

**2012-10-18-01a-
Annex_to_Board_Paper_on_Cross_Ownership_Process**

2012-07-05 Annex-Cross-Ownership-Annex

ICANN BOARD SUBMISSION ANNEX NO. 2012-07-05

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

1. Attached as Exhibit A is the Revised Process for handling Requests for Removal of Cross-Ownership Restrictions on Operators of Existing gTLDs.
2. Attached as Exhibit B is the background and history on the Revised Process for handling Requests for Removal of Cross-Ownership Restrictions on Operators of Existing gTLDs.
3. Attached as Exhibit C is the Report on the Public Comment Period.

2012-07-05 Annex-Cross-Ownership-Exhibit-A

Proposed Revised Process for Handling Requests for Removal of Cross-Ownership Restrictions ~~for~~ on Operators of Existing gTLDs:

In order to lift co-ownership restrictions ~~with respect to new gTLDs~~, existing gTLD registry operators could either request an amendment to their existing Registry Agreement to remove the cross-ownership restrictions ~~with respect to~~ or request to transition to the new form of Registry Agreement for new gTLDs. Any proposed material amendments to gTLD registry agreements would be subject to public comment prior to ICANN approval. The process is as follows:

1. The gTLD registry operator submits a written request to ICANN to transition to the new form of Registry Agreements or a request to amend its current Registry Agreement and includes the proposed amendment. ~~The~~ if the registry operator requests an amendment, the amendment will include:
 - A. Adding covenants similar to those that appear in Sections 2.9(b) and (c) of the new gTLD agreement (~~see current draft at~~ <http://www.newgtlds.icann.org/en/topics/new-gtlds/agreement-specs-clean-30may11-en.pdf>) ~~[PDF, 1.56 MB]~~ [applicants/agb](#)) as follows:

"(b) If Registry Operator (i) becomes an Affiliate or reseller of an ICANN accredited registrar, or (ii) subcontracts the provision of any Registry Services to an ICANN accredited registrar, registrar reseller or any of their respective Affiliates, then, in either such case of (i) or (ii) above, Registry Operator will give ICANN prompt notice of the contract, transaction or other arrangement that resulted in such affiliation, reseller relationship or subcontract, as applicable, including, if requested by ICANN, copies of any contract relating thereto; provided, that ICANN will not disclose such contracts to any third party other than relevant competition authorities. ICANN reserves the right, but not the obligation, to refer any such contract, transaction or other arrangement to relevant competition authorities in the event that ICANN determines

that such contract, transaction or other arrangement might raise competition issues.

(c) For the purposes of this Agreement: (i) "Affiliate" means a person or entity that, directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person or entity specified, and (ii) "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person or entity, whether through the ownership of securities, as trustee or executor, by serving as an employee or a member of a board of directors or equivalent governing body, by contract, by credit arrangement or otherwise."

- B. Adding a covenant to comply with the new Registry Operator Code of Conduct. This is in Section 2.14 of the new gTLD agreement as follows:

"In connection with the operation of the registry for the TLD, Registry Operator shall comply with the Registry Code of Conduct as set forth in the specification at [see specification 9]."

The Registry Operator Code of Conduct would then need to be added as a new Appendix.

- C. Amending Section 7.1([eb](#)) of, for example the biz/info/org agreements (or like terms in other agreements); to read as follows:

[\(b\) Registry Operator Shall Not Act as Own Registrar. Registry Operator shall not act as a registrar with respect to the TLD. This shall not preclude Registry Operator from registering names within the TLD to itself through a request made to an ICANN-accredited registrar or from becoming an Affiliate of or reseller for an ICANN accredited registrar.](#)

D. Deleting Section 7.1(c) of, for example the biz/info/org agreements (or like terms in other agreements).

~~(c) Restrictions on Acquisition of Ownership or Controlling Interest in Registrar. Registry Operator shall not acquire, directly or indirectly, control of, or a greater than fifteen percent ownership interest in, any ICANN-accredited registrar with respect to the TLD without ICANN's prior consent in writing."~~

2. Each request to remove cross-ownership restrictions would be subject to a competition review, similar to that which is conducted in the preliminary determination phase of a Registry Services Evaluation Process (see <http://www.icann.org/en/registries/rsep/prelim-competition-issues-en.htm>) request. In the event ICANN (following consultation with its own experts) reasonably determines within 15 days that removal of the cross-ownership restrictions might raise significant competition issues, ICANN shall notify the registry operator that ICANN intends to refer the request to the appropriate governmental competition authority or authorities with jurisdiction over the matter. The registry operator may at this point, at its discretion, withdraw its amendment request. If the registry operator opts to proceed with the request, the amendment request will remain in pending status until such time as the competition authority or authorities have provided a substantive response to ICANN. Upon response from the competition authority or authorities, ICANN will complete its review and consideration of the amendment request. If ICANN has not received a response from the competition authority or authorities within 90 days, ICANN in its sole discretion may, taking into account all relevant factors, either proceed to consider the amendment request, or if reasonable under the circumstances, defer consideration of the proposed amendment until such time as ICANN receives a substantive response from the competition authority or authorities. [Note: nothing in this process is intended to suggest that a competition authority is required to take any action at any time.](#)
3. An amendment requested under this process would be posted for public comment.

2012-07-05 Annex-Cross-Ownership-Exhibit-B

Exhibit B

BACKGROUND ON REVISED PROCESS FOR HANDLING REQUESTS FOR REMOVAL OF CROSS-OWNERSHIP RESTRICTIONS ON OPERATORS OF EXISTING gTLDs (“PROCESS”)

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

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

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

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

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

2012-07-05 Annex-Cross-Ownership-Exhibit-C

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| Translations: If translations will be provided please indicate the languages below: | | | | | | | | | |
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Report of Public Comments

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|---|--------------|---|--|--|-----------------------------------|--|----------------------|-------------|----------------|-------------|-------------|-------------|--------------|--------------|-------------|-------|--|--|--|--|--|------------------------------------|--|--------------|--|--------------------|--|---|--|
| Title: | | Proposed Revised Process for Handling Requests for Removal of Cross-Ownership Restrictions on Operators of Existing gTLDs | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Publication Date: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Prepared By: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <tr> <td colspan="2">Comment and Reply Periods:</td> </tr> <tr> <td>Comment Open:</td> <td>16 May 2012</td> </tr> <tr> <td>Comment Close:</td> <td>6 June 2012</td> </tr> <tr> <td>Reply Open:</td> <td>7 June 2012</td> </tr> <tr> <td>Reply Close:</td> <td>28 June 2012</td> </tr> <tr> <td>Time (UTC):</td> <td>23.59</td> </tr> </table> | | | | | Comment and Reply Periods: | | Comment Open: | 16 May 2012 | Comment Close: | 6 June 2012 | Reply Open: | 7 June 2012 | Reply Close: | 28 June 2012 | Time (UTC): | 23.59 | <table border="1"> <tr> <td colspan="2" style="text-align: center;">Important Information Links</td> </tr> <tr> <td colspan="2" style="text-align: center;">Announcement</td> </tr> <tr> <td colspan="2" style="text-align: center;">Public Comment Box</td> </tr> <tr> <td colspan="2" style="text-align: center;">View ? Comments ? Submitted</td> </tr> </table> | | | | | Important Information Links | | Announcement | | Public Comment Box | | View ? Comments ? Submitted | |
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| Comment Open: | 16 May 2012 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Comment Close: | 6 June 2012 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Reply Open: | 7 June 2012 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Reply Close: | 28 June 2012 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Time (UTC): | 23.59 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| View ? Comments ? Submitted | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Staff Contact: | | Kurt Pritz, Sr. VP, Stakeholder Relations | | | Email: | | kurt.pritz@icann.org | | | | | | | | | | | | | | | | | | | | | | |
| Section I: General Overview and Next Steps | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>To receive public comment on revisions to the proposed process that would allow existing registry operators to request removal of cross-ownership restrictions for the gTLDs they operate. The proposed process will place existing registry operators on an equal footing to new gTLD registry operators in relation to the Board approved removal of restrictions preventing new gTLD registries from owning or controlling registrars.</p> <p>This revised process reflects recent exchanges from interested competition authorities that have submitted their input to ICANN.</p> <p><u>Next Steps:</u></p> <p>This summary will be provided to the Board for consideration whether it is appropriate for the proposed revised process be adopted and implemented.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Section II: Contributors | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

At the time this report was prepared, a total of four (4) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

| Name | Submitted by | Initials |
|------------------------------------|----------------------|-----------------|
| Registries Stakeholder Group | David Maher | RySG |
| Intellectual Property Constituency | Kristina Rosette | IPC |
| At Large Advisory Committee | ICANN At Large Staff | ALAC |

Individuals:

| Name | Affiliation | Initials |
|-----------------------|--------------------|-----------------|
| Christopher Wilkinson | | CW |

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

The RySG submitted its support for implementation of the proposed revised process “as soon as possible”.

The IPC commented that existing registry operators should be transitioned to the new gTLD registry agreement. The IPC submitted that if registry operators were permitted to modify their existing registry agreements to remove cross-ownership restrictions, the removal should be conditional on conforming the existing agreement with the new gTLD registry agreement which must include the following minimum amendments: (a) including the new gTLD registry Code of Conduct; (b) thick WHOIS; and (c) Section 2.8 and paragraphs 1 and 2 of Specification 7 of the new gTLD registry agreement to require new registrations and renewals of existing TLD domain names to comply with the PDDRP, RDDRP and URS.

ALAC submitted support for the removal of the cross-ownership restrictions for existing gTLD operators but expressed concern that the transition of existing gTLD operators to new gTLD registry agreements would remove the price caps in existing agreements and that this issue has not been publicly discussed. ALAC further commented that concurrent removal of price caps in the dominant existing gTLDs due to removal of operator cross-ownership restrictions should not occur without community involvement.

CW disagreed with ALAC's position to support the proposed removal of cross-ownership restrictions for existing registry operators and made reference to his earlier personal related submission dated May 2011 on the At Large wiki where he opposed the process altogether. CW also commented that the proposed change in policy would make it more difficult for small startup registries to compete with established registrars offering competing services.

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

General Comments:

A total of four comments were submitted with only three submissions commenting specifically on the proposed revised process. One commenter expressed unconditional support for the proposed process whilst two commenters expressed conditional support based on further inclusions to the registry agreement.

The comments of conditional support for the proposed revised process made reference to the following additional issues for consideration or inclusion:

(i) Consideration of price cap removals: This will be something that ICANN analyzes in each registry operator's request for removal of restrictions or transfer to the new gTLD base agreement.

(ii) Including the new gTLD registry Code of Conduct: The proposed revised process currently includes incorporating a covenant to comply with the new gTLD registry operator Code of Conduct referenced in Section 2.14 of the new gTLD registry agreement.

(iii) Including thick WHOIS: This issue has been recognized by the GNSO, which agreed to undertake a formal Policy Development Process (PDP) in the matter (see <http://gnso.icann.org/resolutions/#201203>). Any subsequent change arising from the PDP can be implemented separately and is automatically incorporated by reference into any registry agreement.

(iv) Including compliance with the PDDRP, RDDRP and URS rights protection mechanisms: This issue had been discussed, for example during the recent .COM registry agreement renewal, where it was determined that these new rights protection mechanisms (RPMs), being new and untested, required a sufficient "ramp up" period before they were considered robust enough to be able to cater for the volume demands of the existing TLD namespace and that registrants have procured existing TLD domains based on an understanding of the currently implemented RPMs.

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

ANNEX TO BOARD SUBMISSION No. 2012-10-18-01b
ICANN LANGUAGE SERVICES POLICY AND PROCEDURES

DETAILED ANALYSIS:

1. Background:

The ICANN Language Services Policy and Procedures (LSP) document was posted for public comment in May 2012.

2. Public Comment:

Public comments received include recommendations to:

- Increase the number of teleconferences interpreted
- Increase the number of ICANN Meeting sessions scribed
- Ensure the simultaneous publication of translated documents in all six UN Official Languages
- Provide translation and interpretation services in Japanese

3. Board Public Participation Committee Input:

The ICANN Board Public Participation Committee also reviewed and provided feedback on the LSP document.

4. Discussion of Issues:

The attached ICANN Language Support Services document has been created to inform our decision on the provision of translation and interpretation into languages beyond the six UN Official Languages, which are Arabic, Chinese (Mandarin), English, French, Russian and Spanish.

5. Conclusion:

Recommendations of the Board Public Participation Committee, along with those provided during the public comment period, have been noted and will be considered as part of the ongoing improvements and enhancements to the language services ICANN provides.

While the Language Services Policy and Procedures currently guide ICANN activities, it is regularly reviewed under guidance of the Board Public Participation Committee, and changes will be considered as part of the upcoming budget and operational planning cycles.

2012-10-18-01b-ICANN Language Services Policy and Procedures-en



The Internet Corporation for Assigned Names and Numbers

Language Services Policy and Procedures

May 2012

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OVERVIEW

The provision of language services is intended to facilitate access to ICANN and participation in its work for those who do not speak or are not fluent in English.

Multilingualism is essential for a global multistakeholder organization. Meetings, documents and information must be accessible in a variety of languages. To address this need, ICANN submitted the previous version of this document (then called "Translation Programme") for public comment in March 2008, and in December 2008 contracted with a localization and language industry expert (a full-time translation coordinator). This complied with the Accountability and Transparency Framework and Principles, and laid the path toward more effective engagement with stakeholders.

The cost-effective provision of high quality multilingual services has two main **objectives**:

- Make information about ICANN and its work accessible to those who speak languages other than English in ways that enhance participation in and the effectiveness of the multistakeholder model.
- Make ICANN more effective as a global organization.

ICANN's language **services** include:

- Translation
- Simultaneous interpretation
- Teleconference interpretation
- Transcription (of recorded sessions)
- Scribing (Real Time Transcription - RTT)

ICANN'S LANGUAGE POLICY

ICANN's working language is English. Its policy is to provide translation and interpretation in the six United Nations languages – currently Arabic, Chinese (Simplified), English, French, Russian and Spanish – where appropriate and taking account of budget constraints.

If the UN amends its official languages, ICANN will consider whether to adopt the change.

Quality is the top priority. ICANN's goal is continuous improvement of its language services in order to ensure its effectiveness as a global organization. Fulfilling its vision to professionalize and equalize the provision of language services requires a careful balance of outreach, quality and cost control.

LANGUAGE POLICY VISION

The goal of the Language Services Policy is to ensure that ICANN operates as a highly effective global organization, providing high quality, consistent, timely and cost-effective services, reflecting current usage of technical terms by native speakers.

The long-term vision for provision of language services is that by the end of calendar year 2015, ICANN will offer translation and interpretation, either automatically or on request:

- in the six official United Nations languages. Criteria for granting exceptions (either to provide additional or fewer translations) will be explicitly spelled out.¹
- for all core documentation, main public meeting sessions, and select Supporting Organization and Advisory Committee conference calls.
- in five abridged versions of the English website, focusing on the core elements.

It is anticipated that the language services staff will increase to provide more of these services and more effective overall coordination in-house.

In all aspects of implementing this policy, a balance must be achieved between the benefits gained from including more people in ICANN's work and the potential cost in time, money and possible delay to the policy development process.

This document is not a detailed plan to achieve this vision. This concept will require substantial community input and its fulfillment is subject to Board approval. The provision of sufficient permanent in-house staff and budget resources is under consideration for FY2013 in the context of a new initiative to "enhance multilingual strategy." Should that proposal be adopted, it is possible that implementation of this concept could begin in FY2013.

¹ Documents aimed at a national audience or containing only country-specific information will be translated into the relevant language for that country. For information relevant to an entire region, translation into several languages may be required.

It is expected that, in the context of that initiative, a revision of this policy may be developed in FY2014.

LANGUAGE SERVICES PRACTICES

ICANN currently provides the following types of services:

- Interpretation during public meetings in French and Spanish. Other languages are considered on a case-by-case basis.
- Translation of key print and online materials and publications.
- Conference call interpretation services.
- Transcription of audio recordings at public meetings, conference calls and supported meetings, on request. (This applies to sessions without scribing services).
- Scribing during public meeting sessions and at other approved meetings.

Community comment on the provision of language services is taken into account and is always welcome.

Moving forward, a comprehensive **quality control process** and adoption, where appropriate, of best practices of other organizations will help ensure that ICANN's language services are on a par with other international organizations, professionally conducted and cost-effective.

ICANN uses many **acronyms and terms** specific to its work. Accurately capturing these terms in multiple languages and reflecting common native usage will increase the quality and consistency of translation and interpretation. A terminology database will allow consistent usage across the six UN languages. It will include the existing Internationalized Domain Name, translation and online English definitions glossaries (<http://www.icann.org/general/glossary.htm>) in one central database available on the ICANN website, and will be updated monthly.

A **classification system** suitable for a multilingual and multistakeholder organization will help determine how documents will be produced, translated, posted online and archived. This will include electronic tools to make documents more accessible via internal and external search engines.

HISTORY OF THE LANGUAGE POLICY AND PROCEDURES PAPER

The Language Services Policy and Procedures paper is being developed in six phases:

1. A draft report was presented for initial consultation and feedback from the Translations Committee and ICANN senior executives on 30 January 2008 and a public comment period was held in March 2008.
2. A full-time translation coordinator was hired on 15 December 2008.
3. Guidelines for language services providers and standard approaches to technical terms and acronyms were developed in March 2009.
4. An initial language services budget was created in FY2011; the first comprehensive language services budget was implemented in FY2012.
5. A second public comment period will be held in May 2012.
6. The Board Committee on Public Participation will submit the policy to the ICANN Board with its recommendation in September 2012.

This policy proposal took into account:

- Findings of the meeting on translation held at the November 2007 ICANN Meeting in Los Angeles
- Interviews held in 2007 with²: Sébastien Bachollet (At-Large); Bart Boswinkel (Account Manager, ICANN); Mandy Carver (Global Partnerships, ICANN); Carole Cornell (Senior Director, Project Office, ICANN); Anthony Harris (CABASE); Pablo Hinojosa (Regional Liaison for Latin America, ICANN); Anne-Rachel Inné (Regional Liaison for Africa, ICANN); Janis Karklins (Chair of the Governmental Advisory Committee); Khaled Koubaa (Internet Society of Tunisia); Yu-Min Lin (www.nii.org.tw); Denise Michel (Vice President of Policy Development, ICANN); Dave Piscitello (Security and Stability Advisory Committee, ICANN); Glen de Saint Géry (GNSO Secretariat, ICANN); Marc Salvatierra (Web Content Developer, ICANN); and Patrick Sharry (PS2)
- Independent consultation in 2008 with Omar Abou-Zahr, former chief of Interpretation Services at the United Nations

² Positions are those held at the time of the interviews.

- Translation policies of other international organizations

The past two years have seen improved **quality**, greater **efficiency** and cost **savings**:

- Upgrade of the translation management system has laid the groundwork for reduced translation turnaround time, enhanced the quality assurance and validation processes, and improved translation consistency.
- Five linguists, each covering one of the five non-English UN languages, have been retained on a fixed contract to update and maintain the TMs (translation memories), and to translate articles published on the ICANN blog. This has improved the quality and consistency of translated documents, and has reduced costs.
- A fixed contract with interpreters who travel as a team to provide simultaneous interpretation during ICANN Meeting has proven to be the right model for delivering high quality interpretation services.
- Renegotiation of conference call services with respect to interpretation and transcription has also decreased costs. ICANN's interpreters now provide conference call interpretation, increasing quality and reducing costs.

DEFINITIONS

Translation, interpretation, subtitling, scribing and transcription can be clearly distinguished.

- **Translation** is the conversion of written text from a source language into a target language, sometimes a locale. A locale is a country- or region-specific variant of a language, for example French as spoken in Canada or Spanish as spoken in Mexico. It can include human, machine and computer-assisted translations:
 - *Human translations* are produced by a human translator.
 - *Machine translations* are automated translations from one source language into a target language using a system such as Systran or Google Translate.
 - *Computer-assisted translations* are created through machine translation or translation memory technology and then edited and finalized by human translators.
- **Interpretation** is the conversion of the spoken word from a source language into a target language.

- *Simultaneous interpretation* is delivered in real time.
 - In *consecutive interpretation*, the target language version is provided after the source version.
 - *Teleconference interpretation* is provided to enhance communication during teleconferences.
- **Subtitling** is the provision of written interpretation from a source language into a target language in video media.
 - **Scribing (RTT – Real-Time Transcription)** may be performed either on-site or from a remote location. Real-time transcription occurs as words are spoken; text captions can be displayed for one person, an entire room, or streamed live over the Internet.
 - **Transcription** converts spoken material into written form, for instance when court proceedings are recorded. This includes the transcription of audio recordings.

Translation, interpretation, subtitling, scribing and transcription require different skills, technologies, pricing models and processes.

TRANSLATION

Translations should be accurate and natural. A reader who is unfamiliar with the source text should easily understand the translation. The ideal translation should be **accurate**, reproducing as closely as possible the meaning of the source text; **natural**, using nuances of the target language appropriate to the source; and **comprehensive**, expressing all aspects of the meaning in a way that is easily understandable in the target language.

The use of regular language service providers improves consistency and, by increasing their familiarity with ICANN and its terminology, maximizes their ability to work quickly.

To ensure quality control, Language Services will create a **multilingualism awareness program** for current and new staff. Board members, staff and community members will sometimes be asked to help monitor the quality of translations. A **translation management system** allows language service providers to access previous translations, improving quality and streamlining the process.

Although a variety of electronic tools exists to produce translations quickly and cheaply, these technologies are not yet advanced enough to produce consistently accurate, high quality

translations; in most cases it takes more time to correct machine translations than to directly translate the material. Therefore, ICANN does not use these tools, though if the technology improves significantly, this may be reconsidered.

Principles

Translation focuses on holistic processes and not specific documents. For example, in the case of a public comment period the main document, announcement and background information will all be translated.

To ensure consistency, only ICANN-retained language service providers are authorized to translate materials produced by ICANN. Generally, community members should not commission the translation of ICANN documents. However, if such a need does arise, community members are asked to coordinate that activity with ICANN Language Services.

ICANN recognizes that significant language expertise exists within the ICANN community, and may call upon individuals and organizations to assist with translations as appropriate.

Community members can play an important role in translations but it is unrealistic to expect them regularly to produce professional translations. At the same time, their subject matter expertise is important to support quality translation. The ICANN community should assess a **monitored crowd-sourcing system** that would permit community members to translate material not produced by ICANN, such as the comments of a fellow community member.

All translated documents are non-authoritative and must contain a statement to that effect.

Proactive Translation

In keeping with the language policy, ICANN will regularly translate certain English documents into Arabic, Chinese, French, Russian and Spanish, and certain documents in those languages into English.

The translation of a document into any language other than the six UN languages will be considered an on-demand translation request and will require a compelling rationale.

For public meetings in countries where the official language is not one of the six UN languages, documents may be translated into the country's official language at the request of a stakeholder group and with appropriate consideration.

Typically, when posted on the ICANN.org website, the following types of documents will be proactively translated into the six UN languages:

- **Outreach Information** (informational materials intended to raise awareness of ICANN and its work) including:
 - Announcements, the ICANN blog, public comment period documents
 - Certain factsheets, press releases, FAQs, brochures, speeches and public meetings documentation

- **Strategic Documents:**
 - Including the Strategic Plan, Operating Plan, budget, Annual Report, Affirmation of Commitments and Bylaw Review Team recommendations

- **Policy Documents:**
 - Including executive summaries of policy briefings; final reports and other similar documentation produced by supporting organizations and advisory committees; preliminary and final Issue Reports commissioned by the GNSO Council; and executive summaries of public forum comments produced by constituencies or communities related to policy development activities

 - The full text of At-Large Advisory Committee statements; ALAC and RALOs governance documents; each issue of the monthly *Policy Update* produced by ICANN staff; Supporting Organization and Advisory Committee Charters; GNSO Stakeholder and Constituency Charter documents; working group charters and mandates; and public announcements related to policy development activities

- **Board Material** – approved resolutions, meeting minutes, briefing materials and bylaws

- **Governmental Advisory Committee Material** – communiqués and supporting documents

- **Specific Project Documents** – including the New gTLD *Applicant Guidebook* and related materials; internationalized domain name materials; certain registrar and registry materials

On-Demand Translation

Other documents, which may include letters, non-English public comments, forms, contracts and other legal documents, and older materials on the website, may be submitted for translation by a stakeholder group or ICANN staff. Translation of these documents will be considered on request, and may be done after appropriate evaluation.

Translations of some documents, including governance documents, agreements, policies and specifications, reports, correspondence, implementation plans and other similar documents, must contain the following disclaimer, translated into the relevant language: "This document has been translated into this language for information only. The original and authoritative text (in English) may be found at: <link to original English text>."

If a document produced in a non-English language requires translation, the authoritative language of such document will be the original source language.

Documents aimed at a national audience or containing only country-specific information will be translated into the relevant language for that country. For information relevant to an entire region, translation into several languages may be required.

Documents intended for an organization that expects or requires a translation, such as a national government, may be translated on request.

Other factors that will be taken into account in translation decisions include:

- How will the translation make ICANN more effective as a global organization?
- Is a full translation necessary? Would a translated summary be sufficient?
- Can the translation be completed in a timely enough fashion to ensure full public discussion of the topic?
- What is the document's life span? How long will it be relevant?
- Will the content be updated soon? If so, when should the translation be done?

INTERPRETATION

Many community members prefer to communicate in their primary language. While many are able to follow a discussion or presentation in English, a lack of fluency may prevent them from speaking up during public meetings. Interpretation supports the global ICANN community and dramatically lowers the barrier for those who are not proficient in English.

Interpretation is provided in accordance with the international standards for interpretation of the International Association of Conference Interpreters (www.aiic.net).

ICANN Public Meetings

Interpretation at public meetings will typically be provided in French and Spanish. Some meetings may require additional languages. Because the meeting location influences attendance, the addition and selection of other languages will be subject to review and will depend on the location, budget and number of attendees.

ICANN will ask the host to publicize the meeting locally and to provide information in the local language; including the fact that interpretation will be provided.

Interpretation of English-French and English-Spanish (and de-facto French-Spanish) language pairs will be provided for:

- Sessions to support outreach, communication and public participation, such as:
 - Opening session
 - Press conferences
 - Public Forum
- Sessions organized by ALAC and At-Large, such as:
 - Regional At-Large Organization sessions
 - Working group sessions
- Open ICANN Board events, such as:
 - Board Committee reports
 - Board meetings
- GAC Sessions:
 - In keeping with the recommendation of the Accountability and Transparency Review Team, all GAC sessions will have interpretation in French, Spanish and, in recognition of its importance to the GAC, Portuguese.
- Specific projects sessions of significant importance, such as:
 - Supporting Organization and Advisory Committee Chair Reports

English will always be supported. If the official language of the host country is not English, interpretation will typically be provided in an official or customary language. Interpretation might also be offered in languages relevant to the country and region, as appropriate:

- *Africa*: Arabic, French, Spanish (Portuguese optional)
- *Asia/Australia/Pacific*: Arabic, Chinese, French, Spanish (Japanese and Korean optional)
- *Europe*: French, Spanish
- *Latin America/Caribbean*: French, Spanish (Portuguese optional)
- *North America*: French, Spanish

Meeting session organizers can request interpretation of additional languages for their sessions. Requests will be evaluated on the basis of expected attendance, subject and budget.

Interpretation of open sessions is streamed live to allow remote participation in any supported language.

TELECONFERENCE INTERPRETATION

ICANN will typically provide interpretation for conference calls where a significant number of participants are French or Spanish speakers, such as ALAC and RALO meetings.

Requests for interpretation of other conference calls or in other languages will be considered on a case-by-case basis.

TRANSCRIPTION

Typically, open sessions and some closed sessions of public meetings are recorded. The audio files are posted on the meeting website with the exception of closed sessions, where the audio and transcript are delivered to the relevant secretariat.

In addition, teleconferences, whether they have interpretation or not, are supported with the provision of the corresponding transcript.

All transcriptions, regardless of language, use a template for consistency. The template must include the following disclosure on the first page: ***The following is the result of transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases it may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is provided as an aid to the original audio file, but is not an authoritative record.***

Transcripts will be published in the applicable languages and edited based on the audio file.

SCRIBING (RTT – Real-Time Transcription)

Many ICANN meeting sessions require real-time transcription (scribing), including:

- Opening session
- Public Forum
- Board meetings
- Select Supporting Organization and Advisory Committee meetings

When scribing is provided at open sessions, the scribes produce a transcript that can be posted on the meeting website.

For sessions with real-time transcription, the transcription will be verbatim and not corrected for grammar or clarity. No editing is done.

VIDEO SUBTITLING

Video transcription and subtitling add subtitles to videos produced by ICANN and posted on the ICANN website and other online platforms. The technology can also create translated subtitles.

QUALITY CONTROL

ICANN is committed to providing high quality language services. Regardless of the service – translation, interpretation, subtitling, scribing or transcription – quality matters.

It is essential that documents be written in a way that facilitates accurate translation, and that each linguist working on translation of a document understands and accurately conveys the content of the source information. Linguists should therefore have a full understanding of ICANN's history, goals, organizational structure, processes and terminology.

Tools such as “language assets” are fundamental to that process. Examples are databases that store multilingual terminology (**terminology database**) and sentences that have previously been translated (**translation memory database**). They are updated monthly to ensure that linguists have ready access to the most current technical terms in native usage.

Quality may be monitored at specific milestones of a project. There are four steps to maintain and enhance quality:

- Maintaining terminology databases and other language assets prior to the provision of service
- Managing queries during the process
- Performing validation reviews
- Conducting annual assessments of suppliers.

Based on the Localization Industry Standards Association quality assurance model, language quality assessment consists of a partial review carried out on sample files by independent reviewers to check and record the quality level at various stages and to define subsequent steps. Factors such as vendor experience and recent performance, content and project complexity, schedule and budget constraints will determine the frequency and level of the language quality assessment.

ICANN's Language Services Quality Assurance System includes two phases for all language services: preventive and corrective.

Preventive quality control requires careful document composition, and selection and training of linguists with the necessary background and language skills, translating or interpreting exclusively into their native language.

Careful document composition means writing in simple and easily understandable language, avoiding jargon, technical or legal terms and acronyms whenever possible. ICANN will adopt a writing standard and offer staff training that emphasizes clarity and brevity in composition.

Training of linguists includes:

- Continuous exposure to new information technologies, such as translation and desktop publishing software
- Collection of reference files and accessibility for language service providers
- Terminology management and automated terminology usage
- Checking of incoming materials and, if required, taking corrective measures on the source data
- Careful advance preparation of translation projects
- Protecting and formatting information
- Reviewing source files to validate document design and file integrity.

Corrective quality control involves:

- Systematic procedures to check quality before delivering a final document to the requestor, including proofreading
- Verifying formatting information to ensure file integrity after translation
- Ensuring consistent use of terminology

Supplementing preventive and corrective quality control, **metrics** track the performance of language service providers and translation teams. Criteria are:

- Accuracy
 - Additions
 - Completeness
- Terminology
 - Consistent adherence to glossary and translation databases
 - Abbreviations
 - Context
- Language
 - Grammatical correctness

- Use of the correct word
- Punctuation
- Spelling
- Style
 - General style
 - Register and tone
 - Language variants and slang
- Audience
 - Use of the appropriate language variation for the country
 - Adherence to ICANN's usage of terminology

Validation Review Cycle

The **validation review cycle** is used by most global organizations. Although it adds a step to the translation process, it substantially reduces the chance of errors.

There are two ways to undertake a validation review cycle: outsourcing and in-house. Most multilingual organizations use a combination of these methods.

Outsourcing involves linguistic reviewers in the target language country, bringing a third party into each project. The reviewers can be the same linguists who produce translations, although the person who translates the source document will never be the one who reviews the translated document.

In-house validation review engages native language staff members with the necessary subject matter knowledge to review translated documents.

Determining which option will be used depends on:

- The existence and availability of required language native speakers on the staff
- Document size
- Technical or industry-specific knowledge required
- The deadline

The most important part of a validation review cycle is to ensure that the linguist or subject matter expert is a **neutral** third-party reviewer. The selected individual must:

- Thoroughly and impartially review the translation
- Report on its quality in an unbiased fashion
- Make any necessary changes to the translation.

In addition, the reviewer should complete a detailed report, including categorization and classification of errors.

A **web-based platform** to manage the validation review cycle is under consideration. This would provide:

- A single point of contact for all validators
- Reports on the time a validator spent on a document
- Online access to project schedules for workflow coordination and tracking
- Quick exchange of files
- Access for validators to online linguistic assets such as glossaries, reference materials and style guides, to increase consistency
- Exchange of queries and comments
- A platform for dispute resolution
- Significant improvement in production time
- Greater efficiency through translation memories and glossaries

LANGUAGE SERVICES POLICY REVIEW

To ensure that the revised Language Services Policy is delivering the desired results – making information more accessible and increasing participation in the multistakeholder model – ICANN will develop the analytical tools necessary on ICANN.org to track the use of:

- Documents
- ICANN meeting session transcriptions
- Conference call transcriptions
- Audio streams from ICANN meeting sessions

In FY2014, an analysis will be completed to determine if changes to the Language Services Policy are required.

2012-10-18-01b-ICANN Language Services - Support Policy



ICANN Language Support

The official ICANN language support, as described in ICANN’s “Language Services Policy and Procedures” (page 3. of document published May 2012), is:

“ICANN’s working language is English. Its policy is to provide translation and interpretation in the six United Nations languages – currently Arabic, Chinese (Simplified), English, French, Russian and Spanish – where appropriate and taking account of budget constraints.”

This policy was previously detailed during the publication process and public comment period of the preceding "Translation Programme" document in 2008. The Translation Programme document, along with the Accountability and Transparency Framework and Principles document, codified the support for the six official United Nations (UN) languages, thus laying the foundation towards more effective engagement with multilingual stakeholders. *(See Appendix A for a history of official UN language support.)*

The long-term vision for Language Services is to continue to provide support for the six official UN languages for all core documentation, main public meeting sessions, and select Supporting Organization and Advisory Committee meeting sessions and conference calls. In addition, Language Services hopes to provide five abridged versions of the English website in the other official UN languages, focusing on the core elements of the English website. It should be noted that documents aimed at a particular national audience or containing only country-specific information, and public meetings held in countries where the official language is not one of the six official UN languages, may fall within an exception to this policy. Justified exceptions will be translated and/or provisions for interpretation services shall be provided for the relevant language for that country. *(See ICANN Language Service Policy and Procedures draft published May 2012 for full details).*

The primary goal of the Language Services Policy is to ensure that ICANN operates as a highly effective global organization, providing high quality, consistent, timely and cost-effective services. In supporting and implementing this policy, a balance must be achieved between the benefits of additional public participation in ICANN’s work due to the availability of additional language document translation and/or interpretation services and the potential cost of providing the additional language support. The cost includes various factors of time, money and potential delay to the policy development process due to the physical translation process itself and, to a lesser extent, the effort required for the translation management process. This document details an efficient, quality translation process that balances outreach, language quality and cost control.

The provision of language services is intended to facilitate access to ICANN and participation in its work for those who do not speak or are not fluent in the English language. A careful balance must be achieved within finite budget and resource constraints. In working towards this balance, the Language Services team has looked at the following data and processes:

1. Most spoken language by total speakers
2. Most widely spoken languages by state (states where the language has official or de facto status)
3. Language users on the Internet
4. Language content published on the Internet
5. Member translation support

World Total Speakers:

The following data represent the highest global population speakers by spoken language for first language speakers.

- Mandarin Chinese 12.44%
- Spanish 4.85%
- English 4.83%
- Arabic 3.25%
- Hindi 2.68%
- Bengali 2.66%
- Portuguese 2.62%
- Russian 2.12%
- Japanese 1.80%
- Standard German 1.33%
- Javanese 1.25% (2009 est.)

Additional data shows that the six UN languages - Arabic, Chinese (Mandarin), English, French, Russian, and Spanish (Castilian) - are either the mother tongue or second language of roughly half of the world's population, and are the official language of more than half the states in the world. (Source: CIA World Fact Book 2011.)

Number of Countries per spoken language:

The most widely spoken languages by number of countries/dependencies where the language has official or de facto status is shown in the international language map below.



(Source: "GeoCurrents – GeoNotes" by Martin W. Lewis July 11, 2012 accessed Sept 4, 2012.)

Number of states with same spoken language (highest to lowest):

1. English (64)
2. French (43)
3. Arabic (26)
4. Spanish (21)
5. Russian (11)
6. Portuguese (11)

(Source: CIA World Fact Book 2011.)

Of the six languages listed, Arabic poses a challenge since the various spoken dialects of Arabic generally fall under the umbrella of “Arabic” although not all are mutually intelligible. However, Standard Arabic is used in the written form of the language in countries where dialects of Arabic are spoken. It is also worth noting that the exclusion of Mandarin and Japanese from the list above is attributed to the limited travel of these peoples beyond Asia versus the influence of European colonialism on the world’s languages.

An additional challenge compiling this list is that some countries, for example the USA, do not have an official language (despite various attempts to introduce one). In these cases, the *de facto* or *de jure* languages of the country have been counted. The map shown above depicts the distribution of official languages (whether *de jure* or *de facto*) by internationally recognized states.

With these assumptions, the indication of spoken languages by total number of states appears to support the continued use of six official UN languages.

Language speakers on the Internet:

Most web pages on the Internet are in English. A study made by W3Techs shows that as of December 2011 more than 56% of all websites use English as their content language. Other top languages which are used at least in 2% of websites are German, Russian, Japanese, Spanish, Chinese, French, Italian and Portuguese.

(Source "Number of Internet Users by Language," *Internet World Stats, Miniwatts Marketing Group, 31 May 2011, accessed 22 April 2012*)

Of particular note is the rapid increase of the use of non-English language speakers from 2000 through 2011.

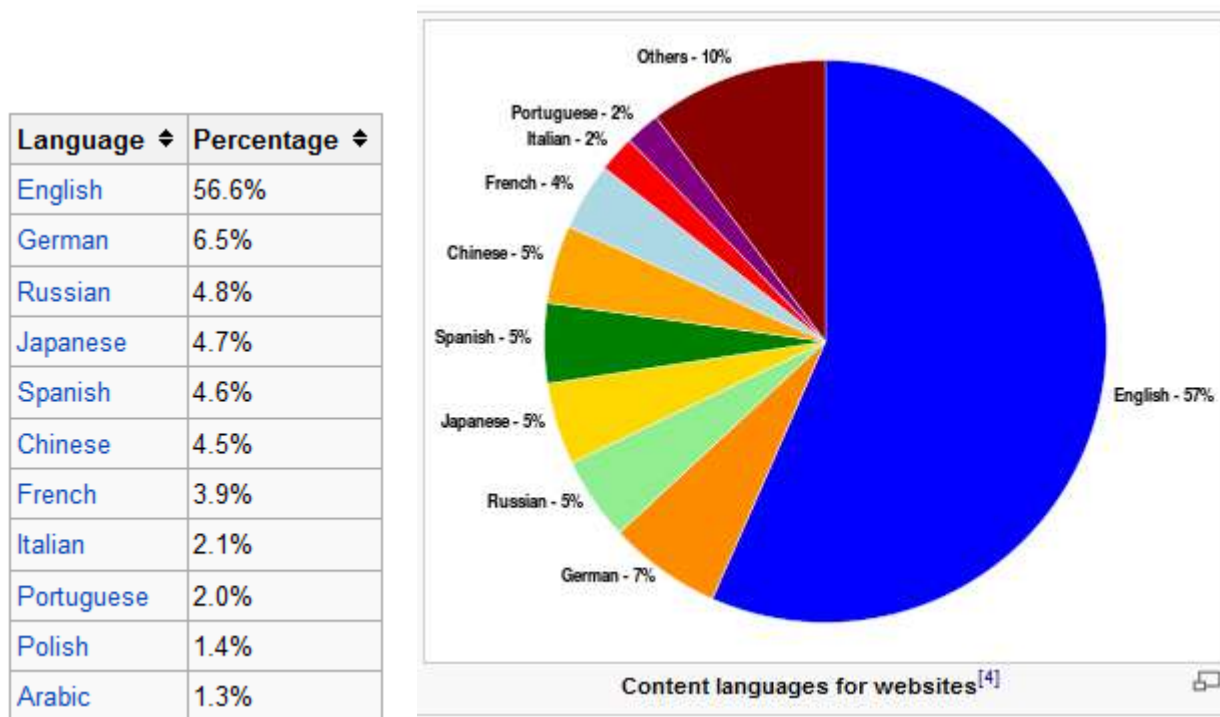
- Arabic 2,501%
- Russian 1,826%
- Chinese 1,479%
- Portuguese 990%
- Spanish 807%
- French 398%
- English 301%
- German 174%
- Japanese 110%

| Rank ▲ | Language ⇅ | Internet users ⇅ | ⇅ |
|--------|------------|------------------|-----|
| | Others | 350,557,000 | 17% |
| 1 | English | 565,004,000 | 27% |
| 2 | Chinese | 509,965,000 | 25% |
| 3 | Spanish | 164,969,000 | 8% |
| 4 | Japanese | 99,182,000 | 5% |
| 5 | Portuguese | 82,587,000 | 4% |
| 6 | German | 75,423,000 | 4% |
| 7 | Arabic | 65,365,000 | 3% |
| 8 | French | 59,779,000 | 3% |
| 9 | Russian | 59,700,000 | 3% |
| 10 | Korean | 39,440,000 | 2% |

The fastest Internet use growth represents the six official UN languages. This increase (acceleration of language use) on the Internet appears to support the continued the use of six official UN languages by ICANN.

Language content of the Internet:

Web sites using various content languages as of 30 December 2011:



(Source: "Usage of content languages for websites." W3Techs.com. Retrieved 30 December 2011.)

Member translation support:

The ideal translation should be accurate, reproducing as closely as possible the meaning of the source text using nuances of the target language appropriate to the source. The translation should express all aspects of the meaning in a way that is easily understandable in the target language. ICANN employs the use of regular language service providers that improves consistency and familiarity with ICANN terminology thus maximizes their ability to work quickly. A key tenant of Language Services process is the use of translation management system that allows language service providers to access previous published ICANN translations which improves quality and streamlines the translation process. It is a critical component of identifying updates in ICANN policies and procedures in language version of documents provided during the comment period.

The current Translation Management interface used by translation suppliers to maintain ICANN's large corpora of current translation memory is outside of the normal expertise of native speaking community members. Should the need arise, community members should work with Language Services to maintain the integrity of ICANN's translation repository otherwise these translations will be a one-time translation exercise. There is additional time and training cost associated with providing support to community members using ICANN's translation repository system.

ICANN recognizes that significant language expertise exists within the ICANN community and community members can play an important role in translations but it is unrealistic to expect them regularly to produce professional translations. At the same time, their subject matter expertise is an important part of any quality translation process. These include review of ICANN language glossary terminology and document review milestones by native language speaking domain experts.

In addition, the Language Services team will evaluate new crowd-sourcing technology that may permit community members to translate material not produced by ICANN, such as the comments of fellow community members efficiently. Documents translated in this process are non-authoritative and should contain a statement to that effect in final publication.

Other electronic tools exist to produce translations quickly and cheaply but these technologies are not yet advanced enough to produce consistently accurate, high quality translations. The Language Services team is regularly looking at these technologies should they become viable.

Summary:

Fiscal restraints prevent language support for all potential languages in use by ICANN members and sponsoring government organizations. Adoption of member provided translation support outside of the current contracted translation agencies presents a different set of challenges around translation management systems, translation turnaround time, uniform quality assurance and translation technology access to ICANN's translation repository.

Based on the language data offered here and a comparison of language support provided by other select international organizations (*See Appendix B: for a list of language support provided by other widely recognized international organizations*) the current language support policy seems to be a balanced mix of language coverage across the most prevalent Internet language users and also provides coverage for a maximum number of country entities. The current language support policy represents a majority of the all Internet users' first or second-language. The Language Services team believes the current language policy aligned with the six official United Nations languages is a consistent, balanced and defensible policy that can be understood by ICANN stakeholders. It is the best balance of language coverage and anticipated resources. Should global Internet language usage or language use growth change in the future the language support policy can be revisited to meet a changing constituency.

Appendix A: Brief history of official UN language support

When the Charter of the United Nations created its constituent document in 1945, the document did not expressly provide for official languages of the UN. The fact is that the Charter was enacted in five languages (Chinese, French, Russian, English and Spanish) and provided (in Article 111) that the five texts were equally authentic.

In 1946, the first session of the United Nations General Assembly adopted rules of procedure concerning languages that purported to apply to “all the organs of the United Nations, other than the International Court of Justice,” setting out five official languages and two working languages (English and French). The following year, the second session of the General Assembly adopted permanent rules of procedure, where the part of those rules relating to language closely followed the 1946 rules, except that the 1947 rules did not purport to apply to other UN organs, just the General Assembly. While all this was taking place, a proposal had been in the works to add Spanish as a third working language in addition to English and French. This was adopted in a resolution and passed on 11 December 1948. In 1968, Russian was added as a working language of the General Assembly so that of the GA’s five official languages, at this point four of them (all but Chinese) were working languages.

In 1973, the General Assembly made Chinese a working language and added Arabic as both an official language and working language of the GA. Thus, all six official languages were also working languages. Arabic was made an official and working language of “the General Assembly and its Main Committees,” the other five languages had status in all GA committees and subcommittees (not just the main committees). The Arab members of the UN had agreed to pay the costs of implementing the resolution, for three years.

In 1980, the General Assembly got rid of this final distinction, making Arabic an official and working language of all its committees and subcommittees, as of 1 January 1982. At the same time, the GA requested the Security Council to include Arabic as one of its official and working languages, and the Economic and Social Council to also include Arabic as one of its official languages, by 1 January 1983.

As of 1983, the Security Council (like the General Assembly) recognized six official and working languages: Arabic, Chinese, English, French, Russian and Spanish.

In the Economic and Social Council, as of 1992, there are six official languages (Arabic, Chinese, English, French, Russian and Spanish) of which three are working languages (English, French and Spanish). The United Nations Secretariat uses two working languages: English and French. All Secretaries-General have had a working knowledge of both languages.

Appendix B: Language support provided by international organizations

1. **International Criminal Court (ICC)**
Arabic, Chinese, English, French, Russian and Spanish (English and French are working languages)
2. **International Monetary Fund (IMF)**
English (Conferences also have simultaneous interpretation into Arabic, Chinese, French, Japanese, Russian and Spanish.)
3. **World Bank (WB)**
English (Conferences also have simultaneous interpretation into Arabic, Chinese, French, Russian and Spanish.)
4. **Universal Postal Union (UPU)**
French (official) and English (working). Other languages translated: Arabic, Chinese, German, Portuguese, Russian and Spanish.
5. **Inter-Parliamentary Union (IPU)**
French and English (Conferences also have simultaneous interpretation into Arabic and Spanish.)
6. **International Olympic Committee (IOC/CIO)**
French, English (at all Sessions, simultaneous interpretation must also be provided into German, Spanish, Arabic and Russian languages).

**2012-10-18-01c-Annex A to Board paper on Whois
Review Team Report 7 Sept 2012[1]**

TITLE: WHOIS Policy Review Team Final Report

Summary

This Annex provides background, summarizes the Report's findings, and addresses, for each of the 16 Recommendations: an initial assessment of whether it is feasible; key consultations needed; potential implementation paths/options that are being, or could be, explored (which may evolve as research continues, and as RAA negotiations advance); and the estimated time frame for development of draft implementation plans and resource estimates for the Board's consideration.

Background

The WHOIS Policy Review Team, constituted under ICANN's Affirmation of Commitments (AoC) agreement with the U.S. Department of Commerce, submitted its Final Report and Recommendations to the ICANN Board on 11 May 2012. This document was immediately posted in a public comment forum, which concluded on 11 July 2012. Some of the Recommendations were modified from the draft Report that the Team posted for public comment and the Board reviewed earlier this year, but the Team's key objectives remain unchanged. It is Staff's view that the Recommendations are within the scope of the Team's AoC mandate,¹ and that the Recommendations' general goals are consistent with ICANN's WHOIS strategy and activities. However, there are important differences in the detailed approaches of some Recommendations, and the limited authority of the Board and Staff may not be clear in the Report.

General background information on WHOIS is posted online. BoardVantage contains a status report on the RAA negotiations, and previous Board papers on the Draft and Final Team Reports.

¹ 9.3.1 ICANN additionally commits to enforcing its existing policy relating to WHOIS, subject to applicable laws. Such existing policy requires that ICANN implement measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information, including registrant, technical, billing, and administrative contact information. One year from the effective date of this document and then no less frequently than every three years thereafter, ICANN will organize a review of WHOIS policy and its implementation to assess the extent to which WHOIS policy is effective and its implementation meets the legitimate needs of law enforcement and promotes consumer trust. The review will be performed by volunteer community members and the review team will be constituted and published for public comment, and will include the following (or their designated nominees): the Chair of the GAC, the CEO of ICANN, representatives of the relevant Advisory Committees and Supporting Organizations, as well as experts, and representatives of the global law enforcement community, and global privacy experts. Composition of the review team will be agreed jointly by the Chair of the GAC (in consultation with GAC members) and the CEO of ICANN. Resulting recommendations of the reviews will be provided to the Board and posted for public comment. The Board will take action within six months of receipt of the recommendations.

WHOIS Review Team Report Findings (Summary with corresponding Recommendation noted)

- ICANN has failed to meet expectations on WHOIS in a variety of areas, including: advancing a WHOIS Protocol that is “fit for purpose”; addressing the internationalization of WHOIS Data; developing WHOIS policy; following-up on relevant research; and managing and reporting on compliance with contractual obligations and outreach to affected communities of users. (Recommendation 1)
- There is no clear, concise, well-communicated WHOIS Policy. (Recommendation 2)
- There is broad interest in WHOIS among groups that may not be aware of GNSO activities, and more could be done to raise awareness of the service (especially among consumers). (Recommendation 3)
- Compliance function has suffered from lack of resources, and has struggled to maintain organizational priority. (Recommendation 4)
- The low level of accurate WHOIS data is unacceptable, and decreases consumer trust in WHOIS, in the industry which ICANN provides rules for and coordinates, and therefore in ICANN itself; ICANN’s WHOIS priority should be to improve WHOIS data accuracy and sustain improvement over time; the WHOIS Data Reminder Policy (WDRP) is ineffective in achieving its goal of improving accuracy of data. (Recommendations 5-9 Data Accuracy)
- ICANN’s current lack of any clear and consistent rules with regard to privacy and proxy services has resulted in unpredictable outcomes for stakeholders (including law enforcement), and use of these services raises questions about whether ICANN is meeting its AoC commitments relating to ‘timely, unrestricted and public access’ to WHOIS data; with appropriate regulation and oversight, privacy and proxy services appear capable of addressing stakeholder needs. (Recommendation 10 Data Access – Privacy & Proxy Services)
- WHOIS services in general and Internic in particular are not optimized for usability, could do much more to promote consumer trust, and prevent the WHOIS from being more widely used and relied on by consumers. (Recommendation – 11 Data Access – Common Interface)
- Developments associated with the WHOIS protocol and registration data have not kept pace with the real world (IDNs), and the needs of global users are not being met. (Recommendations 12 – 14 Internationalized Domain Names)
- ICANN should provide a detailed and comprehensive implementation plan for the Report within 3 months. (Recommendation 15 Detailed & Comprehensive Plan)
- ICANN should provide at least annual written status reports on implementation of the Report. (Recommendation 16 Annual Status Reports)

WHOIS Review Team Report Recommendations

As requested by the Board, for each of the Team's 16 Recommendations Staff has provided:

- a. An initial assessment of whether it is feasible;
- b. Key consultations needed;
- c. Potential implementation paths/options that are being, or could be, explored (which may evolve as research continues); and
- d. The estimated time frame for development of draft implementation plans and resource estimates for the Board's consideration.

Recommendation 1 - Strategic Priority -- WHOIS, in all its aspects, should be a strategic priority for ICANN, should form the basis of staff incentivization (including CEO's), and published organizational objectives; Board should create a committee that includes the CEO to be responsible for advancing this strategic priority and key actions; issue regular (at least annual) public updates on progress against targets for all aspects of WHOIS.

- a. *Feasibility* – The Recommendation is feasible and a majority of it could be implemented. A range of activities involving WHOIS occur throughout ICANN and a Board Committee potentially could assist in overseeing these strategic efforts. The decision to create such a committee rests with the Board, while its membership would be the purview of the BGC. WHOIS improvements continue to be a strategic priority and receive increased resources, and plans are underway to further strengthen ICANN's Contractual Compliance program. The General Counsel currently is responsible for overseeing Compliance.
- b. *Consultations* – No specific consultations are needed; general ICANN community consultations should be encouraged.
- c. *Implementation* – Staff will assess the proposed budget and operating plan (including the Contractual Compliance program plan) for next year against the Team's Recommendations, and will provide more detailed input on potential implementation.
- d. *Planning time frame* – November 2012

Recommendation 2 - Single WHOIS Policy -- Board should oversee creation of a single WHOIS policy document, and reference it in agreements with Contracted Parties; clearly document the current gTLD WHOIS policy as set out in the gTLD Registry & Registrar contracts & Consensus Policies and Procedure.

- a. *Feasibility* – In general, the Recommendation -- which Staff understands to mean publicly documenting on a webpage current policies, procedures and contractual language relating to WHOIS -- is feasible and could be implemented. Staff is exploring what “reference it in agreements with Contracted Parties” would entail.
- b. *Consultations* – No specific consultations are needed, but Registrar discussions may be needed regarding adding a reference to the RAA.
- c. *Implementation* – Staff can execute the Recommendation as written.
- d. *Planning time frame* – Estimated time frame for development of draft implementation plans and resource estimates for Board consideration – Staff will implement expeditiously and a plan is not needed.

Recommendation 3 – Outreach -- ICANN should ensure that WHOIS policy issues are accompanied by cross-community outreach, including outreach to the communities outside of ICANN with a specific interest in the issues, and an ongoing program for consumer awareness.

- a. *Feasibility* – The Recommendation is feasible and could be implemented. This is consistent with Staff’s and GNSO’s outreach strategies. Staff is exploring options for promoting consumer awareness, including integration with existing plans, resource needs and steady-state requirements.
- b. *Consultations* – Community consultation and coordination would be beneficial. Input from organizations with consumer experience also would be useful, along with general public input.
- c. *Implementation* – Potential implementation paths/options that are being, or could be explored – Staff is reviewing new initiatives for Stakeholder outreach, the GNSO’s new PDP outreach procedures, and the Compliance Team’s outreach efforts, and will provide more detailed input on potential implementation.
- d. *Planning time frame* – November 2012

Recommendation 4 – Compliance -- ICANN should ensure that its compliance function is managed in accordance with best practice principles, including full transparency on resourcing and structure; provide annual reports; appoint a senior executive whose sole responsibility would be to oversee and manage ICANN’s compliance function (reporting to a Board Committee); provide all necessary resources to manage and scale compliance team’s activities.

- a. *Feasibility* – Elements of the Recommendation are feasible – e.g. best practices, transparency, reporting, resourcing and involvement of a senior executive. However, it is not feasible for an executive (other than the CEO and the Ombudsman) to report to the Board (or a Board Committee) without structural changes to the organization. Other elements of this Recommendation are consistent with the Compliance Team’s current plans. The Team has doubled in size since 2011 and is still growing; standardized processes and documentation are being finalized, and feasibility studies are underway to determine the technological tools for enhanced automation and enterprise solution. Staff is exploring the implications of appointing a senior executive to lead Compliance, which would be a significant change to the current Staff structure. Currently, ICANN’s Senior Director of Contractual Compliance heads the Compliance Team and reports to the General Counsel.
- b. *Consultations* – No specific consultations are needed; general ICANN community consultations should be encouraged.
- c. *Implementation* – As noted above, Staff is exploring the issues involved in appointing a senior executive with sole responsibility for compliance activities; structural changes would be required in order for another executive to report to the Board. For the annual report, Staff would establish a process and methodology to generate and publish this document. In addition, work has been underway to: implement enhancements to current systems and tools to align with the standard process; identify new tools to consolidate and manage compliance activities across all phases and ensure proper, timely updates and follow-up and follow-through (more details will be provided).
- d. *Planning time frame* – November 2012

Recommendations 5-9 - Data Accuracy

5. ICANN should ensure that the requirements for accurate WHOIS data are widely and pro-actively communicated, including to current and prospective Registrants, and should use all means available to progress WHOIS accuracy, including any internationalized WHOIS data, as an organizational objective.

- a. *Feasibility* – The Recommendation is feasible and a majority of it could be implemented. In terms of registrant education efforts, there are several educational resources available today and requirements in the current RAA. Staff is exploring options for reaching prospective registrants, who are unknown to ICANN and are a large global audience.
- b. *Consultations* – Input from At-Large, GNSO, GAC, and Registrar Stakeholder Group, in particular, would be especially useful.

c. *Implementation* – Staff will provide more detailed input on potential implementation. Options to consider include (but are not limited to): asking the Registrar Stakeholder Group to voluntarily comply with some aspects of this (e.g., notifying registrants of WHOIS accuracy requirements upon registration); and conducting a global awareness campaign.

d. *Planning time frame* – November 2012.

6. ICANN should take appropriate measures to reduce the number of WHOIS registrations that fall into the accuracy groups “Substantial Failure and Full Failure” (as defined by the NORC Data Accuracy Study, 2009/10) by 50% within 12 months and by 50% again over the following 12 months.

a. *Feasibility* – Staff is exploring the feasibility of this Recommendation. Currently, Staff does not have the authority to meet the specified targets. Potential changes require negotiations or a PDP. If policy or contract changes occur, and additional funding and resources are provided, additional measures could be implemented by ICANN to enhance and regularly measure the accuracy of WHOIS data.

b. *Consultations* – Input from the GNSO, and the Registrar Stakeholder Group in particular, would be useful, along with public input. Since there are several possible options to pursue (as suggested below), the Board could solicit further information from the GNSO Council and from staff on various aspects of these options before proceeding. For example, Option #1 below notes that the Board could initiate a PDP by requesting a GNSO Issue Report on how to improve accuracy. The Board could ask the Registrar/Staff RAA negotiating team for advice about timing and approach before taking such action. With regard to Option #2 below, Staff could further assess the cost of creating a more robust accuracy auditing “campaign” and how campaign results might be used to improve accuracy overall and inform further compliance and enforcement actions (e.g. by identifying persistent unresponsive actors). Lastly, NORC should be consulted about performing accuracy studies for ICANN.

c. *Implementation* – Staff is exploring a range of implementation options and several items below require further research:

1) GNSO new policy initiative – the GNSO community could explore policy changes to increase accuracy requirements applicable to contracted parties through a PDP.

2) Enhanced Compliance efforts based on current policy – ICANN can influence data accuracy levels through its WHOIS Compliance Program. The current program uses a reactive approach to focus on WHOIS data inaccuracies. Inaccuracies reported to ICANN, however, are disproportionately low when taking into account the NORC finding that only 23% of gTLD

domains are “fully accurate” and there are approximately 140 million gTLD domain names currently registered. With the allocation of additional resources and funding, ICANN potentially could engage in an ongoing, broader accuracy audit “campaign,” by proactively submitting WDPRS reports in cases where audits identify accuracy problems. A campaign of this nature could encourage registrars to address problem registrations more proactively and rigorously, and guide further enforcement and compliance efforts toward the most acute accuracy problems. Further, Compliance could conduct (or engage a consultant to conduct) a “registrant contactability” study/survey, and conduct an audit of “registrant contactability.” Partly as an outgrowth of further work NORC is doing with ICANN on the Registrant Identification Study, NORC has learned more about new effective ways to perform data sampling for accuracy, and they have been automating certain WHOIS review and analysis tools that may enable them to perform accuracy studies on larger sample sizes more economically in the future.

- 3) New RAA contractual obligations for all gTLDs - The currently ongoing RAA negotiations could include consideration of new accuracy requirements, such as some of the verification options that are currently being discussed with registrars (See discussion of estimated time considerations below).
- 4) New contractual obligations for the New gTLD Program - The New gTLD Program potentially could incorporate enhanced WHOIS accuracy requirements through contractual terms in the Registry-Registrar Agreements, or through Appendices used by ICANN to accredit registrars for new TLDs, or through a new form of RAA that applies to all New GTLDs.
- 5) New contract obligations for existing registries - The ICANN Board potentially could direct Staff to undertake negotiations with existing TLD registries to modify their existing agreement to include enhanced WHOIS obligations during the term of the Registry Agreement, or upon renewal. These obligations could flow down to registrars through the Registry-Registrar Agreements used by existing registries. While this might not result in immediate adoption of these requirements by all registries at the same time, it could produce gradual changes that may eventually apply to all registries at renewal.
- 6) Registrar Code of Conduct - ICANN potentially could create a Registrar Code of Conduct using the process identified in the RAA, which specifies that if a consensus of registrars support the Code of Conduct, all registrars would be obligated to abide by it.

d. *Planning time frame* – November 2012

- 1) For Option #1 – GNSO new policy initiative - GNSO policy development is conducted using a working-group model open to all, with several periods defined to seek comments from the public. Time estimates are dependent on commitment by community volunteers to reach consensus positions on issues that have been intractable for some time. This model is consensus based, and working groups typically take many months, even a year or more, to reach consensus recommendations for GNSO Council and Board consideration. Policy efforts can be initiated quickly if tasked by the Board, but thorough fact-finding and robust vetting of policy options is typically not an expeditious process.
- 2) For Option 2 – Enhanced Compliance efforts based on current policy - To implement an accuracy notification and compliance campaign and gather and analyze accuracy information as suggested, Staff likely would recommend a 6 month implementation period to consult as suggested with the GNSO Council, Staff and other experts (NORC) before finalizing an implementation plan.
- 3) For Option 3- New RAA contractual obligations for all gTLDs, Option 5 - New Contract obligations for existing registries, and Option 6- registrar Code of Conduct- The estimated time required to negotiate and implement these contract-based changes varies widely, and depends in large part on the willingness of the contracted parties to agree to the requested changes. ICANN could offer incentives for contract parties to adopt revisions quickly, or wait generally until renewal for implementation.
- 4) For Option - 4 - New contractual obligations for the New gTLD Program - This could be done relatively quickly, in time for the first new gTLD registries to be delegated.

7. ICANN shall produce and publish an accuracy report focused on measured reduction in WHOIS registrations that fall into the accuracy groups “Substantial Failure and Full Failure” on an annual basis.

- a. *Feasibility* – With the above provisos, this Recommendation is feasible and Staff will explore appropriate potential metrics and report methodologies.
- b. *Consultations* – Input from the GNSO, and the Registrar Stakeholder Group in particular, would be useful, along with public input.
- c. *Implementation* – This is related to implementation of Recommendation 6, above.
- d. *Planning time frame* – November 2012

8. ICANN should ensure that there is a clear, unambiguous and enforceable chain of contractual agreements with registries, registrars, and registrants to require the provision and maintenance of accurate WHOIS data; agreements should ensure that clear, enforceable and graduated sanctions apply to registries, registrars and registrants that do not comply with its WHOIS policies; sanctions should include de-registration &/or de-accreditation in cases of serious or serial non-compliance.

- a. *Feasibility* – Staff is exploring the feasibility of this Recommendation. This potentially could be accomplished through negotiations with Registrars or Registries, or via a GNSO PDP. The use of graduated penalties other than, for example, termination of accreditation or deletion of a registered domain, could be considered (e.g., a registrar could suspend a non-compliant registered domain in order to get the registrant’s attention before taking the more drastic step of deleting the name). This potentially could be accomplished through negotiations with registrars or registries, or via a GNSO PDP. As with other recommendations that might be implemented through GNSO policy development, while policy efforts can be initiated quickly if tasked by the Board, thorough fact-finding and robust vetting of policy options is typically not an expeditious process, and ICANN staff have only limited ability to accelerate consensus-building on this multi-faceted and complex set of recommendations, when volunteer resources are limited and when certain stakeholder groups may not be motivated to reach consensus on changes to the status quo.
- b. *Consultations* – Input from the GNSO, and the Registrar and Registry Stakeholder Groups in particular, would be useful, along with public input. As with the policy-related aspects of Recommendation 6, the Board could ask the Registrar and staff RAA negotiating team for advice before taking such action as described in the Feasibility Assessment above, and ask the GNSO Council when it might forecast completion of a PDP on this matter. Since this topic is one that is included in the Issue Report on the RAA already produced, the Board could expedite this PDP by instructing the GNSO Council to commence the PDP, which could result in recommendations being produced in less than 6 months. Similarly, the Registry Stakeholder Group could be consulted to determine if they would generally be supportive of an effort to implement this through changes to the applicable registry agreements.
- c. *Implementation* – This potentially could be accomplished through negotiations with registrars or registries, or via a GNSO PDP. Negotiating changes to the RAA or Registry Agreements may yield quicker results than launching a PDP, but arriving at a mutually acceptable mechanism that defines graduated sanctions will likely be difficult and take time. At the same time, changes to the RAA only take effect upon renewal of the agreement by the registrar (absent voluntary adoption through incentives or adoption of a Registrar Code of Conduct), while policy changes resulting from a PDP would be applicable to all at the same time.

- d. *Planning time frame* – November 2012. Implementation time frames are contingent upon progress made by a policy working group, if formed. The Board may assist by convening a limited group of experts to develop a policy suggestion to be sent to the GNSO Council for a narrowly tailored PDP, that could potentially conclude its work in a more expedited time frame.

9. Board should ensure that the Compliance Team develop metrics to track the impact of the annual WHOIS Data Reminder Policy (WDRP) notices to registrants; metrics should be used to develop and publish performance targets, to improve data accuracy over time; if this is unfeasible, Board should ensure that an alternative, effective policy is developed and implemented that achieves the objective of improving data quality, in a measurable way.

- a. *Feasibility* – Current limitations of the WDRP require that an alternative, effective policy be developed and implemented to achieve all of the stated objectives. Potentially, steps could be taken by ICANN to improve data accuracy and to regularize the metrics associated with assessing progress toward improved accuracy, and Registrar/Registry negotiations or a PDP are also options. As proposed in Recommendation #6 above, Staff is considering implementing proactive auditing of accuracy and pursuit of cases of likely inaccuracy using the WDPRS system and measuring improvements. Measuring could include NORC-like accuracy studies over time once proactive accuracy auditing is initiated to assist in measuring whether regular auditing (with appropriate consequences taken) stimulates a Registrar compliance environment that becomes more proactive and diligent over time. Other accuracy initiatives that may be planned could also be measured in a similar way.
- b. *Consultations* – Input from the GNSO, and the Registrar and Registry Stakeholder Groups in particular, would be useful, along with public input. See #6 above for more details.
- c. *Implementation* – See #6 above for more details.
- d. *Planning time frame* – To implement an accuracy notification and compliance campaign and gather and analyze accuracy information as suggested, Staff would recommend a 6 month implementation period to consult as suggested with the GNSO Council, staff and other experts (NORC) before finalizing an implementation plan. Systems enhancements are also underway to assist in Compliance and the funding and features of these enhancements should also be factored in to next steps.

Recommendation 10 - Data Access -- Privacy and Proxy Services -- ICANN should initiate processes to regulate and oversee privacy and proxy service providers; processes should be developed in consultation with all interested stakeholders and note relevant GNSO studies; a possible approach to achieving this would be to establish an accreditation system for all proxy/privacy service providers, and consider the merits (if

any) of establishing or maintaining a distinction between privacy and proxy services; goal is to provide clear, consistent and enforceable requirements for the operation of these services consistent with national laws, and to strike an appropriate balance between stakeholders with competing but legitimate interests -- including privacy, data protection, law enforcement, the industry around law enforcement and the human rights community. A list of objectives for regulation is provided for consideration, including: labeling WHOIS entries made by a privacy or proxy service; providing full WHOIS contact details for the privacy/proxy service provider; adopting agreed standardized relay and reveal processes and timeframes; Registrars should disclose their relationship with any proxy/privacy service provider; maintaining dedicated abuse points of contact for each provider; conducting periodic due diligence checks on customer contact information; maintaining the privacy and integrity of registrations in the event that major problems arise with a privacy/proxy provider; and providing clear and unambiguous guidance on the rights and responsibilities of registered name holders, and how those should be managed in the privacy/proxy environment.

- a. *Feasibility* – The Recommendation is feasible and Staff is pursuing it in the RAA negotiations. Staff agrees with the overarching objective and has proposed creating an accreditation program for privacy and proxy services and additional registrar requirements, which could provide a framework for implementing this. Implementation could be achieved via RAA negotiations or a PDP, or ICANN potentially could develop and implement a new program to accredit proxy and privacy providers, in consultation with the community, without initiating a PDP. It will be difficult to ensure that all privacy services are covered by the proposed system. Since ICANN does not have direct contracts with registrants, ICANN has limited ability to identify all privacy services in use. However, by including an obligation in the RAA that a registrar may not knowingly accept registrations from unaccredited privacy services, a substantial portion of the privacy registrations available today could be covered by the obligations described in the Recommendation.
- b. *Consultations* – Input from the GNSO, and the Registrar and Registry Stakeholder Groups in particular, would be useful, along with public input. A discussion is underway in the Registrar/ICANN Staff RAA negotiations. As noted in the RAA Negotiations Status documents posted by Staff, there appears to be agreement in principle that ICANN accreditation of proxy services can be adopted. Registrars agree that ICANN may establish a proxy and privacy accreditation system, and once implemented, registrars will only accept registrations through privacy or proxy services if those services are accredited. Consultations with the broader ICANN community should be conducted to establish the features of the Proxy Accreditation Program.
- c. *Implementation* – Implementation could be achieved via RAA negotiations or a PDP, or ICANN potentially could develop and implement a new program to accredit proxy and privacy providers, in

consultation with the community, without initiating a PDP. As indicated above, the consultations with the broader community should be commenced to identify the features of the Proxy Accreditation Program. For example, the Draft RAA posted with the RAA Negotiations Status documents suggest that the proxy accreditation program may require that: (i) proxy and privacy registration services may only be provided in respect of domain name registrations by individuals or entities accredited by ICANN pursuant to such Proxy Accreditation Program; (ii) Registrar will be prohibited from, and shall prohibit Resellers from, knowingly accepting or sponsoring registrations from any provider of proxy and privacy registration services that is not accredited by ICANN pursuant to the Proxy Accreditation Program; and (iii) the identity and contact information provided by the customer of any privacy or proxy registration service be revealed or relayed upon a finding, as determined in accordance with the Proxy Accreditation Program, that such customer is engaging in Illegal Activity, or is directly or indirectly using the Registered Name in a manner that infringes the legal rights of any third party.

Adoption of a Proxy Accreditation Program could be done through several mechanisms, including, through a Board directed-Staff initiative that includes extensive community consultation, a new GNSO policy initiative, and continuation of the RAA negotiation processes currently underway.

- d. *Planning time frame* – November 2012. Implementation of a Proxy Accreditation Program would require significant staff and budgetary resources to create the infrastructure necessary to support and create adequate compliance oversight to facilitate this new system. Significant planning would be required.

Recommendation 11 - Data Access – Common Interface -- It is recommended that the Internic Service is overhauled to provide enhanced usability for consumers, including the display of full registrant data for all gTLD domain names (whether those gTLDs operate thin or thick WHOIS services); operational improvements should include enhanced promotion of the service to increase user awareness.

- a. *Feasibility* – Staff is exploring the feasibility and analyzing the potential costs and benefits of this Recommendation. Implementation has technical, operational and budget implications.
- b. *Consultations* – Input from the GNSO, and the Registry Stakeholder Groups in particular, would be useful, along with public input.
- c. *Implementation* – A PDP would not be required for implementation. Staff is looking into the issues involved in enhancing the Internic Service.
- d. *Planning time frame* – November 2012

Recommendations 12-14 – Internationalized Domain Names

12. ICANN should task a working group within six months of publication of this report, to determine appropriate internationalized domain name registration data requirements and evaluate available solutions; at a minimum, the data requirements should apply to all new gTLDs, and the working group should consider ways to encourage consistency of approach across the gTLD and (on a voluntary basis) ccTLD space; working group should report within a year.

13. The final data model, including (any) requirements for the translation or transliteration of the registration data, should be incorporated in relevant Registrar & Registry agreements within 6 months of Board adoption of working group’s recommendations, or put explicit placeholders in the new gTLD program agreements, & in existing agreements when they come up for renewal.

- a. *Feasibility* – These Recommendations are feasible and could be implemented as detailed below. Translation and transliteration has broader policy implications that could be addressed through a GNSO PDP or through a targeted group of experts convened to analyze this specific issue. The final data model also could either be addressed via a PDP (for uniform application on all parties) or via direct contract negotiations with registrars or registries, or could be incorporated at the time of renewal of these agreements (over time). Preliminary Staff assessment has identified the following tasks associated with these Recommendations:
- 1) Task a working group to determine the appropriate internationalized domain name registration data requirements;
 - 2) Produce a data model that includes (any) requirements for the translation or transliteration of the registration data;
 - 3) Incorporate the data model in the relevant Registrar and Registry agreements within 6 months of adoption of the working group’s recommendations by the ICANN Board or put explicit placeholders in place for gTLD program agreement, and existing agreements; and
 - 4) Evaluate available solutions (including solutions being implemented by ccTLDs).

For Task I, in 2009, the Board tasked SSAC and GNSO to study the feasibility and suitability of introducing display specifications to address internationalized registration data. The joint group (IRD-WG) considered the appropriate requirements for internationalized registration data (e.g. what data element should be

internationalized, what are the relevant standards for each element). This effort, whose result will directly answer sub task I, is near completion.

For Task II, various other ICANN community reports called for data model work as well. For example, one of IRD-WG's final recommendations is tasking staff to create a data model. The Security and Stability Advisory Committee (SSAC) will soon publish a report (SAC 054: SSAC Report on Domain Name Registration Data Model) that contains a straw man data model for community consideration. In order to avoid duplicate work, it is recommended that all these related activities be considered together. One of the challenges in the data model is to determine translation and transliteration requirement, in the IRD-WG's final report, a PDP is recommended to address this.

For Task III, the data model can be incorporated into contracts either through direct contract negotiations with Registries and/or Registrars, as appropriate for the immediate implementation of the data models, or as a condition of renewal of these agreements, which could result in implementation over time. The GNSO Council also could commence a PDP, in which case the resulting "consensus policy" would be binding on all gTLD registries/registrars immediately, assuming that the applicable PDP working group could reach consensus on recommendations implementing the new data model.

For Task IV, the IRD-WG examined solutions used to by gTLD and ccTLD registries support internationalized registration data. It found that the WHOIS protocol has no mechanism for indicating the character set in use. This inability to predict or express text encoding has adversely impacted the interoperability (and, therefore, usefulness) of the WHOIS protocol. In absence of protocol solutions, different registries designed different ad hoc solutions that are not consistent with each other, that would not scale and would have interoperability problems. This finding is also supported by the ICANN Staff paper on this issue.

- b. *Consultations* – In particular, input from the GNSO, ccNSO, and the GAC would be useful, along with public input.
- c. *Implementation* – Translation and transliteration has broader policy implications that could be addressed through a GNSO PDP or through a targeted group of experts convened to analyze this specific issue. The final data model also could either be addressed via a PDP (for uniform application on all parties) or via direct contract negotiations with registrars or registries, or could be incorporated at the time of renewal of these agreements (over time).

Task I, II: As the WHOIS-RT report suggested, a working group can be tasked to 1) determine the appropriate requirements for internationalized registration data, and 2) produce a data model based on those requirements. The working group should use the IRD-WG final report as well as the SSAC

advisory on Domain Name Registration Data Model as a starting point of discussion. Since this is fairly a technical matter, recommend both technical and policy members to join this working group.

Task II: One of the key issues regarding internationalized data is to whether allow translation and transliteration, and if so, who is responsible to do so? Although the WHOIS-RT wishes to address this issue in the working group (as described above for Task I and II), this issue has broader policy implications that could be addressed through a GNSO PDP or through a targeted group of experts convened to analyze this specific issue.

Task III: This could either be addressed via a PDP or via direct contract negotiations with either the registrars or registries, or to be incorporated at the time of renewal of these agreements. A PDP may be preferable as the result will be uniform on all parties at the same time, assuming that the PDP working group is able to produce recommendations supported by a consensus of its members.

Task IV: Staff could survey gTLD and ccTLD registries and registrars on how they support internationalized data. However, this exercise is not likely to yield new information from what is known through the IRD-WG report and Staff report on this issue. So this item may not be needed.

d. *Planning time frame* – November 2012.

14. Metrics should be developed to maintain and measure the accuracy of the internationalized registration data and corresponding data in ASCII, with clearly defined compliance methods and targets.

a. *Feasibility* – This Recommendation is feasible. According to RFC 6365, many script transliterations are exact. There are also official and unofficial transliteration standards, most notably those from ISO TC 46 and the U.S. Library of Congress. However, for a given script, there may exist multiple systems for transliteration into Latin. In the case of Chinese, these systems are not only quite different from each other, but most of them use particular Latin characters to represent phonemes that are quite different from the most common phoneme character pairings in European languages. Thus in order to minimize confusion, if transliteration were to be offered, the standard must be determined in advance and metrics should be developed. Translations on the other hand is very inexact, thus metrics must be developed in advance to make sure the corresponding ASCII (or rather English) translation of the internationalized data is accurate enough.

- b. *Consultations* – This is a highly technical issue, thus computational linguistics should be consulted. In addition, many software vendors (e.g. Google) have to translate and transliterate addresses (e.g. Google maps). Thus, to the extent possible, they should be consulted.
- c. *Implementation* – Staff should engage experts to develop a proposal, and then registries and registrars should vet the proposal.
- d. *Planning time frame* – November 2012.

Recommendation 15: Detailed and Comprehensive Plan -- ICANN should provide a detailed and comprehensive plan within 3 months after the submission of the Final WHOIS Review Team report that outlines how ICANN will move forward in implementing these recommendations.

- a. *Feasibility* – While a detailed, comprehensive plan is feasible, issuing one by 11 August would have pre-empted critical community input and discussion. The Recommendation can be implemented by November (or earlier, depending on the outcome of RAA negotiations, and completion of necessary consultations).
- b. *Consultations* – No specific consultations are needed; general ICANN community consultations should be encouraged.
- c. *Implementation* – Staff is working on potential implementation plans.
- d. *Planning time frame* – November 2012

Recommendation 16: Annual Status Reports -- ICANN should provide at least annual written status reports on its progress towards implementing the recommendations of this WHOIS Review Team. The first of these reports should be published one year, at the latest, after ICANN publishes the implementation plan mentioned in recommendation 15, above.

- a. *Feasibility* – The Recommendation is feasible and can be implemented (for Recommendations adopted by the Board).
- b. *Consultations* – No specific consultations are needed; general ICANN community consultations should be encouraged.
- c. *Implementation* – Staff is working on a potential implementation plan.
- d. *Planning time frame* – November 2012

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|---------------|--|------------------------|-------------------------|
| Submitted by: | Denise Michel -- in coordination with General Counsel, COO, Compliance, Stakeholder Services, Policy, Registrar Liaison. | Date Noted: | 7 September 2012 |
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**2012-10-18-01c-Annex B to Board paper on Whois
Review Team Report 7 Sept 2012**

TITLE: WHOIS: Blind Men And An Elephant [SSAC Comment on WHOIS Policy Review Team Final Report]

Summary of the SSAC Comments

The SSAC supported with comments all of the WHOIS Policy Review Team Recommendations *but proposed a priority item to be addressed before implementing WHOIS RT recommendations.*

The SSAC believes that the problem of “WHOIS” is analogous to the tale about the Blind Men and the Elephant. As the story goes, a group of blind men (or men in the dark) touch an elephant to learn what it is like. Each one feels a different part, but only one part, such as the side or the tusk. They then compare notes, only to learn that they are in complete disagreement. Each believes their experience fully defines the problem, and holds other explanations wrong. Eventually, either they listen and collaborate to “see” the full elephant, or remain adamant in their perspective, dooming the ability to arrive at a common understanding.

The SSAC believes that the foundational problem facing all “WHOIS” discussions is understanding the purpose of domain name registration data. The lack of progress in the “WHOIS” debate is not surprising, given this fundamental disconnect on what problem is being solved.

The answers to common questions about the “WHOIS” should be derived from a clear statement of the problem to be solved. To the extent that the answers are different among various use cases, solutions will likely be different. To the extent that the solutions are different, a single universal “WHOIS” policy, as defined in the Review Team’s report, is unlikely to be effective or even achievable.

The SSAC believes that there is a critical need for a policy defining the purpose of collecting and maintaining registration data. This policy should address the operational concerns of the parties who collect, maintain or use this data as it relates to ICANN’s remit. The policy should address at least the following questions:

- Why are data collected?
- What purpose will the data serve?
- Who collects the data?
- Where is the data stored and how long is it stored?
- Where is the data escrowed and how long is it escrowed?
- Who needs the data and why?
- Who needs access to logs of access to the data and why?

The SSAC believes that a single consensus policy answering at least *the questions listed above* is achievable and the essential first step toward any “solution” to “the WHOIS problem.” It is within ICANN’s remit to work collaboratively with the community to retroactively establish this policy.

The SSAC believes that the formation of a properly authorized committee to drive solutions to these questions first, and to then derive a universal policy from the answers, is the appropriate sequence of steps to address the WHOIS Review Team’s report.

The SSAC Recommendation to the Board is therefore succinct:

1. The Board should pass a resolution clearly stating that the criticality of the development of a registration data policy defining the purpose of domain name registration data, and
2. The Board should direct the CEO to create a registration data policy committee that includes the highest levels of executive engagement to develop a registration data policy that defines the purpose of domain name registration data, as described elsewhere in this document; and
3. The Board should explicitly defer any other activity (within ICANN’s remit) directed at finding a “solution” to “the WHOIS problem” until the registration data policy identified in (1) and (2) has been developed and accepted by the community.

Finally, the SSAC supported with comments other Whois RT recommendations and placed them into three categories: High priority, Medium priority, and Low priority.

| Review Team Recommendation | SSAC Priority | SSAC Recommendation(s) on implementation options |
|-----------------------------------|----------------------|--|
| 1: Strategic Priority | High | ICANN CEO to create a domain name policy committee that includes the highest level of executive management. |
| 2: Single WHOIS Policy | High | The Board to clearly state that the development of a uniform policy is a critical priority. |
| 3: Outreach | Low | |
| 4: Compliance | High | The domain name policy committee should develop clear targets for compliance with respect to registration data accuracy; performance provisions such as SLA must be considered as part of the compliance function. |

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| 5-9: Data Accuracy | Medium | An accuracy policy should define each data element and require that it be examined and indicate for each element a method for determining the level of accuracy of the data. |
| 10: Data Access: Privacy & Proxy Services | Medium | No specific recommendation not already covered elsewhere. |
| 11: Data Access: Common Interface | Low | |
| 12-13: Internationalized Domain Names | Medium | Internationalization MUST be supported by default, not called out separately. The focus should be on Recommendation 2 from the IRD-WG final report: |
| 14: Internationalized Domain Names | Low | Policies with respect to the accuracy of registration data should apply equally to all registration data without regard to whether it is internationalized or ASCII registration data. |
| 15: Detailed and Comprehensive Plan | Low | |
| 16: Annual Status Reports | Low | |

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2012-10-18-Annex-SSR RT-StaffAssessment

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

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

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

BACKGROUND:

The SSR RT’s Final Report is available online.

| SSR Review Team Recommendations Summary | Feasibility, Initial Implementation Plan |
|---|---|
| High Level – SSR role & remit, strategy, transparency | |
| <p>1: ICANN should publish a single, clear and consistent statement of its SSR remit and limited technical mission. ICANN should elicit and gain public feedback in order to reach a consensus-based statement.</p> | <p>Staff developed a draft statement and posted it for public comment between May-Sept 2012. Expert session is to be conducted on 15 October 2012 to further discuss ICANN’s role and remit in SSR with the community. Updated draft statement to be socialized with the community.</p> <p>Anticipated Costs – No additional costs. Staff time to engage with community on role and remit statement.</p> <p>Driver - Implementation led by Security team.</p> |
| <p>7: ICANN should build on its current SSR Framework by establishing a clear set of objectives and prioritizing its initiatives and activities in accordance with these objectives. This process should be informed by a pragmatic cost-benefit and risk analysis.</p> | <p>This will be incorporated into the next development of ICANN’s Strategic Plan and Operational Plan and Budget. Security team will introduce Dashboard to track SSR Framework progress.</p> <p>Anticipated Costs – No additional costs. Staff time to agree on objectives and prioritization of SSR initiatives and activities in support of objectives.</p> <p>Timeframe - January 2013</p> <p>Driver - Security team with Executive team</p> |
| <p>8: ICANN should continue to refine its Strategic Plan objectives, particularly the goal of maintaining and driving DNS availability. The Strategic Plan and SSR Framework should reflect consistent priorities and objectives to ensure clear alignment.</p> | <p>Implementation is connected to the next Strategic Plan. The Security team is engaging with the Executive team to ensure ICANN’s Strategic Plan objectives related to SSR are refined.</p> <p>Anticipated Costs – No additional costs. Staff time to agree on alignment of SSR priorities in</p> |

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| | <p>Strategic Plan and next SSR Framework Timeframe - January 2013 into publication of next Strategic Plan and SSR Framework.</p> <p>Driver – Security team with Executive team</p> |
| <p>17: ICANN should establish a more structured internal process for showing how activities and initiatives relate to specific strategic goals, objectives and priorities in the SSR Framework. It also should establish metrics and milestones for implementation.</p> | <p>Implementation is related to delivery of the FY 14 SSR Framework, and the related dashboard.</p> <p>Anticipated Costs – No additional costs. Staff time to agree on structured internal process for mapping goals, objectives, priorities to SSR Framework.</p> <p>Timeframe - FY 14 Framework to be developed along side next Strategic and Operating Plan. Socialize concept with SSAC and community groups in January, February 2013, publish FY 14 SSR Framework by April 2013.</p> <p>Driver – Security team with Executive team</p> |
| <p>20: ICANN should increase the transparency of information about organization and budget related to implementing the SSR Framework and performing SSR-related functions. Information should be provided with enough clarity that the Community can track ICANN’s execution of its SSR responsibilities, while not impeding ICANN’s ability to operate effectively.</p> | <p>Implementation is connected to Staff’s development of an improved dashboard with improved budget tracking.</p> <p>Anticipated Costs – No additional costs. Staff time for Security to work with Finance and Executive team to provide increased transparency on Security-related budget.</p> <p>Timeframe – To be fully implemented with the FY 14 Budget and Operating Plan and FY 14 SSR Framework</p> <p>Driver – Security with Finance and input from other departments with projects related to Security</p> |
| <p>21: ICANN should establish a more structured internal process for showing how organization and budget decisions relate to the SSR Framework, including the underlying cost-benefit analysis.</p> | <p>Implementation targeted for FY 14 Budget development.</p> <p>Anticipated Costs – No additional costs. Staff time to provide further information showing cost-benefit analysis as part of decision making.</p> <p>Driver – Security with Finance and Executive team</p> |
| <p>24: ICANN must clearly define the charter, roles and responsibilities of the Chief Security Office Team.</p> | <p>Implementation carried out via the FY 13 SSR Framework; Security Team webpage will be updated by Toronto. (Updated Security team page posted this week on 5 October 2012)</p> <p>Anticipated Costs – None.</p> |

Terminology & Relationships

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| <p>3: Once ICANN issues a consensus-based statement of its SSR remit and limited technical mission, ICANN should utilize consistent terminology and descriptions of this statement in all materials.</p> | <p>Staff will publicize and conduct outreach after consensus on role and remit statement. Security team will need to socialize Executive team and staff on consistent terminology and conduct a community webinar to reach broadly.</p> <p>Anticipated Costs – Translation costs associated with updating ICANN publications and websites to reflect consistent terminology. Staff time to review ICANN publications to ensure consistent terminology are used. Minimal costs expected.</p> <p>Timeframe - Security team is developing materials for each of the Regional VPs/Governmental and Public Stakeholder teams on SSR activities by region. Materials to be provided in November/December 2012.</p> |
| <p>4: ICANN should document and clearly define the nature of the SSR relationships it has within the ICANN Community in order to provide a single focal point for understanding the interdependencies between organizations.</p> | <p>Based on public comments on the draft role and remit statement, implementation of Rec 4 will involve broad outreach within the community, collaboration with ICANN SO/AC/stakeholder groups and partners.</p> <p>Anticipated Costs – No additional costs. Staff time to document relationships. Possible translation costs with conducting public comment on SSR relationship documentation once developed. Conference call and webinar costs to socialize documentation of relationships.</p> <p>Timeframe - Security team will continue working with community to document relationships between Toronto and Beijing.</p> <p>Driver – Security team</p> |
| <p>5: ICANN should use the definition of its SSR relationships to maintain effective working arrangements and to demonstrate how these relationships are utilized to achieve each SSR goal.</p> | <p>Anticipated Costs – Staff time to socialize understanding and use of SSR relationships. Costs incurred will relate to travel and engagement directly with partners and community on SSR.</p> <p>Timeframe - Implementation is closely related to documentation of relationships in Rec 4, and also with the improved ICANN organizational structure being developed by the CEO.</p> <p>Driver – Security team and other departments with direct stakeholder and community engagement.</p> |
| <p>6: ICANN should publish a document clearly</p> | <p>Staff will coordinate with SSAC and RSSAC on this</p> |

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| <p>outlining the roles and responsibilities for both the SSAC and RSSAC in order to clearly delineate the activities of the two groups. ICANN should seek consensus for this across both groups, recognizing the history and circumstances of the formation of each. ICANN should consider appropriate resourcing for both groups, consistent with the demands placed upon them.</p> | <p>Rec.; RSSAC restructuring is underway and new charter is under development.</p> <p>Staff notes that this recommendation will involve community-staff collaboration for implementation.</p> <p>Anticipated costs – No additional costs. Staff time to work with community on developing document outlining roles and responsibilities.</p> <p>Driver – Security with Policy staff</p> |
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| Monitoring, Outreach, Engagement | |
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| <p>2: ICANN’s definition and implementation of its SSR remit and limited technical mission should be reviewed in order to maintain consensus and elicit feedback from the Community. The process should be repeated on a regular basis, perhaps in conjunction with the cycle of future SSR reviews.</p> | <p>The updated role and remit statement will be reviewed with the next SSR RT in 2015.</p> <p>Anticipated Costs – None.</p> |
| <p>14: ICANN should ensure that its SSR-related outreach activities continuously evolve to remain relevant, timely and appropriate. Feedback from the Community should provide a mechanism to review and increase this relevance.</p> | <p>Outreach activities have been expanded and will be reviewed annually. The Security team will provide both a service function to Public and Government Stakeholder Relations as subject matter experts, and a community function in outreach and engagement in SSR matters.</p> <p>Anticipated costs – Continued support of DNS Capability training and DNSSEC training with community, law enforcement training and engagement; travel costs associated with DNS Capability. In FY 13, DNS Capability training and DNSSEC training was budgeted at \$360k, not including travel costs for Security team members.</p> <p>Driver – Security team</p> |
| <p>16: ICANN should continue its outreach efforts to expand Community participation and input into the SSR Framework development process. ICANN also should establish a process for obtaining more systematic input from other ecosystem participants.</p> | <p>Outreach activities and processes have been expanded and will be reviewed annually.</p> <p>Anticipated costs – as with Recommendation 14, costs associated with implementation are expected to be a continuation of support for Security team engagement activities (travel costs for speaking at conferences, community engagement in SSR-related technical protocol and policy development, stakeholder relations, socialization of FY 14 SSR Framework). Projected \$350k in FY 14.</p> <p>ICANN may want to devote resources to engaging with the browser and application platform community (predominant browser developers, Internet applications that rely on a secure and stable DNS, encouraging DNSSEC adoption by these</p> |

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| | entities) |
| 18: ICANN should conduct an annual operational review of its progress in implementing the SSR Framework and include this assessment as a component of the following year's SSR Framework. | Rec. was implemented as part of the FY 13 SSR Framework and will be repeated annually. Anticipated Costs – None. Implemented. |
| 19: ICANN should establish a process that allows the Community to track the implementation of the SSR Framework. Information should be provided with enough clarity that the Community can track ICANN's execution of its SSR responsibilities, while not harming ICANN's ability to operate effectively. The dashboard process being used to track implementation of the ATRT recommendations serves as a good model. | Anticipated Costs – None beyond staff time to improve dashboard and reporting on SSR Framework. Timeframe - Updated dashboard and measures for tracking implementation of the SSR Framework will be implemented prior to ICANN Beijing meeting. |

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| Operations | |
| 9: ICANN should assess certification options with commonly accepted international standards (e.g. ITIL, ISO and SAS-70) for its operational responsibilities. ICANN should publish a clear roadmap towards certification. | Staff is exploring the full implications of this Recommendation. Anticipated costs – If it is determined that ICANN will become certified under an accepted international standard, there will be costs for improving certain operations. In FY 13, this was budgeted at \$105k for professional services to develop a roadmap for certification and to develop improved IT/Information Security processes that can be certified. There is also a cost for conducting an audit to become certified (such as the SysTrust audit for DNS KSK operations). Security has contributed funds in FY 13 for IT and IANA functions auditing for SysTrust certification. The Security team projects that an assessment and auditing on IANA, DNSSEC, DNS Operations, IT functions for FY 14 to be in the range of \$125-200k. Driver – Security with IT, DNS Ops and IANA staff |
| 10: ICANN should continue its efforts to step up contract compliance enforcement and provide adequate resources for this function. ICANN also should develop and implement a more structured process for monitoring compliance issues and investigations. | This Rec. is being addressed by the Compliance Staff and through implementation planning for the WHOIS Review Team Report. Anticipated Costs – Costs associated with providing adequate resources to the Compliance team in FY 14, possible new FTE(s) for conducting monitoring and investigations. Driver – Compliance team |
| 11: ICANN should finalize and implement measures of success for new gTLDs and IDN fast track that expressly relate to its SSR-related program objectives, including measurements for the effectiveness of mechanisms to mitigate domain name abuse. | Staff is exploring the full implications of this Recommendation. Security team expects this will involve community-staff collaboration for full implementation. Anticipated Costs – Staff time and resources to |

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| | <p>develop measurements and monitoring tools. In FY 13, \$60k was put into the Security team budget for root zone monitoring tool development. Travel costs associated with engaging with key stakeholders in identification and development of measurements of mechanisms to mitigate domain name abuse.</p> <p>Driver - Security to work with new gTLD and IDN teams, and staff notes that this recommendation is related to the next AoC Review on Competition and Consumer Choice.</p> |
| <p>22: ICANN should publish, monitor and update documentation on the organization and budget resources needed to manage SSR issues in conjunction with introduction of new gTLDs.</p> | <p>Implementation is connected to budget development for FY 14 but also regular tracking of progress on nTLD implementation.</p> <p>Anticipated costs – Costs may be expected from implementing operational readiness from expansion of new gTLDs, however, this is related to Rec 21, where we previously noted there were no additional costs anticipated for monitoring and updating documentation on the organization’s SSR resources.</p> |
| <p>23: ICANN must provide appropriate resources for SSR-related Working Groups and Advisory Committees, consistent with the demands placed upon them. ICANN also must ensure decisions reached by Working Groups and Advisory Committees are reached in an objective manner that is free from external or internal pressure.</p> | <p>Staff support has been assigned to RSSAC and additional support for other groups is being addressed in the FY 14 Budget and Operating Plan.</p> <p>Anticipated costs – staff costs associated with SSAC/RSSAC; costs for an SSAC and RSSAC intercessional meeting (or meetings at IETF). Confidential Business Information</p> <p>Driver – Security with Policy staff</p> |

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| <p>Best Practices</p> | |
| <p>12: ICANN should work with the Community to identify SSR-related best practices and support the implementation of such practices through contracts, agreements and MOUs and other mechanisms.</p> | <p>Staff is exploring the full implications of this Recommendation. Consultations to be conducted with community groups between Toronto and Beijing.</p> <p>The range of implementation options goes from publishing of SSR best practices on the Security team page to working with other ICANN departments to ensure best practices are referenced in new contracts, MOUs or other mechanisms. An example may be ICANN’s work with the Commonwealth Cybercrime Initiative, Caribbean Telecommunications Union and other community groups to encourage adoption of DNSSEC.</p> <p>Anticipated Costs – None other than conference calls, engagement travel and staff time.</p> |

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| | Driver – Security team with Policy staff |
| 13: ICANN should encourage all Supporting Organizations to develop and publish SSR-related best practices for their members. [Note comment from RySG that this should be changed to “encourage all Stakeholder Groups to develop and publish SSR-related best practices for their members.”] | Staff is exploring the full implications of this Recommendation. This is related to Rec. 12. Anticipated Costs – None. Driver – Security team with Policy staff |

Risk Management and Threat Mitigation

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| 15: ICANN should act as facilitator in the responsible disclosure and dissemination of DNS security threats and mitigation techniques. | Staff is exploring the full implications of this Recommendation; several activities are underway that support this objective. Anticipated Costs – None other than staff time for engaging with partners and operational security community and law enforcement. There may be travel costs associated but this does not duplicate travel costs projected in Rec 16. Driver – Security team |
| 28: ICANN should continue to actively engage in threat detection and mitigation, and participate in efforts to distribute threat and incident information. | Staff is exploring the full implications of this Recommendation; ICANN currently participates in several other entities’ activities that support this objective. Anticipated Costs - In FY 13, Security team budgeted \$64k for DNS threat and incident collection, monitoring. We would project utilizing similar threat detection and monitoring resources in FY 14, as DNS threats are not expected to diminish. Projecting \$75-100k in FY 14 for outside expertise in threat monitoring. |
| 25: ICANN should put in place mechanisms for identifying both near and longer-term risks and strategic factors in its Risk Management Framework. This process should be informed by insights from research, business partnerships, ICANN Supporting Organizations and other sources. ICANN should publish information about risks, recognizing the sensitive nature of some of these factors. | RFP for consultant was posted; consultant was selected and will be present at ICANN Toronto; timing aims for delivery of DNS Risk Management Framework by Beijing ICANN meeting and implementation will occur after that; completing a risk management cycle may take this into FY 14. Anticipated Costs – Based on responses to the RFP for a DNS Risk Management consultant, we expect costs for a full risk management cycle and assessment over the end of FY 13 and into FY 14 to be in the range of \$200-250k. Driver – Security team |
| 26: ICANN should prioritize the timely completion of a Risk-Management Framework. This work should follow high standards of participation and | Completion timing is dependent on work plan and delivery of DNS Risk Management Framework by consultant. Work plan calls for delivery for ICANN |

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| transparency. | <p>Beijing in April 2013, depending on the work of the consultant; public comment processes and community feedback</p> <p>Anticipated costs – See Rec 26</p> <p>Driver – Security team</p> |
| 27: ICANN’s Risk-Management Framework should be comprehensive within the scope of its SSR remit and limited missions. | <p>This is a subset of Rec 26.</p> <p>Anticipated costs – See Rec 26.</p> |

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