

Directors and Liaisons,

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

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

Some other time zones:

27 October 2010 – 8:00 PM PDT Los Angeles

28 October 2010 – 05:00 AM CEST Brussels

27 October 2010 – 11:00 PM EDT Washington, D.C.

28 October 2010 – 04:00 PM Wellington

<http://www.timeanddate.com/worldclock/fixetime.html?month=10&day=28&year=2010&hour=3&min=0&sec=0&p1=0>

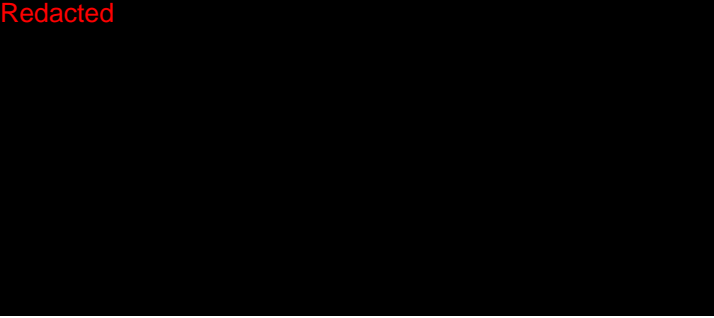
MATERIALS - SPECIAL NOTE – Following on the changes that were recently made to the Materials, they have been broken into two separate books – included in the Board Book (along with the notice and call information) are the following: 1) an expanded agenda and 2) a more concisely formatted set of board 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.

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PARTICIPANT	PHONE1	PHONE2	COMMENTS
1. MR PETER DENGATE THRUSH			 A large black rectangular redaction box covers the right side of the table. The word "Redacted" is written in red text at the top left corner of this box.
2. MR JEAN-JACQUES SUBRENAT			
3. MR KATIM TOURAY			
4. Rajasekhar Ramaraj			

2010-10-28 ICANN Board Meeting Agenda

Draft Agenda – 28 October 2010 ICANN Board Meeting
Expected duration; 3 hours

1. Executive Session – 30 minutes

- a. Approval of CEO Objectives & Metrics

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

- a. Approval of Minutes of 5 August 2010 ICANN Special Board Meeting

RESOLVED (2010.10.28.XX) the Board hereby approves the minutes of the 5 August 2010 ICANN Special Board Meeting.

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

RESOLVED (2010.10.28.XX) the Board hereby approves the minutes of the 25 September 2010 ICANN Special Board Meeting.

- c. From the SSAC – Changes to SSAC Membership:

- i. Approval of Appointment of Merike Kaeo to the SSAC - Board Submission Paper 2010-10-28-01

Whereas, the SSAC does review its membership and make adjustments from time-to-time.

It is RESOLVED (2010.10.28.XX) that the Board appoints Merike Kaeo to the Security and Stability Advisory Committee (SSAC).

- ii. Thanks to Departing SSAC Member Dan Simon - Board Submission Paper 2010-10-28-02

Whereas, Dan Simon was appointed to the ICANN Security and Stability Advisory Committee on 26 June 2009. Whereas, ICANN wishes to acknowledge and thank Dan Simon for his service to the community by his membership on the Security and Stability Advisory Committee.

It is RESOLVED (2010.10.28.XX), that Dan Simon 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 Dan Simon well in all future endeavours.

- d. From the Board Governance Committee – Approval of revised Board Audit Committee Charter and Board Executive Committee Charter – Board Submission Paper 2010-10-28-03

Whereas, each Committee of the Board of Directors should have a Charter to define the Committee's work and operations.

Whereas, the Board Audit Committee has reviewed its Charter approved in 2000 and approved revisions to reflect the scope of the Committee's work, and to align with language common to all charters as approved by the Board Governance Committee.

Whereas, the Board Executive Committee approved a Charter incorporating language common to all charters.

Whereas, the Board Governance Committee recommended the proposed Charter to the Board Executive Committee, and recommends that the Board approve the Board Audit Committee revised Charter.

*It is **RESOLVED** (2010.10.28.XX) the Board approves the revised Board Audit Committee Charter and the Charter for the Board Executive Committee.*

- e. From the Board Governance Committee – Approval of Chair and Vice-Chair Position Descriptions – Board Submission Paper 2010-10-28-04

Whereas, the Board Governance Committee spent several months reviewing and revising, and has recommended that the Board approve a formal position description for the Chair and the Vice Chair of ICANN's Board of Directors.

*It is **RESOLVED** (2010.10.28.XX) the Board approves the position descriptions for the Chair and the Vice Chair of ICANN's Board of Directors, which are posted at <INSERT URL>.*

- f. From the Board Governance Committee – Approval for Posting of Bylaw Changes relating to transition of Board terms – Board Submission Paper – 2010-10-28-05

Whereas, the Bylaws 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 International Public Meetings, and if the Bylaws are amended to allow for a voting Board member to be selected by

the At-Large Community, the transition of the new Seat 15 is anticipated to occur between ICANN's International Public Meetings;

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

Whereas, the Board Governance Committee ("BGC") has 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, the proposed Bylaws amendments reflect the anticipated addition of a voting member selected by the At-Large Community, incorporating amendments already posted for public comment, at <http://www.icann.org/en/public-comment/#al-director>;

Whereas, the BGC recommends that the Board approve the posting for public comment of the proposed Bylaws amendments.

RESOLVED (2010.10.28.XX). *that the proposed Bylaws amendments be posted for public comment for a period of not less than 30 days.*

RESOLVED (2010.10.28.XX), *once the public comment period is concluded and the public comments have been evaluated and summarized, the Board will consider the proposed Bylaws amendments for approval.*

- g. From the Board Structural Improvements Committee – Approval of Bylaws Necessary to Seat Director from At-Large Community – Board Submission Paper 2010-10-28-06

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

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

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

Whereas, on 25 June 2010, the Board approved a recommendation from the SIC and directed the ICANN CEO to post for public comment proposed Bylaws amendments necessary to allow for the seating of a Board Director selected by the At-Large Community and to remove the present ALAC Liaison.

<http://www.icann.org/en/minutes/resolutions-25jun10-en.htm#1.7>.

Whereas, the proposed Bylaws amendments were posted for public comment for 45 days, ending on 15 August 2010, and staff prepared a full Summary and Analysis of comments determining that no substantive edits were necessary to the proposed amendments. Staff prepared minor revisions to the Bylaws amendments based upon items arising in public comment and identified in the Summary and Analysis.

Whereas, the SIC, at its 14 October 2010 meeting, considered the further proposed amendments and recommended that the Board approve the Bylaws amendments as modified by Staff.

Whereas, to address concerns arising in the public comment period, the Board recommends that the At-Large Community consider the possibility that the At-Large Community's selection process to identify a Director to fill the six-month vacancy in Seat 15 at the conclusion of ICANN's Annual General Meeting in 2010 could also be declared to select the Director to serve in the first regular term of Seat 15, as defined within the amended Bylaws, without the re-initiation of a Board seat selection process.

RESOLVED (2010.10.28.XX), *the Board approves the Bylaws revisions as revised by Staff in response to public comment. The Bylaws as amended will allow for the seating of the Board Director selected by the At-Large Community at the conclusion of the ICANN's Annual General Meeting in 2010.*

- h. From the Board Structural Improvements Committee – Approval of Posting for Comment of SSAC Related Changes to ICANN Bylaws - Board Submission Paper 2010-10-28-07

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

Whereas, in its final report published 29 January 2010

<http://www.icann.org/en/reviews/ssac/ssac-review-wg-final-report-29jan10-en.pdf> [PDF, 282 KB], the Security and Stability Advisory Committee (SSAC) recommended that task area one of the SSAC Charter (Section 2(2)(a)(1)

<http://www.icann.org/en/general/bylaws.htm#XI>) should be removed because it is out of scope of the activities of the SSAC.

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

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

Whereas, the SIC, at its 14 October 2010 meeting, recommended that the Bylaws should be amended to achieve the recommendation of the Working Group on improvements to the SSAC by removing task area one and renumbering the other task areas.

Whereas, the SIC also considered the SSAC reviewer's recommendation that the Board should have the power to remove SSAC members, and recommended that the Bylaws should be amended to reflect this companion removal power. Any removal should be formed in consultation with the SSAC.

RESOLVED (2010.28.10.XX), *the Board directs that the proposed Bylaws amendment should be posted for public comment for a period of no less than 30 days.*

- i. From the Board Structural Improvements Committee – Approval of Posting for Comment of Nominating Committee Chair-Elect Changes to ICANN Bylaws – Board Submission Paper 2010-10-28-08

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.

RESOLVED (2010.10.28.XX), *the Board directs that the proposed Bylaws amendment should be posted for public comment for a period of no less than 30 days.*

Item Removed from Agenda



- k. Approval of Funding Source for New gTLD Deployment Budget – Board Submission Paper 2010-10-28-09

Whereas, the Board approved the new gTLD Deployment Budget at its meeting on 25 September 2010 (see Resolution 2010.09.25.01 at: <http://icann.org/en/minutes/resolutions-25sep10-en.htm>).

Whereas, the Board Finance Committee (BFC) discussed the amount of the new gTLD Deployment Budget and unanimously agreed to recommend that it not exceed \$4.0 million.

Whereas, the BFC discussed the new gTLD Deployment Budget and unanimously agreed that it shall be funded now from the reserve fund and not from the adopted operating expense budget.

RESOLVED (2010.10.28.xx), *the funds for the new gTLD Deployment budget shall be available and shall not exceed \$4 million.*

RESOLVED (2010.10.28.xx), the new gTLD Deployment Budget shall be funded now from the ICANN reserve fund and not from the annual adopted operating expense budget.

Main Agenda

3. President & CEO's Report (for information) (15 mins)
4. IDN ccTLDs (for information) (10 mins)
 - a. Update on IDN ccTLDs – Board Paper Submission 2010-10-28-11
 - b. Issues Report on Variant Management – Board Submission Paper 2010-10-28-12
5. Delegation of قطر ("Qatar") (10 mins)
 - a. Update from IANA Committee on local internet community issues
 - b. Approval of Delegation – Board Submission Paper 2010-10-28-13

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

Whereas, قطر ("Qatar"), encoded as "xn--wgbl6a", is a string that has been deemed to appropriately represent Qatar through the IDN Fast Track process;

Whereas, ICANN has received a request for delegation of قطر to the Supreme Council of Information and Communication Technology;

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

*It is hereby **RESOLVED** (2010.10.28.XX), that the proposed delegation of the قطر top-level domain to the Supreme Council of Information and Communication Technology is approved.*

6. Redellegation of .QA (QATAR) top-level – Board Submission Paper 2010-10-28-14 (for approval) (5 mins)

Whereas, QA is the ISO 3166-1 two-letter country-code designated for Qatar;

Whereas, ICANN has received a request for redelegation of .QA to the Supreme Council of Information and Communication Technology.

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** (2010-10-28-XX), that the proposed redelegation of the .QA top to the-level domain Supreme Council of Information and Communication Technology is approved.*

7. New gTLD Program

- a. Update on Timeline – Board Submission Paper – Board Submission Paper 2010-10-28-15 (for information) (5 mins)
- b. Vertical Integration - Board Submission Paper 2010-10-28-16 (for action) (15 mins)

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- c. GNSO New gTLD Recommendation 6 Objection Process – Board Submission Paper 2010-10-28-17 (for information) (15 mins)
 - d. GAC Issues Letter including Geographic Names – Board Submission Paper 2010-10-28-18 (for information) (15 mins)
 - e. Affirmation of Commitment Considerations – Board Submission Paper 2010-10-28-19 (for information) (5 mins)
8. ICM Registry Sponsored Top-Level Domains – Next Steps – Board Submission Paper 2010-10-28-20 (for consideration and action) (10 mins)

Whereas, the Governmental Advisory Committee communicated to the ICANN Board regarding the application for the .XXX sTLD through: (1) the Wellington Communiqué; (2) a 2 February 2007 Letter from the Chair and Chair-Elect of the GAC to the Chair of the ICANN Board; (3) the Lisbon Communiqué; and (4) a 4 August 2010 Letter from the Chair of the GAC to the Chair of the ICANN Board;

Whereas, ICM provided a proposed Registry Agreement to ICANN that was posted for public comment for 30 days;

Whereas staff recommends that, though the proposed Registry Agreement provides sufficient measures to address many GAC concerns, entering into the proposed Registry Agreement may not be consistent with some of the broader-reaching communications from the GAC, and the GAC and the Board could benefit from consultation on those items.

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*It is **RESOLVED** (2010.10.28.XX) that the Board Chair will suggest to the GAC Chair that any consultation process conclude prior to the ICANN International Public Meeting in Cartagena, Colombia.*

9. Status Report on AOC Reviews (for information) (10 mins)
 - a. Update on Meeting the Commitments – Board Submission Paper 2010-10-28-21
 - b. Review Teams – Update on Logistics & Budget Issues
10. Oversight of Board Committees – Report of Board Finance Committee & Board Audit Committee (10 mins each – 20 mins total)
11. Any Other Business (10 mins)

101021-CEOs-Report

President and CEO's Report
21 October 2010

This President and CEO's Report was prepared for the ICANN Board of Directors to facilitate discussion during 28 October 2010 Board Meeting.

This has been another very productive period since the last telephonic Board meeting on 5 August 2010 and the Trondheim Retreat in September. We continue to make progress executing on many fronts. As always, much has happened, and a few highlights are set out below. We have also attached the CEO Monthly One-Page Metrics Report within this Board Book.

I would note 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.

Announcement of New Chief Operating Officer

A major step forward for the organization occurred in the hiring of Akram Atallah, an experienced high-technology business leader, corporate executive and engineer, as ICANN's Chief Operating Officer during September. Akram has more than two decades of experience in engineering, operations, finance and global business. He has relocated to Southern California and is working from the Marina del Rey Offices.

Audited Financial Statements for FY10

I am pleased to report that this year's audit is what accountant's call a clean unqualified opinion, which is the best we can receive. Specifically, our independent external auditors stated as follows: "In our opinion, the financial statements referred to above present fairly and in all material respects, the financial position of ICANN as of June 30, 2010 and 2009, and the changes in its net assets and its cash flows for the years then ended, in conformity with accounting principles generally accepted in the United States of America."

In other words, management estimates were deemed appropriate and consistent, the auditors proposed no audit adjustments, there were no disagreements with management and the auditors, no serious difficulties were encountered and no material errors, fraud, or illegal acts were uncovered.

Further, although terms of art in the audit context, there were no material deficiencies, no significant weaknesses and only one internal control matter on which the auditors commented (down from four last year). While internal controls comments are only meant as information for management and not part of the audit itself, we take them seriously and have already put processes in place to correct the internal control matter.

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. For example, as previously reported we are creating a 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. We expect to announce the next phase of this rollout going into the Cartagena Meeting.

Also, Staff is fully supporting the community review teams called for in the AoC, including the Accountability and Transparency Review Team, which is on-track to publish a report for discussion at ICANN’s annual meeting in December, and the Security and Stability Review Team and the WHOIS Policy Review Team, both of which were recently formed.

Relationship Building

We participated in the ICANN Open Forum on the first day of the Vilnius IGF from 14 to 17 September 2010, so people were able to hear our version the relevant parts of ICANN’s mandate, before the Critical Internet Resources sessions proceeded. This and the opening sessions presentations were very successful and ICANN was well represented by ICANN Staff and Board Members. The list of forums and presentations was presented in the August CEO Report. vi made a presentation on the IGF Opening Ceremony at the IGF Open Forum and at the 2010 UNESCO Forum.

ICANN and UNESCO signed a letter of intent on 16 September 2010, where we have agreed to work together to further strengthen and promote multilingualism in cyberspace, and facilitate the successful implementation of IDN ccTLDs.

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We have been actively engaged in the ICANN related matters associated with the ITU Plenipotentiary, and a formal presentation on the events surrounding the three-week event schedule to end this week has been scheduled for the upcoming board session.

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IDN

On the IDN front we have had a lot of activities in relation to the Fast Track Process: Four additional countries have been announced to have successfully passed the String evaluation step (Korea, India, Iran and Oman), and several are on the way with their delegation request. This brings the total of 19 countries/territories to have passed string evaluation, and 12 countries/territories (w/15 strings) represented in the DNS root zone with IDN ccTLDs. On the delegation side, a total of 12 strings are in the process. It is noteworthy to mention that one country, India, is represented there with seven (7) strings.

Other IDN activities relate to: (i) initiation of the upcoming Fast Track review; (ii) planning of IDN sessions in Cartagena, including FT Review, IDNA protocol transition for registries and registrars, long-term policy sessions and more; (iii) IDN supported events including Taiwan IDN launch, Danish IGF, Samara Russia internet event, IGF, Vilnius with multiple IDN sessions, Localization London, and ITU Plenipot in Guadalajara; (iv) IDN brochure development for training purposes; (v) policy staff support for various IDN WGs in the GNSO-ccNSO-GAC arenas; and (vi) an ongoing array of standard internal IDN activities and discussions.

New gTLD Program

Significant progress on the New gTLD Program occurred at the Board retreat in Trondheim in September, which provided direction on a number of program issues, such as applicant support, root zone scaling, trademark protection, and mitigating malicious conduct. The Board provided guidance on several aspects of the Applicant Guidebook, including geographic names, string similarity, variant management, and the role of the Board. The Guidebook is being revised in accordance with the Trondheim resolutions and is on track for publication prior to the Cartagena meeting. The proposed Deployment budget was also approved, to enable the launch of the program on a timely basis upon Board approval of the Applicant Guidebook.

ICANN posted two reports concerning root scaling in October:

- 1) a summary of the impact of root zone scaling describing the effects of new technologies (IDN TLDs, DNSSEC, IPv6) and concluding that under current conditions, delegation of additional gTLDs should have no significant impact on the stability of the root system. This analysis was shared with the Board in Trondheim and is now posted for public comment.
- 2) a description of the model and rationale for the maximum rate of applications that can be processed over the next few years, essentially limiting the rate of new delegations. This is also posted for public comment.

Contractual Compliance

Terminated or Non-Renewed Registrars

YTD: 14

Percent of total Registrars: 1.46%

Number of compliance notices sent to registrars (for issues re: financial, transfer issues, Registrar Data Escrow, Whois service [web or port 43], Whois inaccuracy, UDRP, etc.)

Aug - 221

Sept - 177

Oct - 44

Number of Registrant reports regarding registrars processed YTD: 8,967

Registrar Liaison

Each year the Registrar Liaison team conducts a polling process to achieve approval of the registrar-level fees based on a provision in the Registrar Accreditation Agreement. The provision requires express approval of the registrar-level fees by registrars accounting, in the aggregate, for payment of two-thirds of all registrar-level fees. This year the process was begun on 1 October 2010 and is nearing completion. We expect to achieve the two-thirds approval level some time today or tomorrow, but we intend to

keep the polling open for a few more days before announcing the results so that we can demonstrate the broadest possible support.

To date registrars both large and small, accounting for over 61% of fees paid, have volunteered their approval. These registrars come from all corners of the globe – from Africa to Asia, Europe, and North and South America. By expressing their support, they are demonstrating a positive connection with ICANN. We are pleased that ICANN has received the requisite registrar approval each year since 2001.

gTLD Registry Liaison

Since the 5 August 2010 Board meeting, four Registry Services Evaluation Process (RSEP) requests have been submitted and three of those are currently open for public comment. The requests are:

- .TEL for the release of one and two-character ASCII labels;
- .TEL for the release of the numeric-only domains;
- .NAME for the release of numeric-only domains; and,
- .MOBI for additional equitable allocation models (i.e., auction and first-come first served) of one and two-character domains.

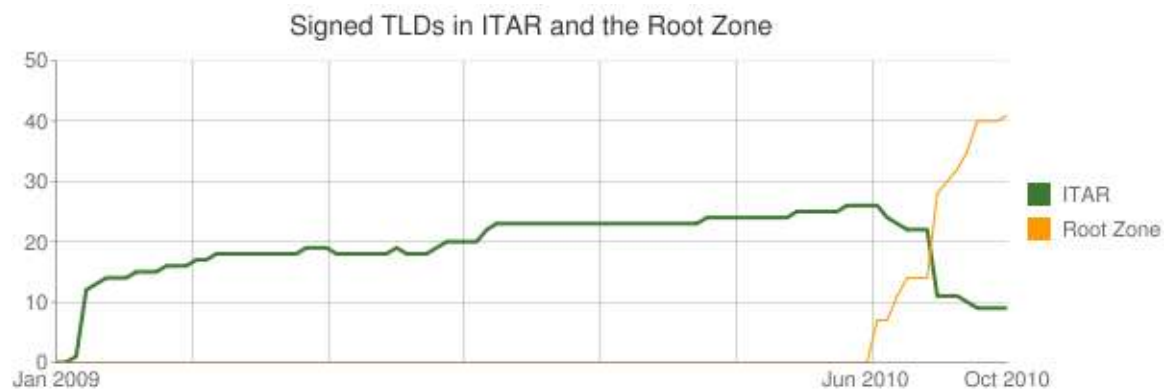
In follow-up to a request from ICANN’s Chairman during a Board Finance Committee meeting on 20 June 2010, staff will shortly be submitting an information paper detailing how RSEP or other registry requests have been approved by an ICANN executive team under the Registry Agreement Change Review Process (RACRP). The RACRP was introduced in the latter part of 2009 as a means to enable an ICANN executive team to consider amendments to registry agreement that were not deemed to be “material” changes. The thresholds for materiality will be presented in the information paper.

IANA and Technical Related Functions

Below are some of the key issue areas/reporting that have been addressed or covered by IANA/Technical function staff recently:

Two IPv4 /8s allocated to APNIC reducing the pool to a remaining twelve (12) /8s. Attached is a graph depicting which countries have received allocations of IPv4 addresses in 2010.

Adoption rate of DNSSEC. IANA continues to see increasing requests from TLDs to publish trust anchors in the root. As of 10/20/2010 14 TLDs have published trust anchors in the root.



Current values:

ITAR (9)

Root (41)

IANA has announced the plan to retire the DNSSEC testbed (ITAR) now that DNSSEC is fully deployed for the root. As you can see from the graph above, use of the Interim Trust Anchor Repository (ITAR) is already declining. The target is to retire fully ITAR in the beginning of 2011.

IANA Related Speaking engagements

- a) IANA reports to RIRs - APNIC (Elise), Regional RIPE meeting in Russia (Elise), LACNIC (Mehmet)
- b) IANA report to ARIN (Barbara Roseman)
- c) Keynote speech at NANOG by Elise Gerich - title is "The End of the Beginning", subject was celebration of NANOG's 50th meeting and history of its founding.
- d) Keynote speech at Regional RIPE meeting in Russia by Elise Gerich - title is "One World, One Internet", subject was the roots of the global Internet and the introduction of Russian routes to the global Internet
- e) DNSSEC updates at AusNOG (David Knight), NANOG (David Knight), and LACNOG (Mehmet)

IANA-related Training sessions, meeting and workshops

- a) participation in DNS-OARC workshop
- b) instructor at 5-day workshop on Advanced Registry Operations with ISOC and AfTLD to African registry operators
- c) observer at ITU IPv6 Working Group
- d) IANA Business Excellence 3-day workshop which resulted in adoption of Process Model and documentation on IANA processes

Document Publications

- a) submitted to IETF, draft-liman-tld-names-04 to the IETF (clarifying TLD label syntax to support IDN TLDs) - Joe Abley is co-author
- b) published draft-jabley-dnssec-trust-anchor-01 (specifying root DNSSEC trust anchor publication) - Joe Abley is co-author

IETF

- a) finalized ICANN-IETF MOU Supplemental Agreement for 2010
- b) Joe Abley one of nominees for IAB

Root Zone Management (RZM) System started OTE (Operational Testing Evaluation). Full Production deployment scheduled for Q1 2011

Policy Development Support

A very significant amount of staff work has gone on in support of the policy development functions. We have provided some of the data below regarding this work broken up by policy function area:

-- GNSO Support Work

between 5 August and 28 October 2010 –

Total GNSO Meetings staffed: 72

Total GNSO-related Reports: 22

Total GNSO-related presentations: 8

Breakdown as follows:

- Supported five GNSO Council calls
- Supported five GNSO Chairs/Vice Chairs preparatory calls
- Prepared Staff Work Utilization Report to demonstrate staff resource limitations, and prepared a presentation to the Council.

GNSO WHOIS work:

- Conducted five (small) community calls
- Produced staff analysis on P/P Abuse study for GNSO Council:
<http://gns0.icann.org/issues/whois/gns0-whois-pp-abuse-studies-report-05oct10-en.pdf>
- Prepared internal assessment report of RFP responses received based on objective criteria and led internal review session
- Prepared RFP Terms of Reference for A WHOIS Privacy/Proxy “Reveal” Study:
<http://www.icann.org/en/announcements/announcement-29sep10-en.htm>
- Prepared internal draft WHOIS strategy and associated internal presentation materials

- Prepared three Council updates and one slide presentation
- Prepared internal technical paper (Steve Sheng, including substantial rewrite/augmentation)

GNSO Work Teams, meetings, and Work Team reports to the Council:

- GNSO Operations Steering Committee (OSC) Constituency and Stakeholder Group Operations Work Team Meetings (05 August through 28 October): 5. Two Documents: Global Outreach Recommendations to the OSC for consideration (initial recommendations and one revision)
- GNSO Operations Steering Committee (OSC) GNSO Council Operations Work Team Meetings (05 August through 28 October): 4. One Document: Proposed Revisions to Section 5.0 of the GNSO Council Operating Procedures on Statements and Declarations of Interest, submitted to the OSC for consideration
- IRTP Part B PDP WG - 8 WG calls - developed and updated public comment review tool, developed first draft of Final Report
- PEDNR WG B PDP WG - 5 WG calls - summary of public comments and survey, developed and updated public comment review tool
- PDP-WT - 8 WG calls - summary of public comments, developed and updated public comment review tool, developed draft Final Report
- PPSC - 1 WG call - compiled PPSC comments on GNSO WG Guidelines
- WG-WT - 3 WG calls - compiled WG WT comments, updated GNSO WG Guidelines
- Joint GNSO/ALAC RAA Drafting Team -- Met 3 times, produced Final Report on Proposals for Improvements to the RAA – 18 Oct 2010, <http://gns0.icann.org/issues/raa/raa-improvements-proposal-final-report-18oct01-en.pdf>
- Cross Community Working Group on Recommendation #6 -- Met 9 times, published Report 21 Sept 2010: <http://gns0.icann.org/issues/new-gtlds/report-rec6-cwg-21sep10-en.pdf>, Public Comment opened on Report: <http://www.icann.org/en/announcements/announcement-2-22sep10-en.htm>
Presentations: GNSO Council Presentation: <http://gns0.icann.org/correspondence/presentation-cwg-report-recommendation-6-07oct10-en.pdf>

- Vertical Integration PDP -- Met 11 times. Revised Initial Report Published 18 Aug 2010: <http://gnso.icann.org/issues/vertical-integration/revised-vi-initial-report-18aug10-en.pdf>

Presentations: GNSO Council Presentation:

<http://gnso.icann.org/correspondence/gnso-council-update-vi-revised-initial-report-26aug10-en.pdf>

ccNSO Support Work

- three ccNSO Council meetings

ccNSO Working Groups:

- Delegation, redelegation and retirement of ccTLD working group

Two weekly calls. Maintain and closure of public comments forum for Issue analysis report. Drafting of intermediate reports and recommendations to support the working group.

- IDN ccPDP

- Overall policy for the selection of IDN ccTLD's

Prepare and support of discussion on selection criteria for IDN ccTLDs and process for application.

- Structural adjustment to the ccNSO to include IDNccTLD's

Prepare and support discussion working group on changes to ccNSO to include IDN ccTLD's

- Incident Response Working group

WG is fact finding and developing criteria to suggest potential providers for maintaining and running incident response contact database.

- Finance Working group

Charter of Finance working group is adopted by the ccNSO Council. Purpose of the WG is to discuss with ICANN the amounts attributed to the ccTLD's and ccNSO, discuss a updated funding methodology with ICANN and propose it to the ccTLD community and coordinate and facilitate participation of ccTLD community in financial aspects of ICANN strategy, operations and budget planning processes.

- Joint Security, Stability analysis charter drafting working group

Workgroup has been constituted and "straw man" for draft charter circulated for discussion by WG.

- Meetings Program Working Group

Draft and publish ccNSO meetings program Cartagena. Organize sessions.

- Travel Funding

Manage travel funding selection process ccTLD's to attend ICANN meetings.

- Joint ccNSO-GNSO IDN Working group

Every two weeks call. Interim report on introduction of single character IDN TLDs. Policy aspects of Variant management preparation of Interim Report.

- ccNSO Council working group on roles and responsibilities

Creation of informal ccNSO council working group to structure and document roles and responsibilities of chair, vice chairs, ccNSO councilors and members for discussion by members in Cartagena.

- Ad hoc wildcard study group

Prepare and support discussion by ccNSO council of recommendations by study group. Convey recommendations to the Board.

- CcNSO Council elections

Yearly election process for ccNSO councilors appointed by the ccNSO members. In 2 regions election process. In 3 regions only one nominee. New Councilors take position in March 2011.

- CcNSO Board Seat selection

Selection process initiated and closed. Chris Disspain selected. New Board member takes position in June 2011.

- Revision ccNSO Website

Phase 1 of revised ccNSO website well underway, in close cooperation with communication department.

AT- LARGE/ALAC Support Work

Policies:

1) ALAC Statement on the Initial Report on Vertical Integration Between Registrars and Registries - ALAC endorsed this statement on 29 August (see: <http://www.atlarge.icann.org/correspondence/correspondence-10sep10-en.htm>)

2) ALAC Statement on Draft Applicant Guidebook v4 - ALAC endorsed this statement on 29 August (see: <http://www.atlarge.icann.org/correspondence/correspondence-10sep10-en.htm>).

3) The ALAC endorsed the Recommendation 6 Working Group Terms of Reference unanimously during the ALAC meeting of 24 August.

4) ALAC is currently drafting statements on the FY11 Plan on SSR and the Rec 6 CWG final report.

Process:

1) At-Large Director Selection - At-Large Director call for Statements of Interest, which closed on 6 September, resulted in a globally diverse applicant pool.

A total of 43 Statements of Interest were received by the BCEC. Out of these 43 applications, 21 were deemed to be too incomplete to proceed further. The remaining 22 Statements of Interest will be considered based on the established criteria. The names of the 22 applicants and the BCEC selected slate of 3-7 candidates will be released in October 2010.

Statistics of the 22 completed Statements of Interest show a globally diverse pool with applicants hailing from each of the five regions (Africa, 14%; Asia-Pacific, 18%; Europe, 32%; Latin America and the Caribbean, 4%; and North America, 32%). Applicants also are from a wide array of professional backgrounds (For Profit, 23%; Non-Profit, 9%; Consultancy, 32%; Academia, 14%, Government Agency, 4%; and Other, 18%). From the 22 completed Statements of Interest, 16 (73%) applicants are not currently active in the At-Large community while 6 (27%) are currently active. Male applicants make up 18 (82%) applicants with only 4 (18%) female applicants.

The BCEC also just completed their first round of SOI evaluations. They will have two more rounds prior to announcing the slate of 3-7 candidates on 3 November.

2) Number of At-Large Structures expands to 128 with the certification of 3 applicants - The three new At-Large Structures are: Information Policy Analytical Center (IPAC) - APRALO; ISOC Peru - LACRALO; Red Internacional de Diseño Colombia (enREDo) - LACRALO.

3) At-Large Regions have completed their 2010 elections for ALAC representatives and representatives to the NomCom. The results are:

ALAC incoming representatives:

Tijani Ben Jemaa (AFRALO)
Edmon Chung (APRALO)
Sandra Hoferichter (EURALO)
Sergio Salinas Porto (LACRALO)
Evan Leibovitch (NARALO)

ALAC Nominating Committee Delegates:

Yaovi Atohoun (AFRALO)
Dr. V.C. Vivekanandan (APRALO)
Yrjö Länsipuro (EURALO)
José Ovidio Salgueiro (LACRALO)
Eduardo Diaz (NARALO)

4) The At-Large community was the first stakeholder community to migrate to the Community wiki (see: <https://community.icann.org/display/atlarge/At-Large+Advisory+Committee+%28ALAC%29>).

Communications Issues

The new Communications Department structure is in place, incorporating three divisions: Global Media Affairs, Marketing and Outreach, and Meetings and Languages. It is built on the premise that all communications functions and related budget and staff should be centralized within one department. This is the platform for professionalizing and raising the quality of ICANN's communications across the board.

Global Media Affairs

Since August, we have generated broad international press coverage on our main messages:

- 1) ICANN is international; coverage was built around ICANN's work at the IGF in Vilnius, which received excellent pickup, and the on-going rollout of IDNs. The press release on Akram's hiring contributed to this.
- 2) Defense of the multi-stakeholder model; using the CEO's IGF speech as a platform, produced substantial coverage. Interest is ongoing: AP, IHT and NPR are all working on follow-up articles.
- 3) New gTLDs will facilitate online innovation and choice; building on the September Board discussion of gTLDs, assisted news outlets in new gTLD coverage in advance of Cartagena. World Trademark Review did a lengthy feature with the Chairman on gTLDs.

Media clips are provided in the Supplemental Board Materials Book.

Marketing and outreach

Though still a work in progress, the marketing division was officially created and initial team members are in place.

<<http://ICANN.org>> ICANN.org<<http://ICANN.org>> revamp began. Cross-departmental working group was created and has defined the redesign's high-level requirements. We are on track to issue RFP before Cartagena.

Annual Report for FY10 is in development; assessment of all print publications has begun. Goals: dramatically improve quality; move much more toward online publications.

The "facelift" of the ccNSO website is well underway; ccNSO's board reviewed it on 19 October and no hurdles to implementation are foreseen. GNSO website revamp also nearing completion; expect to see it live by Cartagena.

Meetings and Languages

Smooth planning process underway for Cartagena meeting. Media planning for Cartagena is well underway, in particular outreach to increase press attendance.

Proposed and got Board confirmation of San Francisco as venue for March 2011 North America meeting.

Progress being made toward extending the ICANN meetings planning cycle to a full year; strong candidate has been identified for Asia in June 2011, with proposal for PPC and Board consideration expected in October/November. Actively seeking to finalize location of Africa meeting for October 2011.

After record sponsorship success for the Brussels meeting, working to increase sponsorship for Cartagena and beyond.

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CEOMonthlyOnepageMetrics 15 October 2010 Board



CEO Monthly One - Page Metrics Report

15-Oct-10

Actual Financial Data*5 (as of September 2010)	YTD (millions)	Budget Variance
Operating Revenues	\$ 17.1 Mil	4 35%
Operating Expenses	\$ 10.7 Mil	-29 52%
Contribution from Operations	\$ 6.0 Mil	1023.77%
Assets	\$ 90.1 Mil	n/a
Liabilities	\$ 16.5 Mil	n/a
Cash	\$ 22.0 Mil	n/a
Reserve Fund	\$ 48.6 Mil	n/a

IDN Fast Track Billing Activity*6	YTD
Requests processed	14
IDN fees billed	\$522k
IDN fees collected	\$80K

Staffing *7 (as of 30 September)	Now
# of Staff	121
Open Positions	7
Retained Searches	3

Hires/Terminations *7	Month	YTD
New Hires	1	4
Voluntary Terminations	1	4
Involuntary Terminations	1	2
Total Terminations	2	6

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 September 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 September, 2010
- 6) Inception to date data; beginning January 2010
- 7) Data as of 30 September 2010; [Key Departures](#) - Greg Rattray; [Key Searches](#): VP Global Partnerships, Chief Security Officer, VP IT.
Key Hires: Akram Atallah, COO
- 8) Data is from 1 January 2010 through 30 September 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	14	5.47%

Deployment IPv6 *4	Percentage of Total
IPv6 traffic to ICANN Sites	0.57%

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

Domain name registrations in gTLD's *2 (as of May)	New Registrations YTD	Total Registrations
gTLD Total	6,090,599	122,540,262

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

2010-08-05-Board-Draft-Minutes

[Draft] Minutes of Board Meeting

5 August 2010

A Special Meeting of the ICANN Board of Directors was held via teleconference on 5 August 2010 at 20:00 UTC.

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, George Sadowsky, Mike Silber, Jean-Jacques Subrenat, Bruce Tonkin, Katim Touray, and Kuo-Wei Wu.

Rajasekhar Ramaraj sent apologies.

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.

Also, the following ICANN Management and staff participated in all or part of the meeting: John Jeffrey, General Counsel and Secretary; Kurt Pritz, Senior Vice President, Services; Tina Dam, Senior Director, IDNs; Kim Davies, Manager, Root Zone Services; Elise Gerich, Vice President, IANA; Diane Schroeder, Director of Board Support.

1. Executive Session

The Board conducted an executive session, without staff present, in confidence.

2. Consent Agenda:

The Board discussed the content of the Consent Agenda and noted some corrections to be made to the Minutes of the 25 June 2010 Board meeting prior to approval. The following resolutions were approved unanimously 14-0. The Resolutions were moved together by the Chair, and Dennis Jennings seconded the motion. Rajasekhar Ramaraj was not available to vote on the Resolutions.

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

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

RESOLVED (2010.08.05.01), the Board hereby approves the minutes of the 23 June 2010 Board Meeting.

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

RESOLVED (2010.08.05.02), the Board hereby approves the minutes of the 25 June 2010 Board Meeting.

c. Delegation of IDN ccTLDs:

i. Sri Lanka

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

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

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

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

RESOLVED (2010.08.05.03), the proposed delegation of .~~ලංකා~~ to LK Domain Registry is approved.

RESOLVED (2010.08.05.04), the proposed delegation of .~~இலங்கை~~ to LK Domain Registry is approved.

ii. Thailand

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

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

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

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

RESOLVED (2010.08.05.05), the proposed delegation of the .~~ไทย~~ domain to the Thai Network Information Center Foundation is approved.

d. Approval of RSEP Request for Allocation of 1 and 2-Character Domains in .TRAVEL

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

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

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

RESOLVED (2010.08.05.06), *the .TRAVEL amendment is approved, and the President and General Counsel are authorized to take such actions as appropriate to implement the amendments.*

- e. From the Security & Stability Advisory Committee
 - i. Bylaw changes

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

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

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

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

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

Whereas, in Resolution 2010.06.25.04 the Board directed the CEO to have staff draft proposed Bylaws amendments addressing the recommendations arising out of the SSAC review Working Group and to post the proposed Bylaws amendments for public

comment for a period of no less than 30 days.

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

Whereas, staff provided the Board with a summary and analysis of the public comments received and recommended that the Board approve the Bylaws revisions as posted at <http://www.icann.org/en/general/proposed-bylaws-revision-ix-2-02jul10-en.pdf>.

RESOLVED (2010.08.05.07), *the Board approves the Bylaws revisions as posted for public comment in furtherance of the recommendations arising out of the SSAC review Working Group.*

ii. *Membership appointments to initial term lengths*

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

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

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

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

RESOLVED (2010.08.05.08), *the Board accepts the recommendation of the SSAC Chair and appoints the following SSAC members to partial terms of one year commencing on 01 January 2011 and ending on 31 December 2011: Harald Alvestrand, KC Claffy, Steve Crocker, Rodney Joffe, Mark Kosters, Russ Mundy, Ray Plzak, Christophe Reverd, Mark Seiden, Bruce Tonkin, Stefano Trumpy, Patrick Vande Walle, Paul Vixie; the Board appoints the following SSAC members to partial terms of two years commencing on 01 January 2011 and ending on 31 December 2012: Alain Aina, Jaap Akkerhuis, Patrik Fältström, James Galvin, Douglas Maughan, Ram Mohan, Frederico Neves, John Schnizlein, Doron Shikmoni, Rick Wesson, Richard Wilhelm, Suzanne Woolf; the Board appoints the following SSAC members to full terms of three years commencing on 01*

January 2011 and ending on 31 December 2013: Roy Arends, Jeffrey Bedser, Duncan Hart, Jeremy Hitchcock, Sarmad Hussain, Warren Kumari, Matt Larson, Xiaodong Lee, Danny McPherson, Shinta Sato, Vanda Scartezini, and Dan Simon.

- f. From the Structural Improvements Committee – Receipt of Final Report from RSSAC Review Working Group

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

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

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

RESOLVED (2010.08.05.09), *the Board receives the final report of the RSSAC review Working Group.*

RESOLVED (2010.08.05.10), *the Board thanks the Chair and Members of the RSSAC review Working Group: Harald Alvestrand (Chair), Steve Crocker and Bruce Tonkin, for their commitment and ability to fulfil their tasks.*

RESOLVED (2010.08.05.11), *the Board dissolves the RSSAC review Working Group.*

RESOLVED (2010.08.05.12), *the Board directs the Structural Improvements Committee to present a set of suggested actions for approval at the October 2010 Board meeting, so as to address the conclusions and recommendations formulated in the final report of this Working Group.*

- g. Receipt and Posting for Public Comment of the Application to be a New UDRP Provider – No resolution
- h. Approval of the At-Large Improvements Implementation Plan

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

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

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

*It is hereby **RESOLVED** (2010.08.05.12), that the Board approve the ALAC/At-Large Improvements Project Plan and directs ICANN's CEO to take action according to the ALAC/At-Large Improvements Implementation Project Plan and report back on the progress at the 2010 Annual General Meeting.*

Resolutions 2010.08.05.01, 2010.08.05.02, 2010.08.05.03, 2010.08.05.04, 2010.08.05.05, 2010.08.05.06, 2010.08.05.07, 2010.08.05.08, 2010.08.05.09, 2010.08.05.10, 2010.08.05.11, and 2010.08.05.12 were approved in a single vote approving the consent agenda items. All Board Members present unanimously approved these resolutions.

Main Agenda:

3. Delegation of IDN ccTLDs

Dennis Jennings raised a concern regarding variances in documentation provided by applicants for delegation, and the need for the Board to decide how to handle these variances.

The Chair confirmed that ICP-1 is the only formal adoption of ICANN policy regarding delegation and redelegation issues, and confirmed that there is currently a ccNSO working group on delegation/redelegation. The Chair inquired of staff of the treatment of variance from ICP-1 and the inclusion of advice from the GAC and the creation of GAC principles on this topic.

Kim Davies noted the high level of government involvement in requests for delegation of IDN ccTLDs, and noted the import of having some flexibility for evaluating demonstrations of community support contained within the delegation requests.

The Chair stated that the ccNSO work may likely identify policy gaps between the what is required under ICP-1 and the delegation process as it has evolved.

Steve Crocker inquired about the scope of information required when an IDN ccTLD delegation request is received requesting delegation to an operator that already

operates the ASCII ccTLD for that country or territory. Steve also noted the need for a stronger policy framework.

The Chair noted his agreement with Steve, and suggested that one solution may be for the Board to wait for the ccNSO to come up with a policy.

Steve stated that this may be consequence of the Fast Track process, which was supposed to handle the “unexceptional” or “easy” cases. The applications before the Board can be easy cases as well, if they are just extensions into the IDN space.

Mike Silber noted that he would approve based on the precedent in earlier IDN ccTLD delegations.

Katim Touray echoed Mike’s comment, and noted the import of Dennis’ point that policy work needs to be expedited on this issue.

Ray Plzak commented on how the Board reinforces its precedent with every decision, and that has to be weighed here.

Heather Dryden noted that when a government presents documentation to ICANN as part of a delegation request, there’s not much more that ICANN can do to resolve any perceived deficiency in the information provided. Even if ICANN presses for more information, the conditions are not going to change. This is a sensitive area for governments. Here, for example, community support exists if the government tells ICANN it does, particularly if legislation was passed regarding ccTLD operations or authority. Heather urged caution on this point, though there have been fair points raised regarding objectivity and process, those do not complete the picture. Heather noted that the ccNSO working group may be able to shed some further light on these discussions.

The Chair inquired as to whether the process for delegation requests may need to change to address the issues raised in these discussions.

Dennis stressed the need to have a clear process and outcome, which may require some level of categorization of applications to take account for the sensitivities raised.

The Chair stated that the Board has to make one of two choices – vote on the merits of the applications before the Board, or defer and ask for the creation of solutions along the lines of Dennis’s suggestion.

Rita Rodin Johnston inquired about the process for deferral.

The Chair noted that process would be to defer on the basis that there’s not an established policy position regarding the consideration of governmental

representations, and seek ccNSO, IANA Department staff and Board consultations on the issue.

Rita stated that a decision at this point that no policy exists is not the appropriate answer, where ICANN has approved other delegation and redelegation requests based on similar governmental representations.

Rod Beckstrom stated the request from Staff to consider approving the three applications currently before the Board and for the IANA Committee of the Board to review this issue and discuss and consider it further with staff. Rod noted that there is a concern that turning this into a policy discussion could stretch the consideration of ccTLD delegations into a very long-term endeavor, where ICANN already has other applications in pending processes. Rod reiterated the request to approve the three before the Board and to have a discussion with the IANA committee to develop an interpretation of the existing RFC-1591 language for the Board's consideration.

Harald Alvestrand stated, as the chair of the IANA Committee, that the IANA Committee could take this onto its agenda.

Rita suggested that the Board should take a vote on the approval of the three applications and having IANA Committee review. Rita stated that she is uncomfortable with the Board deferring consideration of the three applications at this time, and instead consider approval along with a statement that the Board is going to seriously look at this issue and come up with a clear standard, taking into consideration Heather's guidance.

The Chair took Rita's request as a motion to put the motion for a vote, seconded by the CEO, and the Board took the following actions:

RESOLVED (2010.08.05.13), the Board IANA Committee is directed, in coordination with ICANN's CEO, to create improvements to the processes and new guidelines for implementation of the IDN ccTLD Fast Track process.

a. Occupied Palestinian Territory

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

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

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

Whereas, ICANN has reviewed the request, and has determined that the proposed

delegation would be in the interests of the local and global Internet communities.

RESOLVED (2010.08.05.14), the proposed delegation of the *فلسطين* domain to the Ministry of Telecom and Information Technology is approved.

b. Tunisia

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

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

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

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

RESOLVED (2010.08.05.15), the proposed delegation of the *تونس* top-level domain to Agence Tunisienne d'Internet is approved.

c. Jordan

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

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

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

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

RESOLVED (2010.08.05.16), the proposed delegation of the *الاردن* domain to the National Information Technology Center is approved.

Rod Beckstrom, Steve Crocker, Dennis Jennings, Rita Rodin Johnston, Gonzalo Navarro, George Sadowsky, Bruce Tonkin, Katim Touray and Kuo-Wei Wu voted in favor of Resolutions 2010.08.05.13, 2010.08.05.14, 2010.08.05.15, and 2010.08.05.16. Ray Plzak and the Chair were opposed to the resolutions, and Harald Alvestrand, Mike Silber, and Jean-Jacques Subrenat abstained from voting on these resolutions. Rajasekhar Ramaraj was not available to vote on the resolutions. The resolutions carried.

During voting on the matter, Dennis Jennings and Steve Crocker both initially voted in opposition to the resolutions and changed their votes to support the resolutions. Dennis and Steve each offered guidance to the IANA committee on how to proceed with consideration of this issue.

Dennis stated that he is satisfied with the approval of these three delegation requests so long as the Board sends a clear signal that the process will be reviewed.

Steve confirmed Dennis' position and stated that with clear guidance to present a timely solution so that the Board does not face this issue again, he's in support of these resolutions.

Kuo-Wei Wu initially abstained from voting on the resolutions, and during the voting session, changed his vote to support the resolutions. Kuo-Wei noted that given the current situations where the applicants are the current ccTLD operators, the governments issued support, and the no other governments have expressed opposition, he could change his position.

Jean-Jacques offered the following statement in support of his abstention: "Given the criteria which has been provided to the Board, I consider they are not sufficiently well met."

Ray stated that the Board should firmly commit itself to solve this problem to its satisfaction by a date certain.

The Chair noted his agreement with Ray's position.

Tina Dam explained that within the IDN ccTLD Fast Track Process, there has already been a change in a process regarding the string evaluation portions, where ICANN staff calls all applicants at the beginning of the application process and explains more detail regarding the difference between community support for the string evaluation process (support for the string) and community support in the delegation process (support of the operator), as this point was hard for some applicants to understand. The three applicants just before the Board did not have the benefit of this change in process.

Bruce Tonkin stressed the need to be clear that the Board is only looking to improve the implementation of the process already approved, and not that the Board is asking the IANA Committee to make new policy.

The Chair confirmed that the IANA Committee is tasked with improving the implementation process, not with policy-making.

4. CEO's Report

The Chair requested that the CEO provide any updates to his written report previously circulated to the Board.

The CEO noted the success of the launch of DNSSEC and how well the launch was received.

Dennis Jennings requested that the CEO Report include updates on IDN ccTLD Fast Track applicants, including voluntary payment of the application fee, the status of delegation, and commitments to pay the recurrent contributions set forth in the Fast Track Process.

5. Chair Remuneration

The Chair recused himself from conversation on this topic, and Dennis Jennings assumed responsibility for chairing this portion of this meeting.

John Jeffrey provided an update to the public comment summary, noting that since the time of the drafting of the Board paper, which included summarization of the first four comments received in the public comment forum, the public comment forum had since closed and one additional comment was received, noting “strong support” for remuneration to the Chair.

Rita Rodin Johnston asked for clarification from the CEO on how remunerating the CEO factors into the FY10 budget, as there are overages in the budget, including in the amounts budgeted for reviews called for within the Affirmation of Commitments.

The CEO noted that the Chairman piece is not significant relative to the overall budget and could be worked in. The CEO also noted that the Affirmation reviews will be far outside of budget, as there was US\$400,000 budgeted in total, and the Accountability and Transparency Review team already spent approximately US\$600,000, without the activities of the two review groups convening in December.

Rita thanked the CEO for his response, and noted that this question was raised in the public comment and she wanted to make sure that this point was addressed.

Jonne Soininen commented that the optics of the public comment forum closing an hour before the meeting where action is being taken can be bad, and requested a longer period between the comment period end and the Board meeting. Jonne noted that this wasn't a large issue here because of the small number of comments received, but in terms of optics, could be addressed.

Dennis noted his agreement with Jonne, and that if there were a lot of comments, they couldn't be digested on the fly. Here, because of the small number of comments, they can be folded into the Board's consideration.

Rita Rodin Johnston then moved, and Mike Silber seconded the following resolution:

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

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

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

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

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

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

RESOLVED (2010.08.05.17), *the proposed revisions to ICANN's Bylaws, Article VI, section 22, are hereby adopted and staff is directed to update the ICANN Bylaws accordingly.*

RESOLVED (2010.08.05.18), *the Board approves compensation for the Board Chair in the amount of \$75,000 per year, to paid out on a pro-rata basis beginning as of 12:01 a.m. on 6 August 2010 as calculated at ICANN's headquarters in Marina del Rey, California.*

Eleven Board members voted in favor of the resolutions. Rod Beckstrom, Steve Crocker and Peter Dengate Thrush abstained from voting on the resolutions. Rajasekhar Ramaraj was not available to vote on the resolutions. The resolutions carried.

Rod Beckstrom offered the following statement in support of his abstention: "The Chairman of the Board is also Chairman of the Compensation Committee which determines my bonus, and so I perceive a potential conflict of interest."

The Chair resumed the leadership of the meeting.

6. International Dimension of ICANN

The Chair introduced his proposal to form a committee to look at aspects of the internationalization of ICANN. Through Board conversations, there has been general agreement on a need for a high-level Board committee, operating at the strategic level, to be commenting on a number of aspects of ICANN going forward,

including ICANN's place in the international community in terms of relationships. Another aspect is the internationalization of ICANN in terms of the services delivered around the world and responding to the global community. The proposed charter is drafted to address these needs..

Mike Silber inquired of Dennis Jennings, in his role as Chair of the Board Governance Committee (BGC), how the introduction of a new committee would impact the BGC's structure so that Board members and liaisons should not formally participate in more than two committees at a time.

Dennis responded that the BGC works to a guideline to minimize the size of committees and the number of committees that Board members serve on, and already some members serve on more than two committees. It's not a hard and fast rule, but one of working to a reasonable balance.

Rita Rodin Johnston commented that this is something the Board has needed to do for a long time. However, there seem to be approximately five different purposes for the committee, and a separate committee could address each one of those purposes. For example, developing strategies for engagement in strategic relationships is complex, as are plans to internationalize ICANN, and they are both important items that should happen simultaneously. Rita inquired if more than one committee should be started, and if not, for clarity on how this broad mandate could be handled by a single committee.

The Chair noted he struggled with that issue, and what will likely occur are subcommittees, which may diverge in the future.

Rita commented that due to the import of these issues, everyone on the Board should be on one of the subcommittees to assure that everyone is robustly participating.

Jean-Jacques Subrenat thanked the Chair for the initiative to draft the proposed charter. Jean-Jacques noted that the overall work in this area has to be holistic, and have to include an analysis of relationships existing today and what they should look like in the future. Such a holistic approach is need prior to setting up subcommittees, as subcommittees do not have the full view of issues.

Steve Crocker supported Jean-Jacques' statement, and confirmed that the holistic approach is essential. Steve also noted the import of setting up metrics and actions to measure progress at addressing the true issues. Before work is done on the more easily measurable items such as increasing the number of non-U.S. employees, the larger problems must be identified.

Harald Alvestrand supported Steve's statement about first figuring out the problems to be solved. Harald also supported the idea that a small committee is the right place for this work to be started.

The CEO noted his concern about the load placed on staff with such a large Board and such a large number of active committees and working groups. The resource constraints were echoed in the Board reviews. At this time, with the Affirmation of Commitments reviews underway and soon to be initiated, which have taken a real and appropriate tax on ICANN's resources, along with DNSSEC roll out, other technical challenges, and the continuing work on New gTLDs, Rod noted his concern that staff is already stretched to the limit on Board and committee support. If this committee will go forward, Rod requested that the Board rationalize the work of other committees and reevaluate those roles, to try to balance the large demand. Given the broadening of the range of activities of the organization, without the financial resources and staffing to scale of those continued increases in budgeted activities, Rod requested the Board take this issue under consideration.

Ray Plzak noted that Rod's concerns will always be concerns, and that the proposed committee work is very important to the Board and has to be taken care of. Along with the holistic approach, the Board has to set measures that will quantitatively do what the Board thinks needs to be done and come up with qualitative measures as well. This has to be done, even in the face of resource requirement issues.

The Chair then moved and Jean-Jaques Subrenat seconded the following resolution:

RESOLVED (2010.08.05.19), *the Board confirms the establishment of a Board Global Relationships Committee and adopts the proposed Global Relationships Committee Charter. The Board Governance Committee shall provide recommendations for the composition of the Global Relationships Committee.*

**All Board members present unanimously approved this resolution.
Rajasekhar Ramaraj was not available to vote on this resolution.**

Jonne Soininen requested that there be coordination of ICANN attendees prior to attendance at the Internet Governance Forum in Vilnius.

The Chair confirmed that there would be such coordination.

The CEO then inquired about staff recommendation for proceeding with exploratory discussions towards more formal relationships with international organizations.

The Chair noted that exploratory discussions made without any commitment or expectations of eventual outcomes could be appropriate, but anything further would be in the purview of the new committee.

The CEO offered to have a call with the Chair and Jean-Jaques in order to form some initial parameters for exploratory discussions. Jonne Soininen also volunteered to participate.

7. Approval of RSEP Request for Phased Allocation Program in .JOBS

The Chair opened discussion on this topic, and requested clarification on why this item was not included on the consent agenda.

John Jeffrey stated that staff assessed that the level of comments on the proposal would require some discussion.

George Sadowsky explained that he has a problem with the proposal. George noted that the original dot jobs application was put in by Employ Media for employers only, as a sponsored TLD, and the sponsoring community did not include anyone running a job board, such as monster.com. George noted that Employ Media now wants to create categories that would compete with job boards like monster.com, and those operators are now complaining. George commented that though duplicate letters were received, the contents of the letters may be correct and have some validity, namely that Employ Media is essentially stating “we want to enlarge our services but we don’t want to consult a new sponsored community because that sponsored community is larger.” George noted his belief that approving the proposed resolution is against ICANN policies, and that the Board should consider the bounds of the previous Board determination to approve the Employ Media application on the basis of the sponsored community at the time of the approval. Employ Media is trying to go beyond that barrier without consulting a new sponsored community.

Kurt Pritz explained the approach that was taken when Employ Media approached ICANN with this request. Kurt noted that ICANN pointed to the policy-making authority that the sponsored TLD has in the Registry Agreement – here by the Society of Human Resource Managers (SHRM). The proposal was put in front of the policy making body of SHRM, and was approved by a vote of 7-1. Kurt reported that the design has been for ICANN to delegate certain policy-making authority to the sponsoring organization and not to get between the sponsoring organization and the sTLD with regard to if the actions of the policy-making body are appropriate or not. Kurt reported that staff read carefully the comments made by the firms opposed to the amendment, as well as those in support of the amendment, and the staff recommendation supports the sTLD model. Employ Media worked to win the approval of SHRM after ICANN staff noted that such an amendment would require the approval of the policy-making body.

The Chair reiterated what he understood George’s question to raise, which is separate from Kurt’s answer that Employ Media consulted with their policy making body, and ICANN delegates responsibilities to the TLD in that realm. The Chair asked if Employ Media is unfairly changing the overall bargain that led to the creation of the sTLD.

Kurt responded that there was not a change to the charter, but a change to the names that can be registered. The community is the community of human resource

managers, and at least one of the vocal complainers is a SHRM member. Employ Media appears to have follow the process required in the registry agreement, and they changed the name registration policy. Kurt noted that this is a change to the terms of the original registry agreement, which is why the proposed amendment was put up for public comment.

George noted that he was not satisfied with Kurt's explanation, because Employ Media is doing more than what Kurt identified. George stated that the amendment is changing the nature of the sponsored community that would have to go along with the change being proposed. The original sponsored community did not include any competing job bulleting boards or search engines, and so those entities were not included. George noted he does not believe that the job boards/search engines were even asked if they were part of the initial community. Now, the inclusion of new second-level domain names with geographic or profession listing, Employ Media is moving from second-level domains that are only associated with individual employers to creating a taxonomy that takes the registry to a position of posing no competition to being in total competition with other groups. While this may be economically advantageous to the registry, George commented, he sees it as a breaking of the contract, and ICANN is not following is previous position on approving the .JOBS registry agreement on the basis of a limited sponsored community.

Dennis Jennings commented that he interpreted the phrase "Employ Media and SHRM intend to retain the requirement that the .JOBS registrant submit a qualification document verifying that they are an employer organization." to mean that the original charter was not being broken, and requested clarification.

Kurt replied that the universe of registrants is unchanged; it's still the hiring managers and the entities that employ people. It's the name registration policy that's changed. Kurt noted that as with all Registry Service Evaluation Process requests, this request went through a review for competition issues, and none were found. Since the time of the review, there have been comments suggesting that this might be a competition issues, and that sort of issue can be reviewed. However, Kurt noted, that if a policy making body wants to implement a change in the registry policy, how is that to be effectuated. The process here was to go through the policy-making body. If that's not the right answer, we have to be able to tell the registries the process by which they can make changes.

Harald Alvestrand asked for clarification on who will be operating the regional and occupational registrations.

Kurt responded that the names will be released through a phased allocation process similar to processes approved for other registries. The registry will first accept proposals for certain names, and if there's no request for proposal, there will be list of names auctioned, and then names will be available on a first come-first served basis.

Bruce Tonkin spoke in favor of the motion. Bruce stated that we have to allow TLD operators to evolve based on their user requirements. Bruce noted that the sponsorship organization appears to have gone through an internal process and voted to change the name allocation rules. This doesn't change the charter, only the range of names they allow to be registered. In terms of competition, there's nothing wrong with competition itself, the review is for unfair competition, or antitrust-type issues.

Katim Touray asked if staff explanation regarding how the phased allocation plan is consistent with other approved registry mechanism would be helpful.

The Chair noted that this was a true statement, and the Board could move on. The Chair invited George to make further comment.

George noted that he planned to vote no on the basis that the decision is inconsistent with ICANN policy with respect to sponsored domains.

Bruce Tonkin moved, and Rita Rodin Johnston seconded the following resolution:

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

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

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

RESOLVED (2010.08.05.20), the .JOBS amendment is approved, and the President and General Counsel are authorized to take such actions as appropriate to implement the amendments.

Eleven Board members voted in favor of the resolution. George Sadowsky was opposed to the resolution, and Mike Silber and Ray Plzak abstained from voting on the resolution. Rajasekhar Ramaraj was not available to vote on the resolution. The resolution carried.

Mike Silber offered the following statement in support of his abstention: "I have no principle objection to policy development in the sponsored gTLDs, however the

proposed extension purports to extend one element of the Charter - namely the names that can be registered - but not the pool of registrants. I do not believe that this has been sufficiently explored for me to support the resolution and yet have no objective indicator of potential negative impact to oppose it. As such, I am compelled to abstain.”

8. Update on New gTLD program

Kurt Pritz provided an update to the Board on the New gTLD program, including alternate scenarios for launch dates. Kurt clarified that as some public comment forums relating to the Draft Applicant Guidebook, Version IV remained open, staff was not requesting for the Board to close on any New gTLD issues at this meeting. Kurt noted the assumption is that the public comment will be summarized in time for remaining issues to be resolved at the Board’s September retreat, and then a plan would be presented to the Board for updating the guidebook. A proposed final version would be presented in time for consideration in Cartagena, and after that, the required four-month communication plan would be initiated. Kurt noted that the communication plan would not be initiated prior to the guidebook being approved.

If the Board determined that full public comment on the proposed final version of the Applicant Guidebook, the version would be published in sufficient time to close just prior to the Board meeting in Cartagena. After summary and analysis, a final version of the Applicant Guidebook would be presented in January for approval at the February 2011 meeting of the Board. Under this scenario, the Guidebook posted in advance of Cartagena would be Version V of the Draft Applicant Guidebook.

Kurt also outlined a third scenario, where the public comment is narrowly tailored to address a few issues, and then the Board could take that comment into account in Cartagena and take action at that meeting or shortly thereafter without an exhaustive analysis and reformulation of the Guidebook.

The Chair noted his preference for the third option, seeking limited public comment, on the basis that the issues have been under continued refinement through the years of public comment on prior versions. The Chair echoed concerns to avoid a Version V of the Draft Applicant Guidebook.

Rita Rodin Johnston noted her agreement with the Chair, and further commented that if the Board is going to be posed with the options to choose between two community-vetted solutions for inclusion in the final Guidebook, then further comment may not be necessary regarding those points. In that event, no comment period may be necessary.

Kurt confirmed that in most cases, the Board will be presented with items where the community has reached consensus through the ongoing consultations, and in that

case, public comment may not be necessary. The staff suggestion for a limited comment period to allow for some avenue for comment that may otherwise be directed at individual Board members.

Rita inquired as to whether that was a sufficient basis for a comment period, as opposed to providing the solid justification as to why no comment period is necessary.

Heather Dryden provided an update to the Board on the GAC's timing. The GAC is working to generate advise on Version IV of the Draft Applicant Guidebook as soon as possible. There has been some initial advice presented on morality and public order, and a letter was sent on that the day before. The GAC advice on the remainder of the issues may not be available until September just prior to the Board retreat. In addition, the work of the cross-constituency group on morality and public order may not have generated something final prior to the September retreat. Heather noted that the GAC is still waiting for Board response to GAC advice on Version III of the Draft Applicant Guidebook, which the GAC is planning to use in formulating advice on Version IV.

The Chair confirmed that the Board response on Version III should be arriving to heather shortly.

Kurt confirmed that the Board did not need to decide on the timeline today.

Katim Touray inquired on the status of work of the joint working group to advise on the issue of support for people from developing countries.

Kurt noted that the working team appears to be on time for delivering a report by the September retreat.

9. ICM Registry Application for .XXX sTLD

John Jeffrey noted that as the consideration of the ICM Application is proceeding along an agreed-upon process, the proposed resolution shows the Board's continuing oversight of this issue. Staff is asking for authorization to post the proposed Registry Agreement and return to the Board with summary and analysis, and a recommendation for the Board's consideration.

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

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

Whereas, ICANN Staff is in consultation with ICM on a new proposed registry

agreement for the .XXX sTLD and expects to receive a finalized proposal from ICM.

RESOLVED (2010.08.05.21), upon receipt of ICM's application documentation, ICANN Staff is authorized to post ICM's supporting documents and proposed registry agreement for the .XXX sTLD for public comment for a period of no less than 30 days.

RESOLVED (2010.08.05.22), upon completion of public comment period, ICANN Staff shall provide the Board with a summary of the public comments and shall make a recommendation to the Board as to whether the proposed registry agreement for the .XXX sTLD is consistent with GAC advice.

RESOLVED (2010.08.05.23), once the Board has received the above public comment summary and recommendation from the ICANN Staff regarding the proposed registry agreement for the .XXX sTLD, the Board shall at its next possible meeting, consider this recommendation, and determine, consistent with the ICANN Bylaws, whether a GAC consultation shall be required.

All Board members in attendance unanimously approved of this resolution. Rajasekhar Ramaraj was not available to vote on this resolution.

10. Data & Consumer Protection

Dennis Jennings introduced a proposal form a working group regarding the status of data and consumer protection in Registry Agreement, as the Board does not appear to have a clear view on this matter and cannot provide input into GNSO processes.

The Chair inquired as whether this needed a working group, as opposed to a call for staff work on this issue. However, if there's interest and this could add something valuable, the Chair noted he would not get in the way.

Bruce Tonkin noted that Dennis's suggestion sounded much like a call for an Issues Report under the GNSO processes. This may be reasonable to request, but an Issues Report is typically a formal document.

John Jeffrey noted that on the staff side, staff is not clear on what the scope of the request for a GNSO policy on this would be, and that scoping appeared to be the purpose of the group – to get a few Board members interested in moving this forward on a policy level together to help explore where a policy process might be appropriate. Having a group of Board members discuss this issue could show where there's a consensus of the Board to move a policy process forward and for what purpose.

The Chair confirmed that one of the questions for the working group should be whether the Board calls for an issues Report.

Dennis confirmed that this working group could report by the Board retreat in September.

The Chair moved and Dennis Jennings seconded the following resolution:

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

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

RESOLVED (2010.08.05.24), *the Board will establish a working group to identify issues relating to the use of registry data and where registrant protection might be further explored or proposed policies might be introduced.*

RESOLVED (2010.08.05.25), *the Board asks the Board Governance Committee to assist in following the Process for Establishment of Board Working Groups for the formation of a Registry Data Working Group, including the selection of members and drafting of proposed terms of reference.*

All Board members in attendance unanimously approved of this resolution. Rajasekhar Ramaraj was not available to vote on this resolution.

11. From the ASO – Ratification of Proposed Global Policy for Autonomous System Numbers

John Jeffrey provided an update on the process for Board consideration of the Proposed Global Policy, and confirmed the Board was aware that a public comment period was currently open on the Proposed Global Policy.

Dennis Jennings requested that the Board provide conditional approval to the Proposed Global Policy, and not leave this action for the Executive Committee without full Board approval.

Ray Plzak agreed with Dennis' request, and noted that the conditions should be that the Executive Committee would review all public comments, and if there was nothing that was prejudicial raised during the comment period, the Executive Committee should approve the Proposed Global Policy.

Ray Plzak then moved and Dennis Jennings seconded the following resolution:

RESOLVED (2010.08.05.26), *the Board acknowledges the receipt of the Proposed Global Policy for Autonomous System Numbers, which is currently posted for public comment.*

RESOLVED (2010.08.05.27), *after the close of the public comment period, the Board Executive Committee is directed to consider the Proposed Global Policy for Autonomous System Numbers within the timeframe mandated under the ICANN/NRO Memorandum of Understanding.*

All Board members in attendance unanimously approved of this resolution. Rajasekhar Ramaraj was not available to vote on this resolution.

12. UDRP Status Briefing

The Chair noted his encouragement by what was written in the staff paper, and encouraged the work to be done.

John Jeffrey noted that staff could provide a report following on from a 90 day review period.

13. Any Other Business

Bruce Tonkin raised an issue regarding the cost of reviews under the Affirmation of Commitments, and making sure that ICANN is being transparent about these costs. Bruce suggested that an update be posted on the amount allocated out of the contingency for these reviews, or to at least make clear what the budget is for the Accountability and Transparency review.

The Chair noted that there appeared to be some breakdown in staff's original budget estimate for the reviews, which is of the magnitude that the current review team is meeting, and the amount that ended up in the budget document, which is enough for only one of the reviews required.

Rita Rodin Johnston noted that that the method of presentation of the budget to the review team should be improved in the future, so as not to seem as if the team is given a blank check.

2010-09-25-Board-Draft-Minutes

Minutes of Board Meeting

25 September 2010

A Special Meeting of the ICANN Board of Directors was held on 25 September 2010 in Trondheim, Norway.

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. New gTLD Program Budget

The Chair introduced this agenda item. Rajasekhar Ramaraj moved and George Sadowsky seconded the following resolution:

Whereas, the Board Finance Committee considered the New gTLD Deployment Budget at its meeting on 20 September 2010 and unanimously recommended that the Board adopt the Deployment Budget <link to be inserted when available>.

Whereas, the Board considered and discussed the New gTLD Application Processing Budget at its 24-25 September 2010 retreat in Trondheim, Norway.

Resolved (2010.09.25.01), that the New gTLD Deployment Budget and the New gTLD Application Processing Budgets are approved. The Deployment Budget is to be released in order to enable the launch of the program on a timely basis upon Board approval of the Applicant Guidebook. The Application Processing budget should be released upon the approval of the final Applicant Guidebook.

Resolution 2010.09.25.01 was approved unanimously, 15-0.

2. New gTLDs – Directions for Next Applicant Guidebook

The Chair introduced the next resolution noting that the it is a result of the two-day Board workshop in Trondheim on the introduction of new gTLDs.

Ray Plzak then moved and Jean-Jaques Subrenat seconded the following resolution:

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, ICANN's Core Values include "depending on market mechanisms to promote and sustain a competitive environment" where feasible and appropriate, and "introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest."

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-part-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, ICANN seeks to mitigate risks and costs to ICANN and the broader Internet community to the extent possible.

Whereas, meeting these goals require tradeoffs and balancing of competing interests.

Whereas, in Brussels the ICANN Board resolved <<http://www.icann.org/en/minutes/resolutions-25jun10-en.htm#11>> to dedicate its retreat scheduled for 24-25 September for the consideration of all the outstanding issues relating to the implementation of the New gTLD program.

Whereas, the Board held a retreat in Trondheim, Norway on 24-25 September 2010, and talked through the outstanding issues relating to

the implementation of the New gTLD program in order to identify potential ways forward.

Whereas, the Board has identified certain directions to the CEO regarding items for inclusion in the forthcoming version of the Applicant Guidebook for the New gTLD program.

Whereas, the forthcoming version of the Applicant Guidebook will be 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, on 23 September 2010, the Governmental Advisory Committee (GAC) provided comments on version 4 of the draft Applicant Guidebook.

Resolved (2010.09.25.02), staff is directed to determine if the directions indicated by the Board below are consistent with GAC comments, and recommend any appropriate further action in light of the GAC's comments.

Resolved (2010.09.25.03), the Board gives the CEO the following directions relating to the forthcoming version of the Applicant Guidebook for new gTLDs, which is intended to be posted for public comment before the ICANN meeting in Cartagena in December 2010:

2.1. *Geographic Names*

Sub-national place names: Geographic names protection for ISO 3166-2 names should not be expanded to include translations. Translations of ISO 3166-2 list entries can be protected through community objection process rather than as geographic labels appearing on an authoritative list.

Continents and UN Regions: The definition of Continent or UN Regions in the Guidebook should be expanded to include UNESCO's regional classification list which comprises: Africa, Arab States, Asia and the Pacific, Europe and North America, Latin America and the Caribbean.

Governments that file objections should be required to cover costs of the objection process just like any other objector; the objection process will be run on a cost-recovery and loser-pays basis (so the costs of objection processes in which governments prevail will be borne by

applicants). Also, the Board notes that the GAC proposal for free government objections is not specific as to particular objection grounds or particular government objectors (for example whether both national and local government objectors would be covered).

2.2. *New gTLD Applicant Support*

Support to applicants will generally include outreach and education to encourage participation across all regions, but any direct financial support for applicant fees must come from sources outside of ICANN.

Staff will publish a list of organizations that request assistance and organizations that state an interest in assisting with additional program development, for example pro-bono consulting advice, pro-bono in-kind support, or financial assistance so that those needing assistance and those willing to provide assistance can identify each other and work together.

Owing to the level of uncertainty associated with the launch of new gTLDs, the fee levels currently in the Applicant Guidebook will be maintained for all applicants.

2.3. *Root Zone Scaling*

Real-world experience in root zone scaling has been gained as a result of the implementation of IPv6, DNSSEC and IDNs and the hard work of RSSAC and SSAC members in tackling the underlying stability question. Staff is directed to publish its analysis of the impact of IPv6, DNSSEC and IDN deployment on the root zone so far.

Staff has also developed a model and a rationale for the maximum rate of applications that can be processed over the next few years. Staff is directed to publish this model and rationale and to seek Board support for the judgments embodied in this model, thereby providing a firm basis for limiting the rate of new delegations. Based on the discussions to date, this limit is expected to be in the range of 1,000 new delegations per year, with this number to be defined precisely in the publication.

The Board notes that an initial survey of root server operators' ability to support this rate of growth has been conducted successfully, and directs staff to revisit the estimate on a regular basis and consider whether a further survey should be repeated .

Further, ICANN will periodically consult with root zone operators regarding a procedure to define, monitor and publish data on root zone stability. As part of the regular interaction with the root server operators, ICANN will invite inputs from the root server operators and other interested parties regarding any signs of stress in the system and advice as to what actions or changes in process might be appropriate.

Finally, in the event that the number of applications exceeds the maximum rate, an objective method for determining the order of application processing that conforms to the limited delegation rate (not relying primarily on time-stamping) will be defined in the Applicant Guidebook.

2.4. *String Similarity*

Similar strings should not be delegated through the New gTLD Program absent an in-depth policy examination of the issues, including a clear, enforceable set of operating rules to avoid possible user confusion. Community-suggested modifications raise a complex set of policy issues and cannot be considered as a straightforward implementation matter for the first round of applications. Further policy work in this area is encouraged.

2.5. *Variant Management*

No changes will be made to the next version of the Applicant Guidebook with respect to the handling of gTLDs containing variant characters. I.e., no variants of gTLDs will be delegated through the New gTLD Program until appropriate variant management solutions are developed.

The recent delegation of Chinese-language ccTLDs does not yet provide a generally workable approach for gTLDs; there are serious limits to extending this approach at this time. ICANN will coordinate efforts to develop long-term policy and technical development work on these issues.

The Board notes that the following scenarios are possible while evaluating variant gTLD strings:

1. Applicant submits a gTLD string and indicates variants to this string. The applicant, if successful, will get the primary string. The indicated variant strings are noted for future reference, and these variant strings will not be delegated to the applicant; the applicant has

no rights or claim to those strings. ICANN may independently determine which strings are variants of each other, and will not necessarily acknowledge that the applicant's list of purported variants be treated as variants under the process.

2. Multiple applicants apply for strings that are variants of each other. They will be in contention.
3. Applicant submits a request for a string and does not indicate that there are variants. ICANN will not identify variant strings unless scenario 2 above occurs.

The CEO is directed to 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 characters IDNs as part of the new gTLD process in order to facilitate the development of workable approaches to the deployment of gTLDs containing variant characters IDNs. The analysis of needed work should identify the appropriate venues (e.g., ICANN, IETF, language community, etc.) for pursuing the necessary work. The report should be published for public review.

The CEO is directed to produce for the board by the next Board meeting (28 October 2010):

1. A Work plan for developing the issues report.
2. An identification of the skills and capabilities needed by ICANN to complete the issues report and further develop ICANN's organizational ability to continue the strategic rollout of IDN TLDs.

2.6. Trademark Protection

Substantive Evaluation: The Applicant Guidebook will provide a clear description of "substantive evaluation" at registration, and retain the requirement for at least substantive review of marks to warrant protection under sunrise services and utilization of the URS, both of which provide a specific benefit to trademark holders. Specifically, evaluation, whether at registration or by a validation service provider, is required on absolute grounds AND use of the mark.

Substantive evaluation upon trademark registration has essentially three requirements: (i) evaluation on absolute grounds - to ensure that the applied for mark can in fact serve as a trademark; (ii) evaluation on relative grounds - to determine if previously filed marks preclude the registration; and (iii) evaluation of use - to ensure that the applied for mark is in current use.

Substantive review by Trademark Clearinghouse validation service provider shall require: (i) evaluation on absolute grounds; and (ii) evaluation of use.

URS timing: In response to public comment, change the time to respond to a complaint from 20 days to 14 days , with one opportunity for an extension of seven days if there is a good faith basis for such an extension.

The Board notes that the suggestion for a globally-protected marks list (GPML) was not adopted by the Board (in 2009), including for the following reasons: it is difficult to develop objective global standards for determining which marks would be included on such a GPML, such a list arguably would create new rights not based in law for those trademark holders, and it would create only marginal benefits because it would apply only to a small number of names and only for identical matches of those names.

The Board recognizes that additional policy development through the GNSO could lead to further mechanisms for enhanced protection for trademarks.

2.7. *Role of the Board*

The Board intends to approve a standard process for staff to proceed to contract execution and delegation on applications for new gTLDs where certain parameters are met.

Examples of such parameters might include: (1) the application criteria were met, (2) no material exceptions to the form agreement terms, and (3) an independent confirmation that the process was followed.

The Board reserves the right under exceptional circumstances to individually consider an application for a new gTLD to determine whether approval would be in the best interest of the Internet

community, for example, as a result of the use of an ICANN accountability mechanism. The Board approves the inclusion of a broad waiver and limitation of liability in the application terms and conditions.

2.8. *Mitigating Malicious Conduct*

While efforts to mitigate malicious conduct will continue, the implementation work completed to date by the community and staff to address the mitigation of malicious conduct issue is sufficient to proceed to launch the first New gTLD application round. The remaining issues should not delay launch with the following specific directives incorporated:

Background check: The background check should be clarified to provide detail and specificity in response to comment. The specific reference to terrorism will be removed (and the background check criteria will be revised). These clarifications regarding the background check criteria and process shall be included in the forthcoming version of the Applicant Guidebook.

Orphan glue records: Current provisions in the guidebook require each applicant to describe proposed measures for management and removal of orphan glue records for names removed from the zone. This requirement should remain in place, and will be adjusted if SSAC makes a new recommendation in its report on this issue.

High Security Zone (HSTLD) concept: The HSTLD concept is a voluntary concept being developed by a cross-stakeholder group including the financial services industry for use in TLDs wishing to provide services on a high-security basis. Thus, the development of the concept does not impact the launch of the gTLD application process. Any publication of this concept will be shared freely with other organizations that might be interested in development of such a concept.

ICANN will not be certifying or enforcing the HSTLD concept; ICANN is supporting the development of a reference standard for industry that others may choose to use as a certification standard of their own. ICANN will not endorse or govern the program, and does not wish to be liable for issues arising from the use or non-use of the standard.

2.9. GNSO New gTLD Recommendation 6 Objection Process

The Board acknowledges receipt of the Rec6CWG report. This is a difficult issue, and the work of the community in developing these recommendations is appreciated. The Board has discussed this important issue for the past three years.

The Board agrees that ultimate responsibility for the new gTLD program rests with the Board. The Board, however, wishes to rely on the determinations of experts regarding these issues.

The Board will accept the Rec6 CWG recommendations that are not inconsistent with the existing process, as this can be achieved before the opening of the first gTLD application round, and will work to resolve any inconsistencies. Staff will consult with the Board for further guidance as required.

2.10. Registry Agreement

Required Notice and consent for increased or premium renewal prices: The current provision is necessary to protect registrants from predatory pricing upon renewals and the term should be retained.

Limitation of liability: The limitation of liability should remain as is. The remedies for registry operator are limited but appropriate given that ICANN is a non-profit entity that cannot afford to be open to unlimited liability.

Collection of variable transaction fee from registries if registrars decline to pay ICANN directly: The provision for the pass-through of fees is necessary to ensure that ICANN receives adequate funding in the event that ICANN accredited registrars (as a group) fail to approve the variable accreditation fees and should remain in the agreement.

Searchable Whois: Refer to the Board Data Consumer Protection Working Group to study issues and provide information to the Board relating to access and privacy to develop recommendations for possible inclusion in the forthcoming version of the applicant guidebook.

Indemnification of ICANN: The indemnification right should remain. ICANN staff has invited the Registry Stakeholder Group to propose language more precisely defining the exceptions to registry operator's indemnification obligations for inclusion in the next version of the Draft

Registry Agreement, and such a proposal should be considered for inclusion if received in a timely fashion.

2.11. Vertical Integration

The Board will send a letter to the GNSO requesting that the GNSO send to the Board, by no later than 8 October 2010, a letter (a) indicating that no consensus on vertical integration issues has been reached to date, or (b) indicating its documented consensus position. If no response is received by 8 October 2010, then the Board will deem lack of consensus and make determinations around these issues as necessary. At the time a policy conclusion is reached by the GNSO, it can be included in the applicant guidebook for future application rounds.

Resolutions 2010.09.25.02 and 2010.09.25.03 were approved unanimously with a 15-0 vote, with the following exceptions. Gonzalo Navarro abstained from voting in relation to Section 2.6 (14-0, 1 abstention), Harald Alvestrand, Rita Rodin Johnston and Bruce Tonkin abstained from voting in relation to Section 2.10 (12-0, 3 abstentions), and Harald Alvestrand and Bruce Tonkin abstained from voting in relation to Section 2.11 (13-0, 2 abstentions). The Resolutions carried.

Gonzalo Navarro noted his abstention on the portions relating to Trademark Protection because of his employment of chief of staff of the Trademarks Authority of Chile.

Harald Alvestrand noted his abstention from the portions relating to Vertical Integration and the Registry Agreement because of his employment by an organization with a Registrar Accreditation Agreement with ICANN.

Rita Rodin Johnston noted her abstention from the portions relating to the Registry Agreement because her law firm represents a registry.

John Jeffrey confirmed that, in compliance with Conflicts of Interest procedures, during certain portions of the workshop discussions, Board members and liaisons abstained from participation in the discussion or left the room and did not participate in the discussion.

3. Data and Consumer Protection Working Group

Dennis Jennings moved and George Sadowsky seconded the Resolution, and the Chair opened the floor for discussion.

Dennis Jennings noted that the Working Group (WG) was formed with a goal of reporting to the Board at the workshop in Trondheim, and that goal was not met. Dennis requested that the WG be allowed to continue as a result of being charged with new work.

Rita Rodin Johnston commented that the WG should remain mindful that the Board is not making policy in this area. Rita noted that she is looking forward to the work of the WG.

Dennis confirmed that the draft Charter to be considered by the WG make clear that this is not a policy-making group, but a group to gather information on data and consumer protections in registry agreement and consider what protections may be requested from the perspective of the end user. This work is for the advice of the Board.

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

Whereas, the Board asked the Board Governance Committee (BGC) to make recommendations to the Board regarding establishment and membership of a working group to address data and consumer protection issues (DCP-WG).

Whereas the BGC has recommended the establishment and membership of the DCP-WG.

Resolved (2010.09.25.04), the Board hereby establishes the DCP-WG, with its membership as follows: Harald Alvestrand, Dennis Jennings (Chair), Mike Silber, Bruce Tonkin, and Ram Mohan (non-voting member).

Resolution 2010.09.25.04 was approved unanimously, 15-0.

4. Board Global Relationships Committee

The Chair introduced this item regarding the Board Governance Committee's recommended slating of the new Board Committee.

Ray Plzak moved and Mike Silber seconded the proposed resolution:

Whereas, the Board asked the Board Governance Committee (BGC) to make recommendations to the Board regarding the membership of a Board Global Relationships Committee (BGRC).

Whereas the BGC has recommend the membership of the BGRC.

Resolved (2010.09.25.05), the Board hereby sets the membership for the BGRC as follows: Peter Dengate-Thrush (chair), George Sadowsky, Jean-Jacques Subrenat, Katim Touray, Kuo-Wei Wu, Vanda Scartezini (non-voting member).

Resolution 2010.09.25.05 was approved unanimously, 15-0.

5. Nominating Committee Chair

The Chair requested that the Board Governance Committee (BGC) provide information regarding the process by which the BGC reached the recommendation. The Board agreed that any discussion regarding specific candidates were not appropriate for public distribution and should not be reflected in the minutes.

Dennis Jennings, the Chair of the BGC, explained that the BGC initiated a call for expressions of interest, which was extended and ended in September. When the call ended, the BGC discussed the merits of the candidates identified through the call for expressions of interest, and resulted in a unanimous recommendation.

Mike Silber inquired as to timing of the notice of the BGC's recommendation, and Dennis responded that the recommendation was finalized at the BGC meeting on 20 September, and provided to the Board at the earliest opportunity.

Ram Mohan noted that the BGC faced a selection from among very qualified candidates, and the selection is not to anyone's detriment.

George Sadowsky inquired as to the status of the implementation of the Nominating Committee review Working Group regarding appointing a 'chair in training' to replace the past-chair advisor position.

John Jeffrey noted that no change to the bylaws had been formally proposed to date.

The Chair noted that such a change should be done, and could possibly be done in time before the start of the next Nominating Committee.

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

Whereas the Board Governance Committee is tasked each year with recommending to the Board a candidate to serve as the Nominating Committee ("NomCom") Chair.

Whereas the BGC called for expressions of interest from all who would be interested in serving as the 2010-2011 NomCom Chair.

Whereas the BGC considered and discussed all legitimate expressions of interest.

Whereas the BGC recommends that the Board appoint Adam Peake as the 2010-2011 NomCom Chair.

Resolved (2010.09.25.06), that Adam Peake is appointed as Chair of the 2010-2011 NomCom, to serve until the conclusion of the ICANN annual meeting in 2011, or until the Chair's earlier resignation, removal, or other disqualification from service.

Resolution 2010.09.25.06 was approved unanimously, 15-0.

6. March 2011 International Public Meeting

The CEO provided a short description of how San Francisco was selected as the proposed meeting site for the March 2011, meeting, including efforts to hold the meeting in Montreal, and to locate alternative sites throughout the region. The CEO noted that due to the short time-frame for planning the March 2011 meeting, San Francisco appeared to be the best location.

The Chair inquired as to staff's use of the new meeting selection process to identify this location.

Jean-Jacques Subrenat noted that as chair of the Board's Public Participation Committee (PPC), he would have appreciated advance notice be provided to the PPC of the selection, given the PPC's work in identifying the criteria for the new meeting selection process resulting in the selection of San Francisco.

The Chair noted Jean-Jacques' concern and directed staff to make sure that there is some reporting back to the PPC on how the process worked.

Mike Silber echoed Jean-Jacques' comments, and further questioned the completeness fo the supporting documentation.

The Chair noted that if the Board felt unable to vote on this item now, the matter could be delayed, though there would be impacts on ICANN's ability to announce the site, enter into agreements for meeting logistics, and for the community to book travel.

Steve Crocker commented that the ICANN's desired time frame for announcement of meeting sites – 12 months in advance – was long past for the March 2011 meeting, and that the June 2011 site was also not yet available.

The Chair noted his disappointment with not meeting the 12-month rule, and stated his hope that the CEO and COO could bring the organization back to the cycle.

The CEO confirmed that staff will notify the PPC of the outcomes for the selection processes prior to notifying the Board. He also noted that due to the call for meeting sites for the next several meetings, there was an opportunity to get further expressions of interest prior to a selection being made, and the future planning is getting underway.

Harald Alvestrand inquired as to whether there was a formal resolution of the Board regarding the revision of the meeting selection process.

The Chair clarified that the PPC guides the process, not the selections, and the PPC should receive reports on how the process is working, to determine if changes need to be made. As this was the first meeting site selection made, a detailed explanation to the PPC is likely warranted.

The CEO confirmed that staff will conduct a review of the process for meeting selection, and clarify what the current understanding is of the process, and report back, and bring back through the PPC for recommendation of a formal resolution to the Board. The CEO also noted that there would not be a local host noted in the resolution.

George Sadowsky then moved, and Dennis Jennings seconded the following resolution:

Whereas, the BFC reviewed the budget for the North America ICANN meeting, compared it to prior meeting budgets, and recommend that the Board approve the budget not to exceed \$1.941 million.

Resolved (2010.09.25.07), the Board approves San Francisco, California as the location of the ICANN 2011 North America Meeting to be held from 13-18 March 2011, with a budget not to exceed US\$1.941M.

Resolution 2010.09.25.07 was passed unanimously, 15-0.

7. Appointment of Akram Atallah as Chief Operating Officer

John Jeffrey presented the framework in which ICANN as a California-based nonprofit entity approves compensation of officers and executives, and presented the recommendation of the Compensation Committee regarding the level of compensation for the Chief Operating Officer.

Jean-Jacques Subrenat moved and Rajasekhar Ramaraj seconded Resolution 2010.09.25.08 regarding the appointment of the Chief Operating Officers.

The Chair then polled each Board member for a specific acknowledgement that the member does not have a relationship with the candidate being named to the position and no conflicts directly related to his hiring. All Board members had no relationship or conflict to declare. The Chair then called for a vote on Resolution 2010.09.25.08, which was approved unanimously, 15-0.

Rajasekhar Ramaraj then moved and Bruce Tonkin seconded Resolution 2010.09.25.09 regarding the compensation package recommended for the COO. The Chair then called for a vote on Resolution 2010.09.25.09, which was approved unanimously, 15-0.

The full text of the Board actions is:

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

Whereas, Akram Atallah has been identified through a vigorous global search and senior management agrees that he is the right candidate to fill the role of Chief Operating Officer.

Whereas, independent market data provided by the outside compensation consultants indicates that the base compensation for a Chief Operating Officer would fall between [redacted] at the 50th percentile and [redacted] at the 75th percentile.

Whereas, independent market data provided by the outside compensation consultants indicates that the overall compensation for a Chief Operating Officer would fall between [redacted] at the 50th percentile and [redacted] at the 75th percentile. [redacted]

Whereas, the Compensation Committee has recommended that the Board appoint Akram Atallah as the Chief Operating Officer and approve the suggested compensation package.

Resolved (2010.09.25.08), the Board hereby appoints Akram Atallah as an Officer of the Company in the position of Chief Operating Officer effective 20 September 2010.

Resolved (2010.09.25.09), the Board authorizes a starting compensation package for Akram Atallah to consist of: (i) a base salary of \$350,000 USD per year; (ii) a bonus opportunity of 30% of base salary per year to be paid in a manner consistent with other U.S. based staff and in accordance with the company's bonus program; and (iii) the standard benefit programs made available to all other regular full time U.S. based staff.

8. Executive Session

The Board conducted an Executive Session, without staff present, in confidence.

**2010-10-28-01 Board Submission Approval of
Appointment of Merike Kaeo to the SSAC**

ICANN BOARD SUBMISSION NO. 2010-10-28-01

TITLE: **Approval of Appointment of Merike Kaeo to the Security & Stability Advisory Committee**

PROPOSED ACTION: For Approval

EXECUTIVE SUMMARY:

The Chair of the Security and Stability Advisory Committee respectfully requests the appointment of Merike Kaeo as a new Committee member.

COMMITTEE RECOMMENDATION:

The Committee desires the appointment of Merike Kaeo to the Security and Stability Advisory Committee.

PROPOSED RESOLUTION:

Whereas, the SSAC does review its membership and make adjustments from time-to-time.

It is resolved (2010.10.28.xx) that the Board appoints Merike Kaeo to the Security and Stability Advisory Committee (SSAC).

Submitted by: Ram Mohan, SSAC Liaison to the Board

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

Date Noted: 12 October 2010

Email: rmohan@afilias.info

**2010-10-28-02 Board Submission Thanks to SSAC
Departing Member Dan Simon**

ICANN BOARD SUBMISSION NO. 2010-10-28-02

TITLE: **Thanks to Departing SSAC Member Dan Simon**

PROPOSED ACTION: **For Approval**

EXECUTIVE SUMMARY:

On 26 June 2009 the ICANN Board approved the appointment of Dan Simon to the Security and Stability Advisory Committee. On 30 September 2010, Dan Simon stepped down as a member of the Advisory Committee.

COMMITTEE RECOMMENDATION:

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

PROPOSED RESOLUTION:

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

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

It is resolved (2010.xx.xx.xx), that Dan Simon 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 Dan Simon well in all future endeavours.

Submitted by: Ram Mohan
Position: Liaison to the ICANN Board from the Security and Stability Advisory Committee
Date Noted: 12 October 2010
Email: rmohan@afilias.info

2010-10-28-03 Board Submission on Charters

ICANN BOARD SUBMISSION NO. 2010-10-28-03

TITLE: **Approval of revised Board Audit Committee Charter and Board Executive Committee Charter**

PROPOSED ACTION: **For Consent Agenda**

EXECUTIVE SUMMARY:

In 2009, the Board Governance Committee (BGC) approved standard template language to be used in charters for all Committees of the Board. The newer Committees, through the BGC, have drafted charters aligned with that standard language. The Board Audit Committee (AC) has completed a revision to its Charter, incorporating the standard language and refining the AC's purpose and scope of responsibilities to align with current and best practices. The BGC reviewed the proposed revisions to the AC's Charter and recommends that the Board adopt the AC Charter as attached here as Attachment A.

In addition, a charter has been drafted for the Board Executive Committee (EC), which has been reviewed by the EC and the BGC, incorporating the standard template language and identifying the EC's purpose and scope of responsibilities. Because of the non-regular timing of the EC's meetings, the EC - with the Chair of the BGC - suggested a modification to the standard language to require a review of the EC's performance every three years, as opposed to the annual informal review required of all other committees of the Board. The propose EC Charter is attached as Attachment B.

Each of these proposed Charters are now ready for Board consideration.

BGC and STAFF RECOMMENDATION:

The BGC recommends that the Board approve the revised AC Charter. In addition, it is recommended that the Board approve the proposed EC Charter. Each Charter will be publicly available from the Committee website.

PROPOSED RESOLUTION:

Whereas, each Committee of the Board of Directors should have a Charter to define the Committee's work and operations.

Whereas, the Board Audit Committee has reviewed its Charter approved in 2000 and approved revisions to reflect the scope of the Committee's work, and to align with language common to all charters as approved by the Board Governance Committee.

Whereas, the Board Executive Committee approved a Charter incorporating language common to all charters.

Whereas, the Board Governance Committee recommended the proposed Charter to the Board Executive Committee, and recommends that the Board approve the Board Audit Committee revised Charter.

It is RESOLVED (2010.10.28.xx) the Board approves the revised Board Audit Committee Charter and the Charter for the Board Executive Committee.

Submitted by:	John Jeffrey
Position:	General Counsel and Secretary
Date Noted:	15 October 2010
Email and Phone Number	john.jeffrey@icann.org; +1.310.301.5834

2010-10-28-04 Board Submission Board-Chair-and-Vice-Chair-Position-Description

ICANN BOARD SUBMISSION NO. 2010-10-28-04

TITLE: **Approval of Chair and Vice Chair Position Description**

PROPOSED ACTION: **For Consent Agenda**

EXECUTIVE SUMMARY:

Over the past several months, the Board Governance Committee (BGC) has been working on formalizing position descriptions for the Chair and the Vice Chair of the ICANN Board of Directors. (See attached.) The attached position descriptions were initially based on the Report of the NACD Blue Ribbon Commission on Director Professionalism, but revised to reflect additional research into corporate governance practices and to apply specifically to ICANN.

BGC RECOMMENDATION:

The BGC recommends that the Board approve the attached Chair and Vice Chair position descriptions.

PROPOSED RESOLUTION:

Whereas, the Board Governance Committee spent several months reviewing and revising, and has recommended that the Board approve a formal position description for the Chair and the Vice Chair of ICANN's Board of Directors.

It is RESOLVED (2010.10.28.xx) the Board approves the position descriptions for the Chair and the Vice Chair of ICANN's Board of Directors, which are posted at <INSERT URL>.

Submitted by: John Jeffrey
Position: General Counsel and Secretary
Date Noted: 15 October 2010
Email and Phone Number john.jeffrey@icann.org; +1.310.301.5834

Position Descriptions for Chair of Board and Vice Chair

The Chair:

The Chair of the ICANN Board is elected annually by the members of the Board of Directors and must be a member of the Board (ICANN Bylaws, Article VI, Section 2.4).

The Chair provides leadership to the Board in many ways, including presiding over meetings and leading the Board to consensus over disparate opinions.

The Chair must be willing to make a significant time commitment in fulfilling the role, including spending time conferring with management and the CEO, liaising with ICANN stakeholders, and being prepared and informed for the Board's discussions and decision-making.

Specific Tasks for the Chair:

1. Provide leadership to the Board, convening and chairing its meetings, including executive sessions.
2. Drive the Board towards consensus and resolution of issues and clear conclusions on Board positions.
3. Act as a timely, efficient and effective channel of communication between the Board and the CEO.
4. Establish procedures to govern the Board's work, in consultation with the Board Governance Committee.
5. Develop procedures, in consultation with the Board, to improve community input into Board discussions.
6. Ensure the Board's full discharge of its duties.
7. Schedule meetings of the full Board, including face-to-face retreats, in coordination with CEO.
8. Preside as Chair of the Executive Committee.
9. Take agenda responsibility for the regular and special Board meetings, including Board face-to-face retreats.
10. Ensure proper flow of information to the Board, reviewing the adequacy and timing of documentary materials in support of management's proposals.
11. Ensure adequate lead-time for effective study and discussion of business under consideration.

12. Help the Board fulfill the goals it sets, in consultation with the Board, by assigning specific tasks to committees and members of the Board.
13. Work with the Board Governance Committee, to ensure proper committee structure, including assignments of members and committee chairs, recommendations to the Board regarding changes deemed necessary or desirable to the purpose of any committee, and whether any committees should be created or discontinued.
14. Ensure periodic Board, Board Chair and director assessments are performed and considered to enhance and improve Board and Board member performance.
15. Act as the voice of the Board with respect to Board agreed positions.
16. Support the CEO as requested and necessary.
17. Carry out other duties as requested by the CEO and Board as a whole, depending on need and circumstances.

The Board Chair shall not sit as a member of the Board Governance Committee.

The Vice Chair:

The Vice Chair responsibilities are to assist the Chair and fulfill the Chair role in the event of an absence or recusal resulting from a conflict of interest. In addition, it may be very helpful to the Chair to have the Vice Chair act as a lead director in heading the Board Governance Committee.

2010-10-28-05 Board Submission Board-Term-Transition

ICANN BOARD SUBMISSION NO. 2010-10-28-05

TITLE: **Approval for Posting of Bylaw Changes relating to Transition of Board Terms**

PROPOSED ACTION: **For Board Action**

EXECUTIVE SUMMARY:

The Board Review Working Group (BRWG) recommended that the seating of Board members selected by the ICANN Supporting Organizations and the At-Large be consolidated to occur at a mid-year International Public Meeting (Meeting) to facilitate Board member transition. Presently, these Board seats transition in between International Public meetings; the BRWG recommendation will allow for a more orderly, face-to-face transition. The Board Governance Committee (BGC) reviewed this recommendation, and recommended that the Board approve the posting for public comment proposed Bylaws amendments to implement the BRWG recommendation.

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 then; (2) if no Meeting occurs during that time, the Board seat transitions will occur as they do now – six months after the conclusion of the AGM; and (3) require the those selecting Board members to give an additional month of notice of their selection, which will allow for more comprehensive Board committee slating to be completed before the transition in terms. The Bylaws amendments do not require ICANN to hold a mid-year Meeting.

While not numbered in the Bylaws, the President and Chief Executive Officer currently holds what is considered seat No. 15. Upon inclusion of the At-Large voting Board member, that Board member will hold seat No. 15. The revised Bylaws amendments below are drafted in anticipation of that new voting Board member, but can be revised if this term transition process concludes prior to completion of final approval of an At-Large voting Board member. The proposed Bylaws are attached in redline form.

BOARD GOVERNANCE COMMITTEE RECOMMENDATION:

The BGC recommends that the Board approve the posting for public comment the proposed Bylaws amendments to modify Board term transition.

PROPOSED RESOLUTION:

Whereas, the Bylaws 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 International Public Meetings, and if the Bylaws are amended to allow for a voting Board member to be selected by the At-Large Community, the transition of the new Seat 15 is anticipated to occur between ICANN’s International Public Meetings;

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

Whereas, the Board Governance Committee (“BGC”) has 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, the proposed Bylaws amendments reflect the anticipated addition of a voting member selected by the At-Large Community, incorporating amendments already posted for public comment, at <http://www.icann.org/en/public-comment/#al-director>;

Whereas, the BGC recommends that the Board approve the posting for public comment of the proposed Bylaws amendments.

RESOLVED (2010.xx.xx.xx). that the proposed Bylaws amendments be posted for public comment for a period of not less than 30 days.

RESOLVED (2010.xx.xx.xx), once the public comment period is concluded and the public comments have been evaluated and summarized, the Board will consider the proposed Bylaws amendments for approval.

Submitted by:	John Jeffrey
Position:	General Counsel and Secretary
Date Noted:	15 October 2010
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2010-10-28-06 Board Submission At-Large-Board-Directors

ICANN BOARD SUBMISSION NO. 2010-10-28-06

TITLE: **Approval of Bylaws Necessary to Seat Director from At-Large Community**

PROPOSED ACTION: **For Consent Agenda**

EXECUTIVE SUMMARY:

After a 45-day public comment period, closed on 15 August 2010, the Bylaws amendments necessary to seat a voting Director from the At-Large Community are procedurally ready for Board approval. At the Board's meeting in Brussels, the Board directed that after the completion of the public comment process, the proposed Bylaws should be presented to the Board for action no later than the meeting on 28 October 2010. As a result of the public comments received, Staff identified minimal non-substantive edits required for clarity, and the version considered by the SIC and before the Board represents those changes. As no substantive edits were required, no further public comment is necessary. The proposed Bylaws amendments are attached as Attachment A.

The SIC considered the proposed Bylaws amendments at its 14 October 2010 meeting and recommends that the Board approve the amendments. Implementation of the Bylaws amendments is necessary to allow the At-Large Community to complete its selection process in time sufficient to select a director to fill the new Seat 15 at the conclusion of ICANN's 2010 Annual General Meeting in Cartagena. The expectation to fill the new Seat 15 in Cartagena was set forth in the Board Review Working Group's Final Report.

The Staff Summary and Analysis of the public comments received is provided as Attachment B. Because of a concern raised in the public comment period regarding the At-Large Community's ability to select a Director for the six-month vacancy term prior to the formal beginning of a first term in 2011, and have that selection also be effective for service in the first regular term (without re-initiation of a full selection process), the SIC's recommended resolution includes a Board suggestion of the feasibility of such a practice.

STRUCTURAL IMPROVEMENTS COMMITTEE RECOMMENDATION:

The SIC recommends that the Board approve the Bylaws changes as attached, to allow for seating of a director to fill a Seat 15 on the Board at the conclusion of the Board's Annual General Meeting in Cartagena.

PROPOSED RESOLUTION:

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

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

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

Whereas, on 25 June 2010, the Board approved a recommendation from the SIC and directed the ICANN CEO to post for public comment proposed Bylaws amendments necessary to allow for the seating of a Board Director selected by the At-Large Community and to remove the present ALAC Liaison. <http://www.icann.org/en/minutes/resolutions-25jun10-en.htm#1.7>.

Whereas, the proposed Bylaws amendments were posted for public comment for 45 days, ending on 15 August 2010, and staff prepared a full Summary and Analysis of comments determining that no substantive edits were necessary to the proposed amendments. Staff prepared minor revisions to the Bylaws amendments based upon items arising in public comment and identified in the Summary and Analysis.

Whereas, the SIC, at its 14 October 2010 meeting, considered the further proposed amendments and recommended that the Board approve the Bylaws amendments as modified by Staff.

Whereas, to address concerns arising in the public comment period, the Board recommends that the At-Large Community consider the possibility that the At-Large Community's selection process to identify a Director to fill the six-month vacancy in Seat 15 at the conclusion of ICANN's Annual General Meeting in 2010 could also be declared to select the Director to serve in the first regular term of Seat 15, as defined within the amended Bylaws, without the re-initiation of a Board seat selection process.

Resolved (2010.10.28.__), the Board approves the Bylaws revisions as revised by Staff in response to public comment. The Bylaws as amended will allow for the seating of the Board Director selected by the At-Large Community at the conclusion of the ICANN's Annual General Meeting in 2010.

Submitted by:	Samantha Eisner
Position:	Senior Counsel
Date Noted:	15 October 2010
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2010-10-28-07 Board Submission SSAC Charter Bylaws Changes

ICANN BOARD SUBMISSION NO. 2010-10-28-07

TITLE: **Approval of Posting for Comment of SSAC Related Changes to ICANN Bylaws**

PROPOSED ACTION: **For Board Consent Agenda**

EXECUTIVE SUMMARY:

Recommendation number 18 in the Report of the Board Working Group on improvements to the Security and Stability Advisory Committee (SSAC) is that task area one of the SSAC Charter should be removed because it is out of scope of the activities of the SSAC. See <http://www.icann.org/en/reviews/ssac/ssac-review-wg-final-report-29jan10-en.pdf>.

Task area one reads as follows: "Develop a security framework for Internet naming and address allocation services that defines the key focus areas, and identifies where the responsibilities for each area lie." This recommendation will require a change to the ICANN Bylaws in Article XI, Section 2(2)(a)(1) at

<http://www.icann.org/en/general/bylaws.htm#XI>. The reviewers also recommended that a process be put in place to allow for the Board to remove SSAC members. The SIC agreed that, as the Board has the power of appointment of SSAC membership, the Bylaws should be revised to allow for the complementary power of removal, so long as its performed in consultation with the SSAC. The proposed amendments are provided in redline form in the attachment to this paper.

BOARD STRUCTURAL IMPROVEMENTS COMMITTEE

RECOMMENDATION:

The Board Structural Improvements Committee (SIC), at its 14 October 2010 meeting, recommended that the Bylaws should be amended to achieve the recommendation of the Working Group on improvements to the SSAC by removing task area one and renumbering the other task areas, as well as providing for Board removal of SSAC members. The SIC recommended that the proposed Bylaws amendment should be posted for public comment for a period of no less than 30 days.

PROPOSED RESOLUTION:

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

Whereas, in its final report published 29 January 2010

<http://www.icann.org/en/reviews/ssac/ssac-review-wg-final-report-29jan10-en.pdf> [PDF, 282 KB], the Security and Stability Advisory Committee (SSAC) recommended that task area one of the SSAC Charter (Section 2(2)(a)(1)

<http://www.icann.org/en/general/bylaws.htm#XI>) should be removed because it is out of scope of the activities of the SSAC.

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

Whereas, the SIC, at its 14 October 2010 meeting, recommended that the Bylaws should be amended to achieve the recommendation of the Working Group on improvements to the SSAC by removing task area one and renumbering the other task areas.

Whereas, the SIC also considered the SSAC reviewer's recommendation that the Board should have the power to remove SSAC members, and recommended that the Bylaws should be amended to reflect this companion removal power. Any removal should be formed in consultation with the SSAC.

Resolved (2010.XX.XX.XX), the Board directs that the proposed Bylaws amendment should be posted for public comment for a period of no less than 30 days.

Submitted by:	Ray Plzak
Position:	Chair, Board Structural Improvements Committee
Date Noted:	15 October 2010

Email

plzakr@gmail.com

2010-10-28-08 Board Submission NomCom Chair-Elect Bylaws Changes

ICANN BOARD SUBMISSION NO. 2010-10-28-07

TITLE: **Approval of posting for Comment of 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>.

BOARD STRUCTURAL IMPROVEMENTS COMMITTEE

RECOMMENDATION:

The Board Structural Improvements Committee (SIC), at its 14 October 2010 meeting, recommended that the Bylaws should be amended to achieve the recommendation of the Working Group by selecting the Chair of the NomCom one year in advance. The SIC highlighted that the Bylaws changes in this regard must also provide appropriate flexibility for the Board in handling different situations that may occur. The SIC recommended that the proposed Bylaws amendment should be posted for public comment for a period of no less than 30 days. Draft amendment language is proposed in the attachment.

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>.

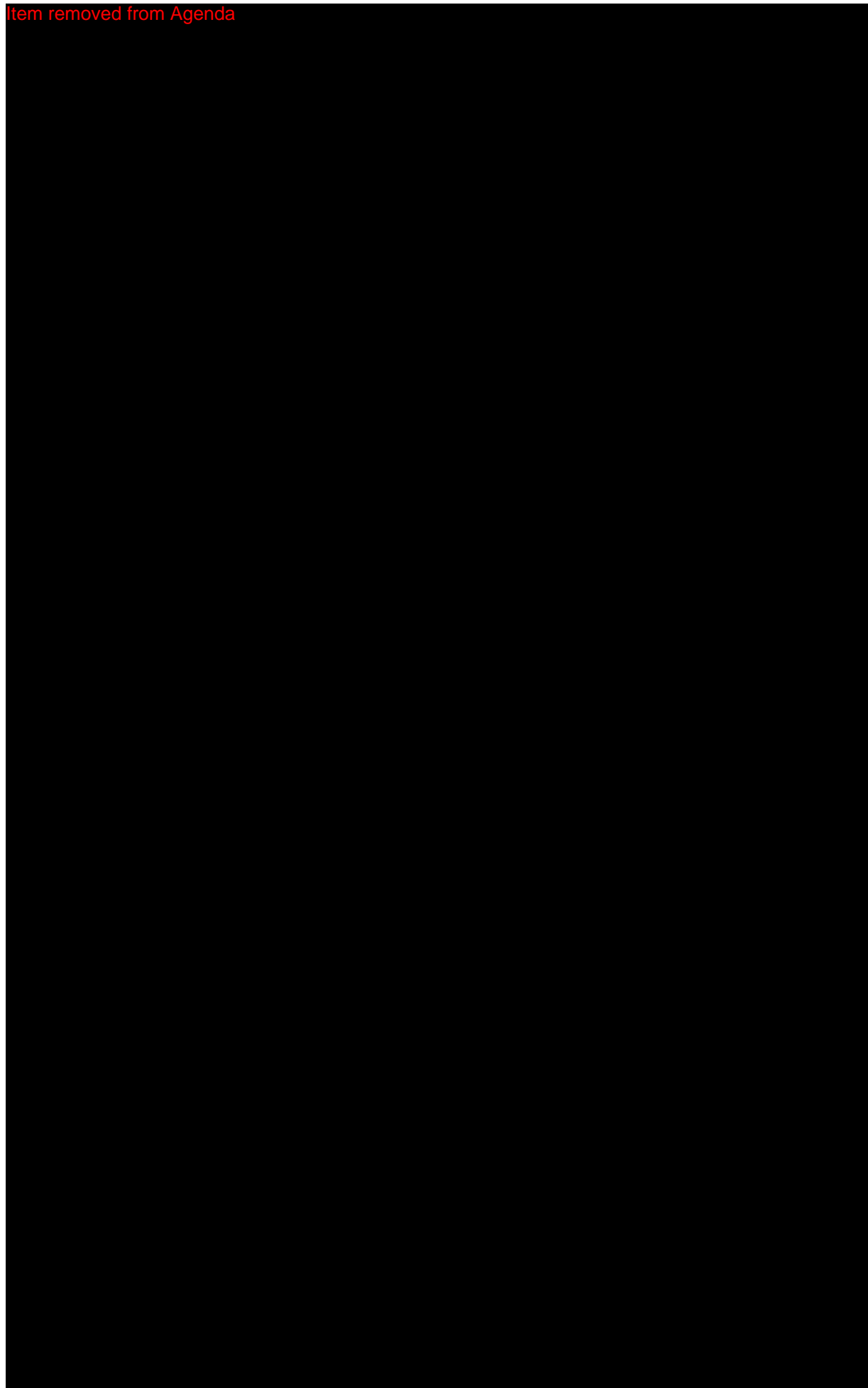
Whereas, the SIC, at its 14 October 2010 meeting, recommended that the Bylaws should be amended to achieve the recommendation of the NomCom Review Finalization Working Group by electing the NomCom Chair one year in advance, while also highlighting that the related Bylaws amendments must incorporate appropriate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

Resolved (2010.XX.XX.XX), the Board directs that the proposed Bylaws amendment should be posted for public comment for a period of no less than 30 days.

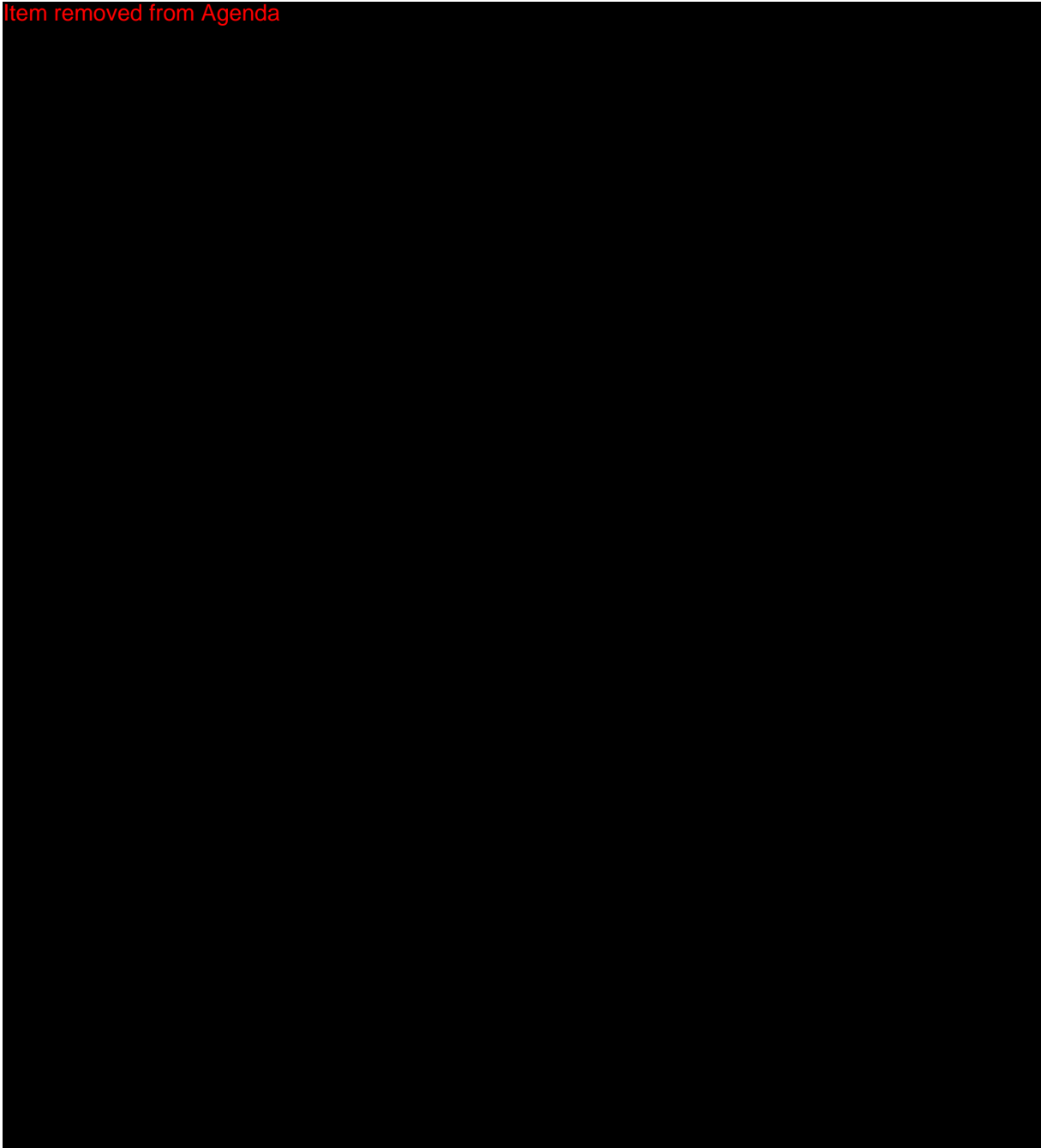
Submitted by:	Ray Plzak
Position:	Chair, Board Structural Improvements Committee
Date Noted:	15 October 2010
Email and Phone Number	ray.plzak@icann.org

Item removed from Agenda

Item removed from Agenda



Item removed from Agenda



2010-10-28-10 Board Submission gTLD-Deployment- Budget

ICANN BOARD SUBMISSION NO. 2010.10.28.10

TITLE: **Approval of Funding Source for New gTLD Deployment Budget**

PROPOSED ACTION: **For Consent Agenda**

EXECUTIVE SUMMARY:

The purpose of this resolution is to clarify the new gTLD budget resolution from the Board meeting held on 25 September 2010 in Trondheim. This resolution clarifies the amount, timing and funding of the new gTLD Deployment Budget.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the resolution clarifying the amount, timing, and funding of the new gTLD Deployment Budget.

PROPOSED RESOLUTION:

Whereas, the Board approved the new gTLD Deployment Budget at its meeting on 25 September 2010 (see Resolution 2010.09.25.01 at: <http://icann.org/en/minutes/resolutions-25sep10-en.htm>).

Whereas, the Board Finance Committee (BFC) discussed the amount of the new gTLD Deployment Budget and unanimously agreed to recommend that it not exceed \$4.0 million.

Whereas, the BFC discussed the new gTLD Deployment Budget and unanimously agreed that it shall be funded now from the reserve fund and not from the adopted operating expense budget.

Resolved (2010.10.28.xx), the funds for the new gTLD Deployment budget shall be available and shall not exceed \$4 million.

Resolved(2010.10.28.xx), the new gTLD Deployment Budget shall be funded now from the ICANN reserve fund and not from the annual adopted operating expense budget.

Submitted by: Kevin Wilson
Position: Chief Financial Officer
Date Noted: 18 October 2010
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2010-10-28-11 Board Submission IDN ccTLD Update

ICANN BOARD SUBMISSION

BRIEFING COVER SHEET

SUBMISSION NUMBER: 2010-10-28-11

TITLE: IDN ccTLD Fast Track Status Briefing

DEADLINE: For Board Retreat November 2010

PROPOSED ACTION: For Board Information

This paper provides an information briefing to the ICANN Board on the subject of the IDN ccTLD Fast Track Process. The fast Track Process is one component of many IDN activities taking place inside ICANN. This paper focuses solely on the fast Track Process. It includes a general review of the statuses of all received requests, a financial overview and conclusion remarks of lessons learned and future activities. Of general observation should be noted that the process is functioning very well in its limited capacity, i.e. introduction of a limited number of IDN ccTLDs while greater policy issues are being dealt with in the community. Also, while variants are not allowed for delegation via the Fast Track Process, these are listed as requested by parts of the community and needs a general approach to allow for their delegation in order to serve the entire community best possible. The Fast Track Review contains more detailed discussions about the functionality of the process.

General IDN ccTLD request overview:

The IDN ccTLD Fast Track Process was launched in November 2009. The process and online application system has been fully functional with no down-time since its launch.

A total number of 33 requests from countries and territories, representing 22 languages, have been received to date. Further details about the requests statuses are provided in the below.

The table provides a full overview of the IDN ccTLD request received, listed by country and territory name, with the languages and scripts used for the actual strings requested. The following nomenclature is used:

- **Received:** this means that ICANN has received a request from the corresponding country or territory, but in the initial review has determined that information was missing in order to initiate the evaluation of the request. All requests in this status are pending the requester, and hence not ICANN.
- **Linguistic:** this means that the evaluation of the request has stopped in Linguistic review. As such it refers to the fact that ICANN need more information as the supplied information was not sufficient to pass the Linguistic requirements.
- **DNS Stability:** this means that the request is currently with the DNS Stability Panel and we are awaiting their evaluation assessment.
- **Delegation:** this means that the request is either ready for the country to submit their delegation request to IANA, or that it is currently with IANA undergoing the standard delegation process.
- **In root:** this means that the IDN ccTLD(s) in the request has been inserted in the DNS root zone.

Note: if some of the strings below are not displayed correctly for you, i.e. they are boxes or question marks, you are experiencing a general IDN issue. It may be because you do not have the relevant fonts installed on your computer. If interested please see <http://idn.icann.org/Fonts> for font options for some languages and scripts.

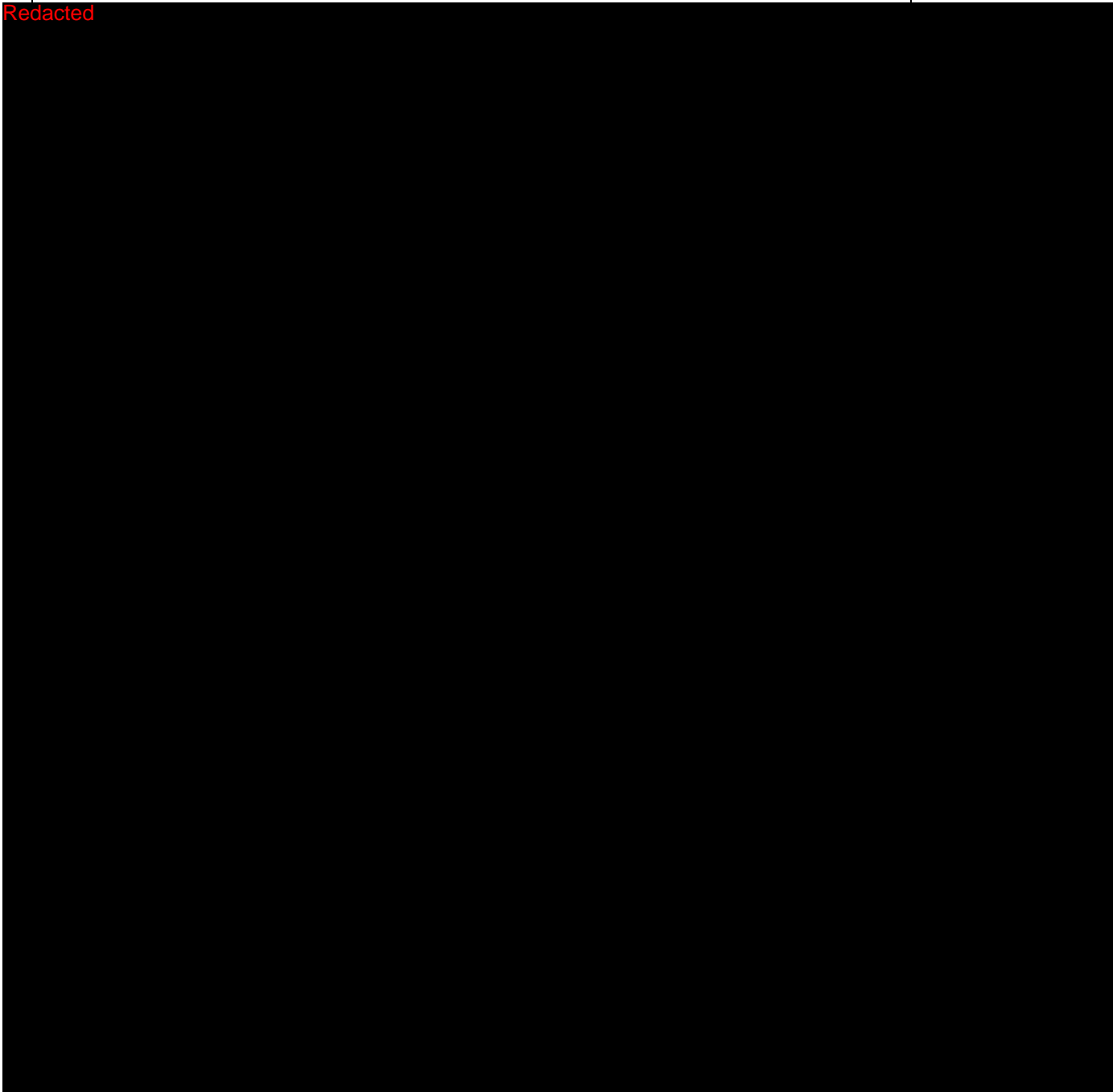
ccTLD	Country/Territory	Primary String	Variant	Language	Script	Status
CN	China	中国 中國		Chinese	Simplified Chinese Traditional Chinese	In root
EG	Egypt	مصر		Arabic	Arabic	In root
HK	HongKong	香港		Chinese	Han	In root
JO	Jordan	الأردن		Arabic	Arabic	in root
PS	Palestine	فلسطين		Arabic	Arabic	In root
RU	Russia	РФ		Russian	Cyrillic	In root
SA	Saudi Arabia	السعودية	السعودية السعودية السعودية	Arabic	Arabic	In root
LK	Sri Lanka	இலங்கை	இலங்கை	Sinhalese Tamil	Sinhala Tamil	In root
TW	Taiwan	台灣 台湾	臺灣	Chinese	Simplified Chinese Traditional Chinese	In root
TH	Thailand	ไทย		Thai	Thai	In root
TN	Tunisia	تونس		Arabic	Arabic	In root
AE	UAE	امارات		Arabic	Arabic	In root

Redacted

IN	India	भारत بھارت ಭಾರತ ભારત இந்தியா ভারত		Hindi Urdu Telugu Gujarati Punjabi Tamil Bengali	Devanagari Arabic Telugu Gujarati Gurmukhi Tamil Bengali	Delegation
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KR	South Korea	한국		Korean	Hangul	Delegation
SY	Syria	سورية	سوريا	Arabic	Arabic	Delegation
SG	Singapore	新加坡 சிங்கப்பூர்		Chinese Tamil	Han Tamil	Delegation
QA	Qatar	قطر		Arabic	Arabic	Delegation
OM	Oman	عمان		Arabic	Arabic	Delegation
IR	Iran	ايران	ايران	Persian	Arabic	Delegation

Redacted



IDN ccTLD Financial Overview

The Final Implementation Plan for the IDN ccTLD Fast Track Process states that two fees are relevant to the IDN ccTLDs. Neither are mandatory, but ICANN will submit invoices and have an expectation that the fees will be paid. The two fees are:

- A pre-arranged and recommended revenue-neutral IDN ccTLD evaluation processing fee of US \$26,000
- A pre-arranged and recommended annual cost contribution fee of 3% of revenue, payable in local currency (1-2% for low volume registries).

For the Processing Fee, a total of 106.000 USD has been received, out of a total of 572.000 USD invoiced. The countries and territories that have paid their Fast Track processing fees or portions thereof are: Russia, Sri Lanka (paid \$2000 out of \$52.000 invoiced), Egypt, South.Korea.and Tunisia. \$50.000 of the \$572.000 has been written off as uncollectable. It should be noted that ICANN invoices countries and territories upon completion of the String Evaluation step in the Fast Track Process, and as such not all countries and territories have received invoices at this stage.

Currently, no annual contribution invoices has been submitted as none of the delegated IDN ccTLDs have been in the root for a full year.

Conclusions

The staff assessment is that the Fast Track Process is running smoothly and very well in it limited capacity (i.e. no variants). Many countries have passed through the Fast Track Process and are very pleased with being able to implement and launch their IDN ccTLD.

The Fast Track Process is currently under review. The announcement will be made on ICANN's website 22 October 2010 and run through past Cartagena. The public announcement includes suggestions for improvements and urging the community to discuss the process. The review is intended to ensure that the process will continue to work as best possible for the community and the review is anticipated to be discussed publicly at the Cartagena meeting.

Submitted by:	Tina Dam
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Date Noted:	20 October 2010
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2010-10-28-12 Board Submission Variant Work Plan

ICANN BOARD SUBMISSION

BRIEFING COVER SHEET

SUBMISSION NUMBER: 2010-10-28-12

TITLE: IDN Variant Management Work Plan

DEADLINE: For Board Meeting scheduled 28 October 2010

PROPOSED ACTION: For Information

Introduction

To develop potential solutions for the delegation of IDN Variant TLDs, the Board resolved that:

The CEO is directed to 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 characters IDNs as part of the new gTLD process in order to facilitate the development of workable approaches to the deployment of gTLDs containing variant characters IDNs. The analysis of needed work should identify the appropriate venues (e.g., ICANN, IETF, language community, etc.) for pursuing the necessary work. The report should be published for public review.

The CEO is directed to produce for the Board by the next meeting:

1. A work plan for developing the issues report.
2. An identification of the skills and capabilities needed by ICANN to complete the issues report and further develop ICANN's organizational ability to continue the strategic rollout of IDN TLDs.

Methodology

Variant Management is a complex subject. This is largely the result of geographical, linguistic and cultural diversity across the use of languages and scripts. A characteristic of the variant management discussion is that potential solutions for one script will not work for others. That is why regional discussions or general variant management discussions have not arrived at a universally applicable solution.

Therefore, it is recommended that, initially, the focus should not be on the general solution. Instead, we will undertake five individual case studies. Those five teams can concentrate on regional, script-specific issues.

Each team will be tasked with developing the set of issues (a problem statement) that, if resolved, will enable the delegation of variant TLDs that would ensure good user experience. That problem set would define the prerequisites for policy and technical solutions to variant management.

The results of the teams will be combined and synthesized to develop a more comprehensive issues statement or problem set. Some problems will be common to all scripts while some will be unique to a single script. It is not intended that the results of the five case studies will result in a problem description for all scripts, but they will provide a problem set for the major scripts from which most early IDN applications are expected to originate, and point the way for other scripts.

Policy versus technical solutions

Allowing variant TLDs may result in user confusion, while excluding them may 'disenfranchise' cultures that use the characters in the excluded TLD strings. The user experience when using variant TLDs must be at least as good as when using TLDs without variants.

A solution for delegation of variants must: (a) determine under what circumstances TLD variants might be delegated, and (b) determine responsibilities of TLD operators to whom TLD variants might be delegated. The issues and solutions could be generated through policy or technical mechanisms (or a combination).

A policy solution is essentially a set of rules by which registries must operate for variant TLDs to provide a good user experience. The rules must be effective and enforceable.

A technical solution might be one in which two identical second-level domain names in variant TLDs, "automatically" (through a root zone operation) resolve to the same "place" without action by the registry.

Work Plan

1. Determine objectives: The first step in the work plan is to determine the objectives of policy and technical solutions to the delegation of variants. This has been extensively discussed, is generally outlined above, and can be determined by reference to existing writings. Given the prior work, this statement of objectives can be written by combination of Board (the ES-WG working group) and staff.

2. Case studies: The second step is the undertaking of five separate case studies: one case study for each of five scripts. Scripts are suggested in the attached graphic but can be determined by the objective-setting team above.
 - a. Each team will provide an issues report for its specified script. It is expected that some issues will be germane to all scripts, while some will be script-specific.
 - b. Each team will provide a set of issues to be resolved for a policy solution and a set of issues to be resolved for a technical solution. For example, the team should specify the list of issues necessary to determine whether DNAME is an appropriate solution (or part of one).
3. Synthesis of issues: A team comprised of representatives from the five teams will meet to create a single issues report. The report will be divided into two sections. One section will be comprised of those issues germane to all scripts, i.e., the list of issues that must be resolved generally in order to safely delegate variant TLDs. The second list will be comprised of 5 sub-sets of issues, each germane to a single script.

The issues report will be completed only for these five scripts. Importantly, the list of single-script issues will provide a roadmap for resolving delegation issues associated with unstudied scripts. The knowledge generated from the case studies will indicate a path for developing issues in every script that is more efficient in time and effort than the one laid out here.

4. Issues report: The issues report will describe each of the general and script-specific issues to be resolved for the five scripts studied. It will also provide a detailed roadmap for resolving unstudied scripts. Finally, it will describe a plan, including timing and resource requirements, for developing an issues statement for unstudied scripts. The plan will indicate which, if any scripts should be studied immediately.

This work plan is described in the attached graphic. It includes reference to resource / skill set requirements. That is discussed in more detail next.

Resource requirements

Just as in the process described above for formulation of issues, selected resources (people) can be shared across case study teams while others, by nature of their singular abilities, should concentrate on one team. The skill sets indicated below might each be fulfilled by a single individual or multiple individuals, depending on the availability of skilled personnel and the breadth of their experience.

Each team must be comprised of the following. (Certain of these team members could and should work across teams, to provide for efficiency and consistency. Those cross-utilized members are indicated by an asterisk.)

- Community Representative – understanding of local culture, customs, and practices.
- Linguistic Expert – script-specific expertise from the local community, including familiarity with Unicode standards.
- DNS Expert* – IETF source knowledgeable in IDNA and other protocols.
- Policy Expert* – knowledgeable of the bottom-up process, and can interface with ICANN SOs and ACs during the issues statement development, incorporate and integrate work of various policy groups considering variant management.
- Registry Operations – familiar with local registry operations and practices, including adherence to standards and compliance regimes.

Each team must be supported by the following more general skill sets:

- Project Management*
- Project Scheduling*
- Applications Development* (as needed, not for writing software but for providing advice as to what sorts of issues have software solutions)
- Communications*
- Financial / Economics support*

Timeline

This is not a complex project in terms of interdependencies or task loading. However, recruiting for this type of effort has always been problematic as budgeted or planned for positions remain unfilled and there are a limited number of technical experts available to participate. Therefore, slightly more time is provided than might be anticipated to recruit skill sets and perform work (because skill sets might have to be shared among the case studies). There are limited numbers of IDN and DNS experts and the timeline described here is contingent on securing the requisite skills for each case study.

Other areas of the project will be prosecuted vigorously. While not described in the timeline, regular progress reports will be made to the Board and ES-WG working group.

<u>Task</u>	<u>Time</u>
Objective setting	1 Nov 2010 – 31 Jan 2011
Recruiting case study teams (assumes some teams will be formed before others and can start work immediately)	1 Nov 2010 – 31 Mar 2011
Complete case studies	28 Feb 2011 – 30 Sept 2011
Synthesize issues across studies	1 Oct 2011 – 30 Nov 2011
Issues report publication	15 Dec 2011

As a frame of reference, the first new gTLDs will be delegated no earlier than the first quarter of 2012 and more probably, the second quarter or beyond.

REDACTED



Submitted by: Rod Beckstrom & Kurt Pritz
Position: CEO & Senior Vice President, Services
Date Noted: 20 October 2010
Email and Phone Number Rod.beckstrom@icann.org & Kurt.pritz@icann.org;

2010-10-28-12 Variant work plan flow Chart

VARIANT WORK PLAN

DEFINE OBJECTIVES

TECHNICAL BOARD MEMBERS
STAFF MEMBERS

CASE STUDIES:

CHINESE

ARABIC

LATIN

INDIAN

CYRILLIC

COMMUNITY REPRESENTATIVE
LINGUISTIC EXPERT
DNS EXPERT*
POLICY EXPERT*
REGISTRY OPERATIONS

POLICY ISSUES	TECHNICAL ISSUES
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x5

ISSUES REPORT:

GENERAL ISSUES	VARIANT SPECIFIC ISSUES
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2010-10-28-13 Board Submission Delegation-qatar

ICANN BOARD SUBMISSION NO. 2010-10-28-13

TITLE: Delegation of the قطر. (“Qatar”) domain representing Qatar in Arabic

PROPOSED ACTION: For Board Review and Approval on Consent Agenda

IANA REFERENCE: 375964

EXECUTIVE SUMMARY

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

Redacted



PROPOSED RESOLUTION

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

Whereas, قطر (“Qatar”), encoded as “xn--wgb16a”, is a string that has been deemed to appropriately represent Qatar through the IDN Fast Track process;

Whereas, ICANN has received a request for delegation of قطر. to the Supreme Council of Information and Communication Technology;

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 قطر. top-level domain to the Supreme Council of Information and Communication Technology is approved.

Submitted by: Kim Davies

Position: Manager, Root Zone Services

Date Noted: 10 October 2010

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

2010-10-28-14 Board Submission Redelegation-qa

ICANN BOARD SUBMISSION NO. 2010-10-28-14

TITLE: Redelegating of the .QA domain representing Qatar
PROPOSED ACTION: For Board Review and Approval on Consent Agenda
IANA REFERENCE: 372893

EXECUTIVE SUMMARY

The ICANN Board is asked to consider and vote on the request to redelegate the .QA top-level domain, comprised of the ISO 3166-1 code representing Qatar.

Redacted



PROPOSED RESOLUTION

Whereas, QA is the ISO 3166-1 two-letter country-code designated for Qatar;

Whereas, ICANN has received a request for re delegation of .QA to the Supreme Council of Information and Communication Technology.

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 .QA top-level domain to the Supreme Council of Information and Communication Technology is approved.

Submitted by: Kim Davies
Position: Manager, Root Zone Services
Date Noted: 12 October 2010
Email and Phone Number kim.davies@icann.org; +1 310 430 0455

2010-10-28-15 Board Submission New gTLD Launch Scenarios

ICANN BOARD SUBMISSION NO. 2010-10-28-15

TITLE: New gTLD Launch Scenarios
DATE: 28 October 2010
PROPOSED ACTION: For Information

Executive Summary

As ICANN staff continues to work and resolve the final issues in the new gTLD implementation process, there is a need to agree upon likely launch timing scenarios. The Board is offered three launch scenarios for possible adoption. The decision can be made at the Cartagena meeting in response to public comment on the next version of the Guidebook leading up to and at that meeting.

The issue is whether and how a “Final” Guidebook can be posted for comment. We suggest it be modeled after the ICANN Budget model. In that case, a “Proposed Final Budget” is produced. The Board considers the comment on the budget made up to and during the meeting at which it is considered. The Board then decides whether to adopt the budget. During that vote, it can direct certain limited changes in the budget.

Similarly, a “Proposed Final Guidebook” can be published. There would be a 30-day (or greater) comment period leading up to the Cartagena Board meeting. Because there are not the same pressures as are on the ICANN Budget to “approve it now,” the Board would have three options:

- Approve the Guidebook as final in Cartagena, either as is or with certain and small changes.
- Direct certain changes to be made to the Guidebook (that may require targeted community collaboration) and direct that the Guidebook be submitted to the Board for approval at its January/February meeting. This type of direction would be appropriate if specific gaps were identified that could be remedied in straightforward fashion.

- Direct that the comment period be extended, that traditional comment summary and analysis be conducted, and another version of the Guidebook be submitted for approval at least 30 days prior to the Silicon Valley meeting in March. This approach is appropriate if significant gaps are identified or if public consultation on an issue is required.

As described above, the Board can make this decision after reviewing comment made on the Guidebook version, as they do on the Budget. There is expected to be considerable comment. Those opposed to the process and those seeking to gain other advantage will make last ditch pleas and threats. It is expected that few new issues will arise. A briefing will be prepared for the Board in Cartagena, summarizing comment made before and during the meeting, with an eye toward identifying new issues or points-of-view.

Timelines for launching the process in the event of any of the three scenarios are indicated in the attached graphic. If the Board were to approve the Guidebook as final in Cartagena, the announcement and communications campaign would be scheduled shortly after the first of the year, in deference to the holiday period. First applications could be received as early as (but not earlier than) May 2011.

[As stated in earlier papers, the communications campaign should not be launched until the Guidebook is approved. The public question to be answered at the outset of any campaign will be: “What is the date?” Since we cannot answer this with certainty until the Guidebook is approved as final, the communications campaign should not be launched until the Board approval is made.]

If the Board were to approve the Guidebook after the January/February meeting, the announcement and communications campaign launch would be made shortly thereafter. The first applications could be received as early as (but not earlier than) 1 July 2011.

If the Board elects that a full comment analysis and sixth version of the Guidebook be written, with approval at the Silicon Valley meeting, the approval would be followed by

an April announcement and communications campaign launch. First applications could be received as early as (but no earlier than) August 2011.

Can the Board approve the Guidebook after a 30-day comment period leading up to the Cartagena Board meeting? Yes. Absent the identification of open issues, ICANN has received over 1,000 public comments on the four previous drafts of the Applicant Guidebook, published explanatory memos and independent reports. REDACTED

REDACTED

REDACTED.

Redacted

Redacted

Redacted



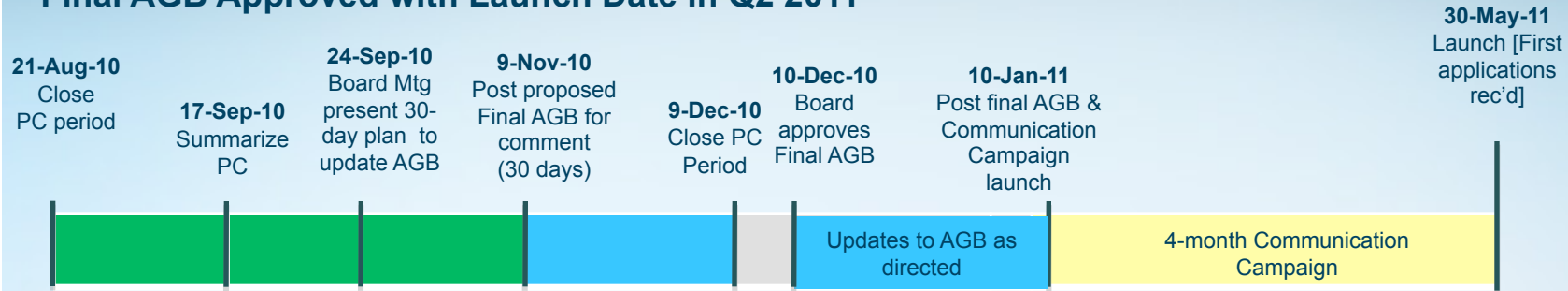
Submitted by:	Carole Cornell;	Kurt Pritz
Position:	Sr.Dir. Project Mgt;	SVP, Services
Date Noted:	28 October 2010	
Email and Phone Number	carole.cornell@icann.org;	pritz@icann.org

2010-10-28-15 Board Submission Timeline

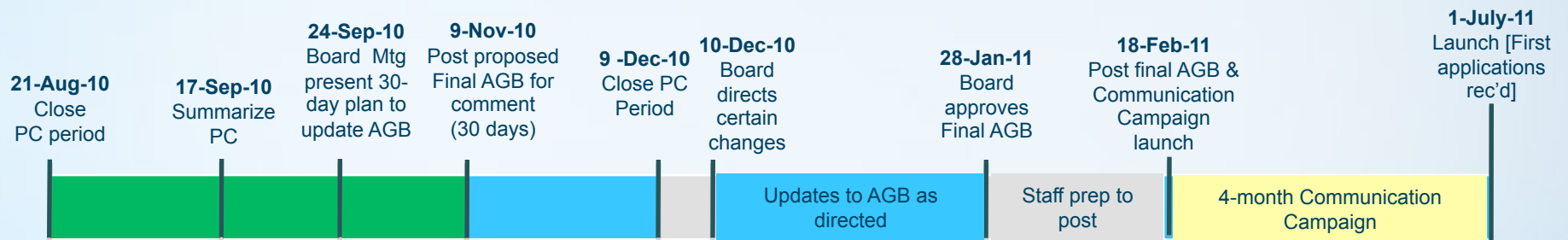
Launch Scenarios



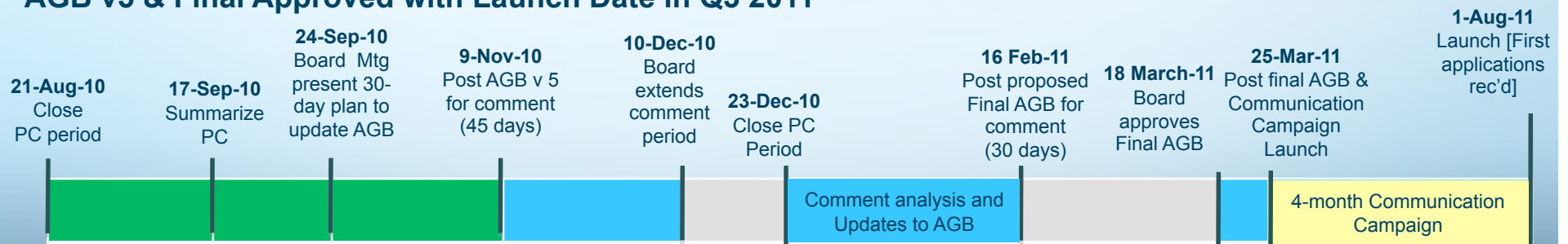
Final AGB Approved with Launch Date in Q2 2011



Final AGB Approved with Mid-year 2011 Launch Date



AGB v5 & Final Approved with Launch Date in Q3 2011



2010-10-28-16 Board Submission Vertical Integration

ICANN BOARD SUBMISSION NO. 2010-10-28-16

TITLE: Vertical Integration

PROPOSED ACTION: For Board Decision

EXECUTIVE SUMMARY:

The Board is requested to direct staff on the selection of a model for addressing vertical integration of registries and registrars for the forthcoming version of the new gTLD applicant guidebook. In Trondheim the Board briefly discussed this issue and asked the GNSO to formally confirm the absence of consensus, which the GNSO has now done: <<http://gns0.icann.org/mailling-lists/archives/council/msg09754.html>>.

The Board also requested additional information on compliance implications for the various models, stakeholder positions on the various models, and background information on structural separation requirements from the 1999-2001 registry agreements; this material is included in the annex to this board paper.

CURRENT ENVIRONMENT:

As described in more detail in the Trondheim briefing materials, two years of community discussions on the topic of Vertical Integration have not produced consensus on whether or not registrars should be prohibited from applying to operate registries. In a nutshell, there are two competing camps that believe either that:

- In favor of vertical integration: allowing registrars to run registries (and registries to run registrars) would allow registrars to compete against established registries (and allow registries to compete at the retail level), leading to better prices, choices and service for consumers – much like how grocery stores are able to offer house brands, or Apple, Inc. is allowed to operate retail stores to sell MacBooks and iPhones directly to consumers.
- Against vertical integration: prohibiting registrars from running registries (and vice-versa) would prevent registries that are co-owned with registrars from taking advantage of registry data to charge high prices for valuable registrations.

ICANN's newer (since 2005) gTLD registry agreements generally restrict established registries from owning registrars, but ICANN has never before had a rule prohibiting registrars from applying to operate registries. For reference, all seven of the new gTLDs

introduced by ICANN in 2000 have featured some degree of registry-registrar cross-operation or cross-ownership.

On 23 September 2010, ICANN's Governmental Advisory Committee submitted its comments on v4 of the Applicant Guidebook, including comments on the issue of registry-registrar separation <<http://icann.org/en/correspondence/dryden-to-dengate-thrush-23sep10-en.pdf>>. An analysis of the GAC advice is attached as Annex Exhibit F – "Chart of GAC Advice and Staff Recommendations." In a nutshell, the GAC commented that it generally supports restrictions on market participants that might wield "market power," but that such restrictions should not apply if market power is not an issue.

RECOMMENDATION:

Staff recommends that the Board carefully review and consider the GNSO's "Revised Initial Report on Vertical Integration Between Registrars and Registries," <<http://gnso.icann.org/issues/vertical-integration/revised-vi-initial-report-18aug10-en.pdf>>, which includes details on all the various proposals and viewpoints. Also, a summary and analysis of the proposals by Professors Salop and Wright is in the attached annex.

The Board can choose from essentially four options: strict separation, limited cross-investment, limited integration, or free market:

1. Strict separation: as presented in Draft Applicant Guidebook v4, registrars would be prohibited from applying for or operating registries, and registries would be prohibited from owning registrars or resellers. Some stakeholders propose limited exceptions (such as exempting small registries or "dot-brand" TLDs) from having to register names only through outside registrars).
2. Limited cross-investment: as proposed in the JN2¹ or RACK+ proposals, registries and registrars could own up to (and no more than) of the 15% the stock in each other.
3. Limited integration: as proposed in the CAM3 or Salop-Wright proposals, registrars could operate registries and vice-versa, but any applications for cross-

¹ The expressions such as "JN2" and "RACK+" are shorthand for GNSO Vertical Integration Proposals. They are briefly described below and fully described in the "Revised Initial Report on Vertical Integration Between Registrars and Registries."

operation from firms with large market share would be referred for review by national competition authorities.

4. Free Trade: as proposed in the "Free Trade" proposal, registries would be free to own and operate registrars, and registrars would be free to own and operate registries.

CATEGORIES:

Significant VI-WG discussion involved exceptions to a prohibition on vertical integration. (That is, under what set of circumstances could there be co-ownership?) For example, there were suggestions that a ".brand" registry, small registries or community-based registries be exempt from separation rules.

Recommendation: Categories should not be used as a basis for providing exemption or exception unless the criteria are very clear and objective, and the implementation does not add complexity that puts the process at risk. An example of a category that is clear and objective is size or number of names under management. Examples of categories that add significant complexity and risk are designation as .brand or community TLDs.

BASIS FOR DECISION:

The Board is presented with these options for resolution of the discussions on vertical integration because the GNSO has not reached consensus. Each of the options available to ICANN presents risks:

V.I. Model	Rationale [Pros]	REDACTED
<p>1. Strict Separation (AGBv4) – no cross-ownership permitted (with possible exception for dot-brand)</p>	<p>Would stop registries from profiting from registry data by using affiliated registrars; restrictions could be relaxed in the event GNSO reaches consensus in the future.</p>	<p>REDACTED</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>

<p>2. Limited cross-investment (JN2 or RACK+) – cross-investment over 15% prohibited (with possible exceptions for community, orphaned or single-user TLDs)</p>	<p>Would stop registries from profiting from registry data by using registrars controlled by the registry; partially based on restrictions on ownership of registrars in current registry agreements.</p>	<p>REDACTED</p>
<p>Option</p>	<p>Rationale</p>	<p>Risks</p>
<p>3. Limited integration (CAM3 or SW) – cross-operation permitted subject to review by competition authorities</p>	<p>Would benefit consumers through lower prices and better services made available by registries that could sell directly to consumers; supported by expert economic analysis from Professors Salop and Wright.</p>	<p>REDACTED</p>
<p>4. Free trade – no restrictions on registry ownership of registrars or vice-versa</p>	<p>Would benefit consumers and facilitate innovation, like house-brand groceries or iPhones and MacBooks bought directly from Apple, Inc. retail stores; registries will be able to efficiently monetize the rights to TLDs whether or not they control registrars.</p>	<p>REDACTED</p>

PROPOSED RESOLUTION:

Whereas, at the ICANN meeting in Nairobi in March 2010, the Board passed a resolution indicating that as a default position that no co-ownership would be allowed in new gTLDs, but that if the GNSO were to develop a policy on the

subject prior to the launch of new TLDs that the Board would consider using the new policy for the new gTLD program

<http://www.icann.org/en/minutes/resolutions-12mar10-en.htm#5>.

Whereas, in May 2010, ICANN published version 4 of the Draft Applicant Guidebook, which included a note that the Board encouraged the GNSO to recommend policy on this issue, and that the Board would review this issue again if the GNSO did not make recommendations in time for launch of the new gTLD program <http://icann.org/en/topics/new-gtlds/comments-4-en.htm>.

Whereas, the GNSO's Vertical Integration Working Group is divided on whether registrars should be allowed to operate registries (and consequentially whether registries should be allowed to operate registrars). The VI-WG's recent "Revised Initial Report on Vertical Integration Between Registrars and Registries" is posted at <http://gns0.icann.org/issues/vertical-integration/revised-vi-initial-report-18aug10-en.pdf>.

Whereas, the GNSO VI working group's report includes a number of proposals to address vertical integration for the new gTLD program, but the VI-WG has not reached consensus as to which one to recommend

<http://gns0.icann.org/mailling-lists/archives/council/msg09754.html>.

Whereas, on 23 September 2010, ICANN's Governmental Advisory Committee submitted its comments on v4 of the Applicant Guidebook, including comments on the issue of registry-registrar separation

<http://icann.org/en/correspondence/dryden-to-dengate-thrush-23sep10-en.pdf>.

Whereas, the Board has had over six months since Nairobi to consider the issue, including consideration of the GNSO working group's deliberations, and community comment including at the ICANN meeting in Brussels in June 2010.

Resolved (2010.10.28.__), staff is directed to develop a model for addressing vertical integration in the forthcoming based on the following:

[considerations/principles/requirements/models/TBD]

Submitted by: Kurt Pritz, Senior Vice President, Services
Daniel Halloran, Deputy General Counsel

Date Noted: 21 October 2010

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+1-310-823-9358

2010-10-28-17-Board-Submission-Rec6

BOARD SUBMISSION NO. 2010-10-28-17

TITLE: **Response to Report on Implementation of GNSO New gTLD Recommendation No. 6 (Morality & Public Order Objection Process)**

PROPOSED ACTION: **For Information**

Current Environment:

On 21 September 2010, the New gTLD Recommendation #6 Cross-Community Working Group (“Working Group”) published a Report on Implementation of the GNSO New gTLD Recommendation # 6 (“Report”).¹ The idea for this working group began when the Governmental Advisory Committee (“GAC”) suggested that a cross-community effort be commenced to identify improvements to the implementation of the GNSO New gTLD Recommendation 6.

At its retreat in Trondheim the Board passed the following resolution:

The Board acknowledges receipt of the Working Group report. This is a difficult issue, and the work of the community in developing these recommendations is appreciated. The Board has discussed this important issue for the past three years.

The Board agrees that ultimate responsibility for the new gTLD program rests with the Board. The Board, however, wishes to rely on the determinations of experts regarding these issues.

The Board will accept the Working Group recommendations that are not inconsistent with the existing process, as this can be achieved before the opening of the first gTLD application round, and will work to resolve any inconsistencies. Staff will consult with the Board for further guidance as required.

See <http://www.icann.org/en/minutes/resolutions-25sep10-en.htm#2.9>.

As set for in the resolution above, the “existing process” means an objection process (such as described in versions 2, 3 and 4 of the Applicant Guidebook) that satisfies the following goals: (1) provides a predictable path for applicants; and (2) mitigates risks by having: (i) an independent dispute resolution process; (ii) dispute resolution panels

¹ See Report linked to <http://www.icann.org/en/announcements/announcement-2-22sep10-en.htm>

with the appropriate expertise; and (iii) the clearest and most uniform set of standards possible (“Proposed Process”)²

Recent Developments:

The Working Group made 14 implementation recommendations with several sub-subsections of each, and with varying degrees of consensus among the group members on each. For the sake of discussion, these overall implementation recommendations can be grouped into the following categories: (1) the Board role; (2) terminology, criteria and references; (3) the role of the Independent Objector (“IO”); (4) Procedure; (5) General Statements about Process. The 14 recommendations are described summarily in the attached chart entitled “Working Group Recommendations, ICANN Recommendations and Rationale” and more fully in the Annex.

Below are initial reactions to the Working Group recommendations based on the stated process and risk avoidance goals of the Proposed Process above. Both the Rec6 CWG recommendations, along with ICANN’s responses are laid out in Exhibit A to the Annex.

ICANN will encourage further discussion with the Working Group. Further, in light of the GAC letter on 4 August 2010 (attached to Annex as Exhibit B), following on from any Board decisions, a Bylaws-mandated GAC consultation may also be required. This could occur during the Cartagena meeting (see the Board Submission on Geographical Names). An analysis of GAC Advice³ is attached as Annex Exhibit C – “Chart of GAC Advice and Staff Recommendations.” Recommendations relating to that advice please see Exhibit C to the Annex.

² In short, the current standard calls for a party to object to a string, through an independent dispute resolution process, if the string incites or promotes: (i) violent lawless action; (ii) discrimination; (iii) child pornography; or (iv) other similar issues that reaches the same level of the first three grounds. (See <http://www.icann.org/en/topics/newgtlds/draft-rfp-clean-28may10-en.pdf>.)

³ “GAC Advice” means GAC statements that may constitute advice under [Article XI, Section 2.1.j of the ICANN Bylaws](#) based on inclusion in formal Communiqués or correspondence to the Board.

Working Group Issue 1: The Board Role

Working Group Recommendations	ICANN Recommendations and Rationale
<p>The working group generally noted that the ultimate resolution of a Morality and Public Order (or Recommendation 6) based objection rests with the Board. The wording in the report indicates the Working Group recommends that objections be submitted to the Board for resolution and not be referred to a dispute resolution process. Instead related report sections indicate that the Board contract with independent experts (the number to be selected by the Board), with specific expertise in the subject area, to provide advice on objections to the Board.</p>	<p>We agree with the Working Group concept that the Board retains the ultimate responsibility for the new gTLD Program. We also agree with the Working Group recommendation that the experts maintain their independence. Such a requirement is crucial and to the extent necessary additional language will be included.</p> <p>However, it is still planned the Board shall rely on determinations by expert dispute resolution providers regarding these issues and not make the determination within the Board. (See Resolution passed by Board relating to its role at http://www.icann.org/en/minutes/resolutions-25sep10-en.htm#2.7.) Independent dispute resolution is a cornerstone of the risk mitigation strategy. Without outside dispute resolution, ICANN would have to re-evaluate risks and program costs overall.</p> <p>There are several Working Group recommendations that are contrary to the goals of this Proposed Process, which calls for a dispute resolution process outside of ICANN. Further, it should be noted that GNSO’s Implementation Guideline (“IG”) H states that “[e]xternal dispute resolution providers will give decisions on objections.” (See http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm#_Toc43798015.) Thus, to the extent the report calls for elimination of the objection and independent dispute resolution process, we disagree. No changes to the Guidebook are recommended with respect to these related issues, including to the objection process, use of independent dispute resolution providers and reliance on expert panel determinations.</p>

Working Group Issue 2: Terminology, Criteria and References

Working Group Recommendations	ICANN Recommendations and Rationale
The Working Group suggested changes as follows:	Addressing specific Working Group recommendations in (a)-(d):
(a) change the name and other language included in Recommendation 6	(a) The name of the recommendation and some of the language in the description will be revised to reflect the intent of the Working Group recommendations ⁴ ;
(b) include references to other treaties as part of the recommendation	(b) Including references to additional treaties can and will be done ⁵ ;
(c) change terms in the standards such broadening the discrimination standard and changing incitement or promotion to incitement and instigation ³ ; and	(c) Changing certain references in the standards can and will be proposed. Changing the discrimination standard as suggested, and the inclusion of the term instigation in the three specific standards is not advised. The standards were developed through significant research in various jurisdictions around the world. Amending them without a similar fact-based analysis is inconsistent with goals of the process. However, we agree that the fourth standard can be revised to reflect the revisions to the language of Recommendation 6 upon completion; and
(d) elaborate on terms referenced in the Quick Look Procedure.	(d) We agree that additional elaboration on terms in the Quick Look Procedure can be helpful and will be included.

³E.g., the current standard, “incites or promotes violent lawless action” would be changed to “incites, instigates, or promotes violent lawless action” or “incites or instigates violent lawless action,”(it is not clear which).

⁴Some working group suggestions include: ordre public objection; public interest objection; public policy objection.

⁵Care must be taken as many treaties were suggested and signatories vary across each.

Working Group Issue 3: The Role of the IO

Working Group Recommendations	ICANN Recommendations and Rationale
Some members (although without consensus) have recommended the following changes to the Role of the IO:	<p>Each of the proposed Working Group modifications to the IO would, in fact, change the scope and the mandate of the IO and infringe on the IO’s independence. The Guidebook calls for the dispute resolution provider to receive, administer and publish objections, not the IO. Further, the dispute resolution panel, not the IO, is meant to complete a “Quick Look” of the claims to determine if they should proceed to full evaluation. In any case, objections go to a dispute resolution panel, not the Board. The procedural assistance to potential objectors is an inappropriate change in the IO⁶. Finally, while the GAC and ALAC could provide public comments that the IO should consider, the IO should not serve at the pleasure of the GAC or ALAC, as this would infringe on his/her independence and mandate to act in the public interest.</p> <p>The rationale for authorizing the IO to file an objection if no other party has raised a question remains pertinent and is another cornerstone of our risk mitigation strategy.</p> <p>In light of the above, no revisions to the Guidebook are recommended, except emphasis on the use of the public comment forum process.</p>
(a) that the IO may not initiate an objection against a string if no community or government entity has expressed an interest in doing so;	
(b) the IO must provide procedural assistance to groups unfamiliar with ICANN or its process that wish to “register” an objection with the IO;	
(c) the IO receive, register and publish objections by bona fide communities and governments;	
(d) the IO perform a “quick look” evaluation of registered objections to determine which ones are to be forwarded to the Board for consideration;	
(e) organizations using this suggested new “registration” process with the IO will be required to pay a fee to register, except small groups without sufficient funds; and	
(f) the IO must submit an objection if the GAC or ALAC request that it do so and must liaise with the GAC and the ALAC in drafting the Objection.	

⁶ICANN agrees that forms of assistance should be available and will provide assistance to applicants and objectors through a combination of online support and mechanisms furnished by the dispute resolution providers.

Working Group Issue 4: Objection Procedure	
Working Group Recommendations	ICANN Recommendations and Rationale
Working Group members made several suggestions that gained varying degrees of consensus:	
(a) allow for a “notification” from governments that a string could be contrary to national laws, where such notification shall not be treated as an objection;	(a) We agree that a notification process for governments can be made available; a mechanism for such notifications already exists in the public comment forum process and the Guidebook can be amended to clarify how governments can contact applicants directly;
(b) require super-majority (2/3) Board vote to uphold an objection;	(b) requiring more than a majority Board vote on aspects of the new gTLD Program is not recommended, as it is not consistent with the Board Resolution from 25 September 2010 on the Role of the Board, which does not generally contemplate individual approval of applications by the Board;
(c) Recommendation 6 objections should be resolved earlier in the process than other objections or evaluations;	(c) resolving Recommendation 6 objections on a different timeline than other objections is not recommended as analysis indicates that making any changes would lengthen the process, and the relatively expensive and time consuming dispute resolution process should only be undertaken after applications pass technical and financial evaluation;
(d) GAC, ALAC and individual governments may use the Community Objection;	(d) the use by governments of the Community objection is not inconsistent with the Proposed Process and, indeed, is contemplated by it – additional language can be added for clarification;
(e) standards for the Community Objection be lowered for GAC or At-Large objections;	(e) we do not agree that there should be a lower threshold or standard for objections for two particular groups while they remain for everyone else and would, among other consequences, subject the GAC and ALAC to lobbying;
(f) fees for both GAC and At-Large Community objections be lowered or removed; and	(f) lowering or removing objection fees for GAC or At-Large or their members is not recommended because the new gTLD program is a revenue neutral effort and there is no indicated source for those fees; and
(g) that the resolution of the dispute take into account the purpose of the TLD as well as the string alone.	(g) we agree that the intended purpose of the TLD as stated in the application should be taken into account in the dispute resolution – all evidence should be used.

Working Group Issue 5: General Statements about Process

Working Group Recommendations	ICANN Recommendations and Rationale
<p>The Working Group states that individual government objections on national public interest issues should not be a basis for a Morality and Public Order (or Recommendation 6) objection. These types of objections should be identified and rejected during the Quick Look Procedure. Rather, national public interest objections should utilize the Community objection. The group also comments that it hopes the mechanism will help limit blocking of whole TLDs at the national level, but that absence of blocking is of little value if overburdened by an objection process or the name space does not reflect diversity of ideas, cultures and views on the Internet. Finally, the group encourages applicants to identify possible sensitivities before applying and consult as needed to resolve any issues in advance</p>	<p>All of the statements are well taken. Particularly, the recommendation regarding identification of possible sensitivities will be incorporated into the Guidebook.</p>

Submitted by: Amy Stathos and Kurt Pritz
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2010-10-28-18 Board Submission Geographic Names

ICANN BOARD SUBMISSION NO. 2010-10-28-18

TITLE: New gTLDs—GAC Issues letter including geographic names

PROPOSED ACTION: For Information

EXECUTIVE SUMMARY:

On 25 September 2010, the Board resolved that staff determine if the directions indicated by the Board regarding geographical names and other issues are consistent with GAC comments, and recommend any appropriate further action in light of the GAC's comments.

In the most recent communication from the GAC on version 4 of the Applicant Guidebook, dated 23 September 2010, "... the GAC notes that the guide still does not take fully into consideration the GAC's concerns about extending the protection of geographical names..."

<http://www.icann.org/en/correspondence/dryden-to-dengate-thrush-23sep10-en.pdf>

There has been regular communication in the form of face-to-face meetings, communiqués and correspondence between the GAC, staff and the Board on the treatment of geographic names and other issues, since the Board approved the GNSO recommendations for the introduction of new gTLDs in Paris in June 2008. A timeline including a snapshot of the key points of written communications is attached.

Many amendments have been made to the Guidebook in response to GAC requests regarding the treatment of geographical names after the GNSO recommended that no specific protections be put in place.

STAFF RECOMMENDATION:

However, as the Board and the GAC do not seem to be able to reach agreement on all aspects of the treatment of geographic names in the applicant guidebook, it is considered appropriate for the Board to advise the GAC of the reasons why it decided not to follow GAC advice on this issue. This would trigger the bylaw requirement that the Board and the GAC try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.

The Board should provide notice to the GAC of the differences and set a face-to-face discussion for the meeting in Cartagena.

Remaining areas of difference:

Based on the most recent correspondence from the GAC, the following areas, highlighted in bold, are considered outstanding. The Board position follows.

- **Country and territory names not be available in new gTLD rounds until the completion of the IDN ccPDP.**

In correspondence to the GAC on 5 August 2010, Peter Dengate-Thrush advised that country and territory names would not be available to delegation in the first round of the new gTLD application process.

The issue of the use of country and territory names in general is considered to be out of scope of the IDN ccPDP, and therefore the Board cannot commit to prolonging the exclusion of country and territory names from further new gTLD rounds until it understands the process that will be undertaken to deal with this issue. While it is not certain that the board would change the country name reservation after the first round, it has reserved that possibility. The ccNSO is considering the options available, and will advise the Board in due course. The Board may, at that time, reconsider whether to extend the prohibition on country and territory names.

- **Names by which countries are commonly known as and which do not appear in the ISO lists should also be given the same protection as country names that do appear.**

In correspondence to the GAC on 5 August 2010, Peter Dengate-Thrush explained the reasons why the Board sought to remove the ambiguity of the term ‘meaningful representation’ from the definition of country and territory names. It is considered that the current definition is consistent with the Board’s goal of providing greater clarity for applicants and appropriate safeguards for governments and the board community.

- **ICANN to review the proposal for city names in the applicant guidebook to ensure applicants do not avoid the safeguards of government support or non-objection by stating that the intended use of the name is for non-community purposes.**

It is acknowledged in the Guidebook (and in correspondence and discussions with the GAC) that city names present challenges because city names may also be generic terms or brand names and, in many cases, no city name is unique. Unlike other types of geographic names, there are no established lists that can be used as objective references in the evaluation process. Thus, all city names are not afforded the same types of protection as country and capital city names.

Rather, an application for a *city name*, where the applicant declares that it intends to use the gTLD for purposes associated with the city name, will require support or non-objection from the relevant government or public authority.

Applicants are required to provide a description/purpose of what the TLD will be used for, and to adhere to the terms and conditions of submitting an application including confirming that all statements and representations contained in the application are true and accurate. The Registry Agreement has the same clause.

- **Governments should not be required to pay a fee for raising objections to new gTLD applications.**

The Community-based objection process has been accurately described as a methodology for objecting to applications for geographical names where that name might be misappropriated by the applicant. The Board discussed the GAC's position that governments should not be required to pay a fee for raising objections to new gTLD applications, during its meeting in Trondheim. It is the Board's view that governments that file objections should be required to cover costs of the objection process just like any other objector.

The objection process will be run on a cost-recovery basis and there is no source of funds to cover government objection expenses. It can be raised with the GAC that dispute resolution services are funded on a loser-pays basis (so the costs of the objection processes in which governments prevail will be borne by applicants). The Board noted some ambiguity in the GAC proposal for free government objections as it is not specific as to particular objection grounds or particular government objections (for example whether both national and local government objectors would be covered). In any case, resolving the ambiguity would probably not resolve this difference.

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2010-10-28-19 Board Submission gTLD-Affirmation

ICANN BOARD SUBMISSION NO. 2010-10-28-19

TITLE: **New gTLD Program – Affirmation of Commitments considerations**

PROPOSED ACTION: **For Information**

EXECUTIVE SUMMARY:

The Affirmation of Commitments (section 9.3) provides that:

ICANN will ensure that as it contemplates expanding the top-level domain space, the various issues that are involved (including competition, consumer protection, security, stability and resiliency, malicious abuse issues, sovereignty concerns, and rights protection) will be adequately addressed prior to implementation.

As the Board discussed at its September retreat in Trondheim, it is prudent to perform a careful analysis of the obligations under the Affirmation of Commitments and detailing the steps ICANN has taken to meet those commitments.

It is important to note that appropriately addressing these areas has always been part of ICANN's work in preparing for the implementation of new gTLDs; these are not new areas that were identified as part of the Affirmation of Commitments.

This paper discusses the actions that have taken by ICANN over the period to address issues of:

1. Competition
2. Security, stability, and resiliency
3. Consumer protection and malicious abuse
4. Sovereignty concerns
5. Rights protection

Topics are discussed according to the headings of Policy Development, Implementation, and Studies.

1. Competition

Policy development

The impact of expanding the top-level namespace on competition was a topic of discussion in the GNSO's policy development process, particularly in the early discussion on the foundational question in the Terms of Reference, "Should new generic top level domain names be introduced?"

The GNSO Committee answered this question in the affirmative and considered that the program would have a positive effect on competition, as reflected by multiple statements in the Final Report¹, including:

- The GNSO Committee expects that this business opportunity will stimulate competition at the registry service level which is consistent with ICANN's Core Value 6.
- The reasons for introducing new top-level domains include that there is demand from potential applicants for new top-level domains in both ASCII and IDN formats. In addition the introduction of new top-level domain application process has the potential to promote competition in the provision of registry services, to add to consumer choice, market differentiation and geographical and service-provider diversity.

The GNSO also noted that a contract for successful applicants should balance market certainty with flexibility for ICANN to accommodate a rapidly changing market place, and that a contractual compliance regime would be necessary to ensure a fair and level playing field in the marketplace.

Implementation

ICANN has designed the application and evaluation processes with the objective of promoting and sustaining a competitive environment. The application process is designed to facilitate the participation of new entrants and to support diverse types of applications. It is expected that applications will come from all regions of the world, and thus application materials are being translated, and documentation requirements are flexible to accommodate practices in multiple regions. The evaluation criteria are tailored to focus on the technical and financial capabilities of the applicant to operate a TLD, rather than on evaluating the merits of particular business models. This is in keeping with the core value of depending on market mechanisms to promote and sustain a competitive environment. ICANN seeks to encourage innovation while putting in place certain minimum safeguards for registrants so that transitions, where necessary, can occur smoothly and with notice.

¹ The Final Report on the Introduction of New Generic Top-Level Domains can be found at <http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

The registry agreement provides a structure of continuing registry requirements relating to competition in the marketplace. The registry services review process allows registries to introduce new services, after review for competition or security/stability issues.

In addition, the agreement requires registries to be subject to compliance audits, part of ICANN's regular activities to ensure a fair competitive environment, i.e., that some players are not gaining a competitive advantage by skirting certain requirements or by violating policy norms.

Economic studies

Independent economic studies commissioned by ICANN have analyzed the impact of the program on competition and consumer welfare. The first of these studies concluded that: "Like other actions that remove artificial restrictions on entry, the likely effect of ICANN's proposal is to increase output, lower price and increase innovation. This conclusion is based on the fundamental principles that competition promotes consumer welfare and restrictions on entry impede competition."² Another study noted that: "The potential benefits of new gTLDs to Internet users are that they may provide competition to existing gTLDs, add differentiation and new products that are valuable to consumers, and/or relieve congestion problems caused by having only a few gTLDs."³

The community has been engaged for some time in discussions around vertical integration of the registry and registrar functions, and this has also considered the impact of certain models. CRA stated that: "Experience has shown that the experimentation and innovation that often result when firms are free to operate without vertical restrictions can produce significant benefits for consumers. ICANN's policies may affect multiple aspects of registry and registrar services, including service variety, innovation, and prices of domain name registrations."⁴ Economists Salop and Wright noted that: "Vertical integration and vertical contracts between registries and registrars can create both competitive harms and competitive benefits."⁵

In addition to describing the forecasted benefits, studies indicated that efforts should be taken to minimize social and/or transaction costs that occur as a result of introducing new gTLDs. Prior to and in response to those studies, ICANN has undertaken the establishment of measures for trademark protection and mitigation of malicious conduct. Those efforts are described below.

² <http://icann.org/en/topics/new-gtlds/carlton-re-proposed-mechanism-05jun09-en.pdf>

³ <http://icann.org/en/topics/new-gtlds/economic-analysis-of-new-gtlds-16jun10-en.pdf>

⁴ <http://www.icann.org/en/topics/new-gtlds/crai-report-24oct08-en.pdf>

⁵ <http://icann.org/en/topics/new-gtlds/registry-registrar-separation-vertical-integration-options-salop-wright-28jan10-en.pdf>

2. Security, stability, and resiliency

Policy development

Addressing considerations of the security, stability, and resiliency of the DNS has been paramount throughout the process. The policy development discussions considered how security, stability, and resiliency should be protected when introducing new gTLDs to the namespace. The GNSO's Final Report states that: "The addition of new gTLDs will be done in accordance with ICANN's primary mission which is to ensure the security and stability of the DNS and, in particular, the Internet's root server system."

The GNSO policy advice contained several recommendations in support of this objective, including:

- A set of technical criteria must be used for assessing a new gTLD registry applicant to minimise the risk of harming the operational stability, security and global interoperability of the Internet.
- Strings must not cause any technical instability.
- Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out.

Implementation

The application process employs string criteria, so that strings that could have a negative impact on security or stability are not delegated as TLDs. All applied-for strings are reviewed for compliance with DNS protocols and standards. As a precautionary measure, there is also a process for extended technical review to cover any unforeseen issues with a string that need to be investigated before an application proceeds.

A thorough technical evaluation process is designed to confirm that the applicant's technical implementation will not harm the security, stability, or resiliency of the Internet. Areas reviewed in the evaluation include: system and network architecture, database capabilities, nameserver diversity, DNS service compliance, security policy, IPv6 reachability, data backup and escrow, registry continuity and transition, failover testing, monitoring and fault escalation, and DNSSEC and IDN implementation. A registry services review is also in place for all applications, so that all proposed services are reviewed for potential security or stability issues.

A new structure for pre-delegation technical testing has been created for the new gTLD process. This testing confirms that an applicant's actual technical implementation is compliant with standards and requirements. An applicant must successfully demonstrate that it has met its commitment to establish registry operations in accordance with the technical and operational criteria before the TLD can be delegated.

The terms of the registry agreement have a strong focus on security, stability, and resiliency. Functional and performance specifications provide for registry compliance with technical requirements and standards, so that minimum performance level is met. An audit provision enables ICANN to investigate registry compliance with technical requirements. Registries are required to obtain approval for new registry services via the Registry Services Evaluation Policy; new services cannot be introduced after delegation without review for security or stability issues.

A registry transition process provides for the continuity of critical TLD functions in the event of an emergency or during a transition period. Requirements for regular escrow deposits of registry data support the transition process and allow for continuity of functions. The agreement also requires the applicant to establish a financial instrument to cover cost of invoking an emergency service provider at any time in first five years.

Study and data collection

ICANN has also commissioned preparatory studies on the introduction of new gTLDs and impact on the root zone, including an analysis of the impact of adding IPv6, DNSSEC, and additional top-level domains to the ICANN-operated L root server.⁶ This study has been used as input in the more comprehensive study undertaken on the potential impact of the concurrent introduction of additional gTLDs, IDNs, IPv6, and DNSSEC.⁷ A more recent analysis following the successful deployment of DNSSEC, IPv6, and IDN TLDs⁸ noted that:

Looking forward, with the assumption that estimates relating to a cap of less than 1000 new gTLDs per year being added to the root zone are accurate and assuming other parameters relating to the management of the DNS root are not altered substantively, it seems probable that normal operational upgrade cycles and resource allocations will be sufficient to ensure that scaling of the root, both in terms of new technologies as well as new content, will have no significant impact on the stability of the root system.

The report did recommend that clearer and more frequent communication between relevant root management partners and other stakeholders would likely improve the confidence that changes to the root system will not negatively affect the stability of that system, and a framework for these communications is being put in place.

ICANN has also contacted root server operators to determine level of readiness for additional TLD delegations, and performed an analysis of delegation rates. Because there is a limit on the number of applications that can be processed at any point in time, the maximum size of a batch of applications acts as a rate limit for new, annual delegations. The analysis

⁶ <http://www.icann.org/en/topics/ssr/root-zone-augmentation-analysis-17sep09-en.pdf>

⁷ <http://www.icann.org/en/committees/dns-root/root-scaling-study-report-31aug09-en.pdf>

⁸ <http://icann.org/en/topics/new-gtlds/summary-of-impact-root-zone-scaling-06oct10-en.pdf>

demonstrates that even in the event of an extremely large number of applications, delegations of new TLDs would be limited to less than 1000 per year.⁹

⁹ <http://icann.org/en/topics/new-gtlds/delegation-rate-scenarios-new-gtlds-06oct10-en.pdf>

3. Consumer Protection and Malicious abuse issues

Policy Development

The GNSO's policy development work laid a foundation for mitigation of malicious conduct in the new gTLD space by establishing a need for baseline technical, financial, and operational capabilities for applicants. Unlike the simple case of registering a domain name, a party operating a critical Internet resource must complete a rigorous evaluation process in each of these areas.

The GNSO recognized that parties might attempt to game the application process or grab strings implying an association that did not exist. The GNSO advised that community-based applications should be given priority in a contention situation, and that some review of the community-based claim should take place before awarding such priority.

Implementation

Several aspects of the evaluation process are based on policy advice and are intended to reduce opportunities for malicious conduct. IDN guidelines and string similarity restrictions eliminate TLD strings that would be highly prone to spoofing or deceptive uses.

ICANN convened a panel of experts (including representatives from APWG, RISG, FIRST / CERT, numerous banking and finance associations, and SSAC) and held numerous consultations with the community on malicious conduct issues, resulting in additional provisions in the application process to mitigate the potential for malicious conduct in the space. These include a background screening process to vet applicants for eligibility based on previous criminal or cybersquatting activities, and a new requirement for implementation of DNSSEC in all new gTLDs.

Many of the measures resulting from the consultation process on mitigation of malicious conduct are integrated into the registry agreement and thus are binding on all new registry operators on a continuing basis. For example:

- A prohibition on 'wildcarding' reduces the risk of DNS redirection to a malicious site.
- A requirement for a designated abuse point of contact aids those seeking to address malicious conduct in a TLD.
- The DNSSEC requirement reduces the risk of spoofed DNS records.
- A requirement for removal of orphan glue records reduces risk of remnant records being used by a malicious actor.
- A requirement to contribute to centralized zone file access requires that access credentials to obtain registry zone file data be made available through a centralized source, reducing time necessary to take corrective action within TLDs experiencing malicious activity.

In the long term, all gTLD registries must comply with data escrow requirements to preserve records of domain name transactions and ownership. Continuity and transition requirements protect registered name holders so that names do not disappear without notice, and there is a vetting and approval process for appointing an appropriate replacement operator.

The registry agreement also contains requirements for notice of price increases that may impact registrants.

4. Sovereignty concerns

Policy development

ICANN's Governmental Advisory Committee (GAC) issued advice on the introduction of new gTLDs in the form of its "Principles regarding New gTLDs."¹⁰ As noted by the GNSO in its Final Report, these principles were taken into account during the policy development process.

The GAC's Public Policy Principle 2.2 states that "ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant government or public authorities."

The GNSO's Reserved Names Working Group reviewed this principle and concluded that this protection could be accomplished with the envisioned objection processes. The group also noted that potential applicants for a new TLD should represent that the use of the proposed string is not in violation of the national laws under which the applicant is incorporated.

With regard to the recommendation that "Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law," the GNSO's Final Report noted that "this recommendation has been the subject of detailed Committee and small group work in an attempt to reach consensus about both the text of the recommendation and the examples included as guidance about generally accepted legal norms. The work has been informed by detailed discussion within the GAC and through interactions between the GNSO Committee and the GAC."

Implementation

The sovereignty of governments is recognized through protection of geographic names and an approval role of governments for such names in the application process. Protections implemented include:

- Due to subsequent advice from the GAC, country and territory names are not eligible as gTLDs in the first application round, as policy work is still being completed within the community.
- Applications for other types of geographical names as gTLDs require the support or non-objection of relevant governments. Names under this form of protection are:
 - Capital city names (of countries and territories listed in the ISO 3166-1 standard);

¹⁰ <http://gac.icann.org/gac-documents>

- Other city names, where it is clear from the application that the applicant will use the TLD primarily for purposes associated with the city name;
 - Sub-national place names listed on the ISO 3166-2 standard; and
 - Names of continents or UN regions.
- Note that a government may impose its own conditions at time of it grants support to an application.
 - The capacity for an objection to be filed on community grounds, where there is substantial opposition to an application from a community that is targeted by the name also provides an avenue of protection for names of interest to a government.
 - Also as suggested by the GAC, the application form also requires all gTLD applicants to disclose how they will protect geographic names at second level.
 - Government interests continue to be recognized in the registry agreement: country and territory names are protected at the second level by the contract according to:
 - The short form (in English) of all country and territory names contained on the ISO 3166-1 standard;
 - The United Nations Group of Experts on Geographical Names, Technical Reference Manual for the Standardization of Geographical Names, Part III Names of Countries of the World; and
 - The list of United Nations member states in 6 official United Nations languages prepared by the Working Group on Country Names of the United Nations Conference on the Standardization of Geographical Names.
 - The agreement also provides that ICANN will consult with the relevant government in the event of a registry transition, and will comply with legally binding court rulings in the relevant jurisdiction.

5. Rights protection

Policy development

The rights of third parties were recognized by the GNSO as rights that must be protected in the process of introducing new gTLDs. Thus, the policy advice contained a recommendation that: Strings (i.e., new top-level domain strings) must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law.

Recognizing that rights must also be protected at the second and other levels where registration of domain names take place in new gTLDs, the GNSO created a “Protecting the Rights of Others” working group to consider issues relating to the registration of names at the second level in new gTLD registries. Issues discussed included the effectiveness of challenge processes and the authentication of rights. The working group discussed various approaches to providing additional protections for the legal rights of others (beyond the current registration agreement and UDRP) during the domain name registration process for new TLDs, but “was unable to reach consensus on whether to recommend a ‘best practices’ approach to providing such protections.”¹¹

Implementation

Despite the fact that the group did not recommend specific rights protection mechanisms as part of the policy, there was considerable comment after the initial draft of the Applicant Guidebook was published that there should be specific rights protection mechanisms.

This led the ICANN Board of Directors to convene an Implementation Recommendations Team (IRT) specially formed of parties having expertise in intellectual property matters. The IRT suggested a number of specific measures¹², and trademark holders, consumers, users, registrants, and others were able to give input on these proposals via the open consultations held in multiple locations worldwide. Finally, the IRT proposals were sent back to the GNSO who formed a group (the “Special Trademark Issues” group) to confirm that certain IRT recommendations were consistent with the policy recommendations.¹³

As a result of this process, the registry agreement for new gTLD operators contains a number of provisions supporting the rights protection goals. These include:

- The requirement for all new registries to offer a Trademark Claims service or a sunrise period at launch.

¹¹ Protecting the Rights of Others Working Group (PRO WG) Final Report available at <http://gns0.icann.org/issues/>

¹² <http://www.icann.org/en/topics/new-gtlds/irt-final-report-trademark-protection-29may09-en.pdf>

¹³ <http://gns0.icann.org/issues/sti/sti-wt-recommendations-11dec09-en.pdf>

- The establishment of a Trademark Clearinghouse as a central repository for rights information, creating efficiencies for TM holders, registries, and registrars.
- The existing Uniform Domain Name Dispute Resolution Policy (UDRP) continues to be available where complainant seeks transfer of names. Compliance with UDRP decisions is required in all new, as well as existing, gTLDs.
- Implementation of a Uniform Rapid Suspension (URS) system that provides a streamlined, lower-cost mechanism to suspend infringing names.
- The requirement for all new gTLD operators to provide access to “thick” Whois data. This access to registration data aids those seeking responsible parties as part of rights enforcement activities.
- The availability of a post-delegation dispute resolution mechanism that allows rightsholders to address infringing activity by the registry operator that may be taking place after delegation.

The application process itself, based on the policy advice, contains an objection-based procedure by which a rightsholder may allege infringement by the TLD applicant. A successful legal rights objection prevents the new gTLD application from moving forward: a string is not delegated if an objector can demonstrate that it infringes their rights.

The application form also requires applicants to disclose and describe the implementation of their proposed rights protection mechanisms during startup and launch of the TLD. This allows ICANN to ensure that the applicant will meet the minimum requirements, as well as providing the community with knowledge about that registry’s expected practices.

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2010-10-28-20 Board Submission ICM

ICANN BOARD SUBMISSION NO. 2010-10-28-20

TITLE: Review of Proposed ICM Registry Agreement for Potential Inconsistencies with GAC Advice

PROPOSED ACTION: For Board Consideration and Action

I. EXECUTIVE SUMMARY AND STATUS OF PROCESS

Pursuant to Board resolutions in Nairobi and Brussels, ICANN posted for public comment a proposed Registry Agreement provided by ICM. The proposed Agreement and the Due Diligence materials not marked by ICM as confidential can be found at <http://www.icann.org/en/public-comment/#xxx-revised-icm-agreement>. Pursuant to the Board's resolution on 5 August 2010, staff now provides: (1) the Summary and Analysis of Comments received during the public comment forum; and (2) a recommendation of whether the proposed Registry Agreement is consistent with GAC advice on the proposed .XXX sTLD.

Staff recommends that the proposed Registry Agreement does include appropriate measures that are consistent with the four policy issues identified in the Wellington Communiqué. However, staff recommends that signing the proposed Registry Agreement would be inconsistent with the GAC's broader statements and advice regarding the .XXX sTLD. Staff therefore recommends that the Board continue to follow its processes and engage in limited consultation with the GAC.

II. EXECUTIVE SUMMARY OF PUBLIC COMMENT

Over 700 submissions were received into the public comment forum, at <http://forum.icann.org/lists/xxx-revised-icm-agreement/>. Over 50% were in favor of proceeding with the .XXX agreement, however, most of those were "form" comments and did not address the substance of the Registry Agreement. The most frequent theme of comments involved the sponsored community defined in the Registry Agreement. Many commenters questioned the propriety of the definition, the veracity of the support of the sponsored community, and whether ICM was relying upon pre-registration information to demonstrate that support. Another major theme of comments related to the transparency of information available, including calls for release of the International

Foundation for Online Responsibility (IFFOR) Board members names as well as an identification of who would serve on the IFFOR Policy Council. The IFFOR is the proposed Sponsor Organization, responsible for coordinating the policies applicable to the Sponsored Community. Similarly, commenters noted the lack of definition of IFFOR Policies.

ICANN received a few comments regarding the substance of the proposed Agreement. Some noted their opinion on the insufficiency of the trademark and rights protection mechanisms within the proposed Agreement, and asked for more robust process to be built in. Other substantive concerns included: a lack of precise definition of “adult content,” which could lead to over classification of content; the registration fee is too high and will impose high costs on small business owners, particularly when used for defensive registration purposes. The comments that did not address the proposed Agreement raised familiar positions: those in support of a .XXX sTLD noted the import of proceeding to registration; those against raised questions of general community support, lack of necessity of the string, and fears of censorship and forced migration.

The complete Summary and Analysis is attached to the Annex at Attachment A. Staff has not identified areas within the proposed Registry Agreement requiring modification as a result of the Public Comment.

III. GAC ADVICE

See attached Chart providing discussion of GAC Advice and the correlating recommendations from Staff. Attached to the Annex is further information identifying the GAC advice received on the .XXX sTLD. ICM’s identification of how the terms of its proposed Registry Agreement are consistent with GAC advice is also attached to the Annex.

IV. Proposed Process for GAC Consultation

If the Board is prepared to take an action that is inconsistent with the advice provided by the GAC, it must inform the GAC and “state the reasons why it decided not to follow that advice. The GAC and the Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.” (*See* ICANN Bylaws, Article XI, Section 2.1.j.)

Staff recommends that if the Board determines this consultation process is required, the Board Chair reach out to the GAC Chair identifying the areas where consultation may be necessary. The Board Chair would then invite the GAC Chair to provide the GAC's position on whether consultation is required on the identified areas, and if so, solicit a proposal for the best process to conclude the consultation. Staff recommends that the Board Chair suggest that the consultation process conclude – if at all possible – prior to the ICANN meeting in Cartagena, Colombia.

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** Privileged and Confidential Information Presented Below in Section V.**

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VI. CONCLUSION

Staff recommends that the ICANN Board continue to follow its processes; namely, some consultation with the GAC – irrespective of the ultimate outcome of the Registry Agreement decision – is advisable. The consultation mechanism should be limited – not every issue that the GAC has raised is ripe for consultation, as the Board’s approval of a Registry Agreement may not be inconsistent with every aspect of advice provided.

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Whereas staff recommends that, though the proposed Registry Agreement provides sufficient measures to address many GAC concerns, entering into the proposed Registry Agreement may not be consistent with some of the broader-reaching communications from the GAC, and the GAC and the Board could benefit from consultation on those items.

It is **RESOLVED** (2010.10.28.xx) that the Board Chair shall engage the GAC Chair on developing a process for consultation with the GAC on its communications and advice.

It is **RESOLVED** (2010.10.28.xx) that the Board Chair will suggest to the GAC Chair that any consultation process conclude prior to the ICANN International Public Meeting in Cartagena, Colombia.

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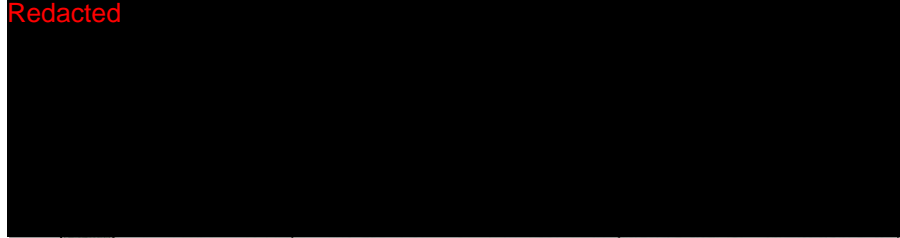
2010-10-28-20 Board Submission Chart of GAC Advise

ICM – Chart of GAC Advice* and Staff Recommendations

Reference	Source	GAC Advice*	Relevant Registry Agreement Terms	Additional Discussion
GAC-BD-XXX-2006-02-28-01	Wellington Communiqué	Specify how Registry Agreement will take appropriate measures to restrict access to illegal and offensive content;	<p>Appendix S imposes many related obligations on ICM:</p> <ul style="list-style-type: none"> - promote development and adoption of responsibility business practices designed to combat child pornography - a registrar selection process requiring thorough understanding of the principles of the .xxx registration policies, and willingness to enforce those policies; - specifies .xxxlock – a “locking” service aimed at preventing malicious hijacking of registrations - requires Digital Certificates to provide higher levels of trust. 	<p>There is a clear requirement for validation of registrants, as well as policies against illegal and offensive material such as child pornography. The proposed Agreement also sets out processes to reduce the chance of malicious hijacking, which could lead to the posting of illegal or offensive content. Finally, the requirement that all registrants be verified – even if a privacy service is used – creates an expectation that all registrants will abide by the sTLD policies as they cannot mask their identity from the Registry. Placing further specification regarding other types of “offensive” material would require ICANN to take a role in content management.</p>
GAC-BD-XXX-2006-02-28-02	Wellington Communiqué	Specify how Registry Agreement will support the development of tools and programs to protect vulnerable members of the community;	<p>Within Appendix S, there is an obligation ICM to promote development and adoption of responsible business practices designed to combat child pornography, facilitate user choice and parental control of access to content.</p> <p>Appendix S also includes a rapid takedown provision for use in challenging abusive registrations including unauthorized registration of personal names.</p>	<p>The proposed Registry Agreement, along with the documents provided in the Due Diligence phase, such as the identification of ICM and IFFOR Responsibilities and Obligations, demonstrate the commitment to adopting best business practices in accordance with safeguarding children online, combating child abuse images, prohibiting misuse of personal information, ensuring clear and accurate consumer disclosures and prohibit deceptive marketing. See http://www.icann.org/en/tlds/agreements/xxx/iffor-responsibilities-obligations-20jul10-en.pdf. Further, the IFFOR Policy Council will include a Child Protection Advocate as one of its members.</p> <p>http://www.icann.org/en/tlds/agreements/xxx/appendix-d-iffor-organizational-chart-26jul10-en.pdf. ICM has also provided documentation relating to a Compliance Reporting</p>

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ICM – Chart of GAC Advice* and Staff Recommendations



Reference	Source	GAC Advice*	Relevant Registry Agreement Terms	Additional Discussion
GAC-BD-XXX-2006-02-28-03	<u>Wellington Communiqué</u>	Specify how Registry Agreement will maintain accurate details of registrants and assist law enforcement agencies to identify and contact the owners of particular websites, if need be; and	The main Registry Agreement and Appendix 5 impose Whois data availability requirements. Under Appendix 5, proxy registration will be allowed, but only pursuant to the xxxProxy service using authorized proxy agents, requiring the verified identity of registrants to be stored in the registry Authentication database. Appendix 5, Part 6 also requires the creation of a Whois database searchable on multiple fields of data.	System to review complaints of non-compliant registrations or registrants operating in a manner that violates IFFOR policies, including special provisions regarding reports of child abuse images. Information on the Compliance Reporting System is available at http://www.icann.org/en/tlds/agreements/xxx/appendix-c-compliance-reporting-system-26jul10-en.pdf . The provisions requiring verification of registrants, combined with the robust Whois searchability requirements and the limitation on using only ICM-approved proxy or privacy registration services meets the concern raised by the GAC regarding availability of registrant contact information. Further, the ICM Compliance Reporting System requires ICM to follow law enforcement direction in regards to the handling of reports of child abuse images.
GAC-BD-XXX-2006-02-28-04	<u>Wellington Communiqué</u>	Specify how Registry Agreement will act to ensure the protection of intellectual property and trademark rights, personal names, country names, names of historical, cultural and religious significance and names of geographic identifiers drawing on	Appendix 6 to the Registry Agreement contains a Reserved Names list, following standard Registry reservation requirements including a prohibition on two-character reservations, and the reservation of geographic and geopolitical names on the ISO 3166-1 list, in English and all related official languages. Appendix 5 contains a Start Up Trademark Opposition Procedure to	The proposed Registry Agreement contains many protections against abusive registrations that do not exist within other registries to date. ICM also propounds an ICM Registry Policy on Preventing Abusive Registrations that includes "common-law trademark claims, personal names, [and] cultural or religious terms" in the types of terms that can qualify for special protections within the Registry. This includes the creation of a mechanism whereby the GAC and/or the governments of any country or economy participating in the GAC may identify for reservation names that match words of cultural and/or religious significance.

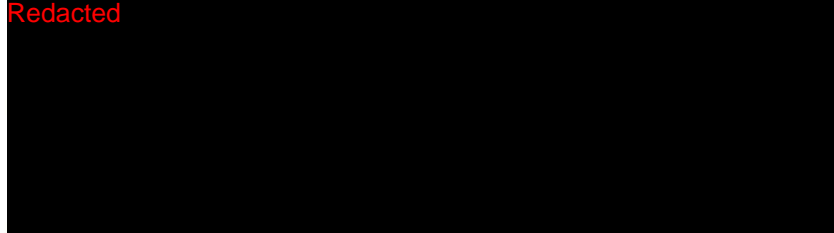
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ICM – Chart of GAC Advice* and Staff Recommendations

Reference	Source	GAC Advice*	Relevant Registry Agreement Terms	Additional Discussion
GAC-BD-XXX-2006-02-28-05	Wellington Communiqué and 2 February 2007 letter	best practices in the development of registration and eligibility rules.	allow intellectual property claimants to challenge registrations; an "IP Protect" service to allow Intellectual Property owners to designate non-resolving registrations; and Rapid Takedown process to allow quick takedown of registrations in clear cases of trade or service mark abused pending a full UDRP filing. The Registry Agreement also specified the applicability of ICANN consensus policies, including the UDRP. (Article III, Section 3.1 (b)). N/A	http://www.icann.org/en/tds/agreements/xxx/preventing-abusive-registrations-20jul10-en.pdf The question remains whether a position taken by "several members of the GAC" can be equated with GAC advice on public policy matters. If it is not GAC advice, then the concern of inconsistency diminishes.
GAC-BD-XXX-2007-03-28-01	Lisbon Communiqué	The Lisbon Communiqué stated that ICANN could be moving towards assuming an ongoing	N/A	The concern of ICANN being required to oversee content while mitigated through the creation of the ICM Compliance Reporting System, may not be fully eliminated through the proposed Registry Agreement. There is the possibility that

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ICM – Chart of GAC Advice* and Staff Recommendations



Reference	Source	GAC Advice*	Relevant Registry Agreement Terms	Additional Discussion
GAC-BD-XXX-2010-08-04-01	4 August 2010 letter	management and oversight role regarding Internet content, which is inconsistent with its technical mandate.	N/A	<p>ICANN may be required to take compliance action against ICM for content-related matters that also result in violations of the Registry Agreement. Further, regardless of the merit of such requests, if the .XXX sTLD Registry is delegated, registrants and others will likely turn to ICANN for assistance with content-related issues. ICANN cannot stop such requests for content oversight to occur. <u>The ICANN Board and the GAC may benefit from further discussion of this potential issue.</u></p> <p><u>There are no objection procedures in place or contemplated to address the possibility that the .XXX string may raise national, cultural, geographic, religious and/or linguistic sensitivities or objections. ICANN has been dealing with this issue within the New gTLD program, however that work remains separate from the consideration of the .XXX sTLD, which is not subject to the timing or the requirements of the New gTLD program. Further, outside of the public comment periods, there was no formalized string objection process within the 2004 sTLD RFP process when ICM applied for the .XXX sTLD. If the "pending" TLD refers to .XXX, the approval of the .XXX sTLD Registry Agreement without allowing for these types of objections would be inconsistent with GAC advice.</u></p>

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**2010-10-28-21 Board Submission Update on Meeting
ICANN's Obligations Under the Affirmation of
Commitments**

ICANN BOARD SUBMISSION NO. 2010-10-28-21

TITLE: Update on Meeting ICANN's Obligations Under the Affirmation of Commitments

PROPOSED ACTION: For Board Information

EXECUTIVE SUMMARY:

ICANN Staff continues to: 1) implement Affirmation of Commitments (Affirmation) objectives identified in the strategic and operational plans and engage in activities throughout the organization that support ICANN's obligations under the Affirmation; 2) build a comprehensive, wiki database to provide the public with status and implementation information on every resolution approved by ICANN's Board dating back to ICANN's founding in 1998; and 3) support the community review teams called for in the Affirmation, including the Accountability and Transparency Review Team, which is on-track to publish a draft report for discussion at ICANN's Cartagena meeting, and the Security, Stability and Resiliency of the DNS Review Team and the WHOIS Policy Review Team, both of which were recently formed. As stated by Rod Beckstrom, ICANN's goal is to set a new standard for accountability and transparency and meet or exceed all of the Affirmation's commitments. The Annex to this submission provides background information, including a matrix of ICANN activities that relate to the Affirmation, information on the Board resolution wiki, and details on the community review teams' activities.

RECOMMENDATION:

No Board action is recommended.

PROPOSED RESOLUTION:

No resolution is proposed.

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