assessment of potential conflicts with GAC advice if the Board proceeds with its determination to enter a registry agreement with ICM Registry for the .XXX sTLD, and invoked the GAC consultation process. See <http://www.icann.org/en/minutes/resolutions-10dec10-en.htm#4>.

Whereas, during the meeting in Cartagena, the GAC sought affirmative statements from the Board on its positions on ICM-related items.

Whereas, in an attempt to make a future consultation with the GAC as productive as possible, the Board position on all items of GAC advice are clearly set forth in an attached document.

RESOLVED (2011.01.25.xx), *the Board directs staff to provide the GAC with the document setting forth the full Board position on items of GAC advice. The Board positions set forth correspond to the items identified for consultation at the Board's 28 October 2010 meeting.*

7. New gTLDs

- a. Rec6 Working Group Recommendations – for approval (Board Submission 2011-01-25-23)
- b. Update on Public Comments on the Guidebook – for discussion (Board Submission 2011-01-25-24)

8. Report on AOC Reviews including ATRT Recommendations – Next Steps – for approval (Board Submission 2011-01-25-25)

Whereas, the Affirmation of Commitments required ICANN to organize a review – to be completed no later than December 31, 2010 – of its execution of commitments to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making will reflect the public interest and be accountable to all stakeholders;

Whereas, as required by the Affirmation, the Accountability and Transparency Review Team (ATRT) submitted its final report to the Board on 31 December 2010 and posted it for public comment through 14 February 2011;

Whereas, the Affirmation states that the Board will take action on the resulting recommendations within six months of receipt of the report;

RESOLVED (2011-01-25-xx), *the Board acknowledges the hard work and dedication of ICANN's ATRT members and thanks these volunteers for engaging in an intensive, public process, under challenging deadlines, to produce a comprehensive set of recommendations to improve ICANN;*

RESOLVED (2011-01-25-xx), *the Board encourages the public to comment on the ATRT recommendations, and requests that all Supporting Organisations and Advisory Committees, and the Nominating Committee, provide the Board with initial input on the Report, by 14 February 2011, and that the Governmental Advisory Committee and the Nominating Committee work with the Board to consider actions on recommendations related to their organizations;*

RESOLVED (2011-01-25-xx), *the Board requests that ICANN Staff provide the Board with a proposal for Board action on each recommendation and, where practicable, proposed, initial work plans and budgets for the recommendations, along with a status report on efforts related to all recommendations, by 21 February 2011, taking into account all input received.*

Item Removed from Agenda

Item Removed from Agenda

11. Any Other Business

2010-12-08-Board-Minutes

Minutes of Special Board Meeting

8 December 2010

A special meeting of the ICANN Board of Directors was held on 8 December 2010 in Cartagena, Colombia at 7:30 pm local time. Vice Chairman Dennis Jennings promptly called the meeting to order.

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

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

The following Directors and Liaisons were not in attendance: Rod Beckstrom (CEO and President); Peter Dengate Thrush (Chairman); and Heather Dryden, GAC Liaison.

No staff was in attendance.

1. Waiver of Meeting Notice

The Vice Chair called for a waiver of formal notice of the meeting addressing Compensation issues prior to calling the meeting to order. Bruce Tonkin seconded the motion.

The Board took the following action:

RESOLVED, (2010.12.08.01) the Board hereby waives the notice for the meeting.

All Board members present unanimously approved of this Resolution. Peter Dengate Thrush and Rod Beckstrom were unavailable to vote on this Resolution.

2. At-Risk Component of President and CEO Compensation

The Board discussed a recommendation of the Compensation Committee regarding the At-Risk component of the President and CEO's compensation.

The Vice Chair moved and Rajasekhar Ramaraj seconded the following resolution:

Whereas, the Compensation Committee recommended that the Board approve a proportion of the at-risk component for the President and CEO for the period 1 July 2009 to 30 June 2010.

Resolved (2010.12.08.02), the Board approves the proportion of the at-risk component of the CEO's compensation for the period 1 July 2009 to 30 June 2010 proposed by the Compensation Committee.

Twelve members of the Board voted in favor of the resolution. Jean-Jacques Subrenat abstained from voting on the resolution. Peter Dengate Thrush and Rod Beckstrom were unavailable to vote on the resolution. The resolution carried.

3. **At-Risk Component of Ombudsman Compensation:**

The Board discussed a recommendation of the Compensation Committee regarding the At-Risk component of the Ombudsman's compensation.

Ray Plzak noted that going forward, as part of the induction procedures the Ombudsman should brief incoming Board members on the role of the ICANN Ombudsman.

The Vice Chair then moved and Rajasekhar Ramaraj seconded the following resolution:

Whereas, the Compensation Committee recommended that the Board approve a proportion of the at-risk component for the Ombudsman for the period 1 July 2009 to 30 June 2010.

Resolved (2010.12.08.03), the Board approves the proportion of the at-risk component of the Ombudsman's compensation for the period 1 July 2009 to 30 June 2010 proposed by the Compensation Committee.

Eight members of the Board voted in favor of the resolution. Kuo-Wei Wu, Ray Plzak and George Sadowsky voted against the resolution. Peter Dengate Thrush and Rod Beckstrom were unavailable to vote on the resolution. The resolution carried.

The Vice Chair then adjourned the meeting.

2010-12-10-Board-Minutes-AGM

Minutes of Board Meeting

10 December 2010

A transcript of the meeting is posted at <http://cartagena39.icann.org/meetings/cartagena2010/transcript-board-meeting-10dec10-en.txt>.

A Regular Meeting of the ICANN Board of Directors was held on 10 December 2010 in Brussels, Belgium.

Chairman Peter Dengate Thrush promptly called the meeting to order.

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

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

1. Executive Session

The Board conducted an executive session, in confidence. No actions were taken during the executive session

2. Consent Agenda

The Chair of the Board noted his thanks to the hosts of the meeting and how wonderful the reception to ICANN was in Cartagena. The Chair also noted the extensive amount of work done by the ICANN community at the meeting, and that the Board is grateful for all of the input and contributions.

The Chair then discussed the design of the agenda for the meeting, including an explanation of the consent agenda and the Board's ability to request for items to be removed from the consent agenda.

The Chair then moved and Dennis Jennings seconded the following resolution:

Resolved (2010.12.10.01), the following resolutions in this Consent Agenda are hereby approved:

2.1. *Approval of Minutes from 28 October 2010 ICANN Special Board Meeting*

Resolved (2010.12.10.02), the Board hereby approves the minutes of the 28 October 2010 ICANN Special Board Meeting.

2.2. *Approval of Minutes from 5 November 2010 ICANN Board Meeting*

Resolved (2010.12.10.03), the Board hereby approves the minutes of the 5 November 2010 ICANN Special Board Meeting.

2.3. *Approval of Bylaw Amendments on SO/AC Board Member Term Transitions and End Dates*

Whereas, the Bylaws currently require that all incoming members of the ICANN Board of Directors not appointed by the Nominating Committee (NomCom) are seated on the Board six months after the prior year's Annual General Meeting (AGM).

Whereas, six months after the prior year's AGM typically occurs in between ICANN's Public Meetings.

Whereas, the Board Review Working Group recommended that the seating of Board members not appointed by NomCom occur at a mid-year Public Meeting of ICANN to facilitate the transitioning of the Board.

Whereas, the Board Governance Committee (BGC) considered this issue and recognized that a mid-year meeting may not occur on an annual basis, and recommended modifications to allow for seating of incoming directors without delay.

Whereas, on the recommendation of the BGC, the Board approved the 30-day posting for public comment the proposed Bylaws amendments to facilitate this change in transition, posted at <http://www.icann.org/en/public-comment/-bylaws-amend-article-vi82010>.

Whereas, the BGC has recommended that the public comment period be extended for another 30 days.

Resolved (2010.12.10.04), the Board adopts the BGC recommendation that the public comment period be extended through 7 January 2011.

2.4. *Response to Reconsideration Request 10-3*

Whereas, the BGC has reviewed and considered Reconsideration Request 10-3 submitted by Michael Palage on 25 October 2010 (amended 18 November 2010) concerning the Board's 25 September 2010 resolution regarding the High-Security Top-Level Domain program.

Whereas, the BGC has determined that the reconsideration request should be denied as being unsupported and will not further consider the request.

Whereas, the reconsideration request and the BGC's recommendation have been posted on the ICANN website
<<http://icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm>>.

Resolved (2010.12.10.05), the Board adopts the recommendation of the BGC that no action be taken in response to Reconsideration Request 10-3.

2.5. *Approval of NomCom Review Implementation*

Whereas, on 25 June 2010, the Board resolved to direct ICANN Staff, in coordination with the Structural Improvements Committee (SIC), to develop a proposed implementation plan and timeline for the recommendations in the Final Report of the Nominating Committee (NomCom) Review finalization Working Group and to submit these to the SIC for review and Board approval.

<<http://www.icann.org/en/minutes/resolutions-25jun10-en.htm#1.4>>

Whereas, at its 3 November 2010 meeting, the SIC reviewed the "Nominating Committee Improvements Implementation Project Plan" (Project Plan), dated 3 November 2010, and determined that after expansion of the Executive Summary section, the Project Plan should be forwarded to the ICANN Board with a recommendation that the Project Plan be approved.

Whereas, the Project Plan <URL to be inserted>, dated 5 November 2010, incorporates an expanded Executive Summary section.

Resolved (2010.12.10.06), the Board approves the "Nominating Committee Improvements Implementation Project Plan" <URL to be inserted> dated 5 November 2010, and directs the President to implement it.

2.6. ICANN Investment Policy

Whereas, the Board Finance Committee directed the engagement of KPMG to review ICANN's Investment Policy.

Whereas, KPMG completed its study, which included a survey of the views of Board members on investment criteria and a review of best practices for similar organizations.

Whereas, KPMG's study indicated that ICANN's Investment Policy is fundamentally sound but can be enhanced with minor modifications.

Whereas, the Board Finance Committee has discussed the Investment Policy as well as the Reserve Fund performance.

Whereas the, Board Finance Committee agrees with staff that proposals be requested from qualified investment management firms, including ICANN's current manager, to manage the reserve fund assets. The RFP process will also provide an opportunity to further assess the Investment Policy.

Resolved (2010.12.10.07), that the Board acknowledges the results of the study performed by KPMG indicating that ICANN's Investment Policy is fundamentally sound. The Board further acknowledges that the Board Finance Committee is overseeing further work to ensure that Reserve Fund assets continue to be appropriately managed.

2.7. ICANN Disbursement Policy

Whereas, the Disbursement Policy adopted by the Board in 2008 <http://icann.org/en/financials/finl_control-signing_authority.htm> requires that two of the three officers required to approve disbursements greater than \$100,000 but less than \$500,000 must be the Chief Financial

Officer (CFO), Chief Operating Officer (COO), or the Chief Executive Officer (CEO).

Whereas, pending the hiring of a new CFO, the COO will be named the Interim CFO.

Whereas, given that the COO will be named the Interim CFO, the BFC has recommended that the Board adopt changes to the Disbursement Policy requiring just one of three officers needed to approve disbursements greater than \$100,000 but less than \$500,000, be the CFO, the COO or the CEO.

Resolved (2010.12.10.08), the Board adopts the revised Disbursement Policy (URL to be inserted when available).

2.8. *Acknowledgment of Receipt of FY 11 Update to the ICANN Plan for Enhancing Internet Security, Stability & Resiliency*

Whereas, the FY 11 Update to ICANN's Plan for Enhancing Internet Security, Stability & Resiliency (SSR) was posted for public comment from 13 September to 5 November 2010.

Whereas, a final version of the FY 11 SSR Plan incorporating public comment has been prepared and is available at <<https://www.icann.org/en/topics/ssr/ssr-plan-fy11-clean-23nov10-en.pdf>> and <<https://www.icann.org/en/topics/ssr/ssr-plan-fy11-redline-23nov10-en.pdf>>.

Resolved (2010.12.10.09), the Board acknowledges receipt of the FY 11 SSR Plan.

2.9. *Approval of MoU with the New Partnership for Africa's Development Planning and Coordinating Agency (NEPAD/NPCA)*

Whereas, ICANN has developed a collaborative program with private and intergovernmental parties to conduct outreach to governments and local Internet communities.

Whereas, Memorandums of Understanding help promote joint activities in compliance with ICANN by-laws and assist ICANN staff to engage with respective organizations both globally and locally.

Whereas, the NEPAD/NPCA, an inter-governmental not-for-profit organization, expressed an interest to enter into a non-binding MOU with ICANN to collaborate on the creation of joint projects in support of a common mission to improve Internet Governance.

Whereas, ICANN staff and the NEPAD/NPCA successfully concluded negotiations over the text of a nonbinding MoU and entry into such an agreement would promote the mission and interests of ICANN in the region.

Resolved (2010.12.10.10), the ICANN Board of Directors direct the President and CEO to enter into the MoU agreement with the NEPAD/NPCA.

2.10. *Updates to Membership on Board/GAC Working Group*

Whereas on 26 June 2009, the Board resolved to establish a Board/GAC joint working group.

Whereas, on 27 August 2009, the Board resolved that the members of the Board/GAC joint working group would be Raimundo Beca, Ram Mohan, Raymond Plzak (co-chair), Jean-Jacques Subrenat, and Katim Touray.

Whereas, by the conclusion of the ICANN meetings in Cartagena in December 2010, both Raimundo Beca and Jean-Jacques Subrenat will have concluded their terms as members of the ICANN Board.

Whereas, the BGC has recommended that Bertrand de La Chapelle and Gonzalo Navarro should be selected to serve as members of the Board/GAC joint working group.

Resolved (2010.12.10.11), that the Board members of the Board/GAC joint working group shall be Bertrand de La Chapelle, Ram Mohan, Gonzalo Navarro, Raymond Plzak (co-chair), and Katim Touray.

2.11. *Thanks to Departing ccNSO Council Volunteers*

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

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

Whereas, one ccNSO Councilor is leaving her position at the end of the Cartagena meeting:

Nashwa Abdelbaki – NomCom Appointee to ccNSO Council
(November 2007 – December 2010)

Resolved (2010.12.10.12), Nashwa Abdelbaki has earned the deep appreciation of the Board for her term of service, and the Board wishes her well in all future endeavours.

2.12. *Thanks to Departing GNSO Council Volunteers*

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

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

Whereas, five GNSO Councilors are leaving their positions at or before the Cartagena meeting:

Edmon Chung – Councilor representing gTLD Registries Stakeholder Group (March 2006 – December 2010)

Terry Davis – Nominating Committee Appointee to the GNSO Council (November 2008 – December 2010)

Chuck Gomes – GNSO Council Chair (2010), GNSO Council Vice-Chair (2008 – 2009) and Councilor representing the gTLD Registries Stakeholder Group (2006 – 2010)

Caroline Greer – Councilor representing the Registries Stakeholder Group (December 2009 – December 2010)

Mike Rodenbaugh – Councilor representing the Commercial & Business Constituency (December 2006 – December 2010)

Resolved (2010.12.10.13), Edmon Chung, Terry Davis, Chuck Gomes, Caroline Greer and Mike Rodenbaugh have earned the deep appreciation of the Board for their terms of service, and the Board wishes them well in all future endeavours.

2.13. *Thanks to Departing At-Large Volunteers*

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

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

Whereas, some of these volunteers are leaving their positions to accept additional community service roles.

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

Carlos Aguirre – ALAC representative elected by LACRALO (November 2008 – December 2010)

Sebastien Bachollet – ALAC representative elected by EURALO (May 2007 – December 2010) and ALAC Executive Committee Vice-Chair (April 2008 – December 2010)

Beau Brendler – ALAC representative elected by NARALO (November 2008 – December 2010)

Hawa Diakite – ALAC representative elected by AFRALO (November 2008 – December 2010)

Cheryl Langdon-Orr, Chair of the ALAC (November 2007- December 2010)

Alan Greenberg – NomCom appointed ALAC representative from North American region and Vice-Chair of the ALAC Executive Committee (November 2008 – December 2010)

Dave Kissoondoyal – African representative on the ALAC Executive Committee (October 2009 – December 2010)

Didier Kasole – AFRALO Secretary (November 2008 – December 2010)

Evan Leibovitch – NARALO Chair (June 2007 – December 2010)

Adam Peake – NomCom appointed ALAC representative from the European region (November 2008 – December 2010)

Patrick Vande Walle – ALAC representative elected by EURALO (November 2008 – December 2010)

Dr. V. C. Vivekanandan – ALAC representative elected by APRALO (November 2008 – December 2010)

Resolved (2010.12.10.14), Carlos Aguirre, Sebastien Bachollet, Beau Brendler, Hawa Diakite, Cheryl Langdon-Orr, Alan Greenberg, Dave Kissoondoyal, Didier Kasole, Adam Peake, Patrick Vande Walle and Dr. V.C. Vivekanandan have earned the deep appreciation of the Board for their terms of service, and the Board wishes them well in all future endeavours.

2.14. *Thanks to Frank Fowlie*

Whereas, Frank Fowlie, was appointed by the ICANN Board as ICANN's first Ombudsman, beginning his service to ICANN in November 2004.

Whereas, Frank Fowlie will be leaving the position as Ombudsman on or before 31 January 2011.

Whereas, Frank has been instrumental in establishing ICANN's Office of the Ombudsman, including ground-breaking

Resolved (2010.12.10.15), Dr. Frank Fowlie has earned the deep appreciation of the Board for his term of service as the ICANN Ombudsman, and the Board wishes Frank well in all future endeavours.

2.15. Thanks to Harald Alvestrand

Whereas, Harald Alvestrand, was appointed by Nominating Committee to serve a three-year term on the Board beginning in November 2007.

Whereas, Harald has concluded his term as a member of the Board of Directors on 10 December 2010.

Whereas, Harald has served as:

- Chair of the Board IANA Committee
- Member of the Audit, Board Governance, Conflicts of Interest and Structural Improvement Committees
- Member of the ALAC Review Working Group
- Chair of the RSSAC Review Working Group
- Member of the Board Data Consumer Protection Working Group
- Member of the Board Equivalent Strings Working Group
- Member of the President’s IANA Committee

Resolved (2010.12.10.16), that Harald has earned the deep appreciation of the Board for his term of service as a Director, and the Board wishes Harald well in all future endeavours.

2.16. Thanks to Dennis Jennings

Whereas, Dennis Jennings, was appointed by Nominating Committee to serve a three-year term on the Board beginning in November 2007.

Whereas, Dennis has concluded his term as a member of the Board of Directors on 10 December 2010.

Whereas, Dennis has served as:

- Vice-Chair of the ICANN Board

- Chair of the Board Governance Committee
- Member of the following Board Committees: Audit, Executive, Finance, IANA, Public Participation and Reconsideration
- Chair of the Board Data & Consumer Protection Working Group
- Chair of the Board Equivalent Strings Working Group and
- Chair of the SSAC Review Working Group

Resolved (2010.12.10.17), that Dennis has earned the deep appreciation of the Board for his term of service as a Director and the Board wishes Dennis well in all future endeavours.

2.17. *Thanks to Jean-Jacques Subrenat*

Whereas, Jean-Jacques Subrenat, was appointed by Nominating Committee to serve a three-year term on the Board beginning in November 2007.

Whereas, Jean-Jacques has concluded his term as a member of the Board of Directors on 10 December 2010.

Whereas, Jean-Jacques has served as:

- Chair of the Public Participation Committee
- Member of the following Board Committees: Board Global Relations, Board Governance, Reconsideration and Structural Improvements Committees
- Chair of the ccNSO Review Working Group
- Member of the ALAC Review Working Group
- Member of the Board-GAC Joint Working Group
- Member of the President's Strategy Committee
- Member of the Board Equivalent Strings Working Group and

- Member of the Board Review Working Group

Resolved (2010.12.10.18), that Jean-Jacques has earned the deep appreciation of the Board for his term of service as a Director and the Board wishes Jean-Jacques well in all future endeavours.

2.18. *Thanks to Vanda Scartezini*

Whereas, Vanda Scartezini was elected by the community and appointed by the ALAC liaison to the Board, starting her service at the end of the Seoul meeting in October 2009.

Whereas, Vanda's role as liaison will conclude on 10 December 2010.

Whereas, Vanda has served as a member of the following Board Committees: Public Participation and Global Relations.

Whereas, Vanda has additionally served a three-year term as the NomCom appointee to the ALAC.

Whereas, Vanda served as a NomCom appointee to the ALAC from 2007 through 2009.

Resolved (2010.12.10.19), that Vanda Scartezini has earned the deep appreciation of the Board for her term of service as both a NomCom appointee to ALAC and the ALAC Liaison to the ICANN Board, the Board wishes Vanda well in all future endeavours.

2.19. *Thanks to Jonne Soininen*

Whereas, Jonne Soininen was appointed by the TLG as Liaison to the ICANN Board, starting his service at the end of the Seoul meeting in October 2009.

Whereas, Jonne's role as liaison will conclude on 10 December 2010.

Whereas, Jonne has served as a member of the Structural Improvements Committee.

Resolved (2010.12.10.20), that Jonne Soininen has earned the deep appreciation of the Board for his term of service as TLG Liaison to the ICANN Board, the Board wishes Jonne well in all future endeavours.

2.20. Thanks to Sponsors

The Board wishes to thank the following sponsors:

VeriSign, Inc., Afiliias Limited, NeuStar, .ORG, The Public Interest Registry, China Internet Network Information Center (CNNIC), InterNetX, GMO Registry, Inc., CORE Internet Council of Registrars, ICM Registry LLC, Internet Systems Consortium, Iron Mountain, Community.Asia, NRO – Number Resource Organization, UNE EPM Telecomunicaciones S.A., RegistryPro, Knipp Medien und Kommunikation GmbH, .music, Directi Internet Solutions Pvt. Ltd. , nic.at – The Austrian Registry, and StableTone Ltd.

2.21. Thanks to Scribes, Interpreters, Staff, Event and Hotel Teams

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

The Board would also like to thank the management and staff of the Cartagena de Indias Julio Cesar Turbay Ayala Convention & Exposition Center for the wonderful facility to hold this event. Special thanks are given to Aviatur, Eventos y Sistemas, Intermontajes, and the Hilton Hotel for their support.

2.22. Thanks to Local Hosts

The Board wishes to extend its thanks to the local host organizer, .CO Internet S.A.S. for their support. Special thanks are given to Juan Diego Calle (CEO), Eduardo Santoyo (VP ccTLD Manager), Gonzalo Romero (IT Consultant), and the entire .CO Staff.

2.23. Thanks to Meeting Participants

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

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

Resolved, the Board thanks the participants for their contributions.

Resolutions 2010.12.10.01, 2010.12.10.02, 2010.12.10.03, 2010.12.10.04, 2010.12.10.05, 2010.12.10.06, 2010.12.10.07, 2010.12.10.08, 2010.12.10.09, 2010.12.10.10, 2010.12.10.11, 2010.12.10.12, 2010.12.10.13, 2010.12.10.14, 2010.12.10.15, 2010.12.10.16, 2010.12.10.17, 2010.12.10.18, 2010.12.10.19, and 2010.12.10.20 were approved in a single vote approving the consent agenda items. All Board members present unanimously approved these resolutions.

3. Strategic Plan

The Chair noted that the Board is not proposing to have any discussion about the strategic plan at this stage, and proceeded to the next item on the agenda.

4. New gTLDs: Resolving Remaining Issues

Rita Rodin Johnston moved the resolution and read it into the record. Ray Plzak seconded the resolution.

The Chair then read the following statement on conflicts of interest into the record:

“In accordance with the Board's conflict of interest policy, some Board members and liaisons have identified conflicts or potential conflicts relating to new gTLDs.

“The Board has considered these conflicts and, in accordance with its process set forth in that policy, the following individuals have removed themselves from all or part of the board discussions this week surrounding the new gTLD program: Ram Mohan, Jonne Soininen, Bruce Tonkin, and Suzanne Woolf.

“They will continue to abstain from the discussion on new gTLDs here today.”

The Chair then opened the floor to discussion of the resolution.

Katim Touray noted his pleasure that the Board recognizes the work of the Joint Applicant Support Working Group to find ways and means and opportunities to provide support to needy New gTLD applicants. Katim noted the continued import of making sure the Board is committed to the resolution taken in Nairobi on this issue, and that the Board has to keep working to make sure there is an inclusive New gTLD program. Katim encouraged the Board to keep an open mind in moving forward, and remaining open to the work of the proposals of the JAS as

encouraged in the resolutions arising out of the Board's meeting in Palo Alto, and listen to the community's advice.

The Chair noted that the resolution was rather lengthy, and was drafted to indicate the areas where the Board feels that the work that has been done is sufficient to move to closure and a decision as to whether or not that issue is finished. The Board also tried to indicate the areas that are clearly still open for consideration, such as the provisions relating to the suggestions coming forward from the Recommendation 6 Working Group. The Board also noted that issues relating to consultation with the GAC were still open.

The Board then took the following action:

Whereas, the GNSO Council approved and the Board adopted GNSO policy recommendations for the introduction of new gTLDs
<<http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-part-a-08aug07.htm#Toc43798015>>.

Whereas, staff has made implementation details publicly available in the form of draft Applicant Guidebooks that have undergone continued substantial revisions based on stakeholder input (the most recent version was posted for comment on 12 November 2010).

Whereas, public comment identified four "overarching issues" to be addressed as a threshold for moving forward with the introduction of new gTLDs.

Whereas, the overarching issue of **trademark protection** has been addressed by measures including the establishment of a Trademark Clearinghouse, a Uniform Rapid Suspension system, and a Post-Delegation Dispute Resolution Procedure.

Whereas, the overarching issue of **mitigating malicious conduct** has been addressed by including refinement of proposals such as centralized zone file access to reduce potential for proliferation of malicious conduct in the new gTLD space.

Whereas, the overarching issue of **root-zone scaling** has been addressed through expert consultation and study on the impact of new gTLDs on the stability of the root, indicating that rate-limited addition of TLDs can be

implemented without any expected impact on the stability of the root zone system, and that communications and monitoring mechanisms will be implemented: <<http://icann.org/en/topics/new-gtlds/summary-of-impact-root-zone-scaling-06oct10-en.pdf>>, <<http://icann.org/en/topics/new-gtlds/delegation-rate-scenarios-new-gtlds-06oct10-en.pdf>>, and <<http://icann.org/en/announcements/announcement-17sep09-en.htm>>.

Whereas, the overarching issue of the call for **economic analysis**, has been addressed by comprehensive expert consultation and analyses, including reports by CRA International, Dennis Carlton, Michael Katz and Greg Rosston. The latest of these reports, "New gTLD Economic Study Phase II", was posted on the ICANN website on 3 December 2010 <<http://icann.org/en/announcements/announcement-03dec10-en.htm>>.

Whereas, ICANN considers that the solutions developed to address the overarching issues of trademark protection, mitigating malicious conduct, and root-zone scaling substantially reflect the negotiated position of the ICANN community, but ICANN will take into account public comment including the advice of the GAC.

Whereas, with respect to the call for economic analysis, ICANN is in the process of receiving and reviewing public comment, and the Board will take into account that public comment including the advice of the GAC.

Whereas, community discussions on the draft Applicant Guidebooks have successfully addressed numerous issues, but some implementation issues remain.

Whereas, the issue of **geographic names** has been the subject of substantial consultation with the Governmental Advisory Committee, resulting in substantial change and areas of agreement and compromise. While these changes have been incorporated into the guidebook, discussions are continuing on this subject. ICANN considers the proposed treatment of geographic substantially reflects the views of the ICANN community, but ICANN will take into account public comment including the advice of the GAC.

Whereas, the working group formed to address implementation of the GNSO-recommended policy concerning **morality and public order**

objections made recommendations (the Recommendation 6 Community Working Group), several of which were incorporated into the guidebook, and the working group has clarified the remaining recommendations in a series of consultations with ICANN staff and Board members. Discussions will continue on (1) the roles of the Board, GAC, and ALAC in the objection process, (2) the incitement to discrimination criterion, and (3) fees for GAC and ALAC-instigated objections. ICANN will take into account public comment including the advice of the GAC, and looks forward to receiving further input from the working group in an attempt to close this issue.

Whereas, the public comment period on the English version of the Proposed Final Applicant Guidebook concluded just prior to this Board Meeting on 10 December 2010, with the closure of other comments on translated versions to follow in the order posted, and ICANN will carefully consider all of the comments received.

Whereas, the Board participated in discussions and listened to comment from stakeholders during the meeting in Cartagena.

Whereas, the Governmental Advisory Committee communiqué from Cartagena indicates that the GAC will provide a list of issues that the GAC believes are still outstanding and require additional discussion between the Board and the GAC.

Resolved (2010.12.10.21), the Board:

1. Appreciates the GAC's acceptance of the Board's invitation for an inter-sessional meeting to address the GAC's outstanding concerns with the new gTLD process. The Board anticipates this meeting occurring in February 2011, and looks forward to planning for this meeting in consultation and cooperation with the GAC, and to hearing the GAC's specific views on each remaining issue.
2. Directs staff to make revisions to the guidebook as appropriate based on the comments received during the public comment period on the Proposed Final Applicant Guidebook and comments on the New gTLD Economic Study Phase II Report.
3. Invites the Recommendation 6 Community Working Group to provide final written proposals on the issues identified above by 7 January 2011,

and directs staff to provide briefing materials to enable the Board to make a decision in relation to the working group's recommendations.

4. Notes the continuing work being done by the Joint Applicant Support Working Group, and reiterates the Board's 28 October 2010 resolutions of thanks and encouragement.
5. Directs staff to synthesize the results of these consultations and comments, and to prepare revisions to the guidebook to enable the Board to make a decision on the launch of the new gTLD program as soon as possible.
6. Commits to provide a thorough and reasoned explanation of ICANN decisions, the rationale thereof and the sources of data and information on which ICANN relied, including providing a rationale regarding the Board's decisions in relation to economic analysis.
7. Thanks the ICANN community for the tremendous patience, dedication, and commitment to resolving these difficult and complex issues.

Fourteen Board members voted in favor of resolution 2010.12.10.21. Bruce Tonkin abstained from voting on the resolution due to a conflict of interest. The resolution carried.

5. SSAC Report on Invalid Top-Level Domain Queries at the Root Level of the Domain Name System

Steve Crocker moved the resolution and read the resolution into the record.
Harald Alvestrand seconded the resolution.

The Board took the following action:

Whereas, ICANN's primary mission is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems.

Whereas, in June 2008, the ICANN Board adopted the GNSO policy recommendations for the introduction of new gTLDs
<<http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta->

08aug07.htm>, and directed staff to develop detailed implementation plans in communication with the community.

Whereas, one of the goals of the New gTLD program is to establish a clear and predictable process.

Whereas, the ICANN Security and Stability Committee (SSAC) has identified certain technical considerations of strings that may be proposed for use by applicants and recommends specific actions with regard to applications for those strings, as referenced in SAC045, "Invalid TLD Queries at the Root level of the Domain Name System,"
<<http://www.icann.org/en/committees/security/sac045.pdf>>.

Whereas, the Draft Final Applicant Guidebook has been posted for public comment, and ICANN will take into consideration all public comments before making final decisions on all these remaining issues by approving the final version of the Applicant Guidebook.

Whereas the Draft Final Applicant Guidebook prohibits a number of strings identified as potentially problematic, including those in RFC 2606.

Whereas the DNS Stability Review in the Draft Final Applicant Guidebook considers the possibility of an Extended Review in cases where an applied-for gTLD string raises security or stability issues.

Resolved (2010.12.10.22), the Board directs the CEO to:

1. Analyze and amend the DNS Stability Review described in the Applicant Guidebook to allow the option to prohibit the delegation of problematic strings, as appropriate, to address the potential technical and stability issues discussed in SAC045; and,
2. Develop a mechanism to alert potential applicants for new gTLDs about the issues raised in SAC045.

All Board members present unanimously approved of Resolution 2010.12.10.22.

6. ICM Registry Sponsored Top-Level Domain – .XXX

Rajasekhar Ramaraj moved the resolution and read the resolution into the record. Mike Silber seconded the resolution.

The Chair noted the Board's intention to trigger the Bylaws process to move to consultation with the GAC, and that the Board and the GAC will successfully develop a process, provide the requested information and attempt to resolve the apparent conflict.

The Board then took the following action:

Whereas, on 24 August 2010, ICANN posted for public comment a Revised Proposed Registry Agreement submitted by ICM Registry following negotiations with ICANN staff, along with Due Diligence Documentation submitted by ICM Registry
<<http://www.icann.org/en/announcements/announcement-24aug10-en.htm>>.

Whereas, on 28 October 2010, the Board received the Summary and Analysis of the Public Comment and noted that entering into the proposed Registry Agreement with ICM may not be consistent with some of the broader-reaching communications from the GAC, and the GAC and the Board could benefit from consultation.

Whereas, the Board passed the following resolution on 28 October 2010:

RESOLVED (2010.10.28.18) the Board Chair shall engage the GAC Chair on developing a process for consultation with the GAC on its advice about the ICM application.

Whereas, during the ICANN meeting in Cartagena, the Board Chair and GAC Chair met twice, and there was an additional meeting between members of the Board and GAC to discuss potential process steps, creation of a process consistent with the ICANN Bylaws, and other matters relating to issues of potential conflict.

Resolved (2010.12.10.23), ICANN Board hereby determines that it intends to enter into a registry agreement with ICM Registry for the .XXX sTLD, subject to GAC consultation and advice, and hereby invokes the consultation as provided for in ICANN Bylaws section Article XI, Section 2, Paragraph 1(j).

Resolved (2010.12.10.24), staff is directed to prepare within five working days a draft process for consulting with the GAC when necessary pursuant

to ICANN Bylaws section Article XI, Section 2, Paragraph 1(j); the process is to be provided to the Board for comment, and the Board Executive Committee shall approve as soon as practicable; once approved, the process will be forwarded to the GAC in order to have an agreed process for use in the consultations with the GAC in February 2011.

Resolved (2010.12.10.25), in response to the reference in the GAC's Cartagena Communiqué regarding the Board's rationale for selecting the items that ICANN determined might be in conflict with potential GAC advice: the Board indicates that it agrees with staff's assessment of the conflicts with potential GAC advice relating to the ICM application, and directs staff to communicate the Board's determination to the GAC.

Resolved (2010.12.10.26), the Board directs staff to communicate with the GAC on additional information that might be supplied to the GAC as indicated in the GAC's Cartagena communiqué.

Twelve Board members voted in favor of resolutions 2010.12.10.23, 2010.12.10.24, 2010.12.10.25 and 2010.12.10.26. George Sadowsky, Jean-Jacques Subrenat and Katim Touray abstained from voting on the resolutions. The resolutions carried.

George Sadowsky provided the following statement in support of his abstention:

“I feel ambivalent about this resolution because it conflates a number of things. I understand why the conflation occurs, but I am not in agreement with the decision to enter into a registry agreement, but I am in agreement that we need to discuss with the GAC, establish a process for that discussion, and, therefore, I support that part of the resolution.”

Neither Jean-Jacques nor Katim provided further statement in support of their abstentions.

7. Board Data and Consumer Protection Working Group Recommendations

Dennis Jennings moved the resolution and read the resolution into the record. Mike Silber seconded the resolution.

The Board then took the following action:

Whereas, on 5 August 2010, the Board asked the Board Governance Committee to assist in the formation of a Board Data and Consumer Protection Working Group (DCP-WG) to identify issues relating to the use of registry data and where registrant protection might be further explored or proposed policies might be introduced.

Whereas, on 25 September 2010, the Board formally established the DCP-WG to address data and consumer protection issues.

Whereas, the DCP-WG has completed its work and has identified recommendations on next steps on the items of work identified in the Charter for the DCP-WG.

Whereas, the BGC has reviewed the DCP-WG Charter and recommends approval of the DCP-WG charter and approval of the DCP-WG's recommendation that DCP-WG be dissolved as it has concluded its work.

Whereas, the Board previously accepted a recommendation from the GNSO in 2007 calling for a study and related community discussions on domain-name-related data collected by registries and the uses to which it is put, but ICANN and GNSO work referenced in those recommendations still needs to be completed; see "Policies for Contractual Conditions - ICANN Staff Discussion Points" and "Council Report to the Board, Policies for Contractual Conditions - Existing Registries (PDP Feb 06) - 2 November 2007".

Whereas, the DCP-WG has identified additional related work and has recommended that ICANN conduct a study on domain-name-related data collected by registries and registrars and the uses to which it is put.

Resolved (2010.12.10.27), the ICANN Board approves the Charter of the DCP-WG and receives the DCP-WG's report <<http://www.icann.org/en/committees/consumer-protection/report-on-recommendations-07dec10-en.htm>> on recommendations arising out of its work.

Resolved (2010.12.10.28), the Board directs the President to conduct a study on domain-name-related data collected by registries and registrars and the uses to which it is put.

Resolved (2010.12.10.29), the Board hereby dissolves the Data and Consumer Protection Working Group and thanks its members for their work: Harald Alvestrand, Dennis Jennings (Chair), Mike Silber, Bruce Tonkin, and Ram Mohan (non-voting member).

All Board members present unanimously approved of Resolutions 2010.12.10.27, 2010.12.10.28, and 2010.12.10.29.

8. Consumer Choice, Competition and Innovation

Bruce Tonkin moved the resolution and read the resolution into the record. Bruce noted – as community members such as Jonathan Zuck have raised – the importance of establishment of metrics, which can help guide the use of resources.

Kuo-Wei Wu seconded the resolution.

Jean-Jacques Subranat commented that he agreed with the scope of the resolution, including the mention of ASCII and other character sets.

The Board then took the following action:

Whereas, the area of consumer choice, competition and innovation is one of the strategic areas for ICANN in the 2010 to 2013 strategy plan <<http://www.icann.org/en/strategic-plan/strategic-plan-2010-2013-19feb10-en.pdf>>

Whereas, ICANN has committed to promoting competition, consumer trust and consumer choice in the Affirmation of Commitments <<http://www.icann.org/en/documents/affirmation-of-commitments-30sep09-en.htm>>

Whereas, if and when new gTLDs (whether in ASCII or other language character sets) have been in operation for one year, ICANN has committed to organize a review that will examine the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice.

Resolved (2010.12.10.30), the ICANN Board requests advice from the ALAC, GAC, GNSO and ccNSO on establishing the definition, measures, and three

year targets for those measures, for competition, consumer trust and consumer choice in the context of the domain name system, such advice to be provided for discussion at the ICANN International Public meeting in San Francisco from 13-18 March 2011.

All Board members present unanimously approved of Resolution 2010.12.10.30.

9. Conclusion of Working Group on Equivalent Strings Support

Harald Alvestrand moved the resolution and read the resolution into the record. Dennis Jennings seconded the resolution.

Dennis noted how pleased he was that the Board was able to quickly address this topic, and that the work is now moving to the Variant Issues Project, which is necessarily community-driven and will require support of language experts from various communities.

Harald noted that this represents a milestone for ICANN moving forward to explore these issues, and that staff is expected to produce results as soon as possible, with deployment as soon as possible, to serve the users affected by these language issues.

Ram Mohan commented that the Variant Issues Project will be focused on the implementation steps necessary to move forward some of the working groups efforts on considerations of how to deploy variants. The new Project will assure that continued attention is paid to variants and understanding the different issues that have to be properly identified and scoped before ICANN can work towards the deployment of IDN solutions that are appropriate for the people of the world.

The Board then took the following action:

Whereas, at its 12 March 2010 meeting, the Board established <http://www.icann.org/en/minutes/resolutions-12mar10-en.htm-12> an Equivalent Strings Working Group (ES-WG) to review the issues relating to instances in the Fast Track Process where more than one official language or script exists within a country/territory, and where requests are for multiple corresponding strings that are considered equivalent, so that users of the community accessing domains under all versions of the string can expect that each of them will resolve to the same address.

Whereas, the Board directed the CEO develop (in consultation with the board ES-WG) an issues report identifying what needs to be done with the evaluation, possible delegation, allocation and operation of gTLDs containing variant character IDNs as part of the new gTLD process, at <http://icann.org/en/minutes/resolutions-25sep10-en.htm-2.5>.

Whereas, staff have created a Study Proposal for review by the ES-WG for the development of the requested issues report, including the establishment of an IDN Variant Issues Project.

Whereas, the ES-WG recommends that the IDN Variant Issues Project be overseen and tracked by a new Board IDN Variant Working Group (BV-WG), and that this new WG be established as soon as practicable.

Whereas, the ES-WG also recommends that the CEO appoint an appropriate subject matter expert with the authority to lead and champion the planned IDN Variant Issues Project.

Whereas, the ES-WG concludes that it has completed its work on this topic, and recommends that the ES-WG be dissolved.

Resolved (2010.12.10.31), the Board directs the Board Governance Committee to establish the new Board IDN Variant Working Group (BV-WG), to oversee and track the IDN Variant Issues Project.

Resolved (2010.12.10.32), the Board directs the CEO to publish the work plan for public comment and consider changes to the work plan based on public comment.

Resolved (2010.12.10.33), the Board directs the CEO to continue proceeding with the implementation of the IDN Variant Issues Project, including the identification of an appropriate subject matter expert to lead and champion the planned Project, and the identification of funding requirements.

Resolved (2010.12.10.34), the Board hereby dissolves the Working Group on Equivalent Strings and thanks its members for their work: Dennis Jennings, Chair; Harald Alvestrand; Rod Beckstrom; Steve Crocker; Rita Rodin Johnston; Ram Mohan; Thomas Narten; Jean-Jacques Subrenat and Suzanne Woolf.

All Board members present unanimously approved of Resolutions 2010.12.10.31, 2010.12.10.32, 2010.12.10.33, and 2010.12.10.34.

10. Response to Reconsideration Request 10-2

Ray Plzak moved the resolution and read the resolution into the record. Dennis Jennings seconded the resolution.

The Board then took the following action:

Whereas, the BGC has reviewed and considered Reconsideration Request 10-2 submitted by the .JOBS Charter Compliance Coalition on 20 August 2010 (supplemented as posted at <<http://icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm>>) concerning the Board's 5 August 2010 resolution approving Employ Media's .JOBS Phased Allocation Program.

Whereas, the BGC recommended that the Request be denied as unsupported because: (i) the Coalition's concerns regarding potential violations of the Charter in the implementation of the Phased Allocation Program is not a proper ground for reconsidering the Board's 5 August 2010 Action; and (ii) the Board did not fail to consider material information available at the time of the Action.

Whereas, the BGC recommended that the Board direct the President and CEO, and General Counsel and Secretary, to ensure that ICANN's Contractual Compliance Department closely monitor Employ Media's compliance with its Charter.

Whereas, the BGC recommended that the Board direct the CEO to create a briefing paper for the GNSO to consider on this matter, and for the GNSO to determine whether a policy development process should be commenced.

Whereas, the Reconsideration Request and the BGC's Recommendation has been posted on the ICANN website <<http://icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm>>.

Resolved (2010.12.10.35), the Board adopts the Recommendation of the BGC on Reconsideration Request 10-2.

Thirteen Board members voted in favor of Resolution 2010.12.10.35. George Sadowsky and Mike Silber abstained from voting on the resolutions. The resolutions carried.

George Sadowsky noted that the basis of his abstention was that he had not had time to study the results of the issue, as the BGC resolved the issue the day before. Without the time to study the results, George noted that he did not want to vote for or against the resolution.

11. Approval of Location of the June 2011 Meeting in Asia

Kuo-Wei Wu moved the resolution and read the resolution into the record. Prior to moving the resolution, Kuo-Wei noted the Board's appreciation for every application received to host an ICANN meeting and the continued support for ICANN.

Jean-Jacques Subrenat seconded the resolution.

The CEO noted that ICANN is excited about going to Jordan and working with the local hosts to organize the meeting. The hosts presented an excellent application and expressed strong interest.

The Board then took the following action:

Whereas, ICANN intends to hold its second Meeting for 2011 in the Asia region as per its policy.

Whereas, the National Information Technology Center of Jordan submitted a viable proposal to serve as host for the ICANN 2011 Asia Meeting.

Whereas, staff has completed a thorough review of the proposal and finds it acceptable.

Whereas, the Board Finance Committee reviewed and approved the budget for the ICANN 2011 Asia Meeting as proposed in this paper on 5 December 2010.

Resolved (2010.12.10.36), the Board selects Amman, as host of the 19-24 June 2011 ICANN, with a budget not to exceed US\$2.383M.

All Board members present unanimously approved of Resolution 2010.12.10.36.

12. Items Arising from the Cartagena Meeting

The Chair noted that the Board members could use this portion of the meeting to make comments about items arising at the Cartagena meeting that are not addressed in resolutions.

Rita Rodin Johnston noted to the community that the Board is hearing the community remarks, including those about process. Rita noted that it was improper to have a consultation period on the new gTLD program end on the day the Board could take a decision on that topic, and the Board has given instructions that that should not happen again. The Board is also working through trying to form a process for the consultation with the GAC.

The CEO noted the productive work achieved at the meeting and expressed his gratitude to the contributors, including the community, Board and staff for their exceptional efforts on issues important for the unified root of the Internet.

The Chair commented on the amount of work that has gone into the New gTLD program work, and that the issues have been narrowed from when the discussions first started, as evidenced through the most recent version of the Applicant Guidebook. The community is no longer discussing broad concepts, but is focusing on the narrow issues remaining, which gives hope that those can be resolved. The Board is looking to intense cooperation with the community to finish this process.

The Chair noted the import of the GAC's role in this process and that the Board takes that role very seriously, and that he is confident that the Board and GAC will make advances toward compromise to advance to resolution. The upcoming meeting with the GAC is hoped to result in significant advancement on the areas where work remains.

13. Any Other Business (Thanks to Departing Board Members)

The Chair commented on the three Board members departing after this meeting, and the many thanks that had already been provided to the Board members that will not be re-read into the record at this time. The Chair then individually noted the accomplishments and contributions of the three departing Board members, Harald Alvestrand, Dennis Jennings and Jean-Jacques Subrenat, and each departing member took the opportunity to make parting comments.

Harald Alvestrand commented on the common goal of the ICANN community, protecting the internet as a valuable resource. Harald noted that there's been a lot of hard work, and ICANN forgets to be proud of achieving something that was once thought to be impossible – working towards the stewardship of the Internet in an open and transparent fashion. The organization must improve, but much as been done. Harald noted that the Board is doing good work for the community, and that it's been a pleasure to be part of that work.

Dennis Jennings noted that it's been an honor and privilege to serve the Internet community through his work on the ICANN Board, and thanked the community, his colleagues on the Board, and the staff.

Jean-Jacques Subrenat summed the work of ICANN in three words – pioneer, global, and purpose. Jean-Jacques commented on the vitality and inventiveness of the community, staff and the Board, and encouraged his colleagues to move beyond the pioneer stage to a place of more method, reliability and processes. He noted that ICANN's real challenge is to become more global. Jean-Jacques noted the historic achievement of the unified Internet infrastructure, which allows humanity to do things that are worthwhile. Jean-Jacques closed with thanks to the community for all of its selfless work, and noted that he accepted the invitation to join the ALAC in part to show his appreciation for all of this work.

Bruce Tonkin noted that the Internet community is comprised of people with great skill. The Board has been fortunate to have those with skill as well as wisdom, and Bruce hopes that continues.

The CEO noted that everyone in the room has continued to making ICANN one of the finest multistakeholder organizations in the world, including the Board of Directors – the hardest working Board the CEO has ever seen. The CEO thanked each director for their counsel and advice in transitioning into his position. Of Harald, the CEO noted his intellect, wisdom and good intentions, calling him “Harald, the wise.” Of Dennis, the CEO noted his work to drive productivity of the Board through his service as the Vice Chair and the Chair of the BGC, as well as Dennis's work on major initiatives. Of Jean-Jacques, the CEO noted his political acumen, eloquence and diplomatic grace.

The Chair then had Ram Mohan present the resolution thanking the sponsors of the meeting (seconded by Bruce Tonkin), Suzanne Woolf present the resolution thanking the scribes, interpreters, staff and event and hotel team (seconded by

George Sadowsky), and Thomas Narten present the resolution thanking the local hosts, .CO (seconded by the CEO, in thanks for .CO's tremendous support). All three resolutions were carried by acclamation.

Vanda Scartezini then presented a resolution thanking the meeting participants for their contributions, seconded by Gonzalo Navarro. The resolution was carried by acclamation and standing ovation from the Board.

Vanda then noted her thanks for the staff supporting the Board, for all of the behind the scenes work.

14. (Adjourn 12th Annual Meeting)

The Chair then adjourned the meeting.

2010-12-10-Board-Minutes-Organizational-Meeting

Minutes of Organizational Board Meeting

10 December 2010

A transcript of the meeting is posted at <http://cartagena39.icann.org/meetings/cartagena2010/transcript-board-meeting-10dec10-en.txt>.

An Organizational Meeting of the ICANN Board of Directors was held on 10 December 2010 in Cartagena, Colombia.

Peter Dengate Thrush promptly called an Organizational Meeting of the Board of Directors to order.

In addition to Peter Dengate Thrush, the following Directors participated in all or part of the meeting: Sébastien Bachollet, Rod Beckstrom (President and CEO), Cherine Chalaby, Bertrand de la Chapelle, Steve Crocker, Gonzalo Navarro, Rita Rodin Johnston, Erika Mann (joined remotely), Raymond A. Plzak, Rajasekhar Ramaraj, George Sadowsky, Mike Silber, Bruce Tonkin, Katim Touray, and Kuo-Wei Wu.

The following Board Liaisons participated in all or part of the meeting: Heather Dryden, GAC Liaison; Ram Mohan, SSAC Liaison; Thomas Narten, IETF Liaison; and Reinhard Scholl, TLG Liaison (joined remotely).

Peter Dengate Thrush welcomed the new members to the Board.

1. Election of Board Chairman

Peter Dengate Thrush handed the chairing of the meeting to Steve Crocker, who nominated Peter to serve as the Chairman of the Board.

Mike Silber seconded the nomination.

Steve then called for additional nominations, and none were provided.

The Board then took the following action:

Resolved (2010.12.10.37), Peter Dengate-Thrush is elected as Chairman of the Board.

All Board members present unanimously approved of Resolution 2010.12.10.37.

The Chair thanked the Board and the community for their continued support, and noted that it's an honor to chair the Board for the remainder of his term.

2. Election of Board Vice-Chairman

The Chair then resumed the chairing of the meeting.

The Chair nominated Steve Crocker to serve as Vice-Chairman of the Board.

Cherine Chalaby seconded the resolution.

The Chair called for discussion of the nomination, and no Board member responded.

The Board then took the following action:

Resolved (2010.12.10.38), that Steve Crocker is elected as Vice-Chairman of the Board.

All Board members present unanimously approved of Resolution 2010.12.10.38.

Steve Crocker noted that he will be stepping down from his chairmanship of the SSAC in order to focus his attention on Board issues, and that a succession process will be instituted with the assistance of Ray Plzak, the SSAC Vice-Chair. Steve confirmed that a succession process is expected to be as seamless as possible to continue the productivity of the SSAC.

3. Appointment of Membership of Board Committees

The Chair introduced the work of the Board Governance Committee in identifying a slate for composition of all of the committees of the Board, including identification of chairs. The Chair noted that this work was substantially led by the previous Board Governance Committee.

Bruce Tonkin then presented the resolution establishing the membership of Board Committees.

Ray Plzak seconded the resolution.

The Board then took the following action:

Resolved (2010.12.10.39), that membership of the following Board committees be established:

Audit

Rita Rodin Johnston (Chair)
Steve Crocker
Erika Mann

Compensation

Peter Dengate-Thrush (Chair)
Rita Rodin Johnston
Rajasekhar Ramaraj
Bruce Tonkin

Executive

Chairman of the Board (Chair)
Vice-Chairman of the Board
President/CEO
Rajasekhar Ramaraj

Finance

Rajasekhar Ramaraj (Chair)
Sebastien Bachollet
Cherine Chalaby
George Sadowsky
Bruce Tonkin (Observer)

Governance

Bruce Tonkin (Chair)
Cherine Chalaby
Steve Crocker
Rita Rodin Johnston
Ram Mohan (Liaison)
Ray Plzak

Global Relations

Peter Dengate Thrush (Chair)
Cherine Chalaby
Erika Mann
Gonzalo Navarro
George Sadowsky
Katim Touray
Kuo-Wei Wu

IANA

Kuo-Wei Wu (Chair)
Bertrand de La Chapelle
Thomas Narten (Liaison)
Ray Plzak
Katim Touray
Suzanne Woolf (Liaison)

Public Participation

Mike Silber (Chair)
Sebastien Bachollet
Thomas Narten (Liaison)
Gonzalo Navarro
Katim Touray
Kuo-Wei Wu

Risk

Steve Crocker (Chair)
Mike Silber
Bruce Tonkin
Rajasekhar Ramaraj
Suzanne Woolf (Liaison)

Structural Improvements

Ray Plzak (Chair)
Bertrand de La Chapelle
George Sadowsky
Reinhard Scholl (Liaison)
Mike Silber

All Board members present unanimously approved of Resolution 2010.12.10.39.

4. Confirmation of Officers of ICANN

The Chair then moved the resolutions appointing the officers of ICANN, as required at the organization meeting.

Mike Silber seconded the resolutions.

The Board then took the following action:

Resolved (2010.12.10.40), Rod A. Beckstrom is elected as President and Chief Executive Officer.

Resolved (2010.12.10.41), Akram Atallah is elected as Chief Operating Officer.

Resolved (2010.12.10.42), Akram Atallah is elected as Interim Chief Financial Officer.

Resolved (2010.12.10.43), John Jeffrey is elected as General Counsel and Secretary.

Resolved (2010.12.10.44), Kurt Pritz is elected as Senior Vice President, Stakeholder Relations.

All Board members present unanimously approved of Resolutions 2010.12.10.40, 2010.12.10.41, 2010.12.10.42, 2010.12.10.43, and 2010.12.10.44.

The CEO noted his thanks for the continued support of the ICANN management team and the honor it is to serve the organization. The CEO noted the solid progress being made working with the community and the Board.

5. Other Business

Sébastien Bachollet thanked the members of the At-Large community, including the members and leaders of the 1289 At-Large structures in nearly 100 countries, as well as the leaders of the five Regional At Large Organizations, for his election as a Board member. Sébastien commented on the care taken in creating the electoral process, and thanked the other candidates who stood for the position.

Sébastien noted the history of his involvement with ICANN, dating back to 2001 at the Melbourne meeting, through his tenure as the President of ISOC France, which became an ALS and helped sign the Memorandum of Understanding to create the EURALO. He noted two milestones in his participation with ICANN – the organization of the 2008 ICANN meeting in Paris, and his contribution in organizing the first At-Large Summit in Mexico City in 2009. Sébastien thanked his children for their support during his long working hours.

Sébastien expressed his hopes that the Board will work together for the good of the internet and its billions of users around the world.

The Chair then adjourned the meeting.

2010-01-25-01 Board-Submission BFC-Revised-Charter

ICANN BOARD SUBMISSION NO. 2011-01-25-01

TITLE: **Board Finance Committee Revised Charter**

PROPOSED ACTION: **For Consent Agenda**

EXECUTIVE SUMMARY:

The Board Finance Committee's (BFC) current charter was approved in 2000. Since that time, the responsibilities of the BFC have evolved along with the growth of the organization and best practices. In addition, in 2009, the Board Governance Committee (BGC) approved a common format and standard provisions for all Board Committee Charters, addressing issues such as notice of meetings, quorum, minutes and review.

As part of the BFC's commitment to review its operations, update its Charter to reflect the current activities of the BFC, and to align its Charter with the BGC approved Charter format, the BFC approved the attached revised charter at its 5 December 2010 meeting. The Revised Charter, as approved by the BFC, is found in the Annex to this paper. For ease of reference, a redline showing the changes from the 2000 version is Attachment 1 to the Annex.

BGC and STAFF RECOMMENDATION:

The BFC and staff recommend that the Board approve the revised Charter for the BFC as reflected in Attachment 1.

PROPOSED RESOLUTION:

Whereas, the Board Finance Committee (BFC) is currently operating under a Charter approved in 2000, available at <http://www.icann.org/en/committees/finance/>.

Whereas, as part of the BFC's obligation to review its operations and make appropriate recommendations for updates or enhancements, on 5 December 2010 the BFC approved a Revised Charter that better reflects the BFC's current operations. The Revised Charter also incorporates, unchanged, the standard language for Board Committee Charters as previously approved by the Board Governance Committee. *See* <http://www.icann.org/en/minutes/resolutions-06mar09.htm#10>.

Resolved (2011.01.25.xx), the Revised Charter of the Board Finance Committee is approved.

PROPOSED RATIONALE:

Approving the revised Board Finance Committee (BFC) charter at this time makes sense as the revised version better reflects the current operations of the BFC than the prior version. It also now conforms to the recent revisions to all other charters, as approved by the Board Governance Committee. Further, the revised charter reflects the BFC's activities as they relate to the size and scope of ICANN in 2011 and that the BFC is operating in accordance with the best practices. In developing the revised Charter both best practices as well as the actual operations of ICANN's BFC were reviewed and considered significant to approve the revised charter.

The approval of the Revised BFC Charter should have a positive public effect in that it increases the accountability and transparency of the organization and aligns with the BFC's current activities and best practices. There is no financial impact on ICANN or the community by revising the BFC charter. Confirmation of the BFC mandate through revision to its charter does not present any impact on the systemic security, stability and resiliency of the DNS.

Submitted by:	Amy Stathos
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2011-01-25-02 Board-Submission SO-AC-Board-Member- Transition

ICANN BOARD SUBMISSION NO. 2011-01-25-02

TITLE: **SO/AC Board Member Term Transition - Bylaws Amendments**

PROPOSED ACTION: **For Consent Agenda**

EXECUTIVE SUMMARY:

In its final Report, the Board Review Working Group (BRWG) recommended Bylaws amendments to modify the current timing of appointments to the Board from ICANN's Sponsoring Organizations and the At-Large Community to facilitate the seating of Board members at a mid-year International Public Meeting ("Meeting"). Such modification is to allow for a more orderly, face-to-face transition of Board members. In furtherance of the BGC's recommendation, on 28 October 2010 the Board approved the posting for public comment proposed Bylaws amendments reflecting the BRWG's recommendations on Board member transition.

The Bylaws amendments do three things: (1) define that if a Meeting occurs between six to eight months after the conclusion of an ICANN annual general meeting (AGM), the Board seat transitions should occur at the end of that Meeting; (2) if no Meeting occurs during that time period, the Board seat transitions will occur as they do now – six months after the conclusion of the AGM; and (3) require those selecting Board members to give an additional month's notice of their selection to allow for more comprehensive Board committee slating before the Board member transition. The Bylaws amendments do not require ICANN to hold a mid-year Meeting.

The amendments were posted for public comment on 8 November 2010. As of the date of this paper, 14 January 2011, only one comment has been received. The comment was from the At-Large Advisory Committee, which supported the Bylaws amendments. The proposed Bylaws amendments, in redline form, are in the Annex to this paper.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the attached proposed Bylaws amendments to facilitate a face-to-face transition of Board member terms, where feasible and appropriate, as recommended by the BRWG.

PROPOSED RESOLUTION:

Whereas, the Bylaws currently require that all incoming members of the ICANN Board of Directors not selected by the Nominating Committee (NomCom) are seated on the Board six months after the prior year's Annual General Meeting (AGM).

Whereas, six months after the prior year's AGM typically occurs in between ICANN's International Public Meetings (“Meeting”).

Whereas, the Board Review Working Group (BRWG) recommended that the seating of Board members not appointed by NomCom occur at a mid-year Meeting to facilitate the smooth transition of Board members.

Whereas, the Board Governance Committee ("BGC") considered this issue, agreed with the rationale of the BRWG, but recognized that a mid-year Meeting may not always occur; the BGC thus recommended modifications to the BRWG recommendation to allow for seating of incoming directors without delay.

Whereas, proposed Bylaws amendments to reflect the BRWG recommendations were posted for public comment for two months (8 November 2010 through 8 January 2011) at <http://www.icann.org/en/public-comment/#bylaws-amend-article-vi82010>.

Whereas, just one public comment, supporting the proposed amendments, was received during the public comment period.

RESOLVED (2011.01.25.xx), the Board approves the proposed Bylaws amendments necessary to facilitate a change in transition of Board members selected by the Supporting Organizations or At-Large community.

PROPOSED RATIONALE:

Following an independent review by the Boston Consulting Group (BCG) of the ICANN Board (<http://www.icann-ombudsman.com/en/reviews/board/report-02nov08-en.pdf>), a Board Review Working Group (BRWG) as formed to help determine implementation feasibility of the BCG recommendations. The BRWG, after numerous meetings, extensive email communications and document analysis, issued its Final Report (<http://www.icann.org/en/reviews/board/board-review-final-26jan10-en.pdf>) in

January 2010. One of the recommendations from the BRWG, which the Board considered, was to seat all board members not selected by the Nominating Committee, at an ICANN mid-term meeting. With some minor modifications to address the possibility that no mid-term meeting will occur, the Board believes that the BRWG recommendations are reasoned and geared toward ensuring smooth transition of Board members. The only comment received from the community was from ALAC and in support of the proposed Bylaws amendments. (See <http://forum.icann.org/lists/bylaws-amend-article-vi8/msg00000.html> “The Proposed Bylaws Amendments on Board Member Term Transitions are in alignment with ALAC philosophies related to transitions. The ALAC welcomes and support these amendments.”)

The Board expects that this will have a positive public impact, in that typically new Board members will be seated at the conclusion of a Meeting, allowing for outgoing Board members to conclude their terms at the conclusion of that same Meeting. A transition period provides for a much smoother transition than changing terms in between Board meetings. The outgoing Board members will be able to complete a cycle of being briefed about and then addressing matters pending for discussion and decision at the next meeting. Likewise, the new Board members will be able to start afresh with the next issues at the beginning of the process.

The Board’s decision may have a minimal financial impact on ICANN in that both outgoing and incoming Board members’ travel and accommodations will be funded to the transition Meeting. As currently structured, however, additional funding would be required for no more than four Board members, and often less. It is unlikely that the potential amount of additional travel support that may be required will have an impact on the budget or the community. The Board sees no impact on the systemic security, stability and resiliency of the DNS.

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**2011-01-25-03 Board Submission SSAC Chair
Appointment**

ICANN BOARD SUBMISSION NO. 2011-01-25-03

TITLE: **SSAC Chair Appointment**

PROPOSED ACTION: **For Board Consent Agenda**

EXECUTIVE SUMMARY:

According to Article XI, Section 2, Subsection 2 of the ICANN Bylaws, the ICANN Board of Directors shall appoint the Chair and the members of the Security and Stability Advisory Committee (SSAC). On 10 December 2010, Steve Crocker announced his resignation as Chair of the SSAC upon the selection by the SSAC of a new Chair and appointment by the Board. On 22 December 2010 Ray Plzak announced his resignation as Vice Chair of the SSAC. Subsequently, the SSAC initiated an election for Chair and Vice Chair from the members of the Committee beginning 10 December 2010 and ending 07 January 2011. Following the election the Committee selected Patrik Fältström as Chair and James Galvin as Vice Chair.

SSAC RECOMMENDATION:

The Committee recommends the Board appoint as Chair of the SSAC.

PROPOSED RESOLUTIONS:

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

Whereas, Article XI, Section 2, Subsection 2 of the Bylaws states that the Board shall appoint the Chair and the members of the SSAC.

Whereas, on 10 December 2010 Steve Crocker announced his intention to resign as Chair of the SSAC upon the selection by the SSAC of a new Chair and appointment by the Board.

Whereas, on 22 December 2010 Ray Plzak resigned as Vice Chair of the SSAC.

Whereas, the SSAC initiated an election for Chair and Vice Chair from the members of the Committee beginning 10 December 2010 and ending 07 January 2011.

Whereas, the Committee elected Patrik Fältström as Chair and James Galvin as Vice Chair.

Resolved (2011.01.25.xx) the Board accepts the recommendation of the SSAC and appoints as Chair of the SSAC and extends its best wishes to Patrik Fältström and to James Galvin in their important new roles.

Submitted by:	Ram Mohan
Position:	SSAC Liaison to the Board
Date Noted:	14 January 2011
Email and Phone Number	Contact Information Redacted

**2011-01-25-04 Board Submission Thanks to SSAC
Departing Member Christophe Reverd**

ICANN BOARD SUBMISSION TO THANK DEPARTING SSAC MEMBER CHRISTOPHE REVERD

ICANN BOARD SUBMISSION NO. 2011-01-25-04

TITLE: Thank You to Christophe Reverd

PROPOSED ACTION: For Consent Agenda

EXECUTIVE SUMMARY:

On 26 June 2009 the ICANN Board approved the appointment of Christophe Reverd to the Security and Stability Advisory Committee. On 16 December 2010, Christophe stepped down as a member of the Committee.

COMMITTEE RECOMMENDATION:

The Committee wishes to formally thank Christophe Reverd for his work while a member of the Security and Stability Advisory Committee.

PROPOSED RESOLUTION:

Whereas, Christophe Reverd was appointed to the ICANN Security and Stability Advisory Committee on 26 June 2009.

Whereas, ICANN wishes to acknowledge and thank Christophe Reverd for his service to the community by his membership on the Security and Stability Advisory Committee.

Resolved (2011.01.25.xx), that Christophe Reverd has earned the deep appreciation of the Board for his service to ICANN by his membership on the Security and Stability Advisory Committee, and that the Board wishes Christophe Reverd well in all future endeavours.

Submitted by: Ram Mohan
Position: Liaison to the ICANN Board from the Security and
Stability Advisory Committee
Date Noted: 14 January 2011
Email: **Contact Information Redacted**

**2011-01-25-05 Board Submission Thank You to SSAC
Departing Member Ray Plzak**

**ICANN BOARD SUBMISSION TO THANK DEPARTING SSAC VICE
CHAIR AND MEMBER RAY PLZAK**

ICANN BOARD SUBMISSION NO. 2011-01-25-05

TITLE: Thank You to Ray Plzak

PROPOSED ACTION: For Consent Agenda

EXECUTIVE SUMMARY:

On 17 May 2002 the ICANN Board approved the appointment of Ray Plzak as a charter member of the Security and Stability Advisory Committee. Ray also has served for many years as the Vice Chair of the Committee. On 22 December 2010, Ray stepped down as a member of the Committee.

COMMITTEE RECOMMENDATION:

The Committee wishes to formally thank Ray Plzak for his valuable commitment to the Committee, both as a charter member and as Vice Chair.

PROPOSED RESOLUTION:

Whereas, Ray Plzak was appointed to the ICANN Security and Stability Advisory Committee on 17 May 2002.

Whereas, ICANN wishes to acknowledge and thank Ray Plzak for his service to the community as Vice Chair and member of the Security and Stability Advisory Committee.

Resolved (2011.xx.xx.xx), that Ray Plzak has earned the deep appreciation of the Board for his service to ICANN as Vice Chair and member of the Security and Stability Advisory Committee, and that the Board wishes Ray Plzak well in all future endeavours.

Submitted by: Ram Mohan

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

Date Noted: 14 January 2011

Email: **Contact Information Redacted**

**2011-01-25-06 Board Submission Thanks to Departing
SSAC Chair Steve Crocker**

ICANN BOARD SUBMISSION TO THANK DEPARTING SSAC CHAIR STEVE CROCKER

ICANN BOARD SUBMISSION NO. 2011-01-25-06

TITLE: Thank You to Dr. Stephen Crocker

PROPOSED ACTION: For Consent Agenda

EXECUTIVE SUMMARY:

On 15 November 2001 the ICANN Board of Directors established the Security and Stability Advisory Committee (SSAC). Subsequently, on 14 March 2002 the Board appointed Dr. Stephen Crocker as SSAC Chair and approved the SSAC Charter. Since that time, Dr. Crocker has served with consummate skill and dedication as the Chair of the SSAC. In his role as Chair, Dr. Crocker brought structure and substance to the operation of the SSAC, and led the Committee through major landmark events such as SiteFinder and Root Scaling. As an active participant in the Security arena, he expanded the membership of SSAC to include subject matter experts on a broad range of topics, simultaneously increasing the Committee's geographic diversity and depth of Staff support. He guided the SSAC through its first comprehensive external review, and ensured the implementation of all recommendations in a timely manner. As its leader, Steve Crocker transformed the Security and Stability Advisory Committee from a concept to excellence in execution, resulting in enhanced credibility to the Committee in specific and to ICANN in general.

On 10 December 2010, Steve Crocker announced his resignation as Chair of the SSAC upon the selection by the SSAC of a new Chair and appointment by the Board. On 25 January 2011 the Board appointed as the new Chair of the SSAC. As Dr. Crocker steps down, the SSAC wishes to

express its deep and tremendous gratitude for his dedicated and tireless service to both the Committee and to the Community.

COMMITTEE RECOMMENDATION:

The Committee wishes to formally thank Dr. Stephen Crocker and express its deep and tremendous gratitude for his dedicated and tireless service and skilled guidance as Chair of the SSAC.

PROPOSED RESOLUTION:

Whereas, Dr. Stephen Crocker was appointed as Chair of the ICANN Security and Stability Advisory Committee on 14 March 2002.

Whereas, Dr. Crocker has served with consummate skill and dedication as the Chair of the SSAC.

Whereas, Dr. Crocker brought structure and substance to the operation of the SSAC, and led the Committee through major landmark events such as SiteFinder and Root Scaling.

Whereas, Dr. Crocker expanded the membership of SSAC to include subject matter experts on a broad range of topics, simultaneously increasing the Committee's geographic diversity and depth of Staff support.

Whereas, Dr. Crocker guided the SSAC through its first comprehensive external review, and ensured the implementation of all recommendations in a timely manner.

Whereas, Steve Crocker transformed the Security and Stability Advisory Committee from a concept to excellence in execution, resulting in enhanced credibility to the Committee in specific and to ICANN in general.

Whereas, on 10 December 2010 Dr. Crocker announced his intention to resign as Chair of the SSAC upon the selection by the SSAC of a new Chair and appointment by the Board.

Whereas, the SSAC initiated an election for Chair and Vice Chair from the members of the Committee beginning 10 December 2010 and ending 07 January 2011.

Whereas, the Committee elected as Chair and James Galvin as Vice Chair.

Whereas, on 25 January 2011 the Board appointed as the new Chair of the SSAC.

Resolved (2011.01.25.xx), that Dr. Crocker has earned the tremendous gratitude and deep appreciation of the Board for his tireless service and dedication to ICANN as Chair of the Security and Stability Advisory Committee, and that the Board wishes Dr. Crocker well in all future endeavours.

Submitted by: Ram Mohan
Position: Liaison to the ICANN Board from the Security and Stability Advisory Committee
Date Noted: 14 January 2011
Email: **Contact Information Redacted**

2011-01-25-07 Board Submission IPv4 Post Exhaustion Tracking of Proposal

ICANN BOARD SUBMISSION NO. 2011-01-25-07

TITLE: IPv4 Post-Exhaustion, Tracking of Proposal

PROPOSED ACTION: For Consent Agenda

EXECUTIVE SUMMARY:

A policy proposal entitled “Global Policy Proposal for the Allocation of IPv4 by the IANA post exhaustion” (the Proposal) has been introduced in the addressing community, co-authored by seven people resident in ARIN’s service region. As required by Board’s review procedures, ICANN staff is providing notice of this work to the Board and requesting that the Board resolve that staff “track” this policy development work.

The Proposal is for ICANN to provide an address redistribution mechanism mediated through the IANA Department. The background and status of the Proposal is provided in a draft background report, as Annex, with links to the full text of the Proposal.

STAFF RECOMMENDATION:

Staff recommends that the Board request that the Proposal be tracked by ICANN staff immediately. Alternatively, the Board could await further developments before requesting ICANN staff to follow the Proposal.

PROPOSED RESOLUTION:

Whereas, the Board’s Review Procedures for Global Internet Number Resource Policies Forwarded for Ratification by the ASO Address Council in Accordance with the ASO MoU, states that “When, in accordance with step 1 in the Global Policy Development Process of the ASO MoU (Attachment A, article 1), ICANN staff liaising with the addressing community becomes aware of a global policy development within the scope of the ASO MoU, ICANN staff informs the ICANN Board of this development. The Board decides, as and when appropriate, that this development should be followed by ICANN staff and instructs the ICANN CEO to assign staff for this purpose. ICANN staff so assigned shall inform all ICANN Supporting Organizations and Advisory Committees, shall establish an ICANN web page to be

kept up to date and shall compile a background report to be kept up to date on this global policy development. This background report shall be provided to the Board as requested.”.

Whereas, ICANN staff has informed the Board that a policy proposal entitled “Global Policy Proposal for the Allocation of IPv4 by the IANA post exhaustion” is in development and that this Proposal has entered the first adoption steps within the individual RIRs as well as being recognized by the ASO Address Council as a valid Global Policy Proposal.

Whereas, the Proposal is identified as a global policy development within the scope of the Memorandum of Understanding between ICANN and the ASO.

Resolved (2011.01.25.XX), the Board requests that the development of the policy proposal entitled “Global Policy Proposal for the Allocation of IPv4 by the IANA post exhaustion” be followed by ICANN staff in line with the Board’s Review Procedures for such policy proposals and instructs the ICANN CEO to assign staff for this purpose.

PROPOSED RATIONALE:

The Global Policy Proposal has reached the discussion stage in all Regional Internet Registries and the time is ripe to start producing and posting Background Reports on the Proposal’s status. Directing staff to conduct the required tracking work is in furtherance of ICANN’s obligations under the MoU with the ASO and the Board’s Review Procedures for Global Internet Number Resource Policies.

There will be a nominal budgetary impact when directing staff to track the Proposal, as ICANN policy staff are already allocated to the ASO, and the tracking of proposals at this stage require limited staff effort. If approved, future implementation may pose additional impacts on the budget, public and security/stability related issues, but those are not ripe for assessment at this time. Requiring staff tracking at this stage will also allow for advance preparation in advance of a request from the ASO for ratification.

Submitted by: Olof Nordling
Position: Director, Services Relations
Date Noted: 16 January 2011

Email and Phone Number

olof.nordling@icann.org

2011-01-25-08 Board Submission RSSAC Improvements Implementation

ICANN BOARD SUBMISSION NO. 2011-01-25-08

TITLE: **RSSAC Improvements Implementation**

PROPOSED ACTION: **For Consent Agenda**

EXECUTIVE SUMMARY:

Following the conclusion of the Review of ICANN's Root Server Security and Stability Advisory Committee (RSSAC) and receipt of a Final Report from the RSSAC Review Working Group, the ICANN Board resolved on 5 August 2010, at <http://icann.org/en/minutes/resolutions-05aug10-en.htm#2.f>, to direct the Structural Improvements Committee (SIC) to present a set of suggested implementation actions to address the conclusions and recommendations formulated in the Final. The SIC has received a document presenting such a set of actions, the "RSSAC review WG final report: implementation steps," and recommends Board approval.

COMMITTEE RECOMMENDATION:

The SIC, at its 7 December 2010 meeting, found this document to be a good basis for the implementation work. The SIC recommends that the Board approves the proposed document and instructs the SIC and staff to develop a detailed implementation plan.

PROPOSED RESOLUTION:

Whereas, on 5 August 2010, the Board resolved to receive the Final Report of the RSSAC review Working Group, and directed the Structural Improvements Committee (SIC) to "to present a set of suggested actions for approval at the October 2010 Board meeting, so as to address the conclusions and recommendations formulated in the final report of this Working Group", at <http://icann.org/en/minutes/resolutions-05aug10-en.htm#2.f>.

Whereas, ICANN staff members supporting the organizational reviews identified a set of measures in a document "RSSAC review WG final report: implementation steps", dated December 2010, to address the recommendations arising out of the Working Group and provided those to the SIC.

Whereas, the SIC finds the proposed measures are adequate and proposes to have staff, working in coordination with the SIC, to finalize an implementation plan based upon the implementation steps identified, and to provide a final implementation plan to the Board for receipt and consideration.

Resolved (2011.01.25.xx), the Board approves the “RSSAC review WG final report: implementation steps” put forward by the SIC and instructs the SIC, in coordination with staff, to provide the Board with a final implementation plan to address the conclusions and recommendations in the final reports of the RSSAC review Working Group.

PROPOSED RATIONALE:

The proposed implementation steps were provided to the Board in fulfilment of the Board’s 5 August 2010 resolution requiring the submission of this proposal. The implementation steps address the recommendations arising out of the Review Working Group’s Final Report. A draft Final Report was posted for public comment and no comments were received, including none indicating that there would be a negative impact if the recommendations were adopted. Further, adoption of the implementation plan for the RSSAC Review will set the stage for a dedicated staff effort to improve cooperation and communication between ICANN and the root server operators within the framework of the RSSAC structure.

Directing the creation of a final implementation plan will have a nominal budgetary impact, in that it will require further resources of the staff supporting ICANN’s Organizational Reviews. The identification of final implementation steps is anticipated to occur within the resources already allocated. The further impact of the implementation work will be identified as practicable.

Submitted by:	Olof Nordling
Position:	Director, Services Relations
Date Noted:	18 January 2011
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2011-01-25-09 Board Submission NomCom Chair-Elect Bylaws Changes

ICANN BOARD SUBMISSION NO. 2011-01-25-09

TITLE: **NomCom Chair-Elect, Changes to ICANN Bylaws**

PROPOSED ACTION: **For Board Consent Agenda**

EXECUTIVE SUMMARY:

Recommendation number 13 in the Final Report of the NomCom Review Finalization Working Group proposes that the NomCom Chair be elected one year in advance and act as non-voting Chair-Elect in the NomCom until taking office as Chair. See <http://www.icann.org/en/reviews/nomcom/nomcom-review-finalization-wg-final-report-29jan10-en.pdf> . This recommendation will require changes to the ICANN Bylaws in Article VII, Section 2 and 3 at <http://icann.org/en/general/bylaws.htm#VII>. The SIC, at its 14 October meeting, recommended such Bylaws amendments, while highlighting the need for appropriate flexibility for the Board to handle different situations that may occur. On 28 October 2010, the Board resolved that the proposed Bylaws amendments be posted for public comments, see <http://icann.org/en/minutes/resolutions-28oct10-en.htm> . The posting occurred on 10 November 2010, see <http://icann.org/en/public-comment/#bylaws-amend-article-vii> , with 10 December 2010 as deadline for comments. The comment period elapsed without any comments being received.

STAFF RECOMMENDATION:

Since no objection has been raised to the proposed Bylaws amendments, it is recommended to proceed by formally adopting these amendments and subsequent preparation for implementation of the new provisions, to be effective for the 2012 Nominating Committee.

PROPOSED RESOLUTION:

Whereas, Article VII, Section 2 and 3 of the Bylaws govern the composition of the Nominating Committee (NomCom) and the terms of the NomCom members.

Whereas, in its final report published 29 January 2010

<http://www.icann.org/en/reviews/nomcom/nomcom-review-finalization-wg-final-report->

29jan10-en.pdf, the NomCom Review Finalization Working Group recommended that the Chair of the NomCom be elected one year in advance, requiring changes to the ICANN Bylaws in Article VII, Section 2 and 3 at <http://icann.org/en/general/bylaws.htm#VII>.

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

Whereas, the SIC, at its 14 October 2010 meeting, recommended that the Bylaws should be amended to achieve the recommendation of the NomCom Review Finalization Working Group by electing the NomCom Chair one year in advance, while also highlighting that the related Bylaws amendments must incorporate appropriate flexibility for the Board.

Whereas, the Board, at its 28 October 2010 meeting, resolved that the proposed Bylaws amendments should be posted for public comments.

Whereas, the proposed Bylaws amendments, see <http://icann.org/en/general/proposed-bylaws-revision-vii-10nov10-en.pdf>, were posted for public comments from 10 November to 10 December 2010 and this period elapsed without any comments being received.

It is hereby **RESOLVED** (2011.01.25.XX), that the Board approves the proposed Bylaws amendments and directs staff to work with the Structural Improvements Committee to prepare for implementation of the new provisions to be effective for the 2013 Nominating Committee.

PROPOSED RATIONALE:

The Bylaws amendments proposed will have the purpose of achieving the recommendation of the NomCom Review Finalization Working Group by designating the NomCom Chair one year in advance, while preserving appropriate flexibility for the Board to review the candidate for the Chair.

As no public comments have been received indicating that this would not be a positive change regarding the Nominating Committee and its processes. The budgetary impact of this is neutral, as the transition from the non-voting advisor to the Chair to the Chair-Elect does not represent a change in the number of Nominating Committee members supported through the budget for the Nominating Committee.

Submitted by:	Olof Nordling
Position:	Director, Services Relations
Date Noted:	12 January 2011
Email and Phone Number	olof.nordling@icann.org

**2011-01-25-10 Board Submission TEL numeric-only
names**

ICANN BOARD SUBMISSION NO. 2011-01-25-10

TITLE: **Proposal to allow allocation of numeric-only (excluding single-digit) domain names in .TEL**

PROPOSED ACTION: **For Board Consideration**

EXECUTIVE SUMMARY:

ICANN received a Request from Telnic on 8 October 2010, through the Registry Services Evaluation Process (RSEP) to allow the allocation of numeric-only (excluding single-digit) domain names in .TEL.

.TEL is one of the 10 sponsored top-level domains (sTLD) that have a Registry Agreement with ICANN. A unique element of a sTLD is their delegated policy making authority (defined in Appendix S to the .TEL Registry Agreement) that permits for example the establishment of policies and procedures for the TLD. In .TEL, policy-making is facilitated through their IPAG. The allocation of numeric-only domains in .TEL is currently prohibited by the .TEL Charter, and therefore such a change to that restriction should be appropriately developed through an IPAG policy process.

All gTLD registries, with the exception of .TEL and .NAME, are free from prohibitions to allocate numeric-only domain names.

Given that: the new service related to the proposed amendment did not raise any security, stability or competition issues; Telnic stated and documented that the proposal does not constitute a fundamental change to the TLD (the purpose of the TLD is to serve the community of users who wish to use the TLD to store and publish their contact information in the DNS); .TEL's IPAG followed their delegated policy-making authority to develop the proposal; there is no technical issue created by the proposal with respect to ENUM; the potential for user confusion is low and that .TEL has the IPAG as its policy-making body to address this issue, should it be required; and that approving the proposal would expand the options available to registrants under .TEL, it would be advisable to approve the Amendment related to the Request.

Possible rationale for the recommendation is provided below; the Annex of this paper further expands on the reasoning.

RECOMMENDATION:

For the reasons stated below and taking into account the public comments, it is recommended to approve the amendment to allow allocation of numeric-only (excluding single-digit) domain names in .TEL.

PROPOSED RESOLUTION:

Whereas, Telnic submitted a Request pursuant to ICANN's Registry Services Evaluation Policy to amend the .TEL Registry Agreement to allow the allocation of numeric-only (excluding single-digit) domain names in .TEL.

Whereas, .TEL is one of the only two gTLDs currently not allowed to allocate numeric-only domain names.

Whereas, ICANN evaluated the proposed amendment to the .TEL Registry Agreement as a new registry service pursuant to the Registry Services Evaluation Policy, did not identify any security, stability or competition issues, and posted an amendment for public comment and Board consideration (see <http://icann.org/en/announcements/announcement-14oct10-en.htm>).

Whereas, the potential issues cited during the public comment period and by ICANN were adequately addressed by Telnic's responses.

Whereas, approving the proposal would augment the options available to registrants for registering names in .TEL.

It is hereby **RESOLVED** (2011.01.25.__) that the amendment to allow allocation of numeric-only (excluding single-digit) domain names in .TEL is approved, and the President and General Counsel are authorized to take such actions as appropriate to implement the amendment.

PROPOSED RATIONALE:

- Why the Board is addressing the issue now?

On 8 October 2010 Telnic submitted a request pursuant to ICANN's Registry Services Evaluation Policy to amend the .TEL Registry Agreement to allow the allocation of numeric-only (excluding single-digit) domain names in .TEL. ICANN advised Telnic that an amendment to Appendices 6, Schedule of Reserved Names, and S, the Charter, would be necessary to implement the new service. ICANN determined the amendment was a substantial change to the Registry Agreement; therefore, Board consideration was necessary.

- What are the proposals being considered?

The Board considered whether or not to approve the proposed amendment to allow the allocation of numeric-only (excluding single-digit) domain names in .TEL.

- What Stakeholders or others were consulted?

The proposed amendment was subject to public comment from 14 October 2010 through 13 November 2010; four comments were received, one was supportive, one did not address the merits of the proposal but made a suggestion to enhance it, one raised a potential issue, and the last one was the response from Telnic. ICANN asked Telnic to address the issues raised in the public comment forum and by ICANN, which Telnic and .TEL's delegated policy-making authority "the IPAG" did by submitting each one a letter to ICANN.

- What concerns or issues were raised by community?

One commenter raised the following issue in the public comment forum: 1) whether the proposal might constitute a fundamental change to the TLD; and as a corollary, 2) whether the delegated policy-making authority was followed.

- What significant materials did Board review?

While considering the proposed amendment, the Board reviewed the following materials: the request from Telnic for a new registry service <<http://www.icann.org/en/registries/rsep/telnic-request-08oct10-en.pdf>>; the proposed amendment subject of the Board resolution <[Page 99 of 229](http://www.icann.org/en/tlds/agreements/tel/proposed-tel-amendment-2-14oct10-</p></div><div data-bbox=)

en.pdf>; public comments related to the amendment <<http://forum.icann.org/lists/tel-numeric-only-domains/>>; a letter from .TEL's IPAG addressing the issues raised <<http://www.icann.org/en/registries/rsep/conroy-to-pritz-25nov10-en.pdf>>; and a letter from Telnic addressing the issues raised <<http://www.icann.org/en/registries/rsep/mahdavi-to-schwartz-07jan11-en.pdf>>.

- What factors the Board Found to be Significant?
 1. ICANN conducted the threshold security, stability and competition review on the proposed service pursuant to the RSEP, and did not identify any significant issues. Numeric-only names have been allowed in 14 gTLDs and several ccTLDs for years without harm to the security or stability of the Internet. From a purely technical point of view, there is no difference on what TLD allows the numeric-only names, therefore there is no new issue created by this proposal. ICANN advised Telnic that an amendment to Appendices 6, Schedule of Reserved Names, and S, the Charter, would be necessary to implement the new service.
 2. The proposed amendment was available for public comment from 14 October 2010 through 13 November 2010; four comments were received, one was supportive, one did not address the merits of the proposal but made a suggestion to enhance it, one raised a potential issue, and the last one was the response from Telnic. The comment period produced no clear consensus view on whether or not the amendment should be approved; each commenter provided input suggesting a different path, and some issues, described above, were noted.
 3. The comment from Tim Ruiz (registrar GoDaddy.com, Inc.) suggested that the proposal might constitute a fundamental change to the purpose of the TLD. Ruiz further added that Telnic's promise not to allow numeric-only second-level registrations was a fundamental aspect of its application and a primary reason why .TEL was awarded to Telnic and not Pulver (another bidder for .TEL sTLD at the time). He concluded that this request should not be granted without requiring the rebidding of the .TEL sTLD itself, giving an opportunity for others to bid competitively.

4. Khashayar Mahdavi, CEO of Telnic Limited (.TEL registry) submitted a response to Tim Ruiz's comment. He stated that the proposal is not a fundamental change to the nature of .TEL, since the restriction on all-numeric strings has nothing to do with the nature of .TEL and was instead a measure put in place to address initial concerns about potential conflicts with ENUM. He stated that .TEL's purpose, as described in its Charter, is to serve the community of users who wish to use a TLD to store and publish their contact information in the DNS.
5. In response to ICANN's request, .TEL's policy-making body, IPAG provided additional information in a letter on 25 November 2010 explaining the policy development and approval process that was followed, in order to develop the RSEP request.
6. In the same letter, the Chairman of the IPAG, Lawrence Conroy, a well-recognized ENUM expert, explained why the proposal does not create a technical issue with ENUM. Conroy stated that *"In this proposal, single-digit labels (such as 1.tel or 4.tel) are reserved, rather than continuing to apply a blanket prohibition of all numeric labels (such as 3663.tel); that is not needed or useful. By blocking all single digit labels, the root of an ENUM tree cannot be placed directly in .tel. ENUM simply doesn't work with multi-digit labels. Telnic did not and does not intend to launch any alternative to ENUM, and has a long standing agreement with ICANN that this will be the case for .tel."* (the letter is included in the Annex).
7. In a letter from Telnic on 7 January 2011, in response to ICANN's request, Telnic explained why they believe the proposal would not cause confusion between a numeric-only name under .TEL and what might be considered to be a corresponding telephone number. Telnic noted the issue has not been raised before, that adequate tools exist to deal with instances of actual user confusion and/or misrepresentation, and that other TLDs already offer such names without restriction or problems. Lastly, Telnic remarked that should user confusion be identified as an actual problem; their IPAG is well qualified to address any issues that may arise.

8. .TEL is one of the two gTLDs that is prohibited from allocating numeric-only domain names. By approving the proposal, .TEL would be in a better position to compete with the rest of the gTLDs in the market, which in turn, would provide more options to registrants.

- Are there Positive or Negative Community Impacts?

By approving the proposed amendment, the gTLD market will be more competitive by allowing .TEL to have a similar offering to the rest of the gTLDs, and more importantly, the registrants will have more options to choose for registration.

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

There are no foreseen fiscal impacts/ramifications of approving this amendment on the Strategic Plan, the Operating Plan, Budget, the community, or the public.

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

The proposed service related to the amendment was subject to the preliminary security and stability review pursuant to the Registry Services Evaluation Policy.

ICANN did not identify any security, stability or competition issues:

<<http://www.icann.org/en/registries/rsep/arias-to-shadrinov-14oct10-en.pdf>>

Submitted by:	Francisco Arias
Position:	gTLD Registry Technical Liaison
Date Noted:	13 January 2011
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2011-01-25-11 Board Submission NAME numbers and hyphens

ICANN BOARD SUBMISSION NO. 2011-01-25-[To be assigned by the Secretary]

TITLE: **Proposal to allow allocation of numeric-only and numbers-and-hyphens domain names in .NAME**

PROPOSED ACTION: **For Board Consideration**

EXECUTIVE SUMMARY:

ICANN received a Request from VeriSign on 25 August 2010 through the Registry Services Evaluation Process (RSEP) to allow the allocation of numeric-only and numbers-and-hyphens domain names in .NAME.

.NAME is one of the three restricted gTLDs (the others are .BIZ and .PRO) that have a Registry Agreement with ICANN. Domain registrations in .NAME are restricted to “Personal Names” that are defined in Appendix 11 as *“a person's legal name, or a name by which the person is commonly known. A ‘name by which a person is commonly known’ includes, without limitation, a pseudonym used by an author or painter, or a stage name used by a singer or actor.”*

All gTLD registries, with the exception of .NAME and .TEL, are free from prohibitions to allocate numeric-only domain names.

Given that: the new service related to the proposed amendment did not raise any security, stability or competition issue; VeriSign stated and documented that the proposal does not constitute a fundamental change to the TLD (it will continue to be for individuals for their personal use); VeriSign described existing mechanisms to deal with a perceived issue raised during the public comment; and that approving the proposal would expand the options available to registrants under .NAME, it would be advisable to approve the Amendment related to the Request.

Possible rationale for the recommendation is provided below; the Annex of this paper further expands on the reasoning.

RECOMMENDATION:

For the reasons stated below and taking into account the public comments, it is recommended to approve the amendment to allow the allocation of numeric-only and numbers-and-hyphens domain names in .NAME.

PROPOSED RESOLUTION:

Resolution Not Considered

PROPOSED RATIONALE:

Rationale Statement Not Considered

Rationale Statement Not Considered

Rationale Statement Not Considered

Rationale Statement Not Considered

Submitted by: Francisco Arias
Position: gTLD Registry Technical Liaison
Date Noted: 13 January 2011
Email and Phone Number: francisco.arias@icann.org; **Contact**

**2011-01-25-12 Board Submission Thanks to 2010
Nominating Committee**

ICANN BOARD SUBMISSION NO. 2011-01-25-12

TITLE: Thank You to 2010 Nominating Committee

PROPOSED ACTION: For Consent Agenda

EXECUTIVE SUMMARY:

On 27 August 2009 the Board appointed Wolfgang Kleinwächter as Chair of the 2010 NomCom. The delegates to the NomCom were selected by ICANN's constituencies and advisory bodies and they proceeded to evaluate over eighty candidates for seven leadership positions. The 2010 Nominating Committee announced their selections for the seven leadership positions within ICANN on 7 September 2010 and these selectees took their seats at the end of the Annual General Meeting in Cartagena.

PROPOSED RESOLUTION:

Whereas, on 27 August 2009, ICANN appointed Wolfgang Kleinwächter as Chair of the Nominating Committee.

Whereas, the 2010 Nominating Committee consisted of delegates from each of ICANN's constituencies and advisory bodies.

Resolved (2011.01.25.xx), the ICANN Board expresses its deep appreciation to Wolfgang Kleinwächter and all of the members of the 2010 Nominating Committee for their dedication, hard work, and successful efforts.

Submitted by: Diane Schroeder

Position: Director of Board Support

Date Noted: 13 January 2011

Email and Phone Number diane.schroeder@icann.org; +1.310.301.5827

2011-01-25-13 Board Submission 322622-bf

ICANN BOARD SUBMISSION NO. 2011-01-25-13

TITLE: Redlegation of the .BF domain representing Burkina Faso to the Autorité de Régulation des Communications Electroniques

PROPOSED ACTION: For Board Review and Approval on Consent Agenda

IANA REFERENCE: 322622

EXECUTIVE SUMMARY

The ICANN Board is asked to consider and vote on the request to redelegate the domain .BF, composed of the ISO 3166-1 code representing Burkina Faso.

[Sensitive Delegation Materials](#)

PROPOSED RESOLUTION

Whereas, BF is the ISO 3166-1 two-letter country-code designated for Burkina Faso.

Whereas, ICANN has received a request for redlegation of .BF to the Autorité de Régulation des Communications Electroniques;

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

It is hereby resolved (___), that the proposed redlegation of the .BF domain to the Autorité de Régulation des Communications Electroniques is approved.

PROPOSED RATIONALE

Why the Board is addressing the issue now?

Staff present delegation and redlegation requests for country-code domains to the Board for decision, once staff are satisfied the applicant has provided a sufficiently complete application that has a reasonable prospect of a positive Board decision. In line with ICANN's commitments to perform timely processing of requests relating to the

IANA function, and the DNS root zone in particular, the ICANN Board seeks to evaluate such requests at its next scheduled Special Meeting.

What is the proposal being considered?

The proposal is to approve a request to IANA to change or designate the sponsoring organisation (also known as the manager or trustee) of a country-code top-level domain. In line with established practice, the ICANN Board is involved in making the decision to proceed with such requests as one step of this multi-step process.

Which stakeholders or others were consulted?

In the course of evaluating a delegation application, ICANN staff consults with the applicant, the current operator (if applicable), and other directly connected parties. In line with ICANN's practice of keeping incomplete root zone change requests in confidence, ICANN has not performed open consultation on this matter.

What concerns or issues were raised by the community?

Any concerns or issues are raised within the public report that will be published in conjunction with this action. This report will be published on the IANA website at <http://www.iana.org/> should the root zone change request has successfully completed final processing, usually 1-2 months after the Board's decision.

What significant materials did the Board review?

The Board is involved in assessing requests against a variety of public interest criteria. This criteria includes establishing the country-code is eligible (e.g. listed in the ISO 3166-1 standard); establishing the proposed manager is supported by the local Internet community; establishing the proposed operator is operationally and technically competent; establishing the proposed manager is based locally and bound under local law; establishing the proposed manager operates fairly and equitably; establishing that in cases there is a transfer of operations that an appropriate plan is in place to preserve ongoing stability of the domain; and establishing that the action is compatible with any applicable local laws and regulations. During the staff compilation process, the applicant is asked to provide a variety of materials in support of these various aspects. Pertinent information from these supplied materials and other staff research is provided to the Board, and published in a public report at the end of implementing an approved request.

What factors the Board found to be significant?

The Board considers factors described in the public report, in relation to the basic principles of country-code domain delegation described earlier.

Are there positive or negative community impacts?

The timely approval of country-code domain name managers that meet the various public interest criteria is positive toward ICANN's overall mission, and the local communities to which country-code top-level domains are designated to serve.

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

The administration of country-code delegations in the DNS root zone is part of the IANA functions, and the delegation action should not cause any significant variance on pre-planned expenditure. It is not the role of ICANN to assess the fiscal impact of the internal operations of country-code top-level domains within a country, other than ensuring the operator is based in country and has the appropriate mechanisms to allow the local Internet community to properly oversee the domain's ongoing operation.

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

For country-code top-level domain delegations, ICANN seeks to approve only such requests where reasonable concerns have been satisfactorily addressed, and the proposed new manager has demonstrated a sufficient level of operational and technical competency where such concerns should be minimal.

Submitted by:	Kim Davies
Position:	Manager, Root Zone Services
Date Noted:	13 January 2011
Email and Phone Number	kim.davies@icann.org; +1 310 430 0455

2011-01-25-14 Board Submission 305437-cd

ICANN BOARD SUBMISSION NO. 2011-01-25-14

TITLE: Redlegation of the .CD domain representing the Democratic Republic of the Congo to Office Congolais des Postes et Telecommunications

PROPOSED ACTION: For Board Review and Approval on Consent Agenda

IANA REFERENCE: 305437

EXECUTIVE SUMMARY

The ICANN Board is asked to consider and vote on the request to redelegate the domain .CD, comprised of the ISO 3166-1 code representing the Democratic Republic of the Congo.

[Sensitive Delegation Materials](#)

PROPOSED RESOLUTION

Whereas, CD is the ISO 3166-1 two-letter country-code designated for the Democratic Republic of the Congo;

Whereas, ICANN has received a request for re delegation of .CD to Office Congolais des Postes et Telecommunications;

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

It is hereby resolved (___), that the proposed re delegation of the .CD domain to the Office Congolais des Postes et Telecommunications is approved.

PROPOSED RATIONALE

Why the Board is addressing the issue now?

Staff present delegation and redelegation requests for country-code domains to the Board for decision, once staff are satisfied the applicant has provided a sufficiently complete application that has a reasonable prospect of a positive Board decision. In line with ICANN's commitments to perform timely processing of requests relating to the IANA function, and the DNS root zone in particular, the ICANN Board seeks to evaluate such requests at its next scheduled Special Meeting.

What is the proposal being considered?

The proposal is to approve a request to IANA to change or designate the sponsoring organisation (also known as the manager or trustee) of a country-code top-level domain. In line with established practice, the ICANN Board is involved in making the decision to proceed with such requests as one step of this multi-step process.

Which stakeholders or others were consulted?

In the course of evaluating a delegation application, ICANN staff consults with the applicant, the current operator (if applicable), and other directly connected parties. In line with ICANN's practice of keeping incomplete root zone change requests in confidence, ICANN has not performed open consultation on this matter.

What concerns or issues were raised by the community?

Any concerns or issues are raised within the public report that will be published in conjunction with this action. This report will be published on the IANA website at <http://www.iana.org/> should the root zone change request has successfully completed final processing, usually 1-2 months after the Board's decision.

What significant materials did the Board review?

The Board is involved in assessing requests against a variety of public interest criteria. This criteria includes establishing the country-code is eligible (e.g. listed in the ISO 3166-1 standard); establishing the proposed manager is supported by the local Internet community; establishing the proposed operator is operationally and technically competent; establishing the proposed manager is based locally and bound under local law; establishing the proposed manager operates fairly and equitably; establishing that in cases there is a transfer of operations that an appropriate plan is in place to preserve ongoing stability of the domain; and establishing that the action is compatible with any applicable local laws and regulations. During the staff compilation process, the applicant is asked to provide a variety of materials in support of these various aspects. Pertinent information from these supplied materials and other staff research is provided to the Board, and published in a public report at the end of implementing an approved request.

What factors the Board found to be significant?

The Board considers factors described in the public report, in relation to the basic principles of country-code domain delegation described earlier.

Are there positive or negative community impacts?

The timely approval of country-code domain name managers that meet the various public interest criteria is positive toward ICANN's overall mission, and the local communities to which country-code top-level domains are designated to serve.

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

The administration of country-code delegations in the DNS root zone is part of the IANA functions, and the delegation action should not cause any significant variance on pre-planned expenditure. It is not the role of ICANN to assess the fiscal impact of the internal operations of country-code top-level domains within a country, other than ensuring the operator is based in country and has the appropriate mechanisms to allow the local Internet community to properly oversee the domain's ongoing operation.

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

For country-code top-level domain delegations, ICANN seeks to approve only such requests where reasonable concerns have been satisfactorily addressed, and the proposed new manager has demonstrated a sufficient level of operational and technical competency where such concerns should be minimal.

Submitted by:	Kim Davies
Position:	Manager, Root Zone Services
Date Noted:	13 January 2011
Email and Phone Number	kim.davies@icann.org; +1 310 430 0455

2011-01-25-15 Board Submission 396842-sy

ICANN BOARD SUBMISSION NO. 2011-01-25-15

TITLE: Redefinition of the .SY domain representing the Syrian Arab Republic to the National Agency for Network Services

PROPOSED ACTION: For Board Review and Approval on Consent Agenda

IANA REFERENCE: 396842

EXECUTIVE SUMMARY

The ICANN Board is asked to consider and vote on the request to redelegate the domain .SY, comprised of the ISO 3166-1 code representing the Syrian Arab Republic, to the National Agency for Network Services. Key points of the investigation on the re delegation request are:

[Sensitive Delegation Materials](#)

PROPOSED RESOLUTION

Whereas, SY is the ISO 3166-1 two-letter country-code designated for the Syrian Arab Republic;

Whereas, ICANN has received a request for re delegation of .SY to the National Agency for Network Services;

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

It is hereby resolved (___), that the proposed re delegation of the .SY domain to the National Agency for Network Services is approved.

PROPOSED RATIONALE

Why the Board is addressing the issue now?

Staff present delegation and redelegation requests for country-code domains to the Board for decision, once staff are satisfied the applicant has provided a sufficiently complete application that has a reasonable prospect of a positive Board decision. In line with ICANN's commitments to perform timely processing of requests relating to the IANA function, and the DNS root zone in particular, the ICANN Board seeks to evaluate such requests at its next scheduled Special Meeting.

What is the proposal being considered?

The proposal is to approve a request to IANA to change or designate the sponsoring organisation (also known as the manager or trustee) of a country-code top-level domain. In line with established practice, the ICANN Board is involved in making the decision to proceed with such requests as one step of this multi-step process.

Which stakeholders or others were consulted?

In the course of evaluating a delegation application, ICANN staff consults with the applicant, the current operator (if applicable), and other directly connected parties. In line with ICANN's practice of keeping incomplete root zone change requests in confidence, ICANN has not performed open consultation on this matter.

What concerns or issues were raised by the community?

Any concerns or issues are raised within the public report that will be published in conjunction with this action. This report will be published on the IANA website at <http://www.iana.org/> should the root zone change request has successfully completed final processing, usually 1-2 months after the Board's decision.

What significant materials did the Board review?

The Board is involved in assessing requests against a variety of public interest criteria. This criteria includes establishing the country-code is eligible (e.g. listed in the ISO 3166-1 standard); establishing the proposed manager is supported by the local Internet community; establishing the proposed operator is operationally and technically competent; establishing the proposed manager is based locally and bound under local law; establishing the proposed manager operates fairly and equitably; establishing that in cases there is a transfer of operations that an appropriate plan is in place to preserve ongoing stability of the domain; and establishing that the action is compatible with any applicable local laws and regulations. During the staff compilation process, the applicant is asked to provide a variety of materials in support of these various aspects. Pertinent information from these supplied materials and other staff research is provided to the Board, and published in a public report at the end of implementing an approved request.

What factors the Board found to be significant?

The Board considers factors described in the public report, in relation to the basic principles of country-code domain delegation described earlier.

Are there positive or negative community impacts?

The timely approval of country-code domain name managers that meet the various public interest criteria is positive toward ICANN's overall mission, and the local communities to which country-code top-level domains are designated to serve.

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

The administration of country-code delegations in the DNS root zone is part of the IANA functions, and the delegation action should not cause any significant variance on pre-planned expenditure. It is not the role of ICANN to assess the fiscal impact of the internal operations of country-code top-level domains within a country, other than ensuring the operator is based in country and has the appropriate mechanisms to allow the local Internet community to properly oversee the domain's ongoing operation.

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

For country-code top-level domain delegations, ICANN seeks to approve only such requests where reasonable concerns have been satisfactorily addressed, and the proposed new manager has demonstrated a sufficient level of operational and technical competency where such concerns should be minimal.

Submitted by:	Kim Davies
Position:	Manager, Root Zone Services
Date Noted:	13 January 2011
Email and Phone Number	kim.davies@icann.org; +1 310 430 0455

2011-01-25-16 Board Submission 395627-korea

ICANN BOARD SUBMISSION NO. 2011-01-25-16

TITLE: Delegation of the .한국 ("Hanguk") domain representing the Republic of Korea in Korean

PROPOSED ACTION: For Board Review and Approval on Consent Agenda

IANA REFERENCE: 395627

EXECUTIVE SUMMARY

The ICANN Board is asked to consider and vote on the request to delegate the domain .한국, comprised of the eligible IDN ccTLD Fast Track approved string representing the Republic of Korea.

[Sensitive Delegation Materials](#)

PROPOSED RESOLUTION

Whereas, 한국 ("Hanguk"), encoded as "xn--3e0b707e", is a string that has been deemed to appropriately represent the Republic of Korea through the IDN Fast Track process.

Whereas, ICANN has received a request for delegation of .한국 to the Korea Internet & Security Agency.

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

It is hereby resolved (___), that the proposed delegation of the .한국 domain to the Korea Internet & Security Agency is approved.

PROPOSED RATIONALE

Why the Board is addressing the issue now?

Staff present delegation and redelegation requests for country-code domains to the Board for decision, once staff are satisfied the applicant has provided a sufficiently complete application that has a reasonable prospect of a positive Board decision. In line with ICANN's commitments to perform timely processing of requests relating to the IANA function, and the DNS root zone in particular, the ICANN Board seeks to evaluate such requests at its next scheduled Special Meeting.

What is the proposal being considered?

The proposal is to approve a request to IANA to change or designate the sponsoring organisation (also known as the manager or trustee) of a country-code top-level domain. In line with established practice, the ICANN Board is involved in making the decision to proceed with such requests as one step of this multi-step process.

Which stakeholders or others were consulted?

In the course of evaluating a delegation application, ICANN staff consults with the applicant, the current operator (if applicable), and other directly connected parties. In line with ICANN's practice of keeping incomplete root zone change requests in confidence, ICANN has not performed open consultation on this matter.

What concerns or issues were raised by the community?

Any concerns or issues are raised within the public report that will be published in conjunction with this action. This report will be published on the IANA website at <http://www.iana.org/> should the root zone change request has successfully completed final processing, usually 1-2 months after the Board's decision.

What significant materials did the Board review?

The Board is involved in assessing requests against a variety of public interest criteria. This criteria includes establishing the country-code is eligible (e.g. listed in the ISO 3166-1 standard); establishing the proposed manager is supported by the local Internet community; establishing the proposed operator is operationally and technically competent; establishing the proposed manager is based locally and bound under local law; establishing the proposed manager operates fairly and equitably; establishing that in cases there is a transfer of operations that an appropriate plan is in place to preserve ongoing stability of the domain; and establishing that the action is compatible with any applicable local laws and regulations. During the staff compilation process, the applicant is asked to provide a variety of materials in support of these various aspects. Pertinent information from these supplied materials and other staff research is provided to the Board, and published in a public report at the end of implementing an approved request.

What factors the Board found to be significant?

The Board considers factors described in the public report, in relation to the basic principles of country-code domain delegation described earlier.

Are there positive or negative community impacts?

The timely approval of country-code domain name managers that meet the various public interest criteria is positive toward ICANN's overall mission, and the local communities to which country-code top-level domains are designated to serve.

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

The administration of country-code delegations in the DNS root zone is part of the IANA functions, and the delegation action should not cause any significant variance on pre-planned expenditure. It is not the role of ICANN to assess the fiscal impact of the internal operations of country-code top-level domains within a country, other than ensuring the operator is based in country and has the appropriate mechanisms to allow the local Internet community to properly oversee the domain's ongoing operation.

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

For country-code top-level domain delegations, ICANN seeks to approve only such requests where reasonable concerns have been satisfactorily addressed, and the proposed new manager has demonstrated a sufficient level of operational and technical competency where such concerns should be minimal.

Submitted by:	Kim Davies
Position:	Manager, Root Zone Services
Date Noted:	31 January 2011
Email and Phone Number	kim.davies@icann.org; +1 310 430 0455

2011-01-25-17 Board Submission 395148-singapore

ICANN BOARD SUBMISSION NO. 2011-01-25-17

TITLE:	Delegation of the .新加坡 ("Singapore") domain, and the .சிங்கப்பூர் ("Singapore") domain, representing Singapore in Chinese and Tamil
PROPOSED ACTION:	For Board Review and Approval on Consent Agenda
IANA REFERENCE:	395148, 395286

EXECUTIVE SUMMARY

The ICANN Board is asked to consider and vote on the request to delegate the domains .新加坡 and .சிங்கப்பூர், comprised of eligible IDN ccTLD Fast Track approved strings representing Singapore.

[Sensitive Delegation Materials](#)

PROPOSED RESOLUTION

Whereas, Singapore is currently listed in the ISO 3166-1 standard;

Whereas, 新加坡 (“Singapore”), encoded as “xn--yfro4i67o”; and சிங்கப்பூர் (“Singapore”), encoded as “xn--clhc0ea0b2g2a9gcd”; are two strings that were deemed to appropriately represent Singapore through the IDN Fast Track process;

Whereas, ICANN has received a request for delegation of .新加坡 and .சிங்கப்பூர் to Singapore Network Information Centre Pte Ltd;

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

It is hereby resolved (___), that the proposed delegation of the top-level domains to Singapore Network Information Centre Pte Ltd is approved.

PROPOSED RATIONALE

Why the Board is addressing the issue now?

Staff present delegation and redelegation requests for country-code domains to the Board for decision, once staff are satisfied the applicant has provided a sufficiently complete application that has a reasonable prospect of a positive Board decision. In line with ICANN's commitments to perform timely processing of requests relating to the IANA function, and the DNS root zone in particular, the ICANN Board seeks to evaluate such requests at its next scheduled Special Meeting.

What is the proposal being considered?

The proposal is to approve a request to IANA to change or designate the sponsoring organisation (also known as the manager or trustee) of a country-code top-level domain. In line with established practice, the ICANN Board is involved in making the decision to proceed with such requests as one step of this multi-step process.

Which stakeholders or others were consulted?

In the course of evaluating a delegation application, ICANN staff consults with the applicant, the current operator (if applicable), and other directly connected parties. In line with ICANN's practice of keeping incomplete root zone change requests in confidence, ICANN has not performed open consultation on this matter.

What concerns or issues were raised by the community?

Any concerns or issues are raised within the public report that will be published in conjunction with this action. This report will be published on the IANA website at <http://www.iana.org/> should the root zone change request has successfully completed final processing, usually 1-2 months after the Board's decision.

What significant materials did the Board review?

The Board is involved in assessing requests against a variety of public interest criteria. This criteria includes establishing the country-code is eligible (e.g. listed in the ISO 3166-1 standard); establishing the proposed manager is supported by the local Internet community; establishing the proposed operator is operationally and technically competent; establishing the proposed manager is based locally and bound under local law; establishing the proposed manager operates fairly and equitably; establishing that in cases there is a transfer of operations that an appropriate plan is in place to preserve ongoing stability of the domain; and establishing that the action is compatible with any applicable local laws and regulations. During the staff compilation process, the applicant is asked to provide a variety of materials in support of these various aspects.

Pertinent information from these supplied materials and other staff research is provided to the Board, and published in a public report at the end of implementing an approved request.

What factors the Board found to be significant?

The Board considers factors described in the public report, in relation to the basic principles of country-code domain delegation described earlier.

Are there positive or negative community impacts?

The timely approval of country-code domain name managers that meet the various public interest criteria is positive toward ICANN's overall mission, and the local communities to which country-code top-level domains are designated to serve.

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

The administration of country-code delegations in the DNS root zone is part of the IANA functions, and the delegation action should not cause any significant variance on pre-planned expenditure. It is not the role of ICANN to assess the fiscal impact of the internal operations of country-code top-level domains within a country, other than ensuring the operator is based in country and has the appropriate mechanisms to allow the local Internet community to properly oversee the domain's ongoing operation.

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

For country-code top-level domain delegations, ICANN seeks to approve only such requests where reasonable concerns have been satisfactorily addressed, and the proposed new manager has demonstrated a sufficient level of operational and technical competency where such concerns should be minimal.

Submitted by:	Kim Davies
Position:	Manager, Root Zone Services
Date Noted:	13 January 2011
Email and Phone Number	kim.davies@icann.org; +1 310 430 0455

2011-01-25-18 Board Submission 396834-syria

ICANN BOARD SUBMISSION NO. 2011-01-25-18

TITLE: Delegation of the سورية ("Sourya") domain representing the Syrian Arab Republic in Arabic

PROPOSED ACTION: For Board Review and Approval on Consent Agenda

IANA REFERENCE: 396834

EXECUTIVE SUMMARY

The ICANN Board is asked to consider and vote on the request to delegate the domain سورية, comprised of the eligible IDN ccTLD Fast Track approved string representing the Syrian Arab Republic.

Sensitive Delegation Materials

PROPOSED RESOLUTION

Whereas, the Syrian Arab Republic is currently listed in the ISO 3166-1 standard;

Whereas, سورية ("Sourya"), encoded as "xn--ogbpf8fl", is a string that has been deemed to appropriately represent the Syrian Arab Republic through the IDN Fast Track process.

Whereas, ICANN has received a request for delegation of سورية to the National Agency for Network Services.

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

It is hereby resolved (___), that the proposed delegation of the سورية domain to the National Agency for Network Services is approved.

PROPOSED RATIONALE

Why the Board is addressing the issue now?

Staff present delegation and redelegation requests for country-code domains to the Board for decision, once staff are satisfied the applicant has provided a sufficiently complete application that has a reasonable prospect of a positive Board decision. In line with ICANN's commitments to perform timely processing of requests relating to the IANA function, and the DNS root zone in particular, the ICANN Board seeks to evaluate such requests at its next scheduled Special Meeting.

What is the proposal being considered?

The proposal is to approve a request to IANA to change or designate the sponsoring organisation (also known as the manager or trustee) of a country-code top-level domain. In line with established practice, the ICANN Board is involved in making the decision to proceed with such requests as one step of this multi-step process.

Which stakeholders or others were consulted?

In the course of evaluating a delegation application, ICANN staff consults with the applicant, the current operator (if applicable), and other directly connected parties. In line with ICANN's practice of keeping incomplete root zone change requests in confidence, ICANN has not performed open consultation on this matter.

What concerns or issues were raised by the community?

Any concerns or issues are raised within the public report that will be published in conjunction with this action. This report will be published on the IANA website at <http://www.iana.org/> should the root zone change request has successfully completed final processing, usually 1-2 months after the Board's decision.

What significant materials did the Board review?

The Board is involved in assessing requests against a variety of public interest criteria. This criteria includes establishing the country-code is eligible (e.g. listed in the ISO 3166-1 standard); establishing the proposed manager is supported by the local Internet community; establishing the proposed operator is operationally and technically competent; establishing the proposed manager is based locally and bound under local law; establishing the proposed manager operates fairly and equitably; establishing that in cases there is a transfer of operations that an appropriate plan is in place to preserve ongoing stability of the domain; and establishing that the action is compatible with any applicable local laws and regulations. During the staff compilation process, the applicant is asked to provide a variety of materials in support of these various aspects. Pertinent information from these supplied materials and other staff research is provided to the Board, and published in a public report at the end of implementing an approved request.

What factors the Board found to be significant?

The Board considers factors described in the public report, in relation to the basic principles of country-code domain delegation described earlier.

Are there positive or negative community impacts?

The timely approval of country-code domain name managers that meet the various public interest criteria is positive toward ICANN's overall mission, and the local communities to which country-code top-level domains are designated to serve.

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

The administration of country-code delegations in the DNS root zone is part of the IANA functions, and the delegation action should not cause any significant variance on pre-planned expenditure. It is not the role of ICANN to assess the fiscal impact of the internal operations of country-code top-level domains within a country, other than ensuring the operator is based in country and has the appropriate mechanisms to allow the local Internet community to properly oversee the domain's ongoing operation.

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

For country-code top-level domain delegations, ICANN seeks to approve only such requests where reasonable concerns have been satisfactorily addressed, and the proposed new manager has demonstrated a sufficient level of operational and technical competency where such concerns should be minimal.

Submitted by:	Kim Davies
Position:	Manager, Root Zone Services
Date Noted:	13 January 2011
Email and Phone Number	kim.davies@icann.org; +1 310 430 0455

2011-01-25-19 Board Submission 395828-india

ICANN BOARD SUBMISSION NO. 2011-11-25-19

TITLE: Delegation of the seven top-level domains representing India in various languages

PROPOSED ACTION: For Board Review and Approval on Consent Agenda

IANA REFERENCE: 395828, 395830, 395831, 395833, 395834, 395835, 395837

EXECUTIVE SUMMARY

The ICANN Board is asked to consider and vote on the request to delegate seven top-level domains, comprised of the eligible IDN ccTLD Fast Track approved strings representing India.

[Sensitive Delegation Materials](#)

PROPOSED RESOLUTION

Whereas, India is currently listed in the ISO 3166-1 standard;

Whereas, भारत ("Bharat"), encoded as "xn--h2brj9c"; بھارت ("Bharat"), encoded as "xn--mgbbh1a71e"; భారత్ ("Bharat"), encoded as "xn--fpcrj9c3d"; ભારત ("Bharat"), encoded as "xn--gecrj9c"; भारत ("Bharat"), encoded as "xn--s9brj9c"; இந்தியா ("Bharat"), encoded as "xn--xkc2dl3a5ee0h"; and ভারত ("Bharat"), encoded as "xn--45brj9c"; are seven strings that were deemed to appropriately represent India through the IDN Fast Track process;

Whereas, ICANN has received a request for delegation of the seven strings as top-level domains to the National Internet Exchange of India;

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

It is hereby resolved (___), that the proposed delegation of the seven top-level domains to the National Internet Exchange of India is approved.

PROPOSED RATIONALE

Why the Board is addressing the issue now?

Staff present delegation and redelegation requests for country-code domains to the Board for decision, once staff are satisfied the applicant has provided a sufficiently complete application that has a reasonable prospect of a positive Board decision. In line with ICANN's commitments to perform timely processing of requests relating to the IANA function, and the DNS root zone in particular, the ICANN Board seeks to evaluate such requests at its next scheduled Special Meeting.

What is the proposal being considered?

The proposal is to approve a request to IANA to change or designate the sponsoring organisation (also known as the manager or trustee) of a country-code top-level domain. In line with established practice, the ICANN Board is involved in making the decision to proceed with such requests as one step of this multi-step process.

Which stakeholders or others were consulted?

In the course of evaluating a delegation application, ICANN staff consults with the applicant, the current operator (if applicable), and other directly connected parties. In line with ICANN's practice of keeping incomplete root zone change requests in confidence, ICANN has not performed open consultation on this matter.

What concerns or issues were raised by the community?

Any concerns or issues are raised within the public report that will be published in conjunction with this action. This report will be published on the IANA website at <http://www.iana.org/> should the root zone change request has successfully completed final processing, usually 1-2 months after the Board's decision.

What significant materials did the Board review?

The Board is involved in assessing requests against a variety of public interest criteria. This criteria includes establishing the country-code is eligible (e.g. listed in the ISO 3166-1 standard); establishing the proposed manager is supported by the local Internet community; establishing the proposed operator is operationally and technically competent; establishing the proposed manager is based locally and bound under local law; establishing the proposed manager operates fairly and equitably; establishing that in cases there is a transfer of operations that an appropriate plan is in place to preserve ongoing stability of the domain; and establishing that the action is compatible with any applicable local laws and regulations. During the staff compilation process, the applicant is asked to provide a variety of materials in support of these various aspects.

Pertinent information from these supplied materials and other staff research is provided to the Board, and published in a public report at the end of implementing an approved request.

What factors the Board found to be significant?

The Board considers factors described in the public report, in relation to the basic principles of country-code domain delegation described earlier.

Are there positive or negative community impacts?

The timely approval of country-code domain name managers that meet the various public interest criteria is positive toward ICANN's overall mission, and the local communities to which country-code top-level domains are designated to serve.

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

The administration of country-code delegations in the DNS root zone is part of the IANA functions, and the delegation action should not cause any significant variance on pre-planned expenditure. It is not the role of ICANN to assess the fiscal impact of the internal operations of country-code top-level domains within a country, other than ensuring the operator is based in country and has the appropriate mechanisms to allow the local Internet community to properly oversee the domain's ongoing operation.

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

For country-code top-level domain delegations, ICANN seeks to approve only such requests where reasonable concerns have been satisfactorily addressed, and the proposed new manager has demonstrated a sufficient level of operational and technical competency where such concerns should be minimal.

Submitted by:	Kim Davies
Position:	Manager, Root Zone Services
Date Noted:	13 January 2011
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2011-01-18-CEOs-Report

President and CEO's Report 18 January 2011

This President and CEO's Report was prepared for the ICANN Board of Directors to facilitate discussion during 25 January 2011 Board Meeting.

Staff completed 87% of our T1 Business Initiatives. That's the highest percentage we've achieved in at least the past three years. I am once again very impressed with the collective dedication and productivity of this organization. This has been another very productive period since the last report in October during the last telephonic board meeting, the meeting Cartagena and the follow up including recent preparations for the upcoming GAC /Board Consultation.

We continue to make significant progress executing on many fronts. As always, much has happened, and a few highlights are set out below. We have also attached the December 2010 CEO Monthly One-Page Metrics Report within this Board Book, as well.

As always it is worth noting that this is not a complete picture of the considerable amount of work that is being undertaken at any one point in time by staff at ICANN, and the focus of this report is more on the top-line highlights.

Meetings

Meetings and Languages teams pulled off a very successful meeting in Cartagena. In addition to facilitating the important work of this board and the community, they generated more than 300 news stories in traditional and online media, not even counting blogs or social media. In the last quarter, the languages team oversaw the translation of 240 documents, totaling 7,374 pages. That was more than 2.2 million words.

The Meetings group also just unveiled a new sponsorship program, which will help us significantly defray the cost of ICANN public meetings at the Silicon Valley Meeting and beyond. We are still working on arranging President Clinton as a speaker for the Silicon Valley Meeting. More details will follow shortly on progress relating to Clinton's participation.

Fellowship Program Successfully Continues

The 39th ICANN International meeting in Cartagena marked the 11th round of the ICANN Fellowship Program. Chosen from a field of 96 applicants, there were 21 fellows from 15 countries participating in the Cartagena meeting last week. These individuals represented various sectors of the ICANN community including 2 from the ccTLD community, 8 from government (including 1 GAC member), 6 from civil society, 3 from academia and 2 from the private sector.

This round included 11 first time ICANN meeting participants and 3 individuals who had previously attended ICANN meetings, but were first time fellows. The feedback from the latter was that the fellowship experience was quite different from "going it alone" and provided insight into the community that they had not been privy to while attending the meetings without this type of support.

Seven of the fellows were alumni from at least one of the past 10 programs, who as past recipients were required to act as mentors to new fellows both prior to and during the meeting week, as well as themselves be mentored by selected senior community members in order to further their own growth and knowledge of the ICANN work.

All of the ICANN regions were represented, though the emphasis for Cartagena was on the Latin America region as required by the Fellowship program selection criteria. Fellows hailed from 14 countries: Argentina, Brazil, Columbia, Cook Islands, Fiji, Haiti, Jordan, Mongolia, Nigeria, Paraguay, Peru, Romania, South Africa, Trinidad and Tobago, and Uruguay.

For the 40th International Meeting to be held in the Silicon Valley this coming March, the 12th round of the Fellowship Program has been selected. 17 additional fellows were selected from among the applications. Additionally, 10 selected candidates from the Cartagena and Brussels meetings who were unable to attend due to travel constraints will be joining the San Francisco fellowship, for a total of 27 participants from 21 countries. Twelve of the fellows are alumni from at least one of the past eleven programs; 13 are first-time attendees to any ICANN meeting and 2 individuals have attended past meetings, but are first time fellows. There is representation from all sectors including civil, government, academia, private, business, end user groups and representatives of country code supporting groups. You will find this current list of participants at <http://www.icann.org/en/fellowships/>.

Affirmation of Commitments (AoC)

The AoC objectives are a foundation of our current strategic and operational plans, and we are undertaking activities throughout the organization that support ICANN's obligations under the AoC. Staff is committed to setting new standards for transparency and accountability. We have completed and published a fully comprehensive and searchable online database of all ICANN Board resolutions going back to ICANN's founding in 1998. Doing this in a public wiki allows transparent reporting on the implementation of resolutions and encourages comments on whether the community's expectations were met. Management of this project has moved to Legal /Board Support and will include rationales of board decisions on a going forward basis to further the commitments made to the community for transparency and accountability.

Also, Staff is fully supporting the community review teams called for in the AoC, including the Accountability and Transparency Review Team, which completed their work and published a set of recommendations in December. Next steps relating to the ATRT report is before the board during this board meeting. The Security and Stability Review Team and the WHOIS Policy Review Team, both of which were recently formed, have commenced their work and are being supported where appropriate by ICANN Staff.

Relationship Building

Worked with global coalition on Internet Governance Forum continuance resulting in multi-stakeholder participation in Commission on Science Technology and Development Working Group.

During the last half of 2010, ccNSO membership increased to 108 due to increased participation from Africa. GAC membership increased to 107 due to additional participation from Africa and Europe.

The 39th International Meeting resulted in a successful Fellowship class with 21 participants (11 from Latin America, 3 from the Caribbean, 3 from Asia Pacific, 1 from Europe, 2 from Africa, and 1 from Western Asia/Middle East).

Also, selections for the next fellowship program have been selected. For this 12th round of the Fellowship Program, 17 fellows were selected from amongst the 96 applications received. Additionally, 10 selected candidates from the Cartagena and Brussels meetings who were unable to attend due to travel constraints will be joining the San Francisco fellowship, for a total of 27 participants from 21 countries. Twelve of the fellows are alumni from at least one of the past eleven programs; 13 are first-time attendees to any ICANN meeting and 2 individuals have attended past meetings, but are first time fellows. There is representation from all sectors including civil, government, academia, private, business, end user groups and representatives of country code supporting groups. You will find this current list of participants at <http://www.icann.org/en/fellowships/>.

Stakeholder Relations

ICANN delivered the Phase II economic study; facilitated Board decision on cross-ownership; and reduced the number of outstanding issues for Board consideration. ICANN staff also defused opposition to the program from the very powerful financial sector lobby in Washington, DC.

ICANN published the Proposed Final version of the new gTLD Applicant Guidebook, and opened up a public comment period on the guidebook. Additionally, significant work has been underway to arrange for the upcoming GAC/Board Consultation on new gTLDs. Additional information is coming in as this is being drafted and will be provided in the board paper relating to the proposed process for consultation.

Additional IDN delegations are being recommended for approval during the upcoming meeting for four countries (Republic of Korea, Singapore, India, and Syrian Arab Republic) and 11 IDN's.

Policy

Some key developments from the policy support team:

The Charter was developed for the cross SO-AC "DNS Security and Stability Analysis Group" (former DNS Cert WG).

Community-wide Geographic Regions Review Working Group published its Interim Report (November).

Final Report on Proposals for Improvements, including: Registrar Accreditation Agreement published (October).

Vertical Integration Working Group Interim Report published.

GNSO Council adopted new operating procedures (August).

Formal Petition for a new Not-for-Profit Operations Constituency in the GNSO was submitted to the Board (November).

GNSO Council decided to proceed with a study of the misuse of public WHOIS information (September).

Staff produced Final Report on Inventory of WHOIS Service Requirements (July).

ICANN-CCNSO-DRDWG Report on the Re-delegation of ccTLDs with the Consent of the Incumbent Operator published (November).

New ccNSO Web (Phase 1) site went live (November).

New GNSO Web site design released to rave reviews (December).

At Large Community completed transition to Confluence Wiki (November).

Beginners Guide to gTLDs published (December).

IANA

1) Pool of available IPv4 addresses now at <3%.

- 2) Submitted annual revised IANA Information Security Plan to NTIA.
- 3) Invited for the first time to participate and participated in ITU's IPv6 Working Group.
- 4) Retired ITAR interim trust anchor publication service with the production deployment of DNSSEC in the root.
- 5) Converted 75% of IETF's ASCII registries to XML.
- 6) Documented and published 14 IANA processes.
- 7) Deployed new tool to perform technical checks and greatly reduce ticket-handling times.
- 8) Promoted of Naela Sarras to position of IDN Fast Track Manager. Employment Information

DNS OPS

- 1) Successfully held 2nd and 3rd Root/KSK ceremonies
- 2) Attained SysTrust Audit certification at 3rd Key Ceremony

Sensitive DNS Security/Stability Info Redacted

Security

Some updates
from the Security team:

Published the FY 11 Security, Stability & Resiliency Plan, conducted a thorough public consultation process and published an updated document showing the incorporation of public comment. The Board acknowledged the FY 11 SSR Plan at the Cartagena meeting.

Conducted a survey of National Computer Security Incident Response Teams and published the results on the ICANN website.

Supported the completion of the charter for the DNS Security and Stability Analysis Working Group (approved by the SOs & ACs in Cartagena), and the initial meeting of the Affirmation Review Team on SSR.

Conducted three successful ccTLD DNS Capacity Building training sessions (Mali, Guatemala & Jordan)

Communications

The whole Communications Department, under Barbara Clay, has been broken into three main sections: Meetings and Languages, Marketing Communications, and Global Media Relations.

After a three-month project, Marketing Communications received from a vendor the code that will refresh the entire GNSO site, GNSO.ICANN.ORG. The GNSO Council approved the refreshed look and new navigation in Cartagena, and you should see a more appealing, more understandable GNSO site go live before the Silicon Valley meeting.

MarComm also began dramatically improving our flagship site, ICANN.ORG. After a long process of gathering all the requirements, they issued a Request for Proposals to web development vendors. So far one dozen vendors are competing for the contract, which gives us great options for finally having the world-class site we deserve.

Media Relations this quarter really leveraged our remote participation tools, and overcame the fact that no major media outlets are based in Cartagena. Most news outlets can't even afford to send a reporter to Cartagena – nonetheless, we generated more than 300 news stories in traditional and online media, not including blogs or social media. As always, a set of media clips are included in the Board Materials for your review.

Media Relations has also done a skilled job of getting new gTLDs on the radar of mainstream press. In the last quarter, some of the major global outlets that carried stories on gTLDs include:

Agence France-Presse or AFP, one of the largest global wire services.

The Economist with a circulation of 1.7 million.

A cover story in World Trademark Review. WTR is one of the most widely read and respected IP/Trademark publications in the world.

El Tiempo, the most widely read daily newspaper in Colombia.

The Financial Times in the U.K.

The Associated Press, which fed the story around the world.

Contractual Compliance

The Contractual Compliance team made some key performance strides in a number of areas, including the following:

Whois accuracy - Made significant system enhancements to the Whois Data Problem Reporting System (WDPRS) - our third iteration in five years. It will improve registrar responsiveness (from 45 to 15 days) to Whois inaccuracy complaints.

Whois access - Concluded the beta phase of registrar Whois port 43 server audit to assess whether registrars comply with their obligations to maintain timely, unrestricted and public access to accurate and complete Whois data (as per our commitment under the AoC). Monitoring and assessment continue on a on-going basis. This means Contractual Compliance is well placed to meet (and indeed exceed) the anticipated request from "WHOIS Access recommendation #2" submitted by the Registration Abuse Policies Implementation Drafting Team to the GNSO, see <http://gnso.icann.org/correspondence/rap-idt-to-gnso-council-15nov10-en.pdf>:

Registrant protection - Conducted the first Inter-Registrar Transfer Policy audit to assess registrar compliance with the policy as transfer problems represent almost 30% of all complaints received by ICANN (or 70% after excluding those complaints that ICANN does not have contractual authority to address).

Legal

Helped facilitate work with economists, community and outside lawyers that allowed Board to reach a decision on Cross-Ownership issues for new gTLD program.

Successfully implemented the public posting of Board materials along with approved minutes for unprecedented level of board activity and meetings since Brussels

Coordinated and worked closely with executive office to complete resolution tracking wiki project

The successful coordination between legal, compliance and the registrar team to transition thousands of domain names from an insolvent and non-RDEA compliant registrar, 4Domains, with minimal interruption to domain name registrants.

Support of processes, including completion of Bylaws changes, to achieve the timely seating of the Board Director selected by the At-Large.

Information Technology

Migrated ICANN staff from staff portal to internal wiki.

Completed configuration of failover between LA and DC virtual machines with VMware Site Recover Manager.

Documented and published a suite of 12 documents on IT security policies and procedures.

Worked on the finalizing of a selection for a Financial System Replacement.

Staff changes:

Departures:

Two members of the ICANN staff have announced that they are leaving.

Tina Dam, who worked on a significant amount of important projects, in her nearly eight year tenure at ICANN [Employment Information](#)

Massimiliano Minisci, GP regional relations manager for Europe and the GAC. [Employment](#)

Promotions and Arrivals

Naela Sarras. Naela has been promoted to Manager of the IDN Fast Track Process. Naela has been with ICANN for over 5 years, managing root zone requests on the IANA team. Her deep familiarity with the delegation process and the ccTLD community will prepare her well for her new responsibilities.

Rodrigo de la Parra. Rodrigo will represent ICANN as the new regional relations manager for Latin America. As many of you saw, he was very well received at the Cartagena meeting. He started on Monday and we are thrilled to have him on board. Welcome, Rodrigo.

CEO Monthly One page Metrics 14 December 2010

Board



CEO Monthly One - Page Metrics Report (Board)

15-Dec-10

Actual Financial Data*5 (as of November 2010)	YTD (millions)	Budget Variance
Operating Revenues	\$ 27.3	0.01%
Operating Expenses	\$ 19.6	-1.65%
Contribution from Operations	\$ 6.9	-1.61%
Assets	\$ 91.3	n/a
Liabilities	\$ 15.9	n/a
Cash	\$ 24.2	n/a
Reserve Fund	\$ 49.0	n/a

IDN Fast Track Billing Activity*6	YTD
Requests processed	15
IDN fees billed	\$548k
IDN fees collected	\$106K

Staffing *7 (as of 30 November)	Now
# of Staff	122
Open Positions	6
Retained Searches	3

Hires/Terminations *7	Month	YTD
New Hires	0	6
Voluntary Terminations	1	5
Involuntary Terminations	0	2
Total Terminations	0	7

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

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

*** Footnotes:**

- 1) Data is Trimester 3 - 15 March to 27 June 2010
- 2) Includes community working groups, work teams, committees, task forces only
- 3) Includes At-Large advisories and statements to Board and SOs only
- 4) ASO global policy proposals "in progress" are those being tracked by ICANN staff
- 2) Based on ICANN confidentiality restrictions, there is a 90 day lag of data available
- 3) Data as of 30 November 2010; identifies the # of IDN Fast Track applications being processed
- 4) Highest proportion since we began measuring; could well be related to the Nairobi Meeting having a V6 enabled network
- 5) FY11 Data through 30 November, 2010
- 6) Inception to date data; beginning January 2010
- 7) Data as of 30 November 2010; Key Departures – none; Key Searches – VP Global Partnerships, Chief Security Officer, VP IT;
- 8) Data is from 1 January 2010 through 30 November 2010

Communications	Trimester 3	YTD Translations	Avg Languages per document
Published Documents	39	19,400 pages	
Translation Requests	125	5.829 M word	4

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

Deployment IPv4	IANA /8 Blocks Available	IANA Percentage Available
IPv4 space remaining	7	3.17%

Deployment IPv6 *4	Percentage of Total
IPv6 traffic to ICANN Sites	7.94%

Internet Metrics	T3 - Open	T3 - Closed	YTD Outstanding
IETF Requests	720	735	294
Root Zone Requests	135	118	120
RIR Requests	4	4	0

Domain name registrations in gTLD's *2 (as of August)	New Registrations YTD	Total Registrations
gTLD Total	7,779,710	124,229,373

IDN FastTrack Requests *3	Month	YTD
Total Requests	2	35
Total Languages represented	0	22

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

Registrar Data Escrow	Now	% of gTLD Registrations Protected
No. registrars enrolled	870	99.50%

Involuntary Terminated or Non-Renewed Registrars *8	YTD	% of Total Registrars
Terminated	13	1.35%

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

2011-01-25-20 Board Submission-Strategic Plan

TITLE: STRATEGIC PLANNING

PROPOSED ACTION: For Board Discussion

EXECUTIVE SUMMARY

At this meeting the Board is asked to review the changes made to the Strategic Plan requested by the Board working group formed to review Strategic Plan development. A clean and redlined version of the plan is attached. The working group reviewed these changes last week and will report on that review in this meeting. The comment period on the Draft Plan closed today. A revised Plan will be submitted to the Board based on the input from the Board working group, the entire Board and the public comment.

Public consultation:

ICANN published a Draft version of the 2011-2014 Strategy Plan on 27 Nov 2010. <http://www.icann.org/en/announcements/announcement-27nov10-en.htm>

Leading up to and following the publication of the plan, many community consultations were held to receive input, including meetings with the ccNSO Strategy and Operations Planning Group, GNSO leadership, ALAC and RALOs (separately). The underlined portions of the plan reflect the comment made prior to the posting of the plan.

The public comment period on the draft plan, set to close on 10 January 2011, was extended to 25 January 2011 based on requests of the ccNSO, gNSO registry stakeholder group, and the At-Large community. There have been few comments to the public comment forum to date but this is expected to change.

Board input:

In the Silicon Valley Board Workshop, the Board formed a working group to discuss the strategic planning with staff members and provide direction. The group is comprised of Steve Crocker, Bruce Tonkin, Katim Touray, Mike Silber, Ramaraj, Ray Plzak, Dennis Jennings (ret), and Jonne Soininen (ret). At the meeting of this group in Cartagena to discuss the strategic plan the following changes were directed:

- 1) Re-organize objectives to: (a) distinguish areas of control versus influence, and (b) be clear about levels of engagement, and
- 2) Establish more measurable objectives with: (a) clear definition of desired outcomes, and (b) consistent evaluation models.

To incorporate those changes and maintain the current formatting (i.e., the one-page summary) these changes were made:

- 1) A section on "Control vs. Influence" was added to describe that some strategic objectives were within ICANN's control and others are more aspirational - where ICANN will exert its influence in order to strive for outcomes beneficial to users, registrants and so on. The new Control vs Influence graphic is another way to demonstrate the concept - it will always be debatable as to where each objective is located in the Control versus Influence continuum, the point is to demonstrate the disparity.
- 2) Also, language in the prose sections that describes the objectives in more detail has been standardized somewhat and a set of more measurable strategic objectives has been listed at the close of each section. We sought make the objectives measurable, while still keeping them strategic in nature and not at a detail level more appropriate for an operating plan.

Finally, the changes made by community consultations to date, have been highlighted in the prose. The one-page Strategic Plan summary has also been updated in response to the Board Working Group comment and community comment.

Submitted by:	Kurt Pritz
Position:	SVP, Stakeholder Services
Date Noted:	13 January 2011
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2011-01-25-21a Board Submission Economic-Analysis

ICANN BOARD SUBMISSION NO. 2011-01-25-21a

TITLE: **Board Decision not to Commission any Further Economic Studies Prior to Decision on Launch of New gTLD Program**

PROPOSED ACTION: **For Approval**

EXECUTIVE SUMMARY:

On 10 December 2010 in Cartagena, the Board recognized that “the overarching issue of the call for economic analysis, has been addressed by comprehensive expert consultation and analyses, including reports by CRA International, Dennis Carlton, Michael Katz and Greg Rosston.” <http://www.icann.org/en/minutes/resolutions-10dec10-en.htm#2>. The Board further directed staff to make appropriate revisions to the Guidebook in light of public comments on the “New gTLD Economic Study Phase II” (found at:

<http://www.icann.org/en/announcements/announcement-03dec10-en.htm>) and noted that “with respect to the call for economic analysis, ICANN is in the process of receiving and reviewing public comment, and the Board will take into account that public comment including the advice of the GAC.” <http://www.icann.org/en/minutes/resolutions-10dec10-en.htm#2>

After significant and numerous discussion, review of various proposals and comments thereto, one conclusion has been repeated by all of the commissioned economic reports – while there will undoubtedly be certain costs associated with the introduction of new gTLDs, one cannot conclude through any economic analysis that the costs of new gTLDs will, in fact, be greater than the undoubted benefits of the new gTLD program.

STAFF RECOMMENDATION:

Staff recommends that the Board decide, in accordance with discussions held in Cartagena, that no further economic analysis will help inform the Board’s ultimate decision on moving forward with the New gTLD Program.

PROPOSED RESOLUTION:

Resolution Text Superseded

Resolution Text Superseded

Submitted by:	John O. Jeffrey
Position:	General Counsel and Secretary;
Date Noted:	18 January 2011
Email and Phone Number	john-jeffrey@icann.org; +1.310.301.5834

Rationale Text Superseded

Rationale Text Superseded

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2011-01-25-21b Board Submission Rationale-on-Cross-Ownership

ICANN BOARD SUBMISSION NO. 2011-01-25-21b

TITLE: **Board Rationale on Cross-Ownership**

PROPOSED ACTION: **For Approval**

EXECUTIVE SUMMARY:

On 5 November 2010, the Board adopted its final resolution on the issue of cross-ownership between registries and registrars in the new gTLD Program.

<http://www.icann.org/en/minutes/resolutions-05nov10-en.htm>. The Board concluded that – so long as certain restrictions were put into place on the conduct of registries and registrars, specifically as they relate to data, and so long as competition review remained available in the event of concerns regarding market power – there was no economic support to restrict, on an across-the-board basis, the ability of registries to hold ownership interests in registrars, and vice versa.

In reaching its decision, which eventually resulted in the 5 November 2010 resolution on cross-ownership, the Board considered a significant amount of material, and engaged in many lengthy and detailed discussions on this topic. As part of the Board’s obligations to the Community and under the Affirmation of Commitments, the attached rationale has been compiled outlining the background and history of the Board’s consideration of cross-owners and reasons for deciding the issue in the manner it did.

RECOMMENDATION:

Staff recommends that the Board adopt the attached rationale.

PROPOSED RESOLUTION:

Whereas, on 5 November 2010, the Board passed a resolution on the issue of cross-ownership between registries and registrars for the New gTLD Program.

<http://www.icann.org/en/minutes/resolutions-05nov10-en.htm>.

Whereas, the Board has reviewed and considered a Proposed Rationale explaining the Board’s decision.

Resolved (2011.01.25.xx), the Board adopts the Proposed Rationale as the Rationale for the Board's decision on cross-ownership between registries and registrars in the New gTLD Program.

Submitted by: John O. Jeffrey
Position: General Counsel and Secretary;
Date Noted: 18 January 2011
Email and Phone Number john-jeffrey@icann.org; +1.310.301.5834

Rationale Text Superseded

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2011-01-25-22a Board-Submission-GAC-Board-Bylaws- Consultation-Process

ICANN BOARD SUBMISSION NO. 2011-01-25-22a

TITLE: Board-GAC Bylaws Consultation Process

PROPOSED ACTION: For Information and Decision

EXECUTIVE SUMMARY:

On 10 December 2010 the Board directed staff to prepare a draft process for consulting with the GAC when necessary pursuant to ICANN Bylaws section Article XI, Section 2, Paragraph 1(j) (“Bylaws Consultation Process”).

<http://www.icann.org/en/minutes/resolutions-10dec10-en.htm#4>. The process was to be provided to the Board for comment, approved and then forwarded to the GAC in order to have an agreed process for use in the consultations with the GAC in February 2011.

While the Board’s Resolution was made in connection with its triggering the consultation between the Board and the GAC called for in the Bylaws, the intent was for the Bylaws Consultation Process to apply to all Bylaws Consultation Processes going forward.

The Board was provided a first draft Bylaws Consultation Process for review on 17 December 2010, which was revised in light of Board and senior staff member comments. A revised version of the Bylaws Consultation Process was submitted to the Board on 7 January 2011. That revised that was distributed to the Board is attached to this paper.

STAFF RECOMMENDATION:

Staff recommends that the Board adopt the Proposed Bylaws Consultation Process and Direct the CEO to ensure that it is delivered to the GAC as soon as possible for review and consideration.

PROPOSED RESOLUTION:

Resolution Not Considered

Resolution Not Considered

PROPOSED RATIONALE

Rationale Statement Not Considered

Submitted by:	John O. Jeffrey
Position:	General Counsel and Secretary
Date Noted:	18 January 2011
Email and Phone Number	john.jeffrey@icann.org

**Process for Consultation between ICANN Board of Directors (“Board”) and the
Governmental Advisory Committee (“GAC”) pursuant to Article XI, Section 2.,
Paragraph 1(j) of the ICANN Bylaws (“Bylaws Consultation”)**

Proposed Process (applicable to all Bylaws Consultations)

Step 1: The Board will provide written notice to the GAC (the “Board Notice”) stating, in reasonable detail, the GAC advice the Board determined that it may not follow, and the reasons why such GAC advice may not be followed. Such reasons may include an indication that the Board might not understand the clear meaning of the GAC advice or whether or not there is GAC advice. This Board Notice may be in the form of a letter or resolution. A resolution calling for a GAC/Board consultation on a specific set of issues would be considered Board Notice.

Step 2: As soon as possible after the Board Notice is issued (or within such time as otherwise agreed), the Chair of the GAC and the Chair of the Board will confer as to an appropriate time for a meeting, to be attended by the GAC and the Board (the “Bylaws Consultation”). It is intended that all issues are identified and agreed upon between the GAC and Board prior to the consultation.

Step 3: The Chair of the GAC and the Chair of the Board will jointly determine the agenda for the Bylaws Consultation and whether such meeting shall be attended telephonically or in person. Both the Board and GAC will separately designate the number of it’s own members required, as practicable, in order to permit the Bylaws Consultation to occur.

Step 4: Upon agreement of the GAC Chair and Board Chair, a moderator could be selected and the Bylaws Consultation could be moderated by an individual mutually agreed by the Chairs.

Step 5: Within a timeline agreed to by the GAC Chair and Board Chair, the GAC and/or the Board may prepare written documents setting forth their respective positions on the intended Board action for presentation at the Bylaws Consultation. Subject to the agreement to publish documents, such documents should be communicated and will be published at least two (2) weeks prior to the Bylaws Consultation. Where practicable, all communications and notices provided by the Board or GAC shall be posted to ICANN's website. In addition, a written transcript of the Bylaws Consultation shall be posted to ICANN's website.

Step 6: During the consultation, on each agreed topical area, the GAC and the Board will each designate one or more individuals (either members, community members, or staff) to give an introductory oral presentation setting forth each party’s respective position on the possible Board action. Members of the GAC and the Board will be permitted to ask questions of the appointed representatives before a broader discussion between the GAC and the Board, facilitated by the moderator if one is selected, or by the Chairs if a moderator is not selected.

Step 7: During the Bylaws Consultation, each of the GAC and the Board will seek, in good faith and in a timely and efficient manner, to find a mutually acceptable solution to the conflict between the possible Board action and the GAC advice, including by proposing compromise positions with respect to the intended Board action, if feasible and appropriate.

Step 8: After the conclusion of the Bylaws Consultation, the Board will determine whether to reaffirm or reverse the intended Board action, or take mitigating action.

If the Board determines to reaffirm the intended Board action, then the Board will issue a statement to the GAC setting forth, in reasonable detail, the reasons why the GAC advice was not followed, as required in Article XI section 2.1.k of the ICANN Bylaws.

If the Board determines to reverse the intended Board action or take mitigating action based on GAC advice and the outcome of the Bylaws Consultation, the Board may either: (i) determine to take no further action with respect to the subject matter; or (ii) implement any compromise action proposed by the GAC during the Bylaws Consultation, in either case without further GAC consultation.

2011-01-25-22b Board-Submission-New-gTLD-Board- GAC-Meeting

ICANN BOARD SUBMISSION NO. 2011-01-25-22b

TITLE: New gTLD Timeline and Proposed Processes for Meeting between ICANN's Governmental Advisory Committee and the ICANN Board to Resolve New gTLD Issues

PROPOSED ACTION: For Board Discussion and Decision

Proposal Superseded

Proposal Superseded

Proposal Superseded

Proposal Superseded

Proposal Superseded

Submitted by: Kurt Pritz
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Proposal Superseded

2011-01-25-22c Board Submission ICM-and-GAC

ICANN BOARD SUBMISSION NO. 2011-01-25-22c

TITLE: **ICANN Board Consideration of GAC Advice on the .XXX Registry Agreement**

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

1. GAC Advice And Evaluation of Need for Consultation.

In Cartagena, the Board noted that it agrees with the staff's assessment of potential conflicts with GAC advice if the Board proceeds with its determination to enter a registry agreement with ICM Registry, and invoked the GAC consultation process. *See* <http://www.icann.org/en/minutes/resolutions-10dec10-en.htm#4>. The Board directed staff to communicate the Board's determination to the GAC. In order to make clear that the Board has considered these items and identified support for its decisions, staff recommends that the Board consider and approve the document provided in the annex, which sets out the Board's positions, and direct staff to provide the document to the GAC.

The proposed submission to the GAC is included in the Annex to this paper.

PROPOSED RESOLUTION

Whereas, at its meeting in Cartagena, Colombia, the Board noted its agreement with the staff's assessment of potential conflicts with GAC advice if the Board proceeds with its determination to enter a registry agreement with ICM Registry for the .XXX sTLD, and invoked the GAC consultation process. *See* <http://www.icann.org/en/minutes/resolutions-10dec10-en.htm#4>.

Whereas, during the meeting in Cartagena, the GAC sought affirmative statements from the Board on its positions on ICM-related items.

Whereas, in an attempt to make a future consultation with the GAC as productive as possible, the Board position on all items of GAC advice are clearly set forth in an attached document.

Resolved (2011.01.25.xx), the Board directs staff to provide the GAC with the document setting forth the full Board position on items of GAC advice. The Board

positions set forth correspond to the items identified for consultation at the Board's 28 October 2010 meeting.

PROPOSED RATIONALE

As the Board has continued in its consideration of ICM's application for the .XXX sTLD, on 28 October 2010, the Board identified areas requiring consultation with the GAC prior to the Board entering a proposed Registry Agreement with ICM, as certain pieces of GAC advice may not be consistent with the Board's anticipated action. The Board's obligation to consult with the GAC arises out of Article XI, Section 2.1(j)-(k) of the ICANN Bylaws, and the Board formally invoked the consultation process at its meeting in Cartagena. In order to make the consultation as productive as possible, and to address the GAC's concern that it receive the Board's position on whether entering into a Registry Agreement with ICM would be inconsistent with GAC advice, the attached provides further detail and specific citations to support the Board's position on each piece of GAC advice.

The provision of a comprehensive Board position document is likely to result in a positive impact on the public. The position document provides detail and explanation that will benefit the entirety of the ICANN community as the discussions surrounding the anticipated approval of a Registry Agreement for the .XXX sTLD continue. The forwarding of this document does not pose any fiscal impact on ICANN, the community or the public, however there may be additional costs and expenses incurred in facilitating the consultation between the Board and the GAC, including travel and lodging expenses. The provision of the position document will not have any impact on the security, stability or resiliency of the DNS.

Submitted by:	John Jeffrey
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2011-01-25-23 Board-Submission-Rec6-CWG

ICANN BOARD SUBMISSION NO. 2011-01-25-23

TITLE: New gTLDs: Update on Response from Rec6 Cross-Community Working Group

PROPOSED ACTION: For Information and Decision

EXECUTIVE SUMMARY:

Board Decision

The Board is currently being asked to take a position on three remaining areas of concern identified by the community relating to implementation of GNSO Policy Recommendations on New gTLDs, Recommendation 6 (“Rec6”).¹ Briefly, they involve the:

- role of the Board in the Objection Process
- incitement to discrimination standard
- fees for ALAC- and GAC-instigated objections

Taking positions on these three areas will provide a clear starting point for the Board’s discussions with the Governmental Advisory Committee (“GAC”) on Rec6.

Recent Developments

In response to a GAC suggestion in June 2010 in Brussels, a Cross-Community Working Group including members of the GAC, the GNSO and the ALAC (“Rec6 CWG”) was formed to provide guidance to ICANN on Rec6 implementation details. On 22 September 2010, the Rec6 CWG issued a report with several implementation recommendations with varying levels of support and consensus.²

Many of the Rec6 CWG’s recommendations were adopted as part of the Proposed Final Applicant Guidebook posted in November 2010. Those revisions include:

- A note encouraging applicants to pre-identify possible sensitivities was added.

¹ Rec6 stated that new gTLD strings “must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law.”

² <http://icann.org/en/announcements/announcement-2-22sep10-en.htm>

- Language was added indicating that governments may send notifications re: national laws to applicants or via public comment forum (but clarified that this shall not be deemed a formal objection).
- Additional treaties were referenced.
- References from “international principles of law” to “principles of international law”
- Language now states that Expert Panel Determinations shall be based on the string itself, but also on stated context if available.
- The name of objection was changed to “Limited Public Interest Objection”, but was bracketed for further discussion.

In addition to making the above referenced changes to the Guidebook, clarification was sought on some of the other Rec6 CWG recommendations. Attachment 1 to the Annex includes a chart outlining certain positions supported by the Board and found in the November 2010 Guidebook, as well as those for which the Board encouraged discussions to continue with the Rec6 CWG.

In Cartagena, two consultations between the Rec6 CWG and Board members were held. During these consultations, the outstanding areas of concern, as noted above, were distilled to three issues. Briefly put:

- The Role of the Board in the Objection Process, i.e., whether the Board must specifically approve all applications or, at a minimum, the findings of a dispute resolution panel in all circumstances.
- What the incitement to discrimination standard should be and whether additional discrimination criteria should be included.
- Whether the ALAC and GAC should pay lower or no fees for filing an objection to an applied-for string.

Following the Cartagena consultations, the Board resolved that “(d)iscussions will continue on (1) the roles of the Board, GAC, and ALAC in the objection process, (2) the incitement to discrimination criterion, and (3) fees for GAC and ALAC-instigated objections. ICANN will take into account public comment including the advice of the GAC, and looks forward to receiving further input from the working group in an attempt to close this issue.” (See <http://www.icann.org/en/minutes/resolutions-10dec10-en.htm#2>.) Further, the Board invited the Community Working Group to

provide final written proposals on these specified issues by 7 January 2011. The Rec6 CWG did provide that response, which is Attachment 2 to the Annex to this paper.

The Rec6 CWG 7 January 2011 Response.

The Rec6 CWG laid out the following responses to the following questions:

A. *The Role of the Board in the objection process:*

1. What are the circumstances under which the Board would vote with regard to a Rec6 objection and/or with gTLD applications generally?

The Rec6 CWG Response:

[T]he CWG has recommended that the Board would have to specifically approve any recommendations from third party experts to reject a TLD application based on a Recommendation 6 objection. The CWG has not suggested, however, that the Board be required to take a vote on specific Recommendation 6 objections where the third party experts reject such an objection. Nor did the CWG suggest that the Board be required to approve every new gTLD string.

Based on this response, it appears the Rec6 CWG has consensus that the Board should make a decision on a specific applications only when an objection to the application prevails, not under any other circumstances.

2. What is the intended role of the expert panel (i.e., dispute resolution provider, mediator, advisor or other)?

The Rec6 CWG Response:

A consensus of the CWG recommended that the ICANN Board may ‘contract appropriate expert resources capable of providing objective advice.’ The CWG did not recommend that the Board should be a trier of fact or should hear in the first instance every Rec6 objection with a requirement that it should make a determination on the merits in every case.

The CWG did not reach consensus over the actual form or weight of the expert advice (e.g., whether the expert panel should be a dispute resolution provider, mediator or advisor). . . . [Para.]

. . . “the CWG . . . did explicitly remove all reference to the specific term "dispute resolution" in its recommendations, and made no requirement that the experts engage in an adversarial process between applicant and objector.

Based on this response, it appears that while the Rec6 CWG has consensus that the term “dispute resolution” should not be used, the working group has clarified that it is not recommending that all objections be submitted to the Board in the first instance and it is not suggesting that a third party cannot be used to issue expert determinations.

B. Incitement to Discrimination Criteria:

1. In the standard to determine whether a string should be barred, should the language “incitement to or promotion” of [types of discrimination] be changed to “incitement and instigation” of [types of discrimination]?

The Rec6 CWG Response:

In its report dated 21 September, 2010, the CWG recommended that "incitement and instigation" be used in the criteria for discrimination. In ICANN's explanatory memorandum on this issue dated 12 November 2010, it provided a rationale of why "incitement to or promotion of" is a more appropriate standard. . . . The substantive difference between ‘incitement to and promotion of’ and ‘incitement and instigation’ concerns the bar that we wish to set; in the first instance this bar is lower, whilst in the second the bar is substantially higher. The CWG may no longer have a consensus on this issue. As such, expert clarification should be made to the Board on the varying interpretations of the different criteria.

Based on this response, the Rec6 CWG reports it may no longer have a consensus on revisions to “incitement to or promotion of” language in the Guidebook and has asked for expert clarification. Clarification was previously provided, as laid out in Attachment 1 to the Annex, **Privileged and Confidential**

In summary, it is important to note that the standards for Rec6 are intended to be *international standards*. Therefore, it would not be appropriate to define the criteria with reference to the law of only one country (*e.g.*, the United States) or even to one language (*e.g.*, English).

The terms – “incitement,” “promotion” and “instigation” – are used in many contexts, with different meanings. In some contexts, “incitement” is understood as an inchoate crime – *i.e.*, the crime of incitement itself is complete regardless of whether the action being incited is carried out – whereas “instigation” requires the actual commission of the crime being instigated.

It is appropriate to use a term for Rec6 objections that, in criminal law, defines an inchoate crime, because the experts may be considering what potential effects or consequences a given string might have. The standard for Rec6 should not use terms that require or imply a choate crime. If “instigate” is understood as requiring the commission of the crime being instigated, that term would be inappropriate as a standard for Rec6.

A review of various criminal law statutes and other legal texts in different countries shows that “incitement” is quite widely used. The term “promotion” appears to be less widely used in the sense intended for Rec6, but it does have a meaning that is different from “incitement” that could be appropriate for Rec6 objections: For example, one might promote existing child pornography without inciting the creation of new child pornography.

2. What should be the grounds for discrimination?

The Rec6 CWG Response:

Two consensus recommendations of the CWG were to extend the list of potential discriminations also to include discrimination based on age, disability, actual or perceived sexual orientation or gender identity, or political or other opinion. The CWG also suggested by a full consensus that such discriminations must rise to the level of violating generally accepted legal norms recognized under "principles of international law. . . . [para.]

The suggestion in Cartagena of a catch-all discrimination criteria – such as "any other discriminations that are generally recognized under international law" – seems to be acceptable to many of the CWG members. Other CWG members prefer listing all of the discriminations suggested by the CWG, or only the catch-all criteria, thereby avoiding a sense of prioritization among discriminations.

Thus, it seems that the Rec6 CWG now suggests that either adding further enumerated discrimination grounds or omitting all and just including a catch-all criteria may be acceptable. The chart below shows the Guidebook proposal in the first column, the Rec6 CWG proposal of the additional enumerated criteria and the Rec6 CWG Proposal for the catch-all criteria in the third column.

Guidebook	Rec6 CWG Proposal: Further enumerated criteria	Rec6 CWG Proposal: catch-all criteria
<p>“ . . . discrimination based upon race, color, gender, ethnicity, religion or national origin.*</p> <p>*All of these criteria do violate generally accepted legal norm recognized under principles of international law.</p>	<p>“ . . . discrimination based upon race, age, colour, disability, gender, actual or perceived sexual orientation or gender identity, political or other opinion, ethnicity, religion, or national origin.</p> <p><i>so long as the criteria listed:</i></p> <p>Violate generally accepted legal norms recognized under "principles of international law.”</p>	<p>. . . all types of discrimination that violate generally accepted legal norms recognized under principles of international law.</p>

C. *Fees for GAC- and ALAC-instigated objections.*

Can objection fees be waived or reduced for ALAC and GAC? (If filing and dispute resolution fees are waived, are the number of free objections limited?) By what process should an ALAC and GAC objection be formed and approved for filing?

The Rec6 CWG Response:

A full consensus of the CWG recommended that fees be lowered or removed for objections from the GAC or ALAC. It is the CWG’s sentiment that ICANN should provide the ACs appropriate funding for such objections if there is a cost to object. In the CWG clarifying document filed just prior to the Cartagena meeting, the CWG felt that it was outside its scope to comment on the process for the GAC or ALAC to lodge objections. The CWG assumed that any Rec6 objections put forth by the GAC or ALAC would be approved according to their own internal

processes, taking into account accountability and transparency principles and consensus-based decision making.

D. Additional rec6 CWG recommendation.

Although the Board did not seek a proposal on the Independent Objector, the Rec6 CWG providing the following:

The Rec6 CWG Response:

. . . although the support of which has not been subject to a formal call of its members. . . [t]here should be at least one party that has claimed publicly that it would be harmed by the creation of a TLD before the IO can object to it in an effort to reject such an application. . . . [para.]

. . . While the CWG did not achieve a consensus on an alternative name, we do note that the name selected in the Proposed Final Applicant Guidebook – “Limited Public Interest Objection” was not polled by the CWG and “Public Interest Objections” was ranked only third of five names polled.

There is not a consensus position on either of the above stated suggestions.

It should be noted that there is an on-going debate in the Community regarding the weight to be placed by the Board on the Rec6 CWG Report and subsequent clarifications, since the ALAC is the only supporting organization that has formally endorsed the Report.³ In Cartagena, the GNSO Council solicited comments from each Stakeholder Group/Constituency rather than endorsing the Report. The early responses vary, with some supporting the Report and one Stakeholder Group supporting the Applicant Guidebook approach⁴.

³ The ALAC statement on Rec6: <http://www.atlarge.icann.org/announcements/announcement-01nov10-en.htm>

⁴GNSO Council comments received: the BCSG comments: <http://gns0.icann.org/mailing-lists/archives/council/msg10405.html> ; NCSG comments: <http://gns0.icann.org/mailing-lists/archives/council/msg10436.html> ; the RrSG comments: <http://gns0.icann.org/mailing-lists/archives/council/msg10413.html> ;

STAFF RECOMMENDATION:

Staff recommends that the Board take positions on at least the three areas of concern for which the Board sought clarification from the Rec6 CWG. Having firm positions will provide a clear starting point for the Board’s discussions with the Governmental Advisory Committee (“GAC”) on Rec6. Staff further recommends that the Board make provision for updates based on additional areas of agreement resulting from consultations with the GAC after the GAC/Board meeting.

PROPOSED RESOLUTION

[TBD]

PROPOSED RATIONALE

Rationale Statement Not Considered

Rationale Statement Not Considered

Submitted by:	Kurt Pritz
Position:	SVP, Stakeholder Relations
Date Noted:	18 January 2011
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**2011-01-25-24 Board Submission New gTLD comments-
14jan11**

ICANN BOARD SUBMISSION NO. 2011-01-25-24

TITLE: **Public Comment on Applicant Guidebook**

PROPOSED ACTION: **For information**

EXECUTIVE SUMMARY:

The Proposed Final version of the gTLD Applicant Guidebook was posted for comment on 12 November 2010.¹ The Guidebook and related program issues were discussed in Cartagena, and the comment period will close 15 January 2011. While the comment period has not closed as of this writing, this paper is designed to provide an update on common themes of the body of comment received to date. A comprehensive summary and analysis will be developed and posted after the comment period as usual. The GAC communiqué from Cartagena also provides written comment on these topics.²

Comments on this version of the Guidebook indicate that some parties remain opposed to moving the program forward, and some wish to delay or significantly limit the application round. The remainder of comments concern individual issues from parties seeking specific changes to components of the process.

Aside from the developing discussions around Recommendation 6 (Morality and Public Order) and the requests for publication of rationale for decisions, the comments have not yielded new issues. To the extent there are concerns with resolution of the four overarching issues, these are all generally viewed through the lens of trademark protection: many of the comments on the economic studies concerned costs to trademark holders, and many of the comments on malicious conduct focused on preventing infringing activity. Thus, these comments can be seen as primarily focused on one issue: trademark protection.

The major threads of comment are described below, with the response or next steps anticipated at this stage.

¹ <http://icann.org/en/topics/new-gtlds/comments-5-en.htm>

² <http://gac.icann.org/press-release/gac-2010-communique-39>

1. Trademark protection.

Comments:

Intellectual property stakeholders indicate dissatisfaction with the current set of protections contained in the Guidebook, and are generally critical of the process by which the current proposals have evolved from those originated by the IRT, noting that the IRT recommendations were intended to work as a set and the changes have diluted their effectiveness. Comments propose a range of actions, including: calls for a new process, reconsideration of the Globally Protected Marks List, and specific adjustments to the Trademark Clearinghouse, URS, and PDDRP models. Included in several of these comments are concerns about ICANN's current and future expected compliance work related to these issues. Comments on specific rights protection mechanisms include:

a. Trademark Clearinghouse:

- i. has some value in providing efficiencies for trademark holders, but that benefit was limited.
- ii. current standards for inclusion are discriminatory as the steps (and, presumably, costs) would vary for different parties based on their jurisdiction.
- iii. "TM.TLD" marks should not be excluded from the clearinghouse.

b. URS:

- i. not cheap or rapid enough and will not be used.
- ii. loser pays model would be useful in discouraging cybersquatting behaviour.
- iii. make the process more lightweight: reduced word limit, the 14-day response period is considered still to be too long by

trademark holders (and too short by other parties who believe that this will not give adequate time for a registrant to respond).

- c. Trademark Post-Delegation Dispute Resolution Procedure (PDDRP) – largely repeats previous comments:
 - i. IP interests indicate that the procedure has been skewed in favor of registries and will not be an effective option for rights protection.
 - ii. Registries maintain the opposite.

Anticipated Response:

The current proposals originate from the IRT work and have been iterated across several rounds of comment and consultation. A consultation with IP stakeholders is planned to further hone solutions without disturbing the STI conclusions.

2. Economic studies.

Comments:

- a. The timing of the Phase II report posted before the Cartagena meeting provided insufficient time to consider the report.
- b. Analysis of comment on the first report should be posted. (Analysis of comments on the economic reports is being carried out by the economists and will be posted when complete.)
- c. More information is sought on how the economic reports, and accompanying public comments, have been considered by the Board.
- d. Was the study truly independent?
- e. Implement the Phase I report’s suggestion for moving forward with “discrete, limited rounds” and an analysis of social cost/benefit as part of the evaluation.

Anticipated Response: It is not the intention to do additional studies; however, some additional data collection and analysis concerning defensive registrations is planned. ICANN will publish a paper responding to the economic studies and explaining the approach being taken to the various recommendations, prior to the San Francisco meeting.

3. **Pilot program.**

Comments:

- a. ICANN could move forward by opening a limited first round of applications to provide data to address the uncertainties regarding root zone scaling, economic impact, and rights protection, limit the magnitude of any negative impacts, and offer some opportunity for a small set of applicants to move forward.
- b. Suggestions include prioritizing IDN, community-based, or “non-controversial” applications.

Anticipated Response:

It should be noted that limited introductory rounds have already been conducted, and development of new rules and procedures for a process with limitations that are fair and effective would be a complex and difficult undertaking – a lesson learned from previous rounds.

4. **IDN variants.**

Comments:

Exceptions should be made to the variant management approach in the case of simplified and traditional Chinese strings. Failure to do so will mean significant limitation to the utility of Chinese strings in the gTLD space.

Anticipated Response:

It is not anticipated that the Guidebook will be changed in this respect, due to the need to proceed conservatively. However, ICANN is moving forward with several streams of work on variant management, to enable delegation for multiple scripts.

5. **Whois.**

Comments: An option for a “Searchable Whois” service was included in the guidebook as a voluntary measure for which an applicant would receive additional points in the evaluation. This was mistakenly interpreted as a signal that ICANN was no longer requiring registries to offer public Whois service of any kind.

Anticipated Response: This was a misperception. Whois service is a requirement and this Guidebook section will be modified in the revision to make this unambiguous.

6. **Recommendation 6 (Morality and Public Order).**

Comments:

Clarification was received from the Rec6 CWG on their recommendations as requested by the Board in Cartagena.³ GNSO stakeholder groups were asked for comment on the WG recommendations as part of determining whether the GNSO as a whole will support the group’s recommendations on these issues.

- a. The Registrar SG supported ICANN’s recommendations published before Cartagena.
- b. The NCSG has called for adoption of all the group’s recommendations labelled “Full Consensus,” “Consensus,” and for further consideration of those labelled “Strong Support.”
- c. The Business Constituency made some suggestions for specific language changes and called for greater definition to reduce subjectivity.

³ <http://gns0.icann.org/mailling-lists/archives/council/msg10426.html>

Anticipated Response: See the paper submitted under separate cover for discussion of the issues and next steps concerning GNSO Recommendation 6.

7. Rationale for decisions.

Comments: Several comments referenced the USG letter and called for greater explanation and transparency into how decisions were made and how comments were considered.

Anticipated Response: This is being addressed both in Board processes going forward and retroactively, so that information on rationale for decisions is collected and organized and presented to the public.

8. Cross-Ownership.

Comments: Response was generally positive on the substance of the decision to allow cross-ownership, though critical of the process, describing the outcome as sudden and unexplained. Many comments specifically requested more time to digest the new Code of Conduct, and requested clarifications to its applicability in various scenarios.

Anticipated Response: Rationale is being developed and will be published. A consultation is scheduled with the TDG, including discussion of the Code of Conduct.

9. Eligibility/Background Screening.

Comments:

- a. Changes for this version of the Guidebook are positively received.
- b. Standards for previous cybersquatting activities should take into account reverse domain hijacking and court rulings regarding UDRP decisions.
- c. Background check process and results should be transparent.
- d. The process could be gamed using affiliates or shell companies.

- e. ICANN's requirements for compliance with US laws may cause political problems for ICANN in some countries and may spur the development of alternate roots.

Anticipated Response: These comments are being taken into account as the Guidebook is revised.

10. Continued operations instrument.

Comments:

- a. The cost might be too high for new applicants and accommodations should be considered such as a reduced time requirement or contracting with a backup registry services provider.
- b. Changing economic conditions might make obtaining an instrument difficult.

Anticipated Response: Some of this may be based on a misunderstanding that the requirement is to provide three years' worth of all operating costs for the registry. The Guidebook requirement is based on the cost to maintain five specific critical functions for existing registered names in the TLD. Registries obtain backup service providers; however, this is not a substitute for the continued operations instrument, which is used only when one of the critical functions fails and ICANN incurs costs in restoring functionality for registrants in the TLD.

ICANN will continue to consult on this topic, especially with regard to alternatives to the financial instrument, which may be difficult to obtain.

11. Support for launch.

Comments: ICANN should expedite launch of the program, so that initiatives can move forward. Many of these cited financial burdens to their projects caused by delays.

Anticipated Response: ICANN continues to approach the implementation of the program with due diligence and plans to conduct a launch as soon as practicable along with the resolution of these issues.

Submitted by: Karen Lentz
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2011-01-25-25 Board Submission AoC Status and ATRT final report



ICANN BOARD SUBMISSION NO. 2011-01-25-25

TITLE: **Status Report on Affirmation of Commitments’
Reviews, Including Next Steps on ATRT
Recommendations**

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

EXECUTIVE SUMMARY:

As required by the Affirmation of Commitments (Affirmation), the Accountability & Transparency Review Team (ATRT) submitted a final report (PDF) to the Board by 31 December 2010 and it was posted for public comment (comment period ending 14 February 2011). In response to the Affirmation’s requirement for a review of ICANN’s execution of commitments to “maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making will reflect the public interest and be accountable to all stakeholders,” the ATRT provided 27 recommendations. The recommendations, which are summarized in the Annex, are focused on four areas: the Board (including the Nominating Committee’s selection processes); the Governmental Advisory Committee; public input and policy development; and review mechanisms for Board decisions. The ATRT report includes specific, proposed deadlines for most of the recommendations. In addition, the report requests that the Board provide a status report on all recommendations at the March 2011 ICANN meeting, and a more formal report at the June 2011 ICANN meeting, detailing which recommendations the Board has concluded it cannot implement (and why), and the status and schedule for implementation of adopted recommendations. The Affirmation commits the Board to take action within six months of receipt of the recommendations.

The ATRT report proposes that the Board regularly evaluate progress against these recommendations, the accountability and transparency commitments in the Affirmation, and ICANN’s accountability and transparency performance overall. Specific assessment mechanisms or guidance was not provided. Staff recommends that proposed metrics (e.g. how to quantify activities called for in the Affirmation and ATRT report), and benchmarks (e.g. which international entities and best practices should ICANN use for comparison) be developed, vetted with the community, and implemented as part of this process. Without agreement on clear, measurable actions,

future transparency and accountability improvement efforts and assessments could be hampered.

Staff believes that the ATRT provided a constructive report that could be implemented and that validates and builds upon ICANN's commitments and improvements. While Staff is working as quickly as possible to follow-up on the 27 recommendations, the deadlines proposed for implementation of some of the ATRT recommendations may not be feasible. However, Staff is confident that it can provide the Board with recommendations on action, an aggressive, achievable implementation plan for the ATRT report, and progress on implementing some recommendations in the near future.

The next two reviews required by the Affirmation – Security, Stability and Resiliency of the DNS Review and the Whois Policy Review – are underway and on schedule. The Affirmation's fourth review — promoting competition, consumer trust, and consumer choice — will start one year after new gTLDs are in operation and available to registry businesses.

STAFF RECOMMENDATION:

Staff recommends that the Board: 1) thank the ATRT for their hard work; 2) encourage the public to comment on the recommendations; 3) request the Supporting Organisations, Advisory Committees (especially the GAC) and the Nominating Committee to provide the Board with input on the Report; 4) and task Staff to work with entities involved to provide the Board, by 21 February 2011 (posting deadline for ICANN Silicon Valley meeting), with a proposal for Board action on each recommendation and, where practicable, proposed, initial work plans and budgets for the recommendations, as well as a status report on all recommendations.

PROPOSED RESOLUTION:

Whereas, the Affirmation of Commitments required ICANN to organize a review – to be completed no later than December 31, 2010 – of its execution of commitments to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making will reflect the public interest and be accountable to all stakeholders;

Whereas, as required by the Affirmation, the Accountability and Transparency Review Team (ATRT) submitted its final report to the Board on 31 December 2010 and posted it for public comment through 14 February 2011;

Whereas, the Affirmation states that the Board will take action on the resulting recommendations within six months of receipt of the report;

Resolved (___), the Board acknowledges the hard work and dedication of ICANN's ATRT members and thanks these volunteers for engaging in an intensive, public process, under challenging deadlines, to produce a comprehensive set of recommendations to improve ICANN;

Resolved (___), the Board encourages the public to comment on the ATRT recommendations, and requests that all Supporting Organisations and Advisory Committees, and the Nominating Committee, provide the Board with initial input on the Report, by 14 February 2011, and that the Governmental Advisory Committee and the Nominating Committee work with the Board to consider actions on recommendations related to their organizations;

Resolved (___), the Board requests that ICANN Staff provide the Board with a proposal for Board action on each recommendation and, where practicable, proposed, initial work plans and budgets for the recommendations, along with a status report on efforts related to all recommendations, by 21 February 2011, taking into account all input received.

PROPOSED RATIONALE

Adherence to the Affirmation of Commitments requires ICANN to undertake the creation of proposals for Board action on each recommendation arising out of Accountability and Transparency Review Team's (ATRT) Final Report. While this work is already underway, ICANN's commitment to accountability transparency is furthered through the transparent tracking of the process.

The community response to the ATRT's final recommendations is still being provided through the open public comment process. The creation of the proposal for Board action will have a budgetary impact on the organization. Significant staff resources will be devoted to the creation of the proposal, and the proposal itself will identify further budgetary considerations in the implementation of the recommendations. There is a potential that the financial resources of the organization may need to be reallocated to allow sufficient staff support to create a meaningful proposal.



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