

# **2011-04-21-01-Annex-Practice-for-Board-Leadership- Slate**

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## BOARD GOVERNANCE COMMITTEE PRACTICE FOR BOARD ENGAGEMENT IN DEVELOPING SLATE FOR BOARD LEADERSHIP

1. Pursuant to the Board Committee and Leadership Selection Procedures, which was approved on 26 June 2009, the Board Governance Committee (BGC) is responsible for selecting a slate of board leadership (chair, vice chair, committee chairs and committee membership). As part of the responsibility the BGC has established this practice, if the BGC chooses to utilize it, to gain Board participation in the selection of Chair and Vice Chair positions within that slate.
2. Nominations for Chair and Vice Chair to be closed at the beginning of the Board workshop or retreat at which the BGC is developing the final slate that it will recommend to the Board for filling a vacant Chair or Vice Chair of the Board position,
3. Chair and then Vice Chair positions will be addressed, in that order. Candidates for the Chair position will be asked to leave and each will be individually invited back to make presentations to remaining Board members and new Board members.
4. All members of the next Board (who will be sitting at the Annual Organizational Meeting – second Board Meeting on Friday with new Board seated), will participate in a written straw poll by secret ballot. The ballots will be collected, counted and reported by the Secretary.
  - a) If there are just two candidates – the candidate receiving a “Majority” of all voting Board seats (minimum of eight affirmative votes from 15 voting members), is to be slated as Chair on BGC recommendation to the Board.
  - b) If there are more than two candidates, unless one candidate receives more than a Majority in the first vote, the candidate receiving the lowest number of votes will be eliminated and the vote will be taken again until a single candidate has received a Majority of the votes.
  - c) If the straw polling is unable to result in a Majority candidate then the candidate with the most votes will be considered for slating by the BGC at a separate BGC meeting or, at the BGC’s discretion, a new practice for identifying the candidate will be evaluated.
5. Repeat steps 3 and 4 for Vice Chair.
6. BGC shall convene a committee meeting to formalize a vote on the slate, and that slate shall be formally recommended by the BGC to the Board at the Annual Organizational Meeting for the Board to approve or disapprove during that meeting.

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7. In the case of a disputed ballot, the Secretary will hold an oral poll of the individual Board members.

# **2011-04-21-02-Annex-to-Board-Submission-Revised- Code-of-Conduct**

**ANNEX TO ICANN BOARD SUBMISSION NO. 2011-04-21-xx**

**TITLE: Revised Code of Conduct**

The Revised Code of Conduct, in redline form to document changes from the original version, is attached as Attachment A.

The Code of Conduct Guidelines is attached as Attachment B.

Submitted by:	John Jeffrey
Position:	General Counsel and Secretary
Date Noted:	12 April 2011
Email and Phone Number	john.jeffrey@icann.org Confidential

# **2011-04-21-02-Annex-CodeofConduct - Attachment-A- Revised-Codeof-Conduct**

## **BOARD OF DIRECTORS' CODE OF CONDUCT**

### **INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS**

The Board of Directors (the "Board") of the Internet Corporation for Assigned Names and Numbers ("ICANN") has adopted the following Code of Conduct ("Code") for its Board members. This Code is intended to focus Board members on areas of ethical risk, provide guidance to help them recognize and deal with ethical issues, provide mechanisms to report unethical conduct, foster a culture of honesty and accountability, deter wrongdoing and promote fair and accurate disclosure and financial reporting. The Code is not intended to override any applicable laws or any obligations pursuant to ICANN Bylaws.

No code can anticipate every situation that may arise. Accordingly, this Code is intended to serve as a source of guiding principles and not absolute directives. Generally, however, the goal is to ensure that ICANN Board members strive to foster ICANN's Mission and Core Values in an ethical manner. ICANN Mission and Core Values set forth below can also be found in Article I of ICANN's Bylaws at <http://www.icann.org/general/bylaws.htm#I>.

#### **MISSION**

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

1. Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are
  - a. Domain names (forming a system referred to as "DNS");
  - b. Internet protocol ("IP") addresses and autonomous system ("AS") numbers; and
  - c. Protocol port and parameter numbers.
2. Coordinates the operation and evolution of the DNS root name server system.
3. Coordinates policy development reasonably and appropriately related to these technical functions.

#### **CORE VALUES**

In performing its mission, the following core values should guide the decisions and actions of ICANN:

1. Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.
2. Respecting the creativity, innovation, and flow of information made possible by the

Internet by limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from global coordination.

3. To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties.
4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.
5. Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.
6. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.
7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.
9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.
10. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.
11. While remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.

These core values are deliberately expressed in very general terms, so that they may provide useful and relevant guidance in the broadest possible range of circumstances. Because they are not narrowly prescriptive, the specific way in which they apply, individually and collectively, to each new situation will necessarily depend on many factors that cannot be fully anticipated or enumerated; and because they are statements of principle rather than practice, situations will inevitably arise in which perfect fidelity to all eleven core values simultaneously is not possible. Any ICANN body making a recommendation or decision shall exercise its judgment to determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values.



**CODE OF CONDUCT**

**A. General Statement of Expectation**

Each [Director and Liaison](#) (“Board member”) is expected to adhere to a high standard of ethical conduct and to act in accordance with ICANN’s Mission and Core Values. The good name of ICANN depends upon the way [Board members](#) and [staff members](#) conduct business and the way the public perceives that conduct. Unethical actions, or the appearance of unethical actions, are not acceptable. Board members are to be guided by the following principles in carrying out their responsibilities. Note, however, that this Code summarizes such principles and nothing in this Code should be considered as limiting duties, obligations or legal requirements with which the Board members must comply.

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**Loyalty.** Board members should not be, or appear to be, subject to influences, interests or relationships that conflict with the interests of ICANN. Board members shall act so as to protect ICANN’s interests and those of its employees, assets and legal rights, and Board members shall serve the interests of ICANN over those of any other person or group or constituency of ICANN.

**Care.** Board members shall apply themselves with seriousness and diligence to participating in the affairs of the Board and its committees and shall act prudently in exercising management oversight of ICANN, and shall be attentive to legal ramifications of his or her and the Board’s actions.

**Inquiry.** Board members shall take such steps as are necessary to be sufficiently informed to make decisions on behalf of ICANN and to participate in an informed manner in the Board’s activities.

**Prudent Investment.** Board members shall avoid speculation with ICANN’s assets by giving primary consideration to the probable income and probable safety of ICANN’s capital assets and the relation between ICANN’s assets and its present and future needs.

**Compliance with Laws, Rules and Regulations.** Board members shall comply with all laws, rules and regulations applicable to ICANN.

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**Observance of Ethical Standards.** Board members must adhere to high ethical standards in the conduct of their duties. These include honesty and fairness.

**B. Integrity of Records and Public Reporting**

Board members should promote the accurate and reliable preparation and maintenance of ICANN’s financial and other records. Diligence in accurately preparing and maintaining ICANN’s records allows ICANN to fulfill its reporting obligations and to provide stakeholders, governmental authorities and the general public with full, fair, accurate, timely, understandable, open and transparent disclosure.

**C. Conflicts of Interest**

Board members should act in accordance with the [Conflicts of Interest policy adopted by the ICANN Board, and as amended from time to time](#),

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**D. Corporate Opportunities**

Board members are prohibited from: (a) taking for themselves personally opportunities related to ICANN’s business; (b) using ICANN’s property, information, or position for personal gain; or (c) competing with ICANN for business opportunities.

**E. Confidentiality**

Board members should maintain the confidentiality of information entrusted to them by ICANN and any other confidential information about ICANN, its business, customers or suppliers, which comes to them, from whatever source, except when disclosure is authorized or legally mandated. For purposes of this Code, “confidential information” includes all non-public information relating to ICANN, its business, customers or suppliers.

[Process surrounding maintenance of confidential information can be found in the Code of Conduct Guidelines developed and amended from time to time, as the Board deems appropriate.](#)

**F. Board Interaction with Internet Community and Media:**

1. The Board recognizes that members of the Internet community, ICANN constituency groups and the public at large have significant interests in ICANN’s actions and governance and therefore the Board seeks to ensure appropriate communication, subject to concerns about confidentiality.
2. The Board notes that the President speaks for ICANN, consistent with applicable policy.
3. If comments from the Board to the Internet Community and/or Media on behalf of ICANN are appropriate, they should be reviewed and discussed by the Board in advance, and, in most circumstances, come from the Chair of the Board.

**Enforcement**

Breaches of this Code, whether intentional or unintentional, shall be reviewed by such Committee as designated by the Board, which may make recommendations to the full Board for corrective action, if deemed necessary. [Review of breaches of this Code shall be in accordance with the Code of Conduct Guidelines developed and amended from time to time, as the Board deems appropriate.](#) Serious breaches of the Code may be cause for dismissal of the person or persons committing the infraction.

**Affirmation**

All Board members shall read this Code at least annually, and shall certify in writing that they have done so and that they understand the Code.

**Review and/or Sunset**

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This Code will be reviewed annually by such Committee as designated by the Board, which shall make recommendations to the full Board regarding changes to or rescinding of the Code.

# **2011-04-21-02-Annex- Attachment-B-Revised-Code-of- Conduct Guidelines**

## Code of Conduct Guidelines

The following are suggested guidelines when dealing with adherence to and breaches or apparent breaches of the Code of Conduct. These guidelines are a work in progress and shall be amended, supplemented or enhanced from time to time as appropriate. Further, these are guidelines only, and shall not inhibit the Board's need to take action as required.

### **I. Confidentiality.**

The Code of Conduct ("Code") states as follows:

Board members should maintain the confidentiality of information entrusted to them by ICANN and any other confidential information about ICANN, its business, customers or suppliers, which comes to them, from whatever source, except when disclosure is authorized or legally mandated. For purposes of this Code, "confidential information" includes all non-public information relating to ICANN, its business, customers or suppliers.

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A. Training: As part of the Board member Induction Program, all Board members will receive training on the Code, including information relating to the requirement for confidentiality as set out in the Code. In addition to initial training, there should be refresher training periodically.

#### B. Specific Handling of Confidential Information:

1. Any document that is submitted to a Board mailing list or in BoardVantage shall be considered confidential, and for ICANN Board and staff only, until it is published on the ICANN website or the Board is otherwise informed that the document should no longer be considered confidential.

2. Any staff matters shall be considered confidential until either a responsible ICANN staff member has made a public announcement or the information has been posted on the ICANN website.

3. Where a Director or Liaison is providing a public briefing on a particular topic or has been asked by a member of the community for specific information - the Board member should refer the party or parties to the relevant publicly available material, and may assist with providing context for that material. Providing context does not include detailing the individual views of Board members on a particular topic, or revealing otherwise confidential information, but could involve explaining related activities at ICANN (such as position papers from other parties, etc.) that have been considered when making a particular decision.

4. Where specific information being sought by a community member is not publicly available (*e.g.* the location for the next ICANN meeting), the Director or Liaison should check with relevant staff to determine if the material can be shared, and generally encourage the relevant ICANN staff function to make the material public before the Director or Liaison should make further comment. In some cases, information may be able to be shared on a limited "non-public" basis - *e.g.* with members of SSAC if related to a security issue, with members of the GAC if it relates to the location for a Board/GAC meeting, etc., but that information should not be disclosed before consulting with relevant staff.

C. Response to Disclosure of Confidential Information.

1. Board Discussion: If it is discovered that Confidential Information has been disclosed outside of the Board or the staff, that matter should be addressed at the next Board meeting. This discussion shall be used as an opportunity to remind Directors and Liaisons of their responsibility to maintain confidentiality and duty to abide by the Code of Conduct.

2. Board Governance Committee Discussion with Discloser: If the Board becomes aware that a particular Director or Liaison disclosed the Confidential Information, the BGC shall address the matter with the discloser as it deems appropriate in accordance with Section II.D. of its Charter.

**2011-04-21-03-Annex-2011-03-10-Proposed-Change-to-  
NomCom-ARTICLE VII**

## **ARTICLE VII: NOMINATING COMMITTEE**

### **Section 1. DESCRIPTION**

There shall be a Nominating Committee of ICANN, responsible for the selection of all ICANN Directors except the President and those Directors selected by ICANN's Supporting Organizations, and for such other selections as are set forth in these Bylaws.

### **Section 2. COMPOSITION**

The Nominating Committee shall be composed of the following persons:

1. A non-voting Chair, appointed by the ICANN Board;
2. A non-voting Chair-Elect, appointed by the ICANN Board as a non-voting advisor;
3. A non-voting liaison appointed by the ICANN Root Server System Advisory Committee established by [Article XI of these Bylaws](#);
4. A non-voting liaison appointed by the ICANN Security and Stability Advisory Committee established by [Article XI of these Bylaws](#);
5. A non-voting liaison appointed by the [Governmental Advisory Committee](#);
6. Subject to the provisions of the Transition Article of these Bylaws, five voting delegates selected by the At-Large Advisory Committee established by [Article XI of these Bylaws](#);
7. Voting delegates to the Nominating Committee shall be selected from the Generic Names Supporting Organization, established by [Article X of these Bylaws](#), as follows:
  - a. One delegate from the Registries Stakeholder Group;
  - b. One delegate from the Registrars Stakeholder Group;
  - c. Two delegates from the Business Constituency, one representing small business users and one representing large business users;
  - d. One delegate from the Internet Service Providers Constituency;
  - e. One delegate from the Intellectual Property Constituency; and
  - f. One delegate from consumer and civil society groups, selected by the Non-Commercial Users Constituency.
8. One voting delegate each selected by the following entities:



a. The Council of the Country Code Names Supporting Organization established by [Article IX of these Bylaws](#);

b. The Council of the Address Supporting Organization established by [Article VIII of these Bylaws](#);

~~c.~~ The Internet Engineering Task Force; and

~~d.~~ The ICANN Technical Liaison Group established by [Article XI-A of these Bylaws](#);

9. A non-voting Associate Chair, who may be appointed by the Chair, at his or her sole discretion, to serve during all or part of the term of the Chair. The Associate Chair may not be a person who is otherwise a member of the same Nominating Committee. The Associate Chair shall assist the Chair in carrying out the duties of the Chair, but shall not serve, temporarily or otherwise, in the place of the Chair.

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c. An entity designated by the Board to represent academic and similar organizations;

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# 2011-04-21-05-Annex-BTR WG Charter v2

## **1. Purpose**

As stated in an ICANN Board resolution 18 March 2011, see <http://icann.org/en/minutes/resolutions-18mar11-en.htm#7>, the purpose of the BTR WG is “to consider measures to enhance the coordination and cooperation between ICANN and other members of the Internet technical community with the intent of, among other things, dissolving the TLG by the 2011 Annual Meeting.”

## **2. Responsibilities**

In preparing for the needed Board decisions at the 2011 Annual Meeting (24-28 October 2011), the BTR WG shall:

- a. Identify the types of entities, or entities, in the Internet technical community with which ICANN should establish relationship for cooperation and coordination, stating the reasons why such cooperation and coordination would be beneficial.
- b. Identify modalities and measures for cooperation and coordination with the types of entities, or entities, identified in a) above, stating the advantages and drawbacks associated with each measure.
- c. Perform outreach to entities identified in a) to assess feasibility of the alternative measures identified in b).
- d. Summarize the findings from steps a-c above and recommend actions to be taken in a draft report for public comment.
- e. Evaluate public comments received, adapt the draft report findings as appropriate in preparing a final report, for consideration and decision by the ICANN Board.

## **3. Timeline**

The BTR WG shall plan its work to comply with the following milestones:

- by 31 July 2011, issue draft report for public comment
- 15 September 2011, end of public comment period
- by 1 October 2011, issue final report for Board consideration
- 28 October 2011, ICANN Board Annual Meeting

## **4. References**

a. Final report of JAS Communications LLC, the independent contractor who undertook the Review of the Technical Liaison Group (TLG), issued on 3 Dec 2010 (<http://www.icann.org/en/reviews/tlg/tlg-review-final-report-03dec10-en.pdf>).

b. Public comments on the final report under a. (<http://www.icann.org/en/public-comment/public-comment-201101-en.htm#tlg-final-report>)

## **2011-04-21-06-ccNSO Review implementation steps**

# ccNSO review WG final report: implementation steps

April 2011, v2

## 1. Chronology

- ✓ February 2011: final report delivered
- ✓ 18 March 2011: Board acknowledged receipt of the report, requesting action suggestions from SIC

## 2. This document

This document presents a synoptic table for the WG report, summarizing WG conclusions on reviewers' recommendations, actions required, involved actors, timeline and comments. This is an overall assessment of what needs to be done, detailed action plans shall be developed by staff once so requested. The envisaged timeline is expressed as short (<=6 months), medium (>6 months & <=12 months) or long time-to-completion (>12 months).

## 3. Recommendations, actions needed

Similarly to what has been done for recent reviews, the process can be as follows:

- SIC discusses about the endorsement of each recommendation and agrees on proposed actions, to be reflected in this document
- SIC presents proposed actions (this document edited) for Board approval
- Board requests staff to develop a detailed implementation plan, for approval
- Staff presents implementation plan for SIC and Board approval
- Once approved, implementation plan is executed and staff reports progress to SIC (each 3-4 months)

Reviewers' recommendations/WG Conclusions	Action needed	Actors involved	Timeline	Comments
1. The ccNSO should consider the adoption of alternative, consensus-based, lighter and faster policy development mechanisms: a) A comments mechanism would allow the ccNSO to provide a prompt response to a request from ICANN's Board or another Supporting Organization. b) A position paper mechanism would allow the ccNSO to elaborate common Statements on relevant ccTLD issues in a way that reflects the general position of the ccTLD community. The fast tracked comment	1. Formalization of procedures for development of comments and position papers	1. ccNSO Council - support staff	1. Short	1. Based on mapping of current practices

Reviewers' recommendations/ <b>WG Conclusions</b>	<b>Action needed</b>	<b>Actors involved</b>	<b>Timeline</b>	<b>Comments</b>
<p>mechanism as with the position paper mechanism would be non-binding to ccNSO members.</p> <p><b>WG Conclusion: Both recommendations 1 a) and 1 b) are in line with current de facto practices within the ccNSO and essentially require formalization of these practices for clarity and transparency. The WG is in support of taking such steps, noting that guidelines to this effect are already foreseen and under development by the ccNSO. However, as noted in multiple community comments, these are not policy development mechanisms and do not substitute for PDPs.</b></p>				
<p>2. Consider the translation into the main UN languages of key documents concerning and produced by the ccNSO (Bylaws, the Rules and Guidelines document, major Policy papers) of a brief summary of ccNSO position paper.</p> <p><b>WG Conclusion: Recognizing that it is an objective within ICANN to have essential documentation available in the main UN languages, the WG views this recommendation in a positive light. However, such an objective cannot be opened without regard for the budgetary context and there is a need to carefully consider the costs in relation to the potential benefits for translations in each individual case. Such assessments are best undertaken by the relevant community and the WG leaves this for the ccNSO community's consideration and resolve for each detailed suggestion put forward. The WG also refers to its conclusions regarding the closely</b></p>	<p>2 - 3. ccNSO Council to decide on document types for potential translation, associated timeline and actors available/needed. Translations in accordance with timeline.</p>	<p>2 - 3. ccNSO Council - support staff- translation services/community volunteers</p>	<p>2 - 3. Medium - Long</p>	<p>2 - 3. Dependency on budgetary constraints to be considered. First step is assessment of benefits and costs involved. Some key documents mentioned, like the Bylaws, are outside the remit of ccNSO.</p>

Reviewers' recommendations/WG Conclusions	Action needed	Actors involved	Timeline	Comments
<p><b>related recommendation 3, below. The WG further notes that comments received do not express overall support for recommendation 2. Some call for limiting translations to only core documents and some state that financing of translations should be resolved first, before undertaking any translations. The WG also notes the resolve by the ccNSO to consider translation of key documents, provided a cost effective methodology can be found.</b></p>				
<p>3. Due to the significant cost of translating documents on a regular basis we suggest that the task of translating all documents related to the ccNSO's activity could be carried by the ccNSO membership itself. This could be facilitated by the setting up of a multilingual wiki (as used by Wikipedia). In this way, the translation of documents would become the responsibility of the linguistic communities themselves, and there need be no limit to the number of languages that documents could be translated into. If such a mechanism were adopted we would also suggest the appointing by the Council of a "linguistic community manager" for each language who would have responsibility to check the accuracy of the translations</p> <p><b>WG Conclusion: The WG agrees that this voluntary approach could be beneficial for the community and notes that it would not contradict the WG's conclusion for recommendation 2 above. Accordingly, this is an approach that is left for the ccNSO community to decide upon, as and when and to the extent it is considered useful and practical. At the same</b></p>	<p>3. Combined with 2, see above.</p>	<p>3. Combined with 2, see above.</p>	<p>3. Combined with 2, see above.</p>	<p>3. Combined with 2, see above.</p>



Reviewers' recommendations/ <b>WG Conclusions</b>	<b>Action needed</b>	<b>Actors involved</b>	<b>Timeline</b>	<b>Comments</b>
<p><b>time, the WG notes that some community comments express doubts about the viability of the proposed approach. The WG also notes the willingness of the ccNSO as expressed by the ccNSO Council to consider the concept of voluntary translations.</b></p>				
<p>4. The ccNSO staff should regularly engage in outreach activities to enlarge membership / better communication with non-members. ICANN should increase resources in order to propose attractive and value-added services for the ccTLD community. These value added services would require a dedicated “online community manager” whose responsibilities it would be to attract new members, especially from underrepresented regions.</p> <p><b>WG Conclusion: The WG agrees with the general objective to strive for ccNSO membership growth and wishes to highlight the outreach role already performed to this end by the ICANN Regional Liaison staff. The WG also agrees with public comments stating that no additional expenditure should be incurred to this end until financial contribution issues have been resolved. Regarding the point about “attractive and value-added services”, the WG notes that this is a generic expression lacking the needed specificity. The WG is in principle positive to considering new services to attract new members, but only provided any such services are strictly within the mandate of the ccNSO and explicitly requested by the ccNSO membership, as highlighted in public comments.</b></p>	<p>4. ccNSO Council to further communicate with ICANN Regional Liaison staff on ways to develop outreach for membership growth. ccNSO Council to poll the ccNSO community to identify potential new services and their usefulness.</p>	<p>4. ccNSO - ccNSO Council - support staff - regional liaisons,</p>	<p>4. Medium - long</p>	<p>4. Actions at regular intervals rather than one-off. Potentially also linked to 5 below regarding membership growth initiatives. For consideration in the budget planning process. Suggestion is to increase budget for these activities (outside the scope of ccNSO), although not requested by the ccTLD community</p>

Reviewers' recommendations/ <b>WG Conclusions</b>	<b>Action needed</b>	<b>Actors involved</b>	<b>Timeline</b>	<b>Comments</b>
<p>5. The ccNSO should engage with the GAC and ALAC to determine a joint initiative to boost the membership levels of all the SOs and ACs within ICANN.</p> <p><b>WG Conclusion: The WG considers that the membership growth objective of this recommendation has merits. However, the WG notes that the rationales for joining or not joining these entities vary, both between the entities and across the potential members. Accordingly, the WG doubts that an overall joint campaign would be crowned with success. The WG further acknowledges the comments received regarding this recommendation, in particular the remark from the ccNSO Council that interaction with the GAC is a notable exception for encouragement of government-operated ccTLDs to join the ccNSO.</b></p>	<p>5. The ccNSO Council to liaise with GAC on a regular basis to identify suitable prospects and ways to cooperate.</p>	<p>5. ccNSO Council - support staff - GAC</p>	<p>5. Medium - long</p>	<p>5. Potentially synchronized with Regional Liaison staff contacts -see 4</p>
<p>6. When ccNSO develops a policy which could impact the activity of registrars and registrants, ccNSO should be able to collect their position.</p> <p><b>WG Conclusion: The WG notes, first of all, that the scope of a global ccNSO policy development is very focused. The WG also notes that extensive opportunities for public comments are provided in line with the ccNSO Policy Development Process. The WG also recognizes public comments highlighting the differences between the roles of the GNSO Registrars and the registrars for ccTLDs. The WG further recognizes that there are existing international and local mechanisms for consulting registrars and registrants on relevant policy issues, as pointed out in one comment.</b></p>	<p>6. Potentially additional targeted outreach information about existing input mechanisms, as and when the ccNSO Council finds such actions useful.</p>	<p>6. ccNSO Council - support staff,</p>	<p>6. Long</p>	<p>6. Participation as such is also a general problem, not limited to ccNSO</p>

Reviewers' recommendations/ <b>WG Conclusions</b>	<b>Action needed</b>	<b>Actors involved</b>	<b>Timeline</b>	<b>Comments</b>
<p>7. Beyond the ongoing improvement of the website, we recommend the implementation of a collaborative networking tool allowing ccNSO to create subgroups based on thematic, regional, linguistic grounds. Such a tool could include wiki, agenda, project management functions and allow members to update their own contact details within the register of all ccNSO participants. Articulation of this collaborative tool with existing mailing lists has to be studied. Such a tool would be helpful for the animation of the ccNSO community as well for attracting new members. Animation of such a tool requires “community management” capabilities.</p> <p><b>WG Conclusion: The WG is in favor of applying a demand-driven approach, where the needs are first identified and agreed by the community before new tools are introduced. Accordingly, the WG recommends that the independent reviewers' suggestion be considered by the ccNSO community in the light of the community's evolving needs, as a subsequent potential step once the new website has been established. Such a demand-driven step-by-step approach is further justified in light of the public comments received, expressing doubts about overly ambitious plans. The WG further notes the ccNSO Council's resolve to continue to assess and implement new collaborative tools in conjunction with the enhancement of the ccNSO website.</b></p>	<p>7. Primarily pursuit of already ongoing developments. See also actions under 4 above regarding a demand-driven approach for new services.</p>	<p>7. ccNSO - support staff</p>	<p>7. Medium - long</p>	<p>7. The ccNSO website has been updated, need for further general tools has not been expressed, There is an increased use of wiki's, Adobe rooms etc., all managed by support staff.</p>
<p>8. ICANN should provide ccNSO with appropriate “management community” capabilities in order to make the best usage of the collaborative tool.</p> <p><b>WG Conclusion: The WG supports the</b></p>	<p>8. Options for “management community” capabilities to be investigated and outcomes referred to the ccNSO</p>	<p>8. ccNSO Council - ccNSO - support staff</p>	<p>8. Long</p>	<p>8. Finalization of step 7 above should occur before this step is undertaken. Also</p>

Reviewers' recommendations/WG Conclusions	Action needed	Actors involved	Timeline	Comments
<p><b>recommendation that ICANN should provide such capabilities, subject to ccNSO decisions about implementation of the suggestions in recommendation 7 above. Recommendation 8 presents a subsequent step and the sequence must be respected in the planning. Again, as for recommendation 7, the WG notes that the public comments received for recommendation 8 express reluctance to overly ambitious plans and state the need for cost/benefit analysis. The WG further notes that the ccNSO Council states that it is well-served with current resource levels.</b></p>	<p>membership for feedback and subsequent ccNSO Council decision and implementation.</p>			<p>closely related to the demand-driven approach in 4 above. Budgetary constraints to be considered.</p>
<p>9. Introduce a limit to the number of terms that can be served by ccNSO Council members (item tabled for discussion at ccNSO meeting in Brussels).  <b>WG Conclusion: In keeping with the rules of good governance, it is necessary to have a robust succession planning process to ensure that leadership roles are properly filled at all times. With this in mind, the WG recognizes that the ccNSO is currently engaged in such a process, and suggests this should be strongly pursued, since external factors, as well as the constraint of term limits, make succession planning even more important. The WG supports recommendation 9, while noting that public comments indicate that the number of volunteers for service on the ccNSO seems limited by the workload of the Council, and by other mitigating factors The WG further agrees with those public comments stating that recommendation 9 is dependent upon the implementation of recommendation 10 (see below)</b></p>	<p>9. Following the implementation of 10 below, the ccNSO Council and membership to consider options for term limits and decide depending on the identified balance of pros and cons.</p>	<p>9. ccNSO - ccNSO Council - support staff - legal staff</p>	<p>9. Long</p>	<p>9. Step 10 below should be finalized before this step is launched. Involvement of legal staff only necessary if Bylaws changes required.</p>

Reviewers' recommendations/ <b>WG Conclusions</b>	<b>Action needed</b>	<b>Actors involved</b>	<b>Timeline</b>	<b>Comments</b>
<p>10. ccNSO should consider clarifying of the respective roles of the Council and the Chair in the ccNSO Rules and guidelines.</p> <p><b>WG Conclusion: The WG recommends that this aspect be considered in conjunction with formalization of procedures according to recommendation 1 above. The WG also notes from public comments that such clarification of roles and responsibilities is both supported and foreseen by the ccNSO, and moreover notes with satisfaction that work to this effect is already under way</b></p>	<p>10. Accomplished -no further action needed</p>	<p>10. -</p>	<p>10. -</p>	<p>10. Work completed and adopted by the ccNSO Council regarding documentation of roles and mechanism for change.</p>
<p>11. The ICANN Expenditure Analysis by Stakeholder Interest Area represents a major progress in term of understanding the allocation of ICANN budget towards ccTLD and ccNSO operations. In the interests of the members of the ccNSO and the broader ccTLD community, we recommend the institution of a permanent Finance Liaison (a designated member of the Council) whose responsibility will be to act as a go-between with ICANN's Finance Department and to ensure complete transparency regarding this issue and any other budgetary matters linked to the activities of the ccNSO and ccTLDs. The next release of ICANN Expenditure Analysis by Stakeholder Interest Area could be an opportunity to reduce the "perception gap".</p> <p><b>WG Conclusion: The WG considers it is in the interest of the ccNSO to have a thorough grasp of the ICANN budget and budgeting process, insofar as these have an impact on ccNSO matters. The WG also notes that this can be achieved in various ways, and considers it is up to the ccNSO</b></p>	<p>11. ccNSO Council to continue ongoing efforts to review and refine mechanisms for interaction with ICANN Finance. ICANN Board to direct staff to develop such relations as appropriate.</p>	<p>11. ccNSO - ccNSO Council - support staff - finance staff - ICANN Board</p>	<p>11. Medium</p>	<p>11. Actions will be dependent on the developing dialog between ICANN Finance and the ccNSO Finance WG.</p>

Reviewers' recommendations/ <b>WG Conclusions</b>	<b>Action needed</b>	<b>Actors involved</b>	<b>Timeline</b>	<b>Comments</b>
<p>to choose how this can best be achieved. The WG also notes that the ccNSO recently established a standing Financial WG, to fulfill, among others, a liaison function. The WG further notes that this recommendation has received both favorable and critical public comments regarding this recommendation, most of them considering that financial matters lie outside the scope of the ccNSO Review, but some suggesting that they should indeed be included. The WG also notes the resolve by the ccNSO Council to review and refine the mechanisms for interaction with ICANN's Finance Department.</p>				
<p>12. The ccNSO should develop and publish annually a policy road map for the next two three years to act as a strategy document for current and upcoming policy work and as a general marketing tool for information purposes within and outside the ICANN community. <b>WG Conclusion: The WG recommends that such a plan be established by the ccNSO as a high-level living document, with flexibility for change and reviewing at least once a year. The WG further notes that the ccNSO has taken steps in this direction and encourages the continuation of this effort. The WG also notes the overall support for this recommendation expressed in public comments, and the stated need for flexibility.</b></p>	<p>12. ccNSO to continue and conclude ongoing efforts to annually establish a 2-3 yrs policy roadmap.</p>	<p>12. ccNSO Council - ccNSO - support staff</p>	<p>12. Short</p>	<p>12. Note: the ccNSO will not just include "policy". For the ccNSO policy is by definition very limited (as per Annex C of the Bylaws)</p>

# **2011-04-21-07-Annex-Formalization-of-401(k)-Plain- Commitee-Charter**

**ANNEX TO BOARD SUBMISSION NO. 2011-04-21-07**

**SUBMISSION TITLE:**

**Formalization of 401(k) Plann Committee**

Confidential and Business Proprietary









# **2011-04-21-08-Annex-Registar Accreditation App Fee Increase**

**ANNEX TO BOARD SUBMISSION NO. [To be assigned by Secretary]**

**SUBMISSION TITLE:                    Enhancements to The Registrar Accreditation  
Application Review Process**

ICANN staff assesses whether an applicant is eligible to become an ICANN-accredited registrar according to the qualification criteria set out in the Statement of Registrar Accreditation Policy. The current accreditation evaluation process includes a review of supporting documents and verification of information submitted by each applicant against the qualification criteria, in order to determine if the applicant has sufficient technical, operational and financial capabilities to become an ICANN-accredited registrar. ICANN also conducts a background check of the applicant through public sources, which may provide information or reveal issues that could have a material impact on the applicant's ability to operate a registrar business in accordance with ICANN's requirements.

In order to enhance the accreditation process, ICANN recently adopted a new version of the Accreditation Application Form and amended the section Information for Registrars and Registrants published on its website. To provide further clarity on the respective obligations of the applicant and ICANN in relation to the registrar accreditation applications, ICANN staff has proposed to introduce a set of terms and conditions that will apply to all registrar accreditation applications.

In addition, in recent months members of the community, including representatives of law enforcement agencies, have recommended a number of areas where ICANN should conduct further due diligence checks of applicants during the registrar accreditation application process, including:

- \* Criminal records;
- \* Credit records;
- \* Financial history and solvency;
- \* Corporate/company structure and ownership.

These due diligence checks would require ICANN to complete these inquiries through the use of external resources (including reputable commercial third party information service providers).

In order to cover the additional third party research costs, ICANN staff proposes to increase the application fee for all new registrar accreditation applications (on a cost recovery basis) from the current fee of USD 2,500 to USD 3,500. This number was calculated based on a review of recent applications using actual background check costs.

A review was conducted of the most recent 35 applications for registrar accreditation processed between May 2010 and January 2011 using the new background check process. These applications were classified into groups based on whether or not full detailed background checks would be required. Examples of applications not considered warranting third party background checks included multiple applications from the same applicant (where only one check would be required) or applications from companies that already had active accreditations with ICANN in good standing. Other applicants not considered for full background checks had extensive history with one or more ccTLD (that could be contacted) and applications from well-known established businesses with sound reputations. Once this review was done, 14 applications remained that would have been candidates for additional background checks.

Costing: the average background check cost is USD 2.325. Based on this sample of applications where 40% (14 of 35) required background checks, the cost to conduct those checks came out to an average of USD 930. A per application fee increase of USD 1,000 was specified to support this added research.

On 22 November 2010, ICANN submitted a proposal for public comment, which included a set of Terms & Conditions for accreditation application, the above-mentioned due diligence checks and the increase of the application fee. The public comment submissions were largely supportive and can be viewed at <http://www.icann.org/en/public-comment/#registrar-accredit-eval> while the summary/analysis of the received comments can be found at <http://forum.icann.org/lists/registrar-accredit-eval/pdfRYBLq1sEac.pdf>.

At this time ICANN staff is prepared to implement the additional due diligence checks with an increase in the application fee. ICANN staff is also continuing work to finalize the proposed Terms & Conditions, taking the public comments into account.

**Exhibit A: copy of the public comment summary/analysis.**

Submitted by: Tim Cole

Position: Chief Registrar Liaison

Date Noted: 12 April 2011

Email and Phone Number:  
tim.cole@icann.org

Contact

## **2011-04-21-08-Public Comment Summary**



4 February 2011,  
by Steve Gobin

**Summary and Analysis of Comments for: “Proposed Changes to Enhance ICANN’s Registrar Accreditation Evaluation Process”**

*Summary:*

ICANN initiated this comment period to solicit feedback related to proposed changes to its registrar accreditation application evaluation process. The comment period was open from 22 November 2010 to 21 January 2011. Four comments were received. All comments can be viewed at: <http://forum.icann.org/lists/registrar-accredit-eval/>.

Of the four comments received, three were generally supportive of ICANN’s initiative to augment the background checks performed by ICANN (“due diligence”) during its review of registrar accreditation applications. Each of the three supportive comments suggested additional registrant protections that could be implemented, some of which could be incorporated into ICANN’s due diligence procedures and some of which might be better suited as independent initiatives or consensus policies.

One comment expressed opposition to the proposed changes, citing the potential financial impact on registrars and a perceived lack of positive benefits.

*Analysis:*

Three of the commenters, Barbara Madonik, the European NGO Alliance for Child Safety Online (“eNACSO”), and the International Trademark Association Internet Committee (“INTA”), supported enhanced due diligence by ICANN in its registrar accreditation application evaluation process:

Barbara Madonik also observed that some, potentially fraudulent, marketing abuses have occurred related to newly available country-code domain names.

eNACSO observed that the proposed changes may help reduce the possibility of abuse of the domain name system by criminal organizations or criminal individuals who have sold or promoted child abuse images.

INTA proposed three modifications to the registrar accreditation application questions and a change to the “terms and conditions” section of the application. One of the proposed amendments would require prospective registrars to disclose whether “within the past ten years, [the applicant] has been (i) a defendant in litigation involving claims of intellectual property infringement and/or cybersquatting; or (ii) a respondent in a proceeding under the UDRP (or analogous ccTLD policy).” The other amendments proposed by INTA would generally require applicants to be more complete and timely in their responses. INTA also encouraged ICANN staff to expand its due diligence efforts to include search of records of civil and administrative proceedings to assess whether the applicant’s attestation of truthful disclosure was, in fact, true and accurate.

4 February 2011,  
by Steve Gobin

ICANN staff will consider implementation of all of the proposed amendments and process improvements submitted by INTA. It is noted, however, that the proposed additional evaluation criterion related to infringement of intellectual property may require amendment of the Statement of Registrar Accreditation Policy < [http://www.icann.org/en/registrars/policy\\_statement.html](http://www.icann.org/en/registrars/policy_statement.html) > by the GNSO, as this policy sets out the minimum qualifications for accreditation and identifies the “matters potentially leading to ineligibility” for registrar accreditation.

One comment was received from accredited registrar Sibername Internet and Software Technologies (“Sibername”). Sibername expressed that the proposed changes to the accreditation application would not have any positive effect on registrar accreditation and that the increased annual costs to registrars would be too burdensome. It is worth noting that the cost of the proposed enhancements to ICANN’s accreditation application evaluation process would not be borne by existing registrars, but rather, would be entirely borne by prospective registrars in the form of an increased, one-time application fee. Nevertheless, ICANN staff is mindful of the underlying concern expressed by Sibername.

*Next Steps:*

1) ICANN staff will consider the proposed revisions to the accreditation application and “terms and conditions” document, and will develop new versions as appropriate. Once finalized, the amended document(s) will be posted and made applicable to all new registrar accreditation applications following a brief grace period (to allow any applications already in progress to be submitted).

2) Staff will further consider the proposed additional due diligence checks to determine how they may be implemented most effectively.

3) The public comment also covered the proposed increase of the application fee. With the exception of one commenter that mistakenly thought the application fee applied to existing registrars, no objection was received against this proposal. Therefore, ICANN will submit this proposal to the ICANN board for approval. If it is approved, we will modify the fee to USD 3,500 starting with the new fiscal year. Prior to the increase coming into force, we will post an announcement on the ICANN website.

*Commenters:*

23 Nov. 2010: Ms Barbara Madonik

27 Nov. 2010: Sibername Internet and Software Technologies

21 Jan. 2011: INTA

21 Jan. 2011: eNACSO

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**2011-04-21-09-kp-annex**

**ANNEX TO ICANN BOARD SUBMISSION NO. 2011-04-21-XX**

**TITLE:** Redelegation of the .KP domain representing the Democratic People's Republic of Korea to Star Joint Venture Company

**IANA REFERENCE:** 404233

In accordance with ICANN's obligations for managing the DNS root zone, IANA<sup>1</sup> receives requests to delegate, redelegate and revoke top-level domains. This application has been compiled by IANA for presentation to the ICANN Board of Directors for review and appropriate action.

Sensitive Delegation Materials

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<sup>1</sup> The term IANA is used throughout this document to refer to the department within ICANN that performed the IANA functions.



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Submitted by: Kim Davies  
Position: Manager, Root Zone Services  
Date Noted: 1 April 2010  
Email and Phone Number kim.davies@icann.org; Contact  
Information

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## **2011-04-21-09-kp-enclosures**

## ENCLOSURE 1 TO ICANN BOARD SUBMISSION NO. 2011-04-21-XX

### **Draft Public Report — Redelegation of the .KP domain representing the Democratic People’s Republic of Korea to Star Joint Venture Company**

ICANN has received a request to redelegate the .KP domain, a country-code top-level domain representing the Democratic People’s Republic of Korea, to Star Joint Venture Company. ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

#### **FACTUAL INFORMATION**

##### **Country**

The “KP” ISO 3166-1 code is designated for use to represent the Democratic People’s Republic of Korea.

##### **Chronology of events**

The top-level domain .KP was initially delegated in 2007 to Korea Computer Center, see <<http://www.iana.org/reports/2007/kp-report-11sep2007.html>> for information on the original delegation action.

In 2010, the authoritative name servers for the .KP became completely lame, effectively stopping the top-level domain from operating. Korea Computer Center reached out to KCC Europe (KCCE), its Germany-based technical registry provider, to have service reinstated. After several months without response, Korea Computer Center terminated KCCE’s agreement to operate the .KP domain.

In the mean time, Star Joint Venture Company set to work in late 2010 to develop the requisite infrastructure in the country to support operation of the .KP domain. It was subsequently endorsed by the DPRK Ministry of Posts and Telecommunications to transfer operation of the domain from Korea Computer Center to Star Joint Venture Company.

In light of the continuing lack of operation of the .KP, KCC supported an interim change of the nameserver records for the .KP to a new set managed by Star Joint Venture Company. This interim change was conducted in December 2010 in order to restore functionality of the .KP top-level domain.

##### **Proposed Sponsoring Organisation and Contacts**

The proposed sponsoring organisation is Star Joint Venture Company, based in Pyongyang, Democratic People’s Republic of Korea. The company is a joint venture



between the Korean Post and Telecommunications Corporation, a governmental enterprise; and Loxley Pacific Company Limited. The joint venture is chartered to establish modern Internet services in the Democratic People's Republic of Korea.

The proposed administrative and technical contact is Kang Yong Su, the President of Star Joint Venture Company. The administrative contact is understood to be based in the Democratic People's Republic of Korea.

## **EVALUATION OF THE REQUEST**

### **String Eligibility**

The top-level domain “.KP” is eligible for continued delegation under ICANN policy, as it is the assigned ISO 3166-1 two-letter code representing the Democratic People's Republic of Korea.

### **Public Interest**

The request to redelegate the .KP top-level domain is supported by the Ministry of Posts and Telecommunications. A letter of authorisation was transmitted jointly by Mr H.E. Ryu Yong Sop, the Minister of Posts and Telecommunications; and Mr Han U Chol, the Director-General of the Korea Computer Center.

The application is consistent with known applicable local laws in Democratic People's Republic of Korea.

The proposed sponsoring organisation undertakes to operate the domain in a fair and equitable manner.

### **Based in country**

The proposed sponsoring organisation is constituted in the Democratic People's Republic of Korea. The proposed administrative contact is understood to be resident in the Democratic People's Republic of Korea. The registry is to be operated in the country.

### **Stability**

The request is deemed uncontested, with the current sponsoring organisation consenting to the transfer.

### **Competency**

The application has provided satisfactory details on the technical and operational infrastructure and expertise that will be used to operate the proposed new domain. Proposed policies for management of the domain have also been tendered.

## **EVALUATION PROCEDURE**

The Internet Corporation for Assigned Names and Numbers (ICANN) is tasked with managing the Domain Name System root zone as part of a set of functions governed by a contract with the U.S. Government. This includes managing the delegations of top-level domains.

A subset of top-level domains are designated for the local Internet communities in countries to operate in a way that best suits their local needs. These are known as country-code top-level domains, and are assigned by ICANN to responsible trustees (known as “Sponsoring Organisations”) who meet a number of public-interest criteria for eligibility. These criteria largely relate to the level of support the trustee has from their local Internet community, their capacity to ensure stable operation of the domain, and their applicability under any relevant local laws.

Through an ICANN department known as the Internet Assigned Numbers Authority (IANA), requests are received for delegating new country-code top-level domains, and redelegating or revoking existing country-code top-level domains. An investigation is performed on the circumstances pertinent to those requests, and, when appropriate, the requests are implemented. Decisions on whether to implement requests are made by the ICANN Board of Directors, taking into account ICANN’s core mission of ensuring the stable and secure operation of the Internet’s unique identifier systems.

### **Purpose of evaluations**

The evaluation of eligibility for country-code top-level domains, and of evaluating responsible trustees charged with operating them, is guided by a number of principles. The objective of the assessment is that the action enhances the secure and stable operation of the Internet’s unique identifier systems. The evolution of the principles has been documented in “Domain Name System Structure and Delegation” (RFC 1591), “Internet Domain Name System Structure and Delegation” (ICP-1), and other informational memoranda.

In considering requests to delegate or redelegate country-code top-level domains, input is sought regarding the proposed new Sponsoring Organisation, as well as from persons and organisations that may be significantly affected by the change, particularly those within the nation or territory to which the ccTLD is designated.

The assessment is focussed on the capacity for the proposed sponsoring organisation to meet the following criteria:

- The domain should be operated within the country, including having its sponsoring organisation and administrative contact based in the country.
- The domain should be operated in a way that is fair and equitable to all groups in the local Internet community.

- Significantly interested parties in the domain should agree that the prospective trustee is the appropriate party to be responsible for the domain, with the desires of the national government taken very seriously.
- The domain must be operated competently, both technically and operationally. Management of the domain should adhere to relevant technical standards and community best practices.
- Risks to the stability of the Internet addressing system must be adequately considered and addressed, particularly with regard to how existing identifiers will continue to function.

### **Method of evaluation**

To assess these criteria, information is requested from the applicant regarding the proposed sponsoring organisation and method of operation. In summary, a request template is sought specifying the exact details of the delegation being sought in the root zone. In addition, various documentation is sought describing: the views of the local internet community on the application; the competencies and skills of the trustee to operate the domain; the legal authenticity, status and character of the proposed trustee; and the nature of government support for the proposal. The view of any current trustee is obtained, and in the event of a redelegation, the transfer plan from the previous sponsoring organisation to the new sponsoring organisation is also assessed with a view to ensuring ongoing stable operation of the domain.

After receiving this documentation and input, it is analysed in relation to existing root zone management procedures, seeking input from parties both related to as well as independent of the proposed sponsoring organisation should the information provided in the original application be deficient. The applicant is given the opportunity to cure any deficiencies before a final assessment is made.

Once all the documentation has been received, various technical checks are performed on the proposed sponsoring organisation's DNS infrastructure to ensure name servers are properly configured and are able to respond to queries for the top-level domain being requested. Should any anomalies be detected, IANA staff will work with the applicant to address the issues.

Assuming all issues are resolved, an assessment is compiled providing all relevant details regarding the proposed sponsoring organisation and its suitability to operate the top-level domain being requested. This assessment is submitted to ICANN's Board of Directors for its determination on whether to proceed with the request.

**2011-04-21-10-Annex-Global Policy Proposal III IPv4  
PostEx 20110329**

# Global Policy for Post Exhaustion IPv4 Allocation Mechanisms by IANA- Draft Background Report, 29 March 2011

*(Third proposal for handling recovered IPv4 address space)*

## **Purpose of this document**

This document provides a background report on the progress of an active Global Policy proposal. It is intended as a background briefing for the ICANN Board and the wider community.

## **Introduction**

Global Internet Number Resource Policies are defined by the [ASO MOU](#) - between ICANN and the NRO - as "Internet number resource policies that have the agreement of all RIRs according to their policy development processes and ICANN, and require specific actions or outcomes on the part of IANA or any other external ICANN-related body in order to be implemented". Attachment A of this MOU describes the Development Process of Global Internet Number Resource Policies, including the adoption by every RIR of a global policy to be forwarded to the ICANN Board by the ASO, as well as its ratification by the ICANN Board. In this context, the ICANN Board adopted its own [Procedures](#) for the Review of Internet Number Resource Policies Forwarded by the ASO for Ratification.

Among other features, these Procedures state that the Board will decide, as and when appropriate, that ICANN staff should follow the development of a particular global policy, undertaking an "early awareness" tracking of proposals in the addressing community. To this end, staff should issue background reports periodically, forwarded to the Board, to all ICANN Supporting Organizations and Advisory Committees and posted at the ICANN web site.

At its meeting on [21 April 2011], the Board resolved to request tracking of the development of a "Global Policy for post exhaustion IPv4 allocation mechanisms by the IANA", under discussion in the addressing community. The status overview presented below is compiled in response to this request and will be further updated as developments proceed, for information to ICANN entities and the wider community. This is the first background report on this proposal.

## **Status Overview**

The purpose of the proposal is to enable IANA to allocate returned IPv4 blocks to RIRs. IANA would place IPv4 blocks returned by the RIRs in a Recovered IPv4 Pool. This Pool would be declared active when one RIR has less than half its last /8 left. IANA would then allocate an "IPv4 allocation unit" (minimum size /24) to each RIR, if the Pool size so permits. If the space available in the Pool is too limited, allocation would be deferred in 6 month intervals until space is available.

Following list discussions over slightly different draft versions early in 2011, the second version of this global policy proposal was first formally introduced in the

APNIC region on 20 February 2011 and has since been introduced on the policy mailing lists of all the other RIRs. The proposal is in last call in APNIC and in discussion in the other RIRs.

### **Process history**

On 3 February 2011, the ASO AC recognized the proposal as fulfilling the formal requirements as a candidate for a Global Policy.

Once the proposal has been adopted in all RIRs, i.e. AfriNIC, APNIC, ARIN, LACNIC and RIPE, the proposal will be handled by the NRO EC and the ASO AC according to their procedures before being submitted to the ICANN Board for ratification.

As a background to this policy proposal, it should be noted that a previous proposal for handling recovered IPv4 address space, “Global Policy Proposal for the Allocation of IPv4 Blocks to Regional Internet Registries” was introduced in 2009 but abandoned by the NRO EC in view of version differences across the RIRs. For more information on that proposal, see the corresponding background report. That proposal is denoted as the first proposal in the table below.

Also, a second proposal on this theme “Global Policy Proposal for the Allocation of IPv4 by IANA Post Exhaustion” was introduced in 2010. This proposal was rapidly adopted in ARIN, but abandoned in APNIC and withdrawn in RIPE, making it unlikely that the proposal would advance to become a global policy. For more information on that proposal, see the corresponding background report. That proposal is denoted as the second proposal in the table below.

The proposal that is the object of the current background report - for direct access to the proposal text [click here](#) - is denoted as the third proposal in the table below, where the significant differences between the proposals are summarized.

Proposal/features	Third proposal	Second proposal	First proposal
RIR return to IANA	Not mentioned	Voluntary	Mandatory vs. voluntary
RIR Eligibility	Simultaneous for all RIRs	Per RIR, when it has less than a /8 in stock	Simultaneous for all RIRs

The table below outlines the steps taken within each RIR for the current proposal. Hyperlinks are included for easy access.

### Status

RIR	AfriNIC	APNIC	ARIN	LACNIC	RIPE
Proposal Introduced	7 Feb 2011 list message	25 Jan 2011 list message prop-097 20 Feb 2011 version 2	8 Mar 2011 <a href="#">list message prop 137</a>	18 Mar 2011 list message prop 2011-05	21 Mar 2011 list message prop 2011-01
Discussion list	<a href="#">Resource Policy Disc. List</a>	<a href="#">SIG-Policy</a>	<a href="#">Public Policy Mailing List</a>	<a href="#">Políticas – Policy Mailing List</a>	<a href="#">Address Policy WG</a>
Public Forum		APNIC 31 21 - 25 Feb 2011 consensus			
Final Call for Comments		1 Mar - 26 Apr 2011			
Next Public Forum	AfriNIC 14 (to be announced)	APNIC 32 29 Aug - 2 Sept 2011	ARIN XXVII 10 - 13 Apr 2011	LACNIC XV 15 - 20 May 2011	RIPE 62 2 - 6 May 2011
Adoption					
Link to document		prop-097- v002	Proposal 137	<a href="#">LAC-2011-05 (EN)</a> <a href="#">LAC-2011-05 (ES)</a> <a href="#">LAC-2011-05 (PT)</a>	Proposal 2011 - 01
Link to Policy Development Process	<a href="#">Policy Development Process</a>	<a href="#">Policy Development Process</a>	Policy Development Process	<a href="#">Policy Development Process</a>	<a href="#">Policy Development Process</a>
Status	In discussion	In final call	In discussion	In discussion	In discussion

# **2011-04-21-13-Annex Vertical Integration for Existing gTLD Operators**



## ANNEX TO BOARD SUBMISSION NO. 2011-04-21-xx

**SUBMISSION TITLE:           Review of Vertical Integration for Existing Registry Operators**

The following background appears in the adopted rationale (see <http://www.icann.org/en/minutes/rationale-cross-ownership-21mar11-en.pdf>) for the Board's decision on registry-registrar cross-ownership: "Prior to 2010, the ICANN Board considered the issue of cross-ownership on numerous occasions, recognizing, however, that no official policy was ever developed by the ICANN policy development making bodies. Whether ICANN permitted cross-ownership of registries and registrars, and to what degree, was therefore determined contractually. The contractual provisions were not uniform, though some barred registries from owning more than 15% of any ICANN-accredited registrar. The original 15% limitation was the product of negotiation as opposed to any policy development process. Throughout the period that ICANN was limiting for some registries the ability to have ownership interests in registrars, ICANN never restricted registrars from owning interests in registries and, in fact, several registrars did own interests in registries."

"On 5 November 2010, the Board adopted its final resolution on the issue of cross-ownership. The Board concluded that – so long as certain restrictions were put into place on the conduct of registries and registrars, specifically as they relate to data, and so long as competition review remained available in the event of concerns regarding market power – there was no economic support to restrict, on an across-the-board basis, the ability of registries to hold."

Since this Board Resolution was adopted, several Operators including Neustar, Inc. (.BIZ), Telnic Ltd. (.TEL), and Fundacio puntCAT (.CAT) have inquired about the process for the removal of the cross-ownership restrictions from their Registry Agreement and/or their ability to apply to become an ICANN-accredited Registrar. What follows below is information about these inquiries and includes references to communications between ICANN and these Operators.

- Background
  - On 10 November 2010, Neustar, Inc. (Registry Operator for .BIZ) contacted ICANN to request a meeting to discuss the ramifications of the Board’s Resolution on cross-ownership. Neustar’s comments included that the cross-ownership restrictions in the .BIZ Registry Agreement prevent them from offering registrar services to new gTLD applicants. They also asserted that because there is no prohibition against registrars providing registry services in new gTLDs that, “Registrars are already marketing to new TLD applicants, putting them at an unfair competitive advantage over Neustar contravening the ICANN Bylaws and recent announcement of “enhancing competition”.
  - On 10 November 2010, Telnic, Ltd. (Registry Operator for .TEL) contacted ICANN to inquire if they can now become and ICANN-accredited Registrar and if so can they sell .TEL domain names or domain names in other TLDs. ICANN’s response was that we would be in communication with Operators about the implementation of cross-ownership for them after a process has been developed and approved by the ICANN Board if that is deemed to be necessary. Telnic has not reached out again to ICANN on this matter since November 2010.
  - On 11 November 2010, Fundacio puntCAT (Registry Operator for .CAT) contacted ICANN to inquire about the process for them to be able to offer direct registrations to the public or whether they should assume the current conditions for ICANN-accredited Registrars and complete a Registry Services Evaluation Process request to provide direct registration services. ICANN’s response was that we would be in communication with Operators about the implementation of cross-ownership for Operators after a process has been developed and approved by the ICANN Board if that is deemed to be necessary. Fundacio puntCAT has not reached out again to ICANN on this matter since November 2010.
  - On 22 December 2010 and after several phone calls and meetings with Neustar representatives, ICANN responded to their concerns via letter. The

letter included that, “In accordance with this resolution, if and when ICANN launches the new gTLD program, Neustar will be entitled to serve as both a registry and registrar for new gTLDs subject to any conditions that may be necessary and appropriate to address the particular circumstances of the existing .BIZ registry agreement, and subject to any limitations and restrictions set forth in the final Applicant Guidebook.” ICANN believes the letter adequately addresses the concerns raised by Neustar and their ability to compete in the new gTLD space once new gTLDs have been launched.

- During the period 22 December 2010 and early March 2011, ICANN and Neustar met on several occasions to further discuss how modifications to the .BIZ Registry Agreement might be made to implement the Board’s 5 November 2010 Resolution.
- On 10 March 2011, ICANN received a letter for Neustar that formally requested that ICANN commence a process to enable Neustar to seek accreditation as a registrar. In the letter they proposed amending the .BIZ Registry Agreement by deleting the current provision on cross-ownership and adding new language that would incorporate the final form of the Registry Code of Conduct (now in draft form as Specification 9 to the draft new gTLD Registry Agreement).
- While Neustar is currently the only Operator that is pursuing amending their Registry Agreement to remove the cross-ownership restrictions, it is likely other Operators will follow with similar or identical requests once new gTLDs have been approved.
- In order to ensure a timely and predictable process for ICANN staff to implement the Board’s Resolution on cross-ownership for Operators, the reference Board paper on this issue has been provided for discussion at the Board’s meeting on 21 April 2011.

Submitted by:

Craig Schwartz

Position:

Chief gTLD Registry Liaison

Date Noted: 4 April 2011

Email and Phone Number Craig.Schwartz@icann.org; **Contact**

**2011-04-21-15-Exhibit A Board Paper ATRT Report 28  
Feb 2011 - ATRT RECOMMENDATIONS PROJECT LIST**

**ATRT RECOMMENDATIONS PROJECT LIST**  
**28 February 2011**

ATRT Recommendation (* indicates ATRT “high priority”)	Staff Recommendation	ATRT Timeline (recommended in report)	Staff Timeline (proposed)	Resources (Initial Estimate)	Responsible Entity	Lead Dept/Staff Support	Staff Implementation Recommendation
1. Board should establish formal mechanisms for identifying collective skill-set required by Board.	Adopt	Late 2011 (for next NomCom)	Mar. 2011 – Mar. 2012 (meets next NomCom deadline)	Current Staff; no additional funds	Board	Lead: Legal	Exhibit B
1.a. Benchmarking Board skill-sets against similar corporate & other governance structures.	Adopt	Late 2011 (for next NomCom)	Mar. 2011 – Mar. 2012 (meets next NomCom deadline)	Current Staff; no additional funds	Board	Lead: Legal	Exhibit B
1.b Tailoring required skills to suit ICANN’s unique structure & mission through open consultation process, including with SOs & ACs.	Adopt	Late 2011 (for next NomCom)	Mar. 2011 – Mar. 2012 (meets next NomCom deadline)	Current Staff; no additional funds	Board	Lead: Legal	Exhibit B
1.c. Reviewing these requirements annually, & provide as formal starting point for each NomCom.	Adopt	Late 2011 (for next NomCom)	Mar. 2011 – Mar. 2012 (meets next NomCom deadline)	Current Staff; no additional funds	Board	Lead: Legal	Exhibit B
1.d. Publishing outcomes & requirements as part of NomCom’s call-for-nominations.	Adopt	Late 2011 (for next NomCom)	Mar. 2011 – Mar. 2012 (meets next NomCom deadline)	Current Staff; no additional funds	Board, NomCom	Lead: Legal	Exhibit B
2. Board should regularly reinforce & review training & skills building programs.	Adopt	At least every 3 years	Mar. 2011 – Mar. 2012 (meets next NomCom deadline)	Current Staff; FY2012 US\$200,000 for consultants	Board	Lead: Legal	Exhibit B
3. Board & NomCom should increase transparency of NomCom’s deliberations & decision-making process; e.g. explain timeline, skill-set criteria before process starts, & explain choices made at the end	Adopt	ASAP but Starting no later than next Nom Com – late 2011	Mar. 2011 – Oct. 2012	Current Staff; no additional funds	Board, NomCom	Lead: Reviews	Exhibit B
4. Board should continue to enhance Board performance & work practices.	Adopt	None listed	Ongoing, Oct. 2011, Jan. 2012	Current Staff + 2 FTEs; FY2011 US\$5000 for consultants	Board	Lead: Legal	Exhibit B
5. Board should implement compensation scheme for voting Board Directors	Do not adopt; consider further	Expediently	April 2011, Sept. 2011, new timeline if needed	Current Staff; US\$50,000-\$75,000 for research; (more resources depending on Board action)	Board	Lead: Legal	Exhibit B

ATRT Recommendation (* indicates ATRT “high priority”)	Staff Recommendation	ATRT Timeline (recommended in report)	Staff Timeline (proposed)	Resources (Initial Estimate)	Responsible Entity	Lead Dept/Staff Support	Staff Implementation Recommendation
6. Board should clarify the distinction between issues that are subject to ICANN’s policy development processes & those matters that are within the executive functions performed by staff & Board, and develop complementary mechanisms for consultation in appropriate circumstances with the relevant SOs & ACs on administrative & executive issues that will be addressed at Board level.	Adopt w/ change in timeline	ASAP but no later than June 2011  as soon as practicable	Mar. 2011 – June 2012	Current Staff; no additional funds	Board	Lead: Legal	Exhibit B
7.* Board should: 7.1* Promptly publish all appropriate materials related to decision-making processes – including preliminary announcements, briefing materials provided by staff & others, detailed Minutes, & individual Directors’ statements relating to significant decisions	Adopt	Starting immediately	June 2010, Sept. 2011	Current Staff; no additional funds	Board	Lead: Legal	Exhibit B
7.2* Publish a “thorough & reasoned explanation of decisions taken, the rationale thereof, & the sources of data & information on which ICANN relied” & “ICANN should also articulate that rationale for accepting or rejecting input received from public comments & the ICANN community, including [SOs & ACs].”	Adopt	Starting immediately	Jan. 2011- June 2011	Privileged ; and Confidential	Board	Lead: Legal	Exhibit B
8. Board should have a document produced & published that clearly defines the limited set of circumstances where materials may be redacted & that articulates the risks (if any) associated with publication of materials. These rules should be referred to by the Board & staff when assessing whether material should be	Adopt	ASAP but no later than the start of the March 2011 ICANN meeting	Mar. 2011	Current Staff; no additional funds	Board	Lead: Legal	Exhibit B

ATRT Recommendation (* indicates ATRT “high priority”)	Staff Recommendation	ATRT Timeline (recommended in report)	Staff Timeline (proposed)	Resources (Initial Estimate)	Responsible Entity	Lead Dept/Staff Support	Staff Implementation Recommendation
redacted & cited when such a decision is taken.							
9.* Board, acting through the GAC-Board joint working group (JWG), should clarify what constitutes GAC public policy “advice” under the Bylaws	Adopt w/ change in timeline	By March 2011	Unknown (pending JWG report action)	Current Staff; no additional funds (more resources will be needed if Board/ GAC consultations cont.)	Board, GAC (JWG)	Lead: GAC Liaison	Exhibit B
10.* Board, acting through the JWG, should establish a more formal, documented process by which it notifies the GAC in writing of matters that affect public policy concerns to request GAC advice ICANN should develop an on-line record of each request to, & advice received from, the GAC along with the Board’s consideration of & response to each advice.	Adopt w/ change in timeline	By March 2011	April, 2011, June 2011, and possibly into FY2013	Current Staff + (see Rec. 13); FY2011 US\$50,000 for consultants	Board, GAC (JWG)	Lead: Legal	Exhibit B
11.* Board & GAC should work together to have the GAC advice provided & considered on a more timely basis; Board, acting through the JWG, should establish a formal, documented process by which the Board responds to GAC advice. This process should set forth how & when the Board will inform the GAC, on a timely basis, whether it agrees or disagrees with the advice & will specify what details the Board will provide to the GAC if it disagrees with the advice; process should also set forth procedures by which GAC & Board will then “try in good faith & in a timely efficient manner, to find a mutually acceptable solution.” Consider establishing other mechanisms by which Board & GAC	Adopt w/ change in timeline	By March 2011	Unknown (pending JWG report action)	Current Staff; no additional funds (more resources will be needed if Board/ GAC consultations cont.)	Board GAC (JWG)	Lead: GAC Liaison	Exhibit B



ATRT Recommendation (* indicates ATRT “high priority”)	Staff Recommendation	ATRT Timeline (recommended in report)	Staff Timeline (proposed)	Resources (Initial Estimate)	Responsible Entity	Lead Dept/Staff Support	Staff Implementation Recommendation
can satisfy the Bylaw provisions relating to GAC advice.							
12. Board, acting through the JWG, should develop & implement a process to engage the GAC earlier in the policy development process.	Adopt	None specified	Mar. 2011, Dec. 2011, longer term (depending on GAC)	Current Staff; no additional funds	Board GAC (JWG)	Lead: Policy	Exhibit B
13. Board & GAC should jointly develop & implement actions to ensure that GAC is fully informed of ICANN policy agenda & policy staff is aware of/sensitive to GAC concerns; may wish to consider changes to role of ICANN staff support relating to communication with & support to GAC, & whether Board & GAC would benefit from more frequent joint meetings.	Adopt	None specified	Mar. 2011, Dec. 2011, longer term (depending on GAC)	Current Staff + 1 FTE; no additional funds	Board, GAC	Lead: Policy	Exhibit B
14. Board should endeavor to increase the level of support & commitment of governments to the GAC process; encourage member countries & organizations to participation in GAC & place particular focus on engaging nations in developing world & need for multilingual access to ICANN records; Board also should work with GAC to establish a process to determine when & how ICANN engages senior govt. officials on public policy issues on a regular & collective basis to complement existing GAC process.	Adopt	None specified	Unknown (pending JWG report action)	Unknown (pending JWG action and additional planning)	Board, GAC	Lead: GAC Liaison	Exhibit B
15.* Board should direct the adoption of, & specify a timeline for the implementation of, public Notice & Comment processes that are stratified (e.g. Notice of Inquiry, Notice of Policy Making) & prioritized; prioritization & stratification should be established based on coordinated community	Adopt w/ change in timeline	ASAP but no later than June 2011	June 2011, Aug. 2011, Dec. 2011	Current Staff + 1 FTE; FY2011 US\$20,000 for consultants	Board	Lead: Policy	Exhibit B

<b>ATRT Recommendation (* indicates ATRT “high priority”)</b>	<b>Staff Recom- mendation</b>	<b>ATRT Timeline (recommended in report)</b>	<b>Staff Timeline (proposed)</b>	<b>Resources (Initial Estimate)</b>	<b>Respon- sible Entity</b>	<b>Lead Dept/Staff Support</b>	<b>Staff Implementation Recommendation</b>
<b>input &amp; consultation with Staff.</b>							
<b>16.* Public notice &amp; comment processes should provide for both distinct “Comment” cycle &amp; a “Reply Comment” comment cycle that allows community respondents to address &amp; rebut arguments raised in opposing parties’ comments.</b>	<b>Adopt w/ change in timeline</b>	<b>ASAP but no later than June 2011</b>	<b>Aug. 2011, Dec. 2011, longer term</b>	<b>Current Staff; no additional funds</b>	<b>Board</b>	<b>Lead: Policy</b>	<b>Exhibit B</b>
<b>17.* Timelines for public Notice &amp; Comment should be reviewed &amp; adjusted to provide adequate opportunity for meaningful &amp; timely comment; Comment &amp; Reply Comment periods should be of a fixed duration.</b>	<b>Adopt w/ change in timeline</b>	<b>ASAP but no later than June 2011</b>	<b>Aug. 2011, Dec. 2011, longer term</b>	<b>Current Staff; no additional funds</b>	<b>Board</b>	<b>Lead: Policy</b>	<b>Exhibit B</b>
<b>18. Board should ensure access to, documentation within, policy development processes &amp; multi-lingual access to maximum extent feasible.</b>	<b>Adopt w/ clarifica- tion request</b>	<b>None specified</b>	<b>June 2011, July 2011</b>	<b>Current Staff; no additional funds</b>	<b>Board</b>	<b>Lead: Communica- tions</b>	<b>Exhibit B</b>
<b>19. Board should publish its translations (including rationale) within 21 days of take a decision (in languages called for in ICANN Translation Policy).</b>	<b>Adopt w/ modifica- tion</b>	<b>None specified</b>	<b>Mar. 2011, April 2011,</b>	<b>Current Staff; FY2012 US\$125,000 + more resources to be required based on final implementation plans</b>	<b>Board</b>	<b>Lead: Legal</b>	<b>Exhibit B</b>
<b>20. Board should ensure that all necessary inputs that have been received in policy making processes are accounted for &amp; included for consideration by the Board; to assist this the Board should adopt &amp; post a mechanism (e.g. checklist or decision template) that certifies what inputs have been received &amp; are included for Board consideration.</b>	<b>Adopt</b>	<b>ASAP</b>	<b>Apr. 2011, June 2011</b>	<b>Current Staff; no additional funds</b>	<b>Board</b>	<b>Lead: Legal</b>	<b>Exhibit B</b>
<b>21. Board should request staff to work on process for developing annual work plan that forecasts matters that will</b>	<b>Adopt</b>	<b>None specified</b>	<b>June 2011</b>	<b>Current Staff; no additional funds</b>	<b>Board</b>	<b>Lead: Policy</b>	<b>Exhibit B</b>

ATRT Recommendation (* indicates ATRT “high priority”)	Staff Recommendation	ATRT Timeline (recommended in report)	Staff Timeline (proposed)	Resources (Initial Estimate)	Responsible Entity	Lead Dept/Staff Support	Staff Implementation Recommendation
require public input.							
22. Board should ensure that senior staffing arrangements are appropriately multi-lingual, delivering optimal levels of transparency & accountability to community.	Adopt	None specified	Mar. – July 2011	Current Staff; FY2012 US\$15,000	Board	Lead: HR	Exhibit B
23.* Board should implement IIC Rec. 2.7 that calls on ICANN to seek input from a committee of independent experts on the restructuring of its three review mechanisms; see ATRT guidance for review, including direction to look at mechanisms in IIC Rec. 2.8 & 2.9; upon receipt of experts’ final report, Board should take actions on the recommendations .	Adopt w/ change in timeline	ASAP but no later than June 2011  As soon as practicable	June 2011 + longer term depending on work plan	Current Staff; FY 2012 US\$200,000 -  Privileged and Confidential	Board	Lead: Legal	Exhibit B
24. Assess Ombudsman operations & relationship between Board & Ombudsman, & if needed, bring into compliance with internationally recognized standards for Ombudsman function & Board supporting the function	Adopt w/ change in timeline	ASAP but no later than March 2011	Wait for hiring of new Ombudsman	Current Staff; no additional funds	Board	Lead: Legal	Exhibit B
25. Clarify standard for Reconsideration requests with respect to how it is applied & whether the standard covers all appropriate grounds for using the Reconsideration mechanism.	Adopt	ASAP but no later than Oct. 2011	June 2011	Current Staff; no additional funds	Board	Lead: Legal	Exhibit B
26. Board should adopt a standard timeline & format for Reconsideration Requests & Board reconsideration outcomes that clearly identifies the status of deliberations & then, once decisions are made, articulates the rationale used to form those decisions.	Adopt	ASAP but no later than October 2011	June 2011	Current Staff; no additional funds	Board	Lead: Legal	Exhibit B
27. Board should regularly evaluate progress against these recommendations & the accountability &	Adopt	Annually	Mar. 2011, June 2011, Jan. 2012 & annually	Current Staff; FY2012 US\$25,000	Board	Office of CEO	Exhibit B

ATRT Recommendation (* indicates ATRT “high priority”)	Staff Recommendation	ATRT Timeline (recommended in report)	Staff Timeline (proposed)	Resources (Initial Estimate)	Responsible Entity	Lead Dept/Staff Support	Staff Implementation Recommendation
transparency commitments in the AoC, & in general analyze the accountability & transparency performance of the whole organization to annually report to the community on progress made & to prepare for the next ATRT review; all evaluation should be overseen by Board.							
<p>Reporting - ATRT asks the Board to provide a status report on all recommendations at the March 2011 ICANN meeting and a more formal report at the June 2011 ICANN meeting detailing:</p> <ul style="list-style-type: none"> <li>- Which recommendations have been fully implemented;</li> <li>- The status and schedule for implementing the remaining recommendations; and</li> <li>- The recommendations which the Board has concluded it cannot implement including a detailed explanation as to why the recommendations cannot be implemented.</li> </ul>	Adopt	March 2011 June 2011	March 2011 June 2011	Current Staff; no additional funds	Board	Office of CEO	

**2011-04-21-15-Exhibit B Board Paper ATRT Report 28  
Feb 2011 - All ATRT Implementation Plans**

# **Exhibit B – ATRT Recommendations Initial Implementation Plans Staff Proposals, 28 Feb. 2011**

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## ATRT Implementation Project, Recommendation 1, 2

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

#### **Project:**

1. Board should establish formal mechanisms for identifying the collective skill-set required by the Board (in time to enable integration of recommendations into next NomCom process beginning in late 2011):
  - a. Benchmarking Board skill-sets against similar corporate and other governance structures;
  - b. Tailoring required skills to suit ICANN's unique structure and mission through open consultation process, including with SOs and ACs;
  - c. Reviewing these requirements annually, and provide as formal starting point for NomCom each year;
  - d. Publishing outcomes and requirements as part of NomCom's call-for-nominations (starting with next NomCom – late 2011).
2. Board should regularly reinforce and review training and skills building programs (at least every 3 years).

**Responsible Entity:** Board

**ATRT proposed project deadline:** Late 2011 (Next NomCom cycle)

**Project's Lead Department:** Legal

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt these recommendations.

The portion of the recommendation regarding benchmarking (Rec 1.a) is likely to require the retention of consultants, and staff recommends that the process of skill identification and refinement first be viewed as a Board and community effort, prior to spending funds for a

benchmarking exercise. The ICANN Board has already received some inputs into skills identification; the 2008 Independent Review of the Board, as well as the comprehensive list of skills identified within the ATRT report. Because of the unique structure of ICANN, comparison with other organizations may be of limited utility at this time. In addition, the staff supporting the Board have access to materials and trainers at major associations dealing with corporate directorships, and those materials can be used in further refining a baseline for community discussion.

The work produced by the Board, and the discussions with the NomCom, have to take into account the Board turnover issue, with clear identification of skills held by the Board members with terms ending and the gaps that may be faced on the Board if those skill sets aren't considered in the selection of directors.

The remainder of the work recommended should proceed toward adoption. However, the need for community consultation and input, as well as coordination with NomCom processes, may require additional time for implementation. The Chair of the NomCom has already started work towards informal consultations towards the implementation of this item, and the continued cooperation of the NomCom (as anticipated) is essential. Further, the NomCom Review Final Report includes a recommendation on the drafting processes for solicitation of advice from the Board and SO/AC Chairs, work that is currently underway within the NomCom, including reference to how such a process can be formally included within NomCom procedures.

The current state of work within ICANN towards these measures is promising. The BGC has been very active in creating a framework for enhancing the skills of the Board. More information about this work can be found in reference to Recommendation 4.

Upon completion of the consultations described above, the ICANN Bylaws on the NomCom should be reviewed to determine if any amendments are recommended to formally recognize this work.

### **Preliminary Plan for Implementation:**

Task 1: Review 2010 Board Governance Committee work to identify Board member skill sets, both in terms of committee needs and individual Board member skill identifications.

Task 2: Compile list of specific skills necessary for independent directors to assure proper staffing of Audit and Finance Committees.

Task 3: Solicit SO, NomCom and At-Large input on skills considered in making appointments to ICANN Board and prioritization of those skills.

Task 4: Poll past ICANN Board members and Liaisons for identification of skills necessary for service on the ICANN Board and the training needed.

Task 5: Include skill assessment on annual BGC workplan.

Task 6: Review scheduling for ongoing consultations with community regarding proper tailoring of skill sets to ICANN.



Task 7: Coordinate conversation between NomCom Chair and Chair of Board to identify scope of information requested from Board for skill assessment, in respect of the independence of the NomCom processes.

Task 8: Coordinate with SOs and the At-Large on consideration of skill assessment for future selection.

Task 9: Retain independent consultant to form Board training program.

Task 10: Implement consultant recommendation of Board training program.

Task 11: [NomCom] Revise call for nominations to include identified skill sets as well as any enhanced training commitments identified.

Task 12: Review need for revisions to ICANN Bylaws

### **Proposed Timeline:**

By March 2011: Propose workplan items for BGC agenda regarding skill set selection and outreach. Include provision of skill set identification to NomCom as annual item of work. Begin information consultation with the NomCom to prepare for receipt of Board inputs.

By June 2011: Initiate calls for skill set identification and prioritization by SOs and former Board members;

Initiate RFP for consultant for Board training consultant.

By late September 2011: Using SO/Board member inputs, BGC to create list of identified skills and matrix of Board members skills for current members.

By October 2011: Coordination of provision of skill set identification to the NomCom for inclusion in call for nominations for 2011 and consideration in selection.

Complete RFP process for Board training consultant and select vendor

Between November 2011 – March 2012: Create and implement consultation mechanism with community for further refinement of Board member skills selection.

By end of March 2012: Formal launch of Board training program; interim trainings and orientations may occur.

Milestone: 2012 NomCom Call for Nominations includes additional skill sets information.

After 2012 community consultation on skill sets, determine if outside consultant needed to assist in benchmarking to other organizations.

Training and skill identification will be ongoing processes.

### **Proposed Resources:**

FY 2011 (immediate): Legal, NomCom and Policy staff resources for coordination of outreach and compilation of skill sets.

FY 2012: Legal, NomCom and Policy staff resources for coordination of consultation and implementation.

FY 2012: Board Training Consultant, budget requested (est cost: \$50,000); implementation of training programs (est cost:\$150,000). Future trainings will be budgeted in future FY.

FY 2013: Consider allocation for future outside consultant work on skills assessment and budgeting.

**Key Consultations:**

BGC and Board as a whole to oversee skill set identification and participate in identification exercised;

NomCom, GNSO, ccNSO, ASO and At-Large Community, for consultation on skill set identification;

Prior Board members and Liaisons

Potential public comment period in 2011-2012 for community consultation on Board skills after first skills identification completed.

## ATRT Implementation Project, Recommendation 3

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

**Project:** Board & NomCom should increase transparency of NomCom's deliberations & decision-making process; e.g. explain timeline, skill-set criteria before process starts, & explain choices made at the end.

**Responsible Entity:** Board and NomCom

**ATRT proposed project deadline:** ASAP but starting no later than next Nom Com (late 2011)

**Project's Lead Department:** Organizational Reviews (Operations Dept.)

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt this recommendation.

This recommendation is in line with the already adopted NomCom Review Implementation Plan, which was approved by the Board as part of ICANN's Organizational Review processes and followed the NomCom Review Working Group's Final Report making recommendations relating to this issue. Implementation can be done in two ways: a) by voluntary NomCom action, mainly informally, supported by Board/BGC and NomCom guidelines, or b) formally, by specifying the recommendation's provisions as detailed requirements in the ICANN Bylaws. Staff advice is to follow approach a), which enables more rapid implementation and flexibility for future enhancements. The only drawback of a) compared to b) is that the statutory independence of NomCom does not guarantee that future NomComs will follow the chosen approach. If this is considered a problem, an added process-oriented provision may be justified in the Bylaws as a basis for compliance with the recommendation.

### **Preliminary Plan for Implementation:**

The current NomCom has already taken voluntary steps to comply with the recommendation and will hold consultations and public sessions to that effect at ICANN's Silicon Valley meeting in March 2011.

Staff will redraft the NomCom guidelines with processes needed to implement this recommendation, in consultation with with the NomCom, SIC and BGC. These consultations

will also aim to identify any Bylaws changes that may be advisable and, if needed, staff will draft such for public comment and subsequent Board adoption.

A questionnaire/public comment period will provide feedback concerning the voluntary efforts of this year's NomCom and will further inform drafting of guidelines and Bylaws changes if needed.

All actions shall be finalized to enable full implementation with the launch of NomCom 2012.

### **Proposed Timeline:**

March 2011: NomCom consultations and public sessions at ICANN's March meeting.

March - July 2011: Consultations, redrafting of guidelines and, if needed, Bylaws changes.

August- September 2011: Questionnaire/public comments to gauge satisfaction with current NomCom's efforts to follow the recommendation. Public comment period for any Bylaws changes.

October 2011: Finalization of guidelines in light of public comments. Adoption of any agreed Bylaws changes. Launch of NomCom 2012.

### **Proposed Resources:**

The plan mainly requires efforts from the current NomCom and Legal staff and does not require additional budget resources to any appreciable degree.

### **Key Consultations:**

NomCom2011, BGC, SIC, ALAC, ccNSO and GNSO.

## ATRT Implementation Project, Recommendation 4

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

**Project:** Board should continue to enhance Board performance & work practices.

**Responsible Entity:** Board

**ATRT proposed project deadline:** None listed

**Project's Lead Department:** Legal

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt these recommendations.

This work is already ongoing and Staff suggests it continue. In addition, the Board training programs identified for implementation under ATRT Recommendation #2 are expected to provide further refinement to Board performance and work practices.

The BGC has been active in enhancing Board practices, including the standardization of Committee charters - requiring Committee annual review of activities and standardizing committee work practices. Highlights of this work include the Audit Committee identification of committee best practices, and the recent revisions to the Audit Committee and Finance Committee Charters.

For both 2009 and 2010, the Board has conducted self-appraisals in an attempt to continue to identify where work improvements can be made. While "full-blown" self-appraisals are likely not necessary on an annual basis, some form of regular self-appraisal is of value, particularly as the Board membership evolves. The Board is also continually working with the CEO to enhance the Board's performance through better definition of staff roles and Board roles, and through the continued improvement of staff briefing papers to the Board. The work processes of the Board should also be improved through the better definition and utilization of consultation processes, to create clear channels of communication as well as predictability of cycles of information for use in Board decisions.

In addition, work is already underway to review the tools the Board uses in performing its work. The enhancement of tools is anticipated to facilitate communications among Board members, and to reduce the burden on each member in performing his or her duties. Finally,

staff is actively working on how to enhance the Board Support functions to allow the Board to work more efficiently.

### **Preliminary Plan for Implementation:**

Task 1: Complete the 2010 self-appraisal work for BGC review and public posting.

Task 2: Create annual work plan for each Board Committee, including annual review of committee charter.

Task 3: Continue refinement to Board papers to address Board member needs in information and work flow.

Task 4: Clarify and define process for flow of communications to/from Board/staff and Board/community.

Task 5: Review tools necessary for the fulfillment of Board responsibilities and research feasibility of providing a standardized tool set to each Board member.

Task 6: BGC, with the Chair, to review the scope and regularity of Board self-appraisals as tools for improvement of Board performance.

Task 7: Survey Board members to determine if any further regularized reporting from staff would improve Board performance.

Task 8: Provide leadership training to staff responsible for supporting Board committees to better serve the Board committees.

### **Proposed Timeline:**

Immediate and continuing work: Task 3 is ongoing.

By October 2011, complete tasks 1, 2, 4, 7. Decide on fact of and scope of self assessment for 2011 as discussed in Task 6. Have plan for completion of task 8, identifying resource implications to determine if feasible to complete in FY2012 or if resource allocation is necessary for FY2013.

By January 2012, complete initial round of tools assessment and resource impact for inclusion in FY 2013 budget (task 5).

### **Proposed Resources:**

Proper completion of the Board support needs will require approximately 2 additional FTEs in a Board support role, to uniformly coordinate workplans, committee processes and communication flows.

If a self-assessment is completed in 2011, approximately US\$5000 is necessary for external consultants.

### **Key Consultations:**

BGC, Chair of Board, all Board Committees, all staff supporting Board committees.

No public comment period will be required to meet this recommendation. However, the successful revision of public comment processes will be key in assisting the Board in modifying its internal practices.

## ATRT Implementation Project, Recommendation 5

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

**Project:** Board should implement compensation scheme for voting Board Directors.

**Responsible Entity:** Board

**ATRT proposed project deadline:** Expeditiously

**Project's Lead Department:** Legal

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board not adopt this recommendation at this time, but give adoption and implementation further consideration as detailed below.

**\*Privileged and Confidential Advice Set Forth Below\***

Privileged and Confidential



Privileged and Confidential

Privileged and Confidential

**\*Privileged and Confidential Advice Set Forth Above\***

**Key Consultations:**

Board of Directors as a whole, and possible assistance by designated committees of the Board  
Required public comment on Bylaws change.

## ATRT Implementation Project, Recommendation 6

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

**Project:** Board should clarify the distinction between issues that are subject to ICANN's policy development processes & those matters that are within the executive functions performed by staff & Board, and develop complementary mechanisms for consultation in appropriate circumstances with the relevant SOs & ACs on administrative & executive issues that will be addressed at Board level.

**Responsible Entity:** Board

**ATRT proposed project deadline:** As soon as possible, but no later than June 2011

**Project's Lead Department:** Legal

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt this recommendation with a modification of the proposed completion date.

While work to implement the recommendation will be well underway in advance of the June 2011 suggested deadline, completion of implementation is not feasible in that time period. Historical analysis should be conducted to classify the various actions taken by the Board in the past and identify whether an SO/AC was consulted prior to Board action. The classification of actions and decisions within ICANN will be a helpful exercise for the entirety of the organization in addressing the recommendations of the ATRT. The categorization called for will inform the proper structure of public comment processes or consultation for each type of action or decision, and in the creation of consultation mechanisms that are more useful than the "one size fits all" model used today. This work may also assist the Board in improvements to its work practices, through better identification of more administrative items.

In order to create a framework to competently address this recommendation, staff will immediately undertake a categorization exercise, using the Resolution wiki unveiled during the Cartagena meeting. Staff will work to categorize Board action into policy/executive/administrative and other categories, and then review whether public comment was received on those items. After that categorization is completed, consultation with the SOs

and ACs will likely be necessary to identify the appropriate levels of consultation needed for each type of decision.

Another challenge posed by this recommendation is the lack of clear definition – organization wide – of what constitutes a new “policy” rather than “implementation advice” or other type of Board action. The appropriate level of consultation may vary depending on the circumstance, such for a policy/not policy decision, and the need to recognize that many consultations on policy-related decisions should be coordinated prior to reaching the point of Board action. A community consultation will likely be necessary on this item. However, such a consultation should not take place prior to establishing a baseline understanding of categorization.

### **Preliminary Plan for Implementation:**

Task 1: Prepare document identifying current requirements for public comments prior to Board action, based in Bylaws, operating procedures or in established practice.

Task 2: Undertake a categorization exercise using the Resolution wiki, to assign each type of action taken and the scope of consultation prior to the Board’s decision. Include historical public comment periods to aid in categorization.

Task 3: After completion of the categorization exercise, create a proposal for Board and community consideration regarding the categorization and levels of consultation needed prior to Board action.

Task 4: As part of the Board’s setting of the agenda, categorization of the type of actions under consideration by the Board to be identified.

Task 5: Determine if references to the Policy Development Processes within the Bylaws have to be refined to reflect the distinction between policy creation and other decisions.

Task 6: Initiate community consultation on better definition of policy work within the organization, based upon the baseline created through the categorization work.

### **Proposed Timeline:**

By March 2011: Produce document identifying the current Bylaws-mandated and other required public comment based upon established practice.

By June 2011: Categorization of wiki actions complete and proposal produced for Board consideration.

By October 2011: Begin consultation on the categorization proposal, and integrate proposed categorizations into Board agendas on ongoing basis.

By March 2012: Categorization in place and levels of consultation are put into practice.

By June 2012: If Bylaws changes are necessary to address any policy development process related issues, proposed amendments should be nearing approval by the Board; Initiate community consultation on definition of policy.

**Proposed Resources:**

Legal Department support for this implementation will consume approximately 30% of one FTE. Policy department support will consume approximately 10% of one FTE, particularly during the creation of a proposal. The heavy resource allocation will likely end approximately 3-4 months into implementation, however the community consultations required in 2012 will require approximately 10% of one policy FTE and legal FTE at minimum.

**Key Consultations:**

ICANN Executive Staff, ICANN Board, and all ICANN SOs/ACs, particularly SOs with active Policy Development Processes. A public comment period is likely once the Board approves a proposal for categorization for community consideration.

## ATRT Implementation Project, Recommendation 7, 8

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### Project Information:

#### Project:

7. Board should:

7.1 Promptly publish all appropriate materials related to decision-making processes – including preliminary announcements, briefing materials provided by staff & others, detailed Minutes, and individual Directors’ statements relating to significant decisions.

7.2 Publish a “thorough and reasoned explanation of decisions taken, the rationale thereof, and the sources of data and information on which ICANN relied” and “ICANN should also articulate that rationale for accepting or rejecting input received from public comments & the ICANN community, including [SOs & ACs].”

8. Board should have a document produced and published that clearly defines the limited set of circumstances where materials may be redacted and that articulates the risks (if any) associated with publication of materials. These rules should be referred to by the Board and staff when assessing whether material should be redacted and cited when such a decision is taken.

**Responsible Entity:** Board

**ATRT proposed project deadline:** Immediately, for 7.1 and 7.2. Start of March 2011 ICANN meeting 8.

**Project’s Lead Department:** Legal

**Project Manager:** TBD

**Project Team Members:** TBD

### Project Manager/Team Advice:

Staff recommends that the Board adopt these recommendations.

Much of the work called for in Recommendation 7 is already underway. While refinements are necessary, the implementation has begun. The milestones already achieved include:

- As of June 2010, the briefing materials provided to the Board have been posted along with the approved minutes of that Board meeting. The first meeting the briefing

materials posting was completed for was the 22 April 2010 meeting. The postings have continued for every meeting since.

- The comprehensive nature of the Board minutes has been improved, and staff will continue to reflect the Board's detailed discussions.
- As of the 25 January 2011 meeting, staff began including proposed rationale statements in Board submissions, addressing the items set forth in the Affirmation of Commitments. If the Board does not propose significant modification to the draft rationale statements, those draft statements will be posted with the Approved Resolutions for each meeting. This practice was instituted on 27 January 2011, with the posting of the 25 January 2011 Approved Resolutions. The rationale statements will be considered final when posted with the Minutes as approved for each meeting. The rationale statements are to address the sources of data and information, as well as to address community input accepted and rejected. Given that some decisions are far more straightforward than others, there are varying levels of rationale statements being produced (light, medium and heavy). The more substantial the comment and the more significant the decision, the broader the rationale statement will be. As the categorization work proceeds in accordance with Recommendation 6 above, the categorizations may be of use in determining the level of rationale statement necessary.
- As discussed in the Implementation Steps below, there is more work to be done to meet the recommendations.

There are some limitations that will have to be recognized when addressing Recommendation 7.

- Minutes: Detailed discussion is not available in actions taken on the Consent Agenda. In an effort to improve Board performance, the Board implemented a consent agenda process to quickly address items that the Board does not require discussion to address. However, rationale statements will be provided for the actions taken on the Consent Agenda.
- Individual Director Statements: There is no obligation for directors to produce statements in support of any vote. However, if directors wish to produce such statements, the Board (through a designated committee) could facilitate the creation of a template to assist the directors in the drafting of such statements. In addition, if any director makes a statement on the record of a meeting, that statement is included within the minutes of the meeting.
- Rationale Statements For Items Arising Out of the ICANN structure: As discussed in response to ATRT Recommendation 20, there are some items that are presented to the Board, such as policy recommendations arising out of the SOs, for which the Board has to rely upon the proper inputs being considered and rationale statements being prepared. The Board's decision on the policy matter should not be considered an opportunity to re-weigh the community inputs into the policy development process; such a result would be a failure of accountability. The work described in ATRT Recommendation 20 will help cure this limitation.

New work to be done to meet the recommendations

In terms of "preliminary announcements", it is understood that the ATRT is referring to the detail of the notice provided to the community regarding the items under discussion on the Board's upcoming agenda, and whether action on the item is anticipated. Consideration needs to be given on what level of detail can be placed on the publicly-posted agenda, when balanced with the need to post agendas as soon as practicable. Staff will begin to review how additional detail can be provided and will start to incorporate additional detail into the agendas as soon as possible.

Staff is in the process of preparing a document defining the set of circumstances used when redacting Board briefing materials. The Defined Conditions for Non-Disclosure set forth in the Documentary Information Disclosure Policy (DIDP) currently guide the set of circumstances associated with redaction of the Board briefing materials. While these DIDP conditions will remain the baseline for redactions, there is great value in producing a document to guide staff and inform the community on the specific issue of redaction of Board materials. As evidenced through the very publication of the Board briefing materials, ICANN has narrowed the previously-applied scope of its application of the conditions for non-disclosure in favor of increased transparency and accountability.

Of note, beginning with the 12 December 2010 Board meeting materials, the basis for each redaction was set forth on every page where a redaction occurred. A review of how to best cite to the circumstances requiring a redaction will continue.

### **Preliminary Plan for Implementation:**

Task 1: Obtain Board feedback on the sufficiency of the rationale statements being drafted and modify statements accordingly

Task 2: Revise internal Board submission templates to set out a template to produce a proposed rationale

Task 3: Continue practice of posting Board materials with approved minutes, and produce description of timing of Board material posting for release to the community

Task 4: Include more detail on posted Board agendas, to identify: (1) a better description of issue before the Board; (2) whether action is anticipated on the item. The inclusion of detail will be an iterative exercise, and should be performed in a manner that maximizes the public availability of agendas.

Task 5: Board to consider feasibility of producing template for individual director statements on votes and whether such templates are needed

Task 6: Draft document setting forth conditions for redaction of Board material and make publicly available

Task 7: Refine redaction of Board materials to indicate basis for redactions

Task 8: In coordination with Language Services team, determine best process for timely posting of translation of Board materials

### **Proposed Timeline:**



March 2011: Document setting forth conditions for redaction of Board materials posted, along with explanation of timing of the postings (Tasks 3, 7); Revisions completed to Board submission template (Task 2)

By end of March 2011: Begin process of receiving Board feedback on proposed rationale statements (Task 1)

By Sept. 2011: Board to consider feasibility of providing a template for individual director statements on votes (Task 5)

As soon as possible: Begin consideration of posting additional detail on the Board agenda, and implement changes as available (Task 4)

Timeline for completion of Task 8 is dependent on ATRT Recommendations 18 and 19.

### **Proposed Resources:**

Resources for translations of materials is addressed within staff response to ATRT Recommendations 18 and 19.

### **\*Privileged and Confidential Material Identified Below\***

Privileged and Confidential

### **\*Privileged and Confidential Material Identified Above\***

The time of .5 - 1 FTE within the Legal department could be solely dedicated to the creation of rationale statements for in-depth decisions. Every department that produces Board papers will devote additional resources to the production of rationale statements.

Meeting the remainder of the recommendations will not require substantial staff resources.

### **Key Consultations:**

Board, and SOs/ACs.

## ATRT Implementation Project, Recommendation 9

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

Board, acting through the GAC-Board joint working group (JWG), should clarify what constitutes GAC public policy “advice” under the Bylaws

**ATRT proposed project deadline:** By March 2011

**Project’s Lead Department:** GAC Liaison

**Project Manager:** GAC Liaison

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt this recommendation with a modification to the proposed project deadline.

The Board/GAC Joint Working Group (JWG) included this issue in the Terms of Reference for its work, and discussions have been ongoing to assess what constitutes GAC advice. The JWG is expected to deliver its final report around the time of the ICANN March 2011 Meeting, though not before. Once the final report is provided, the Board as a whole will have an opportunity to review the recommendations within the report for acceptance or further clarification. Therefore, even at the time of the transmission of the JWG final report, the work required to fulfill this Recommendation 9 will not be completed. Given the ongoing work of the JWG, there is no feasible way that this recommendation can be completed within the time stated.

Depending on the scope of the JWG recommendation on this topic and the Board acceptance of that work, it may be necessary to constitute a separate joint group of GAC and Board representatives to work through later phases of consultation.

### **Preliminary Plan for Implementation:**

Task 1: JWG submits its final report.

Task 2: Board reviews recommendations in JWG final report regarding how to clarify what constitutes GAC public policy “advice.”

Task 3: Board determines whether to accept JWG final report recommendation. If yes, Board adopts resolution accepting JWG recommendation. If no, Board consults with GAC Chair to determine process for further joint Board-GAC consideration of this issue. Once Board and GAC reach agreement as to what constitutes GAC public policy advice under the Bylaws, Board adopts resolution reflecting same.

### **Proposed Timeline:**

According to current estimates, the JWG will deliver its final report at the SVSF Meeting in March 2011.

The Board will then consider the JWG recommendation as soon as it is feasible. Depending on the scope of the JWG recommendations, the Board may determine to have the JWG report as a topic at its upcoming May retreat. While the internal operations of the Board on this broad of an issue cannot be completely forecast, it is likely that the Board could take action regarding acceptance of the JWG recommendations at or before its June 2011 meeting.

The remainder of the timeline for implementation is dependent upon the Board's decision. There will likely be further implementation work necessary if the Board accepts the recommendation set out in the JWG final report. If the Board rejects the recommendation, the Board would then initiate further consultation with the GAC on this issue, and a further timeframe for that work would have to be agreed upon between the Board and the GAC.

### **Proposed Resources:**

If the Board accepts the JWG Final Report recommendation on clarifying GAC public policy advice, no requirements for additional resources are anticipated. If however the Board rejects the JWG recommendation, it is possible that additional staff resources and financial resources to support Board-GAC consultations on this issue will be required.

### **Key Consultations:**

Board, GAC, Board-GAC Joint Working Group

(No public comment anticipated)

## ATRT Implementation Project, Recommendation 10

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

#### **Project:**

Board, acting through the JWG, should establish a more formal, documented process by which it notifies the GAC in writing of matters that affect public policy concerns to request GAC advice ICANN should develop an on-line record of each request to, & advice received from, the GAC along with the Board's consideration of & response to each advice.

**ATRT proposed project deadline:** By March 2011

**Project's Lead Department:** Legal

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt this recommendation with a modification to the proposed deadline.

Given the inaugural consultations with the GAC, as well as the need to involve the GAC in the creation of a meaningful process of notification, there is no feasible way that this recommendation can be completed within the time stated. In addition, the stated time is not sufficient to properly design a useful online mechanism for the tracking of GAC advice and the Board's response thereto.

As seen in the 28 October 2010 meeting, ICANN has started producing charts identifying GAC advice or communications on a variety of topics. The creation of a single online record tracking the GAC advice will be a helpful tool as the Board and the GAC address the consultation processes. However, the types of information that will be populated in such an online record will likely need to be a topic of discussion between the Board and the GAC, and is dependent upon the definition of GAC "advice", as sought through Recommendation 9. In addition, the information that will be used to populate this system is partially dependent upon the rationale documents that are now being produced. Internal planning for such a tool should commence.

The creation of a process for notification of the GAC is a multi-faceted issue. For GAC/Board interactions, the JWG (or another group as designated by the Board and GAC) should work to

obtain some clarity on the GAC's expectations of notification and timing of such matters. However, the issue of GAC participation and engagement at the policy development level also must be addressed. The timing of GAC/Board discussions relating to earlier policy recommendations can result in modifications of policy decisions reached through the defined policy development processes – a result that may be avoided through earlier engagement in policy development processes. The outcomes of ATRT Recommendations 12 and 13 will be helpful to this discussion.

### **Preliminary Plan for Implementation:**

Task 1: Plan/design online record system

Task 2: JWG (or other) to consult with GAC on proposed notification process as well as the scope of items the GAC wishes to have included in the online tracking system

Task 3: Upon completion of consultation, the notification process should be documented and made publicly available

Task 4: While planning is done to create a robust online tool for tracking of GAC advice, staff to compile identified GAC advice and post in a single location on the ICANN website

Task 5: Staff to create process for continued population of items in the online record system, reflecting updates in a timely fashion

### **Proposed Timeline:**

By end of April 2011: Compile identified GAC advice and post in single location on ICANN website; Determine if external consultant is needed for design of more robust online tool to meet recommendation. If external consultant is needed, completion of robust tool may need to be completed within FY 2013. Seek advice from the Board/GAC JWG regarding the notification process and online tools.

By June 2011: Initiate discussions with GAC on proposed notification processes and content of online tools. Because of the interdependency with the other GAC-related recommendations, the deadline for the completion of this work is unknown.

Note: The proposed timeline for all work identified is subject to GAC availability and timely provision of responses

### **Proposed Resources:**

Potential external consultant to design online record tool: Approximately US\$50,000

Additional staff resources will be necessary to support the consultation on the process, as well as ongoing maintenance of a record tool. These resources will be partially addressed in staff response to ATRT Recommendation 13.

### **Key Consultations:**

ICANN Board, GAC, and Joint Working Group or other, as designated. No public comment anticipated

## ATRT Implementation Project, Recommendation 11

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

Board & GAC should work together to have the GAC advice provided & considered on a more timely basis; Board, acting through the JWG, should establish a formal, documented process by which the Board responds to GAC advice. This process should set forth how & when the Board will inform the GAC, on a timely basis, whether it agrees or disagrees with the advice & will specify what details the Board will provide to the GAC if it disagrees with the advice; process should also set forth procedures by which GAC & Board will then “try in good faith & in a timely efficient manner, to find a mutually acceptable solution.” Consider establishing other mechanisms by which Board & GAC can satisfy the Bylaw provisions relating to GAC advice.

**ATRT proposed project deadline:** By March 2011

**Project’s Lead Department:** GAC Liaison

**Project Manager:** GAC Liaison

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt this recommendation with a modification to the proposed project deadline.

The Board/GAC Joint Working Group (JWG) included this issue in the Terms of Reference for its work, and discussions have been ongoing to assess these issues. The JWG is expected to deliver its final report around the time of the March ICANN Meeting, though not before. Once the final report is provided, the Board as a whole will have an opportunity to review the recommendations within the report for acceptance or further clarification. Therefore, even at the time of the transmission of the JWG final report, the work required to fulfill this Recommendation 11 will not be completed. Given the ongoing work of the JWG, there is no feasible way that this recommendation can be completed within the time stated.

The Board/GAC consultations are in the planning stages, and one of the anticipated outcomes of that work is a defined process for the good faith consultation. The work set out in Recommendation 9 and 10 will also guide the implementation of this Recommendation, as a definition of advice, as well as a defined process for notification of a potential decision, will necessarily impact a process for when and how that advice is to be provided to the Board.

The creation of the online tool as discussed in Recommendation 10 will help provide tracking from which a more formal process can be generated, and will also assure that items of GAC advice are not disregarded as the Board proceeds to action.

Establishing the timing for Board consideration of GAC advice may be premature at this time. Given the inaugural implementation of the consultation mechanism at the March 2011 meeting, the GAC and the Board may not be able to forecast the timing for implementation of this recommendation until after a few rounds of discussions.

### **Preliminary Plan for Implementation:**

Task 1: JWG submits its final report.

Task 2: Board reviews recommendations in JWG final report regarding Recommendation 11.

Task 3: Board determines whether to accept JWG final report recommendations. If yes, Board adopts resolution accepting JWG recommendations. If no, Board consults with GAC Chair to determine process for further joint Board-GAC consideration of these issues. Once Board and GAC reach agreement on these issues, Board adopts resolution reflecting same.

According to current estimates, the JWG will deliver its final report at ICANN's March 2011 Meeting.

The Board will then consider the JWG recommendations as soon as it is feasible. Depending on the scope of the JWG recommendations, the Board may determine to have the JWG report as a topic at its upcoming May retreat. While the internal operations of the Board on this broad of an issue cannot be completely forecast, it is likely that the Board could take action regarding acceptance of the JWG recommendations at or before its June 2011 meeting.

The remainder of the timeline for implementation is dependent upon the Board's decision. There will likely be further implementation work necessary if the Board accepts the recommendations set out in the JWG final report. If the Board rejects the recommendation, the Board would then act to initiate further consultation with GAC on these issues, and a further timeframe for that work would have been agreed upon between the Board and the GAC.

### **Proposed Resources:**

If the Board accepts the JWG Final Report recommendation on clarifying GAC public policy advice, no requirements for additional resources are anticipated. If however the Board rejects the JWG recommendation, it is possible that additional staff resources and financial resources to support Board-GAC consultations on this issue will be required.

### **Key Consultations:**

Board, GAC, Board-GAC Joint Working Group

(No public comment anticipated)



## ATRT Implementation Project, Recommendation 12, 13

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

12. The Board, acting through the GAC-Board joint working group, should develop and implement a process to engage the GAC earlier in the policy development process.

13. The Board and the GAC should jointly develop and implement actions to ensure that the GAC is fully informed as to the policy agenda at ICANN and that ICANN policy staff is aware of and sensitive to GAC concerns. In doing so, the Board and the GAC may wish to consider creating/revising the role of ICANN staff support, including the appropriate skill sets necessary to provide effective communication with and support to the GAC, and whether the Board and the GAC would benefit from more frequent joint meetings.

**ATRT proposed project deadline:** None Specified

**Project's Lead Department:** Policy

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt these recommendations.

To implement these recommendations, there is a wealth of existing tools and resources that the GAC can take advantage of and that can be easily customized to the GAC's interests and needs. Additional short and long-term actions, as described below, can be taken to implement these recommendations. It is important to keep in mind that the GAC itself will have an important role in successfully implementing these two closely connected recommendations. Staff suggests that the Board and GAC agree on the best method for addressing implementation – either extending the current JWG or creating a new group to address implementation details.

### **Preliminary Plan for Implementation:**

#### **Immediate Actions:**

- Monthly Policy Update – While in the past each GAC member was encouraged to subscribe individually to receive this newsletter directly, the publication also could be sent directly to the GAC email list every month (if GAC allows).

- There are other newsletters prepared by ICANN (and available to each GAC member) that the GAC might also be interested in and for which the same action could be taken, such as the Compliance Newsletter: <http://www.icann.org/en/compliance/newsletter/>.
- GAC members currently are able to participate in the pre-ICANN meeting policy update interactive webinars staff conducts for all interested individuals (e.g. <http://www.icann.org/en/announcements/announcement-04feb11-en.htm>); Policy Staff could provide a special alert and invitation to GAC members for these sessions.
- All of the GNSO's policy development working groups are open to all individuals, including GAC members; Policy Staff could provide a special alert and invitation to GAC members to participate in their individual capacities (or on behalf of individual countries).
- Individual GAC members are also free to comment on topic of interest during public comment forums; while staff recognizes that this input still does not constitute "GAC advice", it does allow input from individual government perspectives to be heard and open forums are highlighted in the Monthly Policy Update.
- The GAC could consider assigning volunteers to act as liaisons to SO and other AC working groups that are of broad interest to the GAC (understanding that a "liaison" would not be representing the GAC, but could act as a conduit for more detailed, or GAC-nuanced information); this is already standard operating procedure between the GAC and the ccNSO in working groups that are mutually considered of interest (the ccNSO currently invites the GAC to participate in or liaise with all working groups that potentially touch on policies or practices that may be relevant to the GAC).
- As with all of ICANN's Advisory Committees, the GAC has the right under the bylaws to "raise an issue for policy development" (for the GNSO this is specified under 1.c of Annex A, for the ccNSO this is specified in section 1.d of Annex B); the ALAC has taken advantage of this ability to initiate GNSO policy work on more than one policy issue, yet the GAC has never done so; ICANN Policy staff can meet with the GAC and describe what this Bylaws provision means and how it might be used.
- In the event that a Task Force is formed according to the rules of the ccNSO PDP, the GAC may appoint two GAC representatives or more to a Task Force, following a formal request (section 5.a Annex B); in the event no Task Force is formed, the Chair of the ccNSO shall formally request the Chair of the GAC to offer opinion or advise as part of the ccPDP (section 8.b of Annex B).
- Upon receipt of the Final Report under a ccNSO PDP, the ccNSO Council shall formally send an invitation to the Chair of the GAC to invite the GAC to offer opinion or advise on the Final Report (section 9.a of Annex B).
- Other ACs and SOs have occasionally requested speakers who are active on various policy issues (ICANN staff members, Working Group chairs, etc.) to attend their in-person and conference call meetings to brief them on work of interest; the GAC could invite speakers on topics of interest at any time.
- Preparation of Issue Briefs, presentations and background papers by staff on topics of interest to the GAC could be provided by staff; these are typically prepared for the GNSO Council when reports are prepared, and the briefings also could be given to the GAC at times convenient to them.
- ICANN staff can help the GAC identify high-priority, and new and emerging topics that may be timely for workshops or discussion sessions at ICANN meetings.

- Historically the GAC has collaborated with both the GNSO and ccNSO on policy topics of mutual concern and interest (e.g. ccNSO/GAC Issues Paper on IDN ccTLDs, IDNC WG, Cross-SO/AC working group on Recommendation Six of the new gTLD implementation); these joint groups have produced important results to aid informed policy making and could be further encouraged where appropriate.
- To the degree that the GAC is in a position to formulate input into current policy working groups, (see endnote for background information)[i|#\_edn1] that input can be considered by working group participants, as would be the case with comments received from other advisory committees within ICANN. This would be a very positive contribution to pending, bottom-up, policy development processes engaged in by all the SOs.
- Currently the Chair of the GAC is notified of any proposal raising **public policy issues** on which any SO or AC is seeking public comment. Going forward, Policy staff can provide specific notice to the GAC on a broader set of policy activities that might be of interest to the GAC, and provide briefings, if desired. It could be that the GAC has an interest in providing a government view on a broader range of topics, and if informed about a broader set of policy activities, the GAC might identify public policy implications or considerations not previously articulated.

#### **Short-term Actions:**

- Extend the JWG's charter to address implementation of these recommendations, or form a new Board/GAC group to do so, with staff support as needed;
- The GAC can consider re-instating one or more official "liaisons" to the GNSO Council and to other ACs and SOs where none may be active currently.
- Staff can work with the Board and GAC to identify new ways for the GAC to participate earlier in the policy development process.
- Continue the dialogue the GNSO started with the GAC at the ICANN Cartagena meeting about the efficacy of joint SO/AC working groups. This addressed: whether there are any limitations to participation by the GAC and individual GAC representatives in cross-community working groups; if so, what those limitations might be; what subjects are suitable or eligible for cross-community WGs (CWGs); and what the role of the SOs and ACs should be in reviewing/approving a CWG report. Staff thinks this dialogue could have important consequences for how the GAC and other Advisory Committees might advise the Supporting Organizations and their working groups in the future, recognizing that this also is a longer-term project.
- Recently there have been cases where investigative or exploratory work conducted by an ICANN Advisory Committee has led to subsequent policy action on the part of a supporting organization. [ii|#\_edn2] Recognizing that the GAC may only be in a position to comment on selected issues, or within specified timeframes, the GAC could consider how it might take best advantage of additional staff support and a more regular information flow on policy matters to weigh in earlier when and where it can do so. For example, the GNSO can often anticipate many months ahead certain topics that it will likely solicit SO and AC or community comments on. These could be flagged for the GAC early on so that selected topics can be considered "pre-emptively". In addition, the GAC could consider communicating more through correspondence such as the letter sent to the ICANN Chair from the GAC Chair on behalf of the GAC on the WHOIS

studies, other than relying primarily on formal communiqués delivered during public ICANN meetings. Where feasible, this might help provide more timely input.

### **Long-Term Actions:**

- (If requested by the GAC) assign additional Policy staff to support the GAC, and additional Secretariat support to help share information and publications from other SOs and AC that might be of particular interest to the GAC.
- Encourage the GAC to find ways within its own structure to contribute policy insights and expertise earlier in the policy development process – to explore additional ways that might assist the GAC to provide meaningful input earlier in policy development processes that are in the formative stages of community consideration. For example, there may be ways that could enable the GAC to provide collective input to pending policy work more readily in the future. The duration of public comment periods are likely to be extended in many cases as a result of other of these recommendations. This might provide the GAC with greater time to consider a pending policy matter than the shorter intervals sometimes conducted in the past. There is also a “capacity-building” element that may be necessary to help the GAC figure out best how it can provide input earlier in the policy development process.
- The Board and GAC should determine how frequently they should hold joint meetings and how these meetings should be planned and structured for optimal results. Staff notes language in the current bylaws that allows the GAC to “put issues to the Board directly”, and in light of this ATRT recommendation, staff suggests that the Board and GAC set aside additional time for at least one additional joint meeting a year (which could be coincident with a public ICANN meeting) that focuses exclusively on early information sharing on a pre-selected policy topic or topics that is understood to also be of significant public policy interest to the GAC. The purpose would be to engage in an early exchange of ideas on a timely issue “of the day”. Staff recommends that the SOs be consulted to determine if they have issues under discussion that might benefit from an early exchange of ideas between the Board and the GAC, and whether there are questions that could be proposed as a foundation for that discussion.
- Consider the need to review the Bylaws to determine if any amendments are needed to reflect the enhanced processes.

### **Proposed Timeline:**

All of the immediate actions suggested above can be implemented by the March 2011 ICANN meeting.

Short-term actions proposed above can be implemented by December 2011.

Longer-term options such as staffing, and reworking existing GAC processes to provide more capacity for early input on policy making would be dependent on budget allocation and GAC support for considering changes to existing ways of providing input on policy matters.

Staffing a separate Board-GAC meeting with a new agenda will also take incremental resources to arrange and prepare briefing papers.

### **Proposed Resources:**

Up to one additional FTE executive/senior-level Policy staff support and incremental Secretariat support to distribute policy-related documents, coordinate GAC communications with Policy Staff and other SO/ACs as appropriate, and for related administrative assistance.

### Key Consultations:

- Internal consultation involving the Policy, Legal and GAC-related staff and with HR and the CFO regarding the potential staffing and budget implications.
- Consultations with the GAC Secretariat.
- Consultation with the Board and GAC about improvements and proposals that they would see as most useful, and with the Board/GAC working group designated to conduct this work and the options they identify has having the greatest potential (draft report contains a great deal of useful information and observations, but also identifies some challenges with previous efforts to improve the situation, for example, use of liaisons in the past).
- Direct consultation between the GAC and the Board whether they think they would benefit from more frequent joint meetings, and if so, how those meetings should be structured and organized to achieve maximum results.

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i Background: As reflected in the Bylaws, the focus of the GAC is on public policy advice. The Bylaws note that the GAC should provide advice particularly on “matters where there may be an interaction between ICANN’s policies and various laws and international agreements or where they may affect public policy issues”. Such advice constitutes the majority of advice that is issued by the GAC, but is only a subset of policy issues being discussed by ICANN policy making bodies. It is also worth noting that in the case of GNSO and ASO policy proposals the ICANN Bylaws call for GAC advice to go solely to the Board, rather than to the other Supporting Organizations and Advisory Committees. While the Board could certainly convey GAC advice on a particular matter to a pending SO or AC working group if one exists, at times it may be preferable for the GAC to provide advice directly. In the case of the ccNSO, the GAC is formally requested to either participate in a task force or offer its advice to the ccNSO Council if no task force is formed on issues relevant to the GAC. The GAC also can be requested by the ccNSO to offer its advise or opinion on the ccNSO’s final recommendations.

Since policy development at ICANN is a bottom up, iterative process, policy working groups benefit significantly from input that is provided as early in the consideration process as possible. Typically today, the Board considers policy recommendations only once they have been fully discussed and analyzed by one or more SO working groups, and only after the relevant Supporting Organization has reviewed the issue and associated recommendations and has made an official recommendation to the Board. If the Board reaches out to the GAC once it receives a recommendation from an SO for action, most of the policy development process would be complete and it can be difficult to consider fully GAC concerns or suggestions at such a late point in the process.

The GNSO is in the process of changing its Policy Development Process (PDP) and is placing new emphasis on early information gathering activities that should be conducted even before a PDP is launched. In light of this, it may be useful to consider some of the barriers that have

made it relatively difficult for the GAC to provide advice early in the policy development process, and to encourage the GAC to develop proactive advice that can be directed to specific working groups where it can be considered “in real-time”.

Note that staff is not suggesting that these recommendations preclude in any way the options currently afforded to the GAC and to the Board under the ICANN Bylaws to advise the Board on policy matters.

The Policy Department has a wealth of expertise and information on a broad range of policy topics of interest to the GAC, and some excellent opportunities exist to communicate this information to the GAC more regularly and in a more targeted way. Many tools could be implemented with minimal funding right away. With additional funding, more senior policy staff resources could also be assigned to help the GAC engage earlier in the policy development process, and more Secretariat functions to help the GAC keep more informed of those policy activities that are of greatest interest to the GAC in a systematic and thorough way.

ii For example, early work by the SSAC, which wrote several papers analyzing deficiencies in WHOIS, led to GNSO focus on studies and further GNSO documentation of those deficiencies. Early concerns identified by the ALAC relative to the recovery of expired domain names led to a GNSO policy development process that is currently underway and is considering changes to improve the situation. When the GAC has provided input on policy and other matters in the formative stages, such as the GAC’s detailed and extensive set of recommendations that it provided in April 2008 on WHOIS studies, the input has been of significant value. In the case of the WHOIS studies, the GAC input was instrumental in helping to define the studies ultimately selected by the GNSO to pursue. This was also true with the ccNSO-GAC IDNC WG recommendations on the fast track process.

## ATRT Implementation Project, Recommendation 14

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

Board should endeavor to increase the level of support & commitment of governments to the GAC process; encourage member countries & organizations to participation in GAC & place particular focus on engaging nations in developing world & need for multilingual access to ICANN records; Board also should work with GAC to establish a process to determine when & how ICANN engages senior govt. officials on public policy issues on a regular & collective basis to complement existing GAC process.

**ATRT proposed project deadline:** None provided.

**Project's Lead Department:** GAC Liaison

**Project Manager:** GAC Liaison

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board should approve and implement this recommendation.

Governments play an extremely important role in the ICANN multi-stakeholder environment. Currently, more than 100 nations have representatives on the Governmental Advisory Committee but not all are heavily engaged or committed to ICANN or the multi-stakeholder model. Some governments advocate for ICANN's role to be subsumed into an Intergovernmental organization (IGO) such as the UN or the ITU. Many others have not declared a position and others appear not to be aware of ICANN and the role it plays. For some GAC members, it is not clear how much support they have for their involvement with ICANN from their governments.

Increasing GAC membership and making it easier for GAC members to participate in ICANN is important for the future success and legitimacy of the organization. While most of this recommendation calls for Board action, it cannot be implemented without the cooperation and support of the GAC. Progress will require joint dialog, planning and execution by the Board and GAC.

Finally, the Board/GAC Joint Working Group (JWG) is expected to release its final report at the March 2011 ICANN meeting. The current draft addresses one element of this recommendation (ICANN engagement of high-level government officials) but further work



remains to be done. The Board should review the final report for guidance on how to implement this recommendation.

### **Preliminary Plan for Implementation:**

Task 1: JWG submits its final report in March.

Task 2: Board reviews recommendations in JWG final report regarding how to enhance effective governmental participation in ICANN.

Task 3: Board determines whether to accept JWG final report recommendation. If yes, Board determines how best to work with GAC to implement each of the elements of the recommendation and considers whether to adopt a resolution reflecting same. If no, Board consults with GAC Chair to determine process for further joint Board-GAC consideration of this issue.

### **Proposed Timeline:**

According to current estimates, the JWG will deliver its final report at the ICANN Meeting in March 2011.

The Board will then consider the JWG recommendation as soon as it is feasible. Depending on the scope of the JWG recommendations, the Board may determine to have the JWG report as a topic at its upcoming May retreat. While the internal operations of the Board on this broad of an issue cannot be completely forecast, it is likely that the Board could take action regarding acceptance of the JWG recommendations at or before its June 2011 meeting.

The remainder of the timeline for implementation is dependent upon the Board's decision. There will likely be further implementation work necessary if the Board accepts the recommendation set out in the JWG final report. If the Board rejects the recommendation, the Board would then action to initiate further consultation with GAC on this issue, and a further timeframe for that work would have be agreed upon between the Board and the GAC.

### **Proposed Resources:**

Depending on the relevant recommendations in the JWG Final Report, it is very possible that implementation of this recommendation will require additional financial and human resources that have not been included in the FY12 budget proposal. In particular, additional support may be needed to “engag[e] nations in developing world;” to ensure “multilingual access to ICANN record;,” and to engage “senior govt. officials on public policy issues on a regular & collective basis to complement existing GAC process.” The draft GAC budget for FY12 seeks additional resources for translation services and travel support. It does not contain a request to support senior government officials' engagement with ICANN. Those expenses may fall properly under the meetings budget. Regardless, without further detail on the parameters of senior government engagement at ICANN meetings, it is not possible to forecast what those expenses may be.

**Key Consultations:** Board-GAC Joint Working Group; ICANN Board; GAC



## ATRT Implementation Project, Recommendation 15

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### Project Information:

15. The Board should, as soon as possible but no later than June 2011, direct the adoption of and specify a timeline for the implementation of public notice and comment processes that are distinct with respect to purpose (e.g. Notice of Inquiry, Notice of Policy Making) and prioritized. Prioritization and stratification should be established based on coordinated community input and consultation with staff.

**ATRT proposed project deadline:** ASAP but no later than June 2011

**Project's Lead Department:** Policy

**Project Manager:** TBD

**Project Team Members:** TBD

### Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation with modification of the due date. The need for this modification is explained below.

Many improvements can be made to ensure that the Public Comment Notices are clear, understandable and provide sufficient information in plain language so that interested parties can decide quickly and easily which topic they want to follow and comment upon.

**Stratification:** Staff performed an initial assessment of public comment forums over the last two years and notes that the topics are extremely varied and do not fit neatly into common categories, such as a Notice of Inquiry or Notice of Policy Making. Further consultation with the ICANN community will be required in order to develop a more standardized categorization linked to ICANN policy and procedures. Staff recommends that additional research be conducted and a survey developed to ask community members for their preferred ways to categorize topics under discussions. At the end of this process, staff can propose a public comment forum stratification plan that can be posted for public comment, finalized and implemented. This stratification work may be assisted by the categorization work identified in response to ATRT Recommendation 6 (on distinguishing between policy and staff functions).

**Prioritization:** Solicitations for public comments at ICANN typically cover a broad array of topics of interest to diverse stakeholders, but most are very important to some sub-set of the

ICANN community. Staff should not be placed in a position of deciding on the importance or priority of one public comment request over another, as this is neither appropriate nor useful to a broad and diverse community.

Staff recommends that a process be put in place so that Public Comment requests based on a scale of low/medium/high priority. When the item for Public Comment arises from an SO or AC, the process should include seeking the SO/AC input on the prioritization level applied.

Staff also recommends that the ICANN Public Comment web page be re-designed for clarity of the display. The current system based on “sorting by due-date” of Public Comments can be improved to provide greater details and background information. Later on, depending on the results of the survey (mentioned above), a more comprehensive and clear listing of Public Comments can be deployed with a more comprehensive sorting mechanism.

The implementation of a Language Service Policy may affect the implementation timeline for this recommendation.

### **Preliminary Plan for Implementation:**

Staff proposes a two-phase deployment for a successful implementation of this recommendation. Phase 1 focuses on more immediate changes that can be made, while Phase 2 contains improvements that will take more time to implement due to the complexity of the tasks involved.

#### **Phase 1:**

Task 1: The Sr Dir Participation and Engagement will coordinate with other staff to implement a new coordination and clearance process. The level and depth of this coordination and clearance effort will depend heavily on the resourcing and support received. The “ICANN Internal Public Comment Process” document, will provide clear guidance on how public comment forums should be started, carried out, and concluded by both ICANN Staff and by the other stakeholders (ICANN Board, SOs, ACs).

Task 2: Create a new template for opening a public comment forum to collect and post the necessary information. This template would note the designated priority level (low/medium/high) by the SO/AC requesting the public comment period. By using this template, all essential information will be collected to ensure a clear and concise notice is posted on the ICANN Public Comment web page, indicating what kind of input is expected.

Task 3: Create a new summary template to ensure that the “summary and analysis” that is posted at the conclusion of all public comment processes by the responsible ICANN Staff meets the communities’ needs.

Task 4: Develop an internal training program for ICANN Staff to provide guidelines and best practices for the processing of comments and to establish an understanding of the importance of their role in facilitating the Public Comment processes.

Task 5: Re-design the ICANN Public Comment web page for basic improvements such as:

- Directing attention first to the current Open issues, then listing the issues that are awaiting Summary/Analysis and finally to those Archived. This would involve a

restructuring of the current interface to place a clear visual priority in the Open issue section.

- Deploying a clearer sorting mechanism for Public Comment processes.
- Including a notice for “Upcoming Public Comments”.

## **Phase2:**

Task 6: Staff conducts further research on an appropriate stratification system, and conducts a survey to collect additional input from the community.

Task 7: Based on the survey results, a stratification system will be developed and implemented for the Public Comment Process.

Task 8: Review the input provided by the community during the survey process (Task 6).

Task 9: Re-design ICANN’s Public Comment web page based on inputs received

## **Proposed Timeline:**

**Phase 1:** (Most tasks in Phase 1 can be performed simultaneously.)

Tasks 4 & 5 (template for requesting a Public Comment period and the summary template) can be completed before June 2011.

Task 1, 2, 3 are estimated to be completed by August 2011.

**Phase 2:** (Tasks in Phase 2 are more time consuming and they have external dependencies requiring consultation and coordination.)

Task 6-9 are estimated to be completed by December 2011.

## **Proposed Resources:**

Staffing: 6 FTEs will need to devote at least 20% to 40% of their time to this implementation plan within the proposed timeline above.

Once the improved ICANN Internal Public Comment Process is put in place, additional resources will be needed for oversight and maintenance. It is estimated that one new FTE support for the Sr Dir Participation will be required for the continuing management and coordination of the Public Comment Process.

For the proposed survey to collect community feedback on stratification, the outsourcing cost is estimated to be about \$20,000 (this estimate is based on previous budget information, not on an actual quote).

## **Key Consultations:**

Internal Executive Team and Staff, Board and Public Participation Committee, SOs and ACs, ICANN Community via Public Comment and Surveying

## ATRT Implementation Project, Recommendation 16, 17

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

16. Public notice and comment processes should provide for both a distinct “Comment” cycle and a “Reply Comment” cycle that allows community respondents to address and rebut arguments raised in opposing parties’ comments.

17. As part of implementing recommendations 15 and 16, timelines for public notice and comment should be reviewed and adjusted to provide adequate opportunity for meaningful and timely comment. Comment and Reply Comment periods should be of a fixed duration.

**ATRT proposed project deadline:** Prior to June 2011

**Project’s Lead Department:** Policy

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt this recommendation with a modification of the deadline.

Recommendations 16 and 17 are understood to have two aspects: structural improvements for the commenting cycles (see Staged description below); and technical improvements to the Public Comment interface.

### **Structural improvements:**

Staff proposes a two-staged Public Comment Process that will be deployed:

Stage 1: Comment:

This period will be a minimum of 30 days. It can be set for a longer term or extended based on clear and explicit announcement of the requesting entity. The 30-day comment period will start when the Public Comment material is published on the ICANN Public Comment web page. During and prior to this 30-day Comment period, all interested stakeholders of the ICANN Community will be encouraged to provide their inputs.

Stage 2: Reply Comment:

This period will be a minimum of 15 days, starting immediately after the close of the 30-day comment period. This period will allow interested parties an opportunity to review all comments submitted during the 30-day Comment period and add additional points or materials.

All the comments received within the entire minimum 45 days (Comment Period + Reply Comment Period) will be taken into account in the summary and analysis process.

The end date of the entire Comment and Reply Comment periods cannot be later than a week before the regularly-scheduled Board meeting where action on the item for Public Comment is anticipated. This will allow the completion of summary and analysis prior to the Board being asked to make a decision.

With regards to Recommendation 17 and “fixed duration” for the stages of Public Comments, staff suggests that only a fixed “minimum” time be required. Since ICANN’s stakeholders have different needs and some issues may require more time than others, Staff believes flexibility on timelines is warranted. Establishing a minimum timeline and issuing clear announcements will help achieve the goal of collecting meaningful and timely comments.

### **Technical Improvements:**

The current forum system for ICANN Public Comments does not provide an easy and user-friendly mechanism to reply to a particular comment that has been made by another participant. This system needs to be improved. The primary problem is that the current Public Comment Forum runs on very old forum software. ICANN’s web development team has been planning to transition the Forum to Confluence wiki software with modifications, but the task is not trivial.

It is envisioned that with the redesign of the ICANN website, the public comment forum interface can also be improved, allowing instant interaction and discussion between commenters if the participants would like to post their opinions in this manner. Staff already has considered this topic as part of the ongoing effort to redesign all of ICANN.ORG. At this stage, no deadline can be set for this improvement. In March, staff expects to contract with a web vendor to redesign ICANN.ORG. Because this relationship does not exist yet, staff cannot commit to what the vendor will or will not accomplish by June. However, staff will make ATRT recommendations a priority and an area of early focus in the redesign process. Staff will have more precise dates in April.

### **Preliminary Plan for Implementation:**

Task1: Staff develops the two-staged Public Comment period as described briefly above and posts it for public comment.

Task 2: Based on inputs received, implement a new Public Comment structure, making all necessary web page changes, and announcements.

Task 3: Integrate the technical improvements that are mentioned under the title of “Technical Improvements” above to Public Comment forum interface.

### **Proposed Timeline:**

Task 1: Estimated to be completed by August 2011 (Within Phase 1 of Implementation for Recommendation 15)

Task 2: Estimated to be completed by December 2011 (Within Phase 2 of Implementation for Recommendation 15)

Task 3: TBA

### **Proposed Resources:**

Staffing: 6 current FTEs will need to devote at least 20% to 40% of their time to this implementation plan within the proposed timeline above.

The proposed implementation may require changes to ICANN's By-laws as well as some specific changes to the PDPs or operational procedures of some ICANN supporting organizations or advisory committees. ICANN Legal and Policy teams as well as the SOs/ACs may need to devote extra resources to this area.

ICANN's Translation policy may also affect the proposed resources required as well as the timelines described above.

### **Key Consultations:**

Board, Public Participation Committee, SOs and ACs, ICANN Community via Public Comment

## ATRT Implementation Project, Recommendation 18

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

18. The Board should ensure that access to, documentation within the policy development processes, and the public input processes are, to the maximum extent feasible, provided in multi-lingual manner.

**ATRT proposed project deadline:** None specified

**Project's Lead Department:** Communications

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt this recommendation, with a request for clarification that might result in a proposed modification.

ICANN is engaged in significant translation activities in support of its policy development processes, but staff recognizes that more can be done. Staff understands the intent with respect to the ATRT recommendation that “documentation” within the policy development processes and the public input processes be provided in a multi-lingual manner. Staff needs clarification, however, on what the ATRT intends by the phrase “access to ... the policy development processes ...”. What is intended by this beyond the matter of multi-lingual documentation, “to the maximum extent feasible”? Is there an expectation that all facets of policy development be conducted in multiple languages? Is there an expectation that all policy development-related public comment forums be conducted in multiple languages? Public comment on communities’ needs in this area, of course, also would be valuable.

The Board approved “Translation Principles” in February 2008 as part of the “Accountability and Transparency Frameworks and Principles.” The Policy Department has had a Translations Policy in place since October 2008. Although many other ICANN documents and web page postings are available in translated form, and real-time translations are done for key events at ICANN meetings, there is no single translations policy that applies to all of ICANN’s publications, documents or public input processes and meetings. This is not to say that everything should be translated equally. The Policy Department Translations Policy recognizes that SOs and ACs may have differing needs, and sets guidelines for translations of web postings for each SO and AC accordingly.



Staff recommends that the ICANN Language Services Manager take steps to propose an ICANN-wide Language Services Policy as suggested below.

### **Preliminary Plan for Implementation:**

To move forward with short-term improvements while allowing time for more extensive, long-term changes, staff proposes the following multi-phase approach:

1. By June 2011, Staff proposes to roll-out a new Language Services Policy which will provide processes and rules to be followed by all ICANN departments (including those that support the Board and SOs and ACs) related to services such as:
  - a. Editing for Plain English
  - b. Translation
  - c. Interpretation
  - d. Conference Call Interpretation
  - e. RTT (Scribing)
  - f. Transcriptions (After the fact transcription of audio files)
2. Once the ICANN English web site has been revamped, an assessment will be conducted to determine cost and time needed to produce mirror sites in the other five U.N. languages. The production of ICANN sites in other languages will not be scheduled to take place in FY12. Additional studies may also be needed to examine how other organizations facing similar challenges handle their transition to becoming a multilingual organization.
3. Staff will research and seek community input on whether and how ICANN's public comment forums should be multi-lingual. Issues addressed will include:
  - 
  - Should all public comment forums be run in other languages, in addition to English? If yes, which languages? What is the impact on timing as allowing comments in different languages would also mean translating those comments back to English?
  - Often translations are available at a later date, does that mean that a public comment forum does not start until all versions are available and can run for the same time?
  - What would be the budgetary impact?

### **Proposed Timeline:**

**Now through June 2011:** ICANN Language Services Policy to be finalized and reviewed internally

**19 June 2011:** Language Services Policy to be provided to the Board, SOs and ACs (by/at ICANN June meeting)

**1 July 2011:** FY12 begins, ICANN Language Services Policy will be implemented

### **Proposed Resources:**



The FY12 budget includes all the expenses related to bringing the ICANN Language Services Policy into place. The proposed budget for FY12 is \$ 2.1, this budget includes all the proposed services included in the Language Service Policy except for the possible additional translations resulting from the outcome of work related to holding Public Comment Forums in multiple languages.

Please note, the cost for any translations and linguistic support related to the production of ICANN's web site in other languages (mirror sites), is not included in the FY12 budget.

**Key Consultations:**

Policy, Legal, Communications Staff, Board, SOs, ACs, community

## ATRT Implementation Project, Recommendation 19

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

19. Board should publish its translations (including rationale) within 21 days of take a decision (in languages called for in ICANN Translation Policy).

**ATRT proposed project deadline:** None listed

**Project's Lead Department:** Legal

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends the Board adopt this recommendation with modification.

The Language Services department is already in the process of translating the 25 January 2011 Approved Resolutions into the UN languages, and the translations will be posted prior to the Silicon Valley Meeting. The approved Minutes of the 25 January 2011 meeting will be available in translated versions within 21 days of the approval of the minutes. Staff is in the process of creating a workflow for the continued translation of these materials within the timeframe set forth in the Recommendation. As noted in response to Recommendation 7, the Board has already begun including draft rationale statements within the Approved Resolutions, to be finalized within the Minutes, and will be translated as part of each of these documents. In the event of particularly lengthy rationale statements, those specific items may not be available within the 21-day window. However, every attempt will be made to complete all rationale translations within 21-day window, and the unavailability of individual rationale statements will not delay the posting of the other translated materials.

The usefulness of translating Board Preliminary Reports has to be determined in light of the costs of translation. Preliminary Reports are only posted for short periods of time, and are not maintained as official records of the Board meetings. However, because a main part of the Preliminary Report is the Approved Resolutions, the additional costs in producing the Preliminary Report translations may not be high. Staff will continue to research the additional costs incurred, and will produce a further recommendation regarding this issue.

Work is also being done to coordinate the translation of Board briefing materials. To best maximize resources within the organization, usage of translated Board briefing materials should be monitored and reviewed within a year's time to determine if it may be more feasible

to move to a translation-upon-request model for selected items within the briefing materials. As some items within the briefing materials are not in furtherance of Board decisions (such as press clips and informational reports from third parties) the value of translating such materials may be minimal when compared to the cost of translation. To address these concerns, staff will propose guidelines for Board briefing materials translations with a focus on the translation of deliberative materials.

Because much of the Board and community work is dependent upon the ICANN Bylaws, ICANN will be producing translations of the ICANN Bylaws in the UN Languages as soon as possible. The work is already underway. Staff is also coordinating a workflow to obtain timely translations of amendments to the Bylaws as approved by the Board.

The Language Services department is aware of the need to prioritize the translation of Board decisional work. In addition, Language Services will be working closely with the Legal department to monitor the quality of the translations of Board decisional documents to assure the high quality of translations made available to the public.

### **Preliminary Plan for Implementation:**

Task 1: Post translations of Approved Resolutions and Minutes from 25 January 2011 (including rationale statements), and implement internal process for ordering translations as part of the Resolution posting process for all future Board meetings

Task 2: Determine incremental costs of translating Preliminary Reports of Board meetings and provide recommendation on regularly creating translations

Task 3: Review Board briefing materials to create proposed guidelines regarding the translation of Board briefing materials, with a focus on translation of decisional materials. After 1 year's time, review the usage of Board briefing material translations to determine if another mode of identifying documents for translation should be implemented.

Task 4: Post translations of ICANN Bylaws and implement internal process for notifying Language Services of future Bylaws amendments for timely translation and posting

Task 5: Continually monitor quality of Board decisional material translations to determine if new vendors are required

### **Proposed Timeline:**

The first translation of Approved Resolutions (from the 25 January 2011 Board meeting) will be available prior to the Silicon Valley Meeting, and both the Minutes approved at the Board's meeting in Silicon Valley and the Approved Resolutions arising out of the meeting in Silicon Valley will be staged for translation in line with the ATRT's Recommendation. This translation and publication will continue for future meetings.

The translations of the ICANN Bylaws are estimated to be complete by the end of April 2011, and will be posted as soon as the translations are available.

Translations of Board briefing materials for the 25 January 2011 Board meeting will be available in April 2011. An initial guideline for translations of the Board briefing material will be made available in April 2011, as a companion to the guidelines for redactions that will be

produced in response to Recommendation 8. By March 2012, staff will undertake a review of the scope of translation of Board briefing materials to determine if any refinements to the guidelines need to be recommended.

**Proposed Resources:**

ICANN Language Services staff budgeted the translations discussed above for US\$125,000 within FY12. The actual cost could substantially exceed the budgeted amount; the Board briefing materials are over 200 pages for each meeting, sometimes over 300. With the inclusion of rationale statements, the Approved Resolutions for each meeting will be nearly twice the length of the 2010 postings. Additional resources may be necessary.

The internal staffing to request translations of existing material is incremental.

**Key Consultations:**

The translations will assist organization-wide in community consultation.

At the time of the review of the scope of Board briefing material translation, community consultation/public comment may be needed.

## ATRT Implementation Project, Recommendation 20

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

20. Board should ensure that all necessary inputs that have been received in policy making processes are accounted for and included for consideration by the Board; to assist this the Board should adopt & post a mechanism (e.g. checklist or decision template) that certifies what inputs have been received & are included for Board consideration.

**ATRT proposed project deadline:** As soon as possible

**Project's Lead Department:** Legal

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt this recommendation.

The work to address this recommendation is two-fold. First, the Board can implement a checklist process to confirm that necessary inputs have been considered, for submission to the Board as part of its briefing materials. Second, processes can be implemented to address a void that currently exists in assuring that the necessary inputs were considered at the SO level during a policy development process. The Board needs to be provided with documentation of the comprehensive work and inputs into policy development processes.

The policy development work done at the SO level should evolve to assure that the necessary inputs are made, and the outcomes of that process need to include documentation of those inputs. Currently, Annex A of the ICANN Bylaws spells out the seven requirements that must be included in a GNSO Council Report to the Board (to be prepared by staff within five days of a GNSO Council decision to make a recommendation to the Board), so in the GNSO policy development process, extensive detail is required today. The reports arising out of the ASO Global Policy Development Process include reference to public forums and discussions within each RIR. The ccNSO PDP, set forth in Annex B to the ICANN Bylaws, requires certain inputs to be included within reports to the Board

These reports from the SOs can be enhanced through work already underway towards creating Board rationale statements (introduced for the 25 January 2011 meeting). The template for Board Rationale Statements can be refined for the SOs in order to provide

information to the Board on the inputs received. The creation of templates to be used by the SOs in the policy development processes may be helpful.

In addition, a review of inter-SO/AC provision and use of liaisons may also facilitate the provision of necessary inputs into SO-level policy work. Currently, the Bylaws do not clarify the expected role of liaisons to the various SO/ACs. These liaisons could be assigned the responsibility for making sure that the represented SO/AC's input is submitted during the PDP in a timely manner. Finally, achieving commitments on the timely completion of summary and analysis of public comments will also create some discipline around the acknowledgement of and consideration of inputs.

The SO-focused items are suggested to avoid the situation where the Board would send items back to the SO for re-evaluation of its policy recommendations for the purpose of considering the inputs of other SO/ACs into the PDPs. It is important to note that due to the variations among the SO's policy development work, the extent of impact of these recommendations may vary.

A full integration of these practices may require changes to the Bylaws or the SO operating procedures, as applicable, to clarify the use of liaisons, or to revise policy development processes.

### **Preliminary Plan for Implementation:**

Task 1: Create decisional checklist for inclusion in Board briefing materials to provide a "quick look" for confirmation of necessary inputs

Task 2: Create an interim template for SO usage identifying the information necessary for a robust Board consideration of policy recommendations, using the requirements and processes stated in the current Bylaws/PDPs where applicable.

Task 3: Engage in a consultation with the SOs and ACs to address how inputs can be received and better documented, including the use of liaisons and the creation of templates to document receipt of input in policy development processes.

Task 4: Create the templates identified within the community consultation, if any.

Task 5: Review Bylaws and SO Operating Procedures to determine extent of changes needed, if any, to meet the changes identified in the community consultation.

Task 6: Establish commitments for timely completion of public comment summaries/summary and analysis (dependent upon work in Recommendation 16-17)

### **Proposed Timeline:**

By April 2011: Create decisional checklist for inclusion in Board briefing materials; create interim template for use in SO output from PDP activities.

By June 2011: Initiate community consultation on assuring proper inputs into the policy development process

Dependent upon the length and outcome of the consultation, the remaining implementation steps will be set forth after the consultation

**Proposed Resources:**

The creation of the checklist and interim template will take approximately 10 hours each from Legal and Policy staff

The completion of the interim template will add additional time to each report prepared by policy staff supporting the SOs

The consultation will require approximately 10-15% of policy support FTEs each supporting the various SOs.

**Key Consultations:**

The Board (possibly through a designated committee) for the creation of a decision template.

All ICANN SOs/ACs

## ATRT Implementation Project, Recommendation 21

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

21. The Board should request ICANN staff to work on a process for developing an annual work plan that forecasts matters that will require public input so as to facilitate timely and effective public input.

**ATRT proposed project deadline:** NOT LISTED

**Project's Lead Department:** Policy

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt this recommendation.

The implementation will require communication and coordination among staff and the community. Staff compiling the list of activities should be careful to identify that any annual plan is a projection only. In addition, staff may identify that there are sub-parts to anticipated work that may require additional consultation – for example, if a proposed work item arising out of an SO/AC is likely to require a Bylaws change, the public input on that resulting Bylaws change should be identified as well as the public input on the substantive discussion within the SO/AC. This exercise will likely result in a better understanding of the internal timing and processes among all parts of the ICANN structure.

### **Preliminary Plan for Implementation:**

Task 1: Sr Dir Participation and Engagement coordinates with staff to collect possible public comment forum topics that are likely to be raised by the SOs, ACs, Board and staff in the coming year. This process starts in December.

Task 2: Before the end of February of the following calendar year, the list of possible topics likely to be under consideration is published on the ICANN Public Comment web page under the placeholder of “Upcoming Public Comments” (see Implementation for ATRT Recommendation 15 on changes to the Public Comment web page).

### **Proposed Timeline:**



A first attempt at coordinating an annual list can be implemented by June 2011. A more fulsome roll-out could be implemented for the 2012 calendar year.

**Proposed Resources:**

No significant resources are required.

**Key Consultations:**

ICANN Staff/Executive Team, Board and Board Committees, SOs and ACs

## ATRT Implementation Project, Recommendation 22

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

**Project:** Board should ensure that senior staffing arrangements are appropriately multi-lingual, delivering optimal levels of transparency.

**ATRT proposed project deadline:** none listed

**Project's Lead Department:** Human Resources (Operations Dept.)

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt these recommendations.

This work is already ongoing and Staff suggests that it continue. In addition, it is recommended that position descriptions and job posting be updated to reflect the desire for multiple language skills in order to deliver optimal levels of transparency. It is also recommended that ICANN identify language learning opportunities for senior staff to learn new languages, as appropriate.

Of the eight current members of the executive staff, seven speak at least a basic second language (other than English) and many are at least tri-lingual.

### **Preliminary Plan for Implementation:**

Task 1: Review all appropriate job descriptions and update to reflect the desire for multiple language skills.

Task 2: Review all appropriate job postings and update to reflect the desire for multiple language skills.

Task 3: Ensure all candidate review forms completed on candidates for senior staff positions include a section on multiple language skills.

Task 4: Identify language training programs to be made available to senior staff.

### **Proposed Timeline:**

Task 1: By March 2011 complete review and update of all current appropriate job postings.

Task 2: By March 2011 all candidate review forms to be completed on candidates for senior staff will include a section on multiple language skills.

Task 3: By April 2011 complete review and update of appropriate position descriptions.

Task 4: By June 2011 identify language training programs to be made available to senior staff; and by July 2011 implement, as appropriate, language training programs for senior staff.

### **Proposed Resources:**

Activities will be done by current Human Resources staff; no additional FTEs are required. Language training programs will be sourced by HR staff and an estimated \$15,000 USD will be needed in the next fiscal year.

### **Key Consultations:**

Staff

## ATRT Implementation Project, Recommendation 23

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

23. Board should implement the Improving Institutional Confidence (IIC) Recommendation 2.7 that calls on ICANN to seek input from a committee of independent experts on the restructuring of its three review mechanisms; see ATRT guidance for review, including direction to look at mechanisms in IIC Recommendations 2.8 & 2.9; upon receipt of experts' final report, Board should take actions on the recommendations.

**ATRT proposed project deadline:** As soon as possible but no later than June 2011 to seek input from a committee of independent experts

**Project's Lead Department:** Legal

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends that the Board adopt this recommendation with revision to the timeline.

It is unclear whether the ATRT is calling for the completion of the work of independent experts by June 2011, therefore it must be clarified that only the identification of experts will be completed by that time.

In 2009, Paul Twomey independently retained experts to conduct a review of this work arising out of the Increasing Institutional Confidence/President's Strategy Committee report. The proposed Bylaws revisions that were posted for comment in 2009 were based upon the work of those experts. While the outcomes of that work can be useful in the work called for in this Recommendation, the expert review needs to be redone. Not only was there a lack of transparency in the work performed by Twomey's selected experts; the community then rejected the expert recommendations through the public comment process.

New experts should be retained. This will be a costly and timely endeavor, through scoping the RFP, expert selection, and supporting the work of the experts.

**\*\*Privileged and Confidential Advice Set Forth Below\*\***

Privileged and Confidential

**\*\*Privileged and Confidential Advice Set Forth Above\*\***

The experts' recommendations will need to be posted for public comment prior to Board action. The costs of implementation of the recommendations (such as the formation of standing independent panels, etc.) will have to be considered and budgeted. Upon implementation, Bylaws revisions will need to be made, as well as changes to the Accountability and Transparency Framework.

**Preliminary Plan for Implementation:**

Task 1: Staff to draft RFP for team of independent experts and post according to the ICANN Procurement Guidelines

Task 2: Complete expert selection and complete contract negotiation

Task 3: Experts design and perform research to reach recommendations

**\*\*Privileged and Confidential Advice Set Forth Below\*\***

Privileged and Confidential

**\*\*Privileged and Confidential Advice Set Forth Above\*\***

Task 5: Expert report posted for public comment

Task 6: Board action on expert report, taking public comment into consideration

Task 7: Required Bylaws changes drafted (to the extent not included within the expert report) to implement Board action

Task 8: Upon approval of Bylaws changes, modify other publications/postings within ICANN to reflect new accountability mechanisms

Task 9: Implementation work to roll out new/revised accountability mechanisms

**Proposed Timeline:**

By June 2011: RFP drafted and posted and vendor selection process underway

The scope and time required for the independent experts may be one item for consideration in reviewing responses to RFPs. It is anticipated that this work could be complete and a final report provided within 6 months of the initiation of work, but that timeline may require modification. Given the import of the work of the experts to ICANN's future accountability, a focus on quality of review should be emphasized over a quick turnaround.

The time to ultimate implementation of the expert recommendations cannot be estimated without identification of what those recommendations entail.

**Proposed Resources:**

The expert work is anticipated to be performed within FY 2012. The cost for retaining experts to perform this work is anticipated to cost anywhere between US\$200,000 - \$500,000.

**\*\*Privileged and Confidential Advice Set Forth Below\*\***

Privileged and Confidential

**\*\*Privileged and Confidential Advice Set Forth Below\*\***

The resources required for implementation of the recommendations will be assessed after the expert report is received.

Staff resources to initiate the RFP and to support the work of the experts will be significant. During the period of time that experts are preparing their report, it is estimated that at least one FTE from the Legal Department will need to dedicate approximately 10-15% percent of his or her time to support and coordination work.

### **Key Consultations:**

Upon completion of the report, a public comment period will be required. There may be additional public comment periods on further outcomes from this work, including Bylaws revisions.

It is anticipated that the experts will consult with many parts of the ICANN structure in performing research, particularly as it relates to the inclusion of the community in accountability mechanisms.

The Board as a whole will also need to be consulted during the research and implementation phases.

While the experts will design their own workplan, it can be anticipated that they will consult with external sources such as Ombudsman organizations, the ICDR (provider for the current Independent Review Panel) and others.

## ATRT Implementation Project, Recommendation 24

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

24. Assess Ombudsman operations and relationship between Board & Ombudsman, and if needed, bring into compliance with internationally recognized standards for Ombudsman function and Board supporting the function

**ATRT proposed project deadline:** ASAP but no later than March 2011

**Project's Lead Department:** Legal

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends the Board adopt this recommendation with modification to the timeline to allow for the new Ombudsman to be active in the review of the Ombudsman/Board relationship.

ICANN is currently conducting a search for a new Ombudsman. The inaugural ICANN Ombudsman left ICANN on 31 January 2011.

The transition to a new Ombudsman will assist in the assessment of how the role can mature within ICANN. Within the active search to fill the Ombudsman position, adherence to internationally recognized standards for Ombudsman function is an important qualification.

After the new Ombudsman is retained, a joint review of the Ombudsman Framework – a review between the Ombudsman and the Board (through a committee designated by the Board) – will be a first step in evolving the Ombudsman role as called for within this Recommendation. The review should focus on enhancing the independence of the Ombudsman role within ICANN as well as the Board-Ombudsman relationship, and adherence to internationally-recognized standards. A more in-depth review of the Ombudsman role is called for within Recommendation 23, therefore it would not be prudent to engage outside resources to review the operations of the Ombudsman role in response to this Recommendation while planning for the broader review is underway.

As part of the review, Board should consider making public the metrics for the Ombudsman's bonus compensation.

### **Preliminary Plan for Implementation:**

Task 1: Complete selection process for new Ombudsman

Task 2: Upon selection, the Board (through a designated committee) to undertake a review of the Ombudsman Framework, in consultation with the newly-selected Ombudsman, to review the Ombudsman role and relationship with the Board

Task 3: Board approval of Ombudsman Framework (for public posting)

Task 4: To the extent permitted under relevant privacy and employment-related laws, publication of metrics used to assess the Ombudsman's eligibility for bonus compensation

### **Proposed Timeline:**

Upon hiring of the new Ombudsman, the process for reviewing the Ombudsman relationship should begin immediately. Achieving Board approval of a revision to the Ombudsman Framework is dependent upon the scheduling of Board meetings and as well as the meetings of any committee designated by the Board to perform the review. Any improvements in the function of the role or the Board/Ombudsman relationship should be put into practice as soon as possible without awaiting formal approval of the Framework.

### **Proposed Resources:**

Much of the required resource to complete this review will come from the Ombudsman.

A small amount of staff time will be required to support the Board in the fulfillment of this review.

### **Key Consultations:**

The Board (through a designated committee) will be a key consultation for this review. No additional outside consultations are anticipated.



## ATRT Implementation Project, Recommendation 25 & 26

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### **Project Information:**

25. Clarify standard for Reconsideration requests with respect to how it is applied & whether the standard covers all appropriate grounds for using the Reconsideration mechanism.

26. Board should adopt a standard timeline and format for Reconsideration Requests & Board reconsideration outcomes that clearly identifies the status of deliberations and then, once decisions are made, articulates the rationale used to form those decisions.

**ATRT proposed project deadline:** As soon as possible, but no later than October 2011

**Project's Lead Department:** Legal

**Project Manager:** TBD

**Project Team Members:** TBD

### **Project Manager/Team Advice:**

Staff recommends the Board adopt Recommendation 25 as part of its acceptance of Recommendation 23. Staff recommends the Board adopt Recommendation 26, with a note that the improvements anticipated through the implementation of Recommendation 26 will provide some of the clarification of application called for within Recommendation 25.

Recommendation 25 is inherently linked to the independent expert review called for in Recommendation 23; a determination of whether the standard for Reconsideration covers "all appropriate grounds" and the application of the Reconsideration mechanism should not be separated from a broader review of ICANN's accountability mechanisms.

Pending the outcome of the independent expert's review of the Accountability processes, including the Reconsideration process, actions can be taken to enhance the information provided surrounding the Reconsideration process. Staff has already started work on some of these enhancements.

First, the Reconsideration Request page on the ICANN site can be modified to serve as a better source of information regarding Reconsideration Requests. Potential improvements include noting the status of each Reconsideration Request (such as: submitted and under consideration; dismissed; or acted upon) along with the publicly posted documents for each Request. Another improvement is to provide a link to the Board action arising out of each Reconsideration Request. Since the time that Staff responded to the ATRT's questions, staff

has already started to include active links to Board Actions for more recent Reconsideration Requests (See Reconsideration Requests 10-1, 10-2, and 10-3) to make this information easier to find. Staff will continue this improvement work to provide active links for more historical requests, as well as any follow-up action required for implementation of the Board decision. Improvements in the provision of information will not only improve the historical record on individual Reconsideration Requests, but will also provide a real-time status on any pending Requests.

Second, a clear depiction of the Bylaws-mandated timeline for consideration of Reconsideration Requests can be produced and placed on the Reconsideration Request page. This will provide a common understanding of the timing of the Reconsideration process. As recently seen with the .JOBS Charter Coalition Request, the timeline is not always predictable; the Requester waived strict adherence to some of the times set in the Bylaws.

Third, the committee responsible for hearing Reconsideration Requests (currently the BGC) can incorporate the new form of a Rationale Statement – as included with Board decisions as of 25 January 2011 – into its recommendations. Particularly in recent years, the committee recommendations on Reconsideration Requests are drafted to address the inputs received within the Reconsideration Process, often citing directly to source documentation within the public record and how the inputs were considered in reaching the recommendation. The inclusion of the Rationale Statements will also provide the assessment of impact, and will add additional rigor to the recommendation/decision process. The committee’s recommendation and rationale will both be made available to the Board for consideration in any decision on the committee’s recommendation, as the recommendations are made available today.

Fourth, a template for the submission of Reconsideration Requests will be created and made available within the ATRT’s suggested timeframe.

### **Preliminary Plan for Implementation:**

Implementation of Recommendation 25 will follow the implementation plan for Recommendation 23.

To implement Recommendation 26:

Task 1: Modify the Reconsideration Request page to include status indicators for all Requests

Task 2: For all Requests, the Reconsideration Request page will be modified to provide information on Board action arising out of the committee recommendations, as well as related links to further implementation efforts, if any

Task 3: A graphic timeline documenting the Reconsideration Process as set forth in the Bylaws will be created and posted

Task 4: A suggested template for the submission of the Reconsideration Process will be posted for public use

Task 5: Future committee recommendations arising out of the Reconsideration Request process will include rationale statements

**Proposed Timeline:**

The template, timeline, and improvements to the Reconsideration Request page will be completed by the end of June 2011, in advance of the ATRT's suggested deadline

**Proposed Resources:**

The improvements to the Reconsideration Request page and creation of the template will require approximately 20 hours of one Legal FTE's time, and will require support from the Communications and Marketing Team in implementing the website improvements.

**Key Consultations:**

The BGC, as the committee that is responsible for hearing Reconsideration Requests, will be consulted on the scope of rationale included. The remainder of consultations will take place in fulfillment of the work required to implement Recommendation 23.

## ATRT Implementation Project, Recommendation 27

*The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).*

### Project Information:

27. Board should regularly evaluate progress against these recommendations & the accountability & transparency commitments in the AoC, & in general analyze the accountability & transparency performance of the whole organization to annually report to the community on progress made & to prepare for the next ATRT review; all evaluation should be overseen by Board.

**ATRT proposed project deadline:** One year after Board action on ATRT recommendations implementation.

**Project's Lead Department:** CEO's Office

**Project Manager:** TBD

**Project Team Members:** TBD

### Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation.

### Preliminary Plan for Implementation:

- Task 1: As part of the ATRT report implementation, Staff will propose metrics for each ATRT recommendation and additional benchmarks and metrics as appropriate to track ICANN's broader accountability and transparency commitments.
- Task 2: An "Accountability & Transparency Dashboard" will be developed and regularly updated for public review of ICANN's performance in this area.
- Task 3: Each year staff will conduct an organization-wide assessment of ICANN's performance against the accountability and transparency commitments in the Affirmation of Commitments and the ATRT recommendations. The assessment will be posted for public comment and submitted to the Board each January.

### Proposed Timeline:

- Task 1: By March 2011 metrics will be proposed for each ATRT recommendation; additional benchmarks and metrics will be provided by June 2011

- Task 2: By March 2011 staff will issue an initial "dashboard" which will be expanded upon and regularly updated; all relevant ATRT recommendations will be represented in the dashboard by June 2011.
- Task 3: November - December 2011 performance data will be collected; assessment will be posted in January 2012.

**Proposed Resources:**

Current FTEs will be used and an estimated US\$25,000 will be needed for research and consulting services.

**Key Consultations:**

Staff, Board, community via public comment process.

# 2011-04-21-16-algeria-annex

**ANNEX TO ICANN BOARD SUBMISSION NO. 2011-04-21-XX**

**TITLE:** Delegation of the الجزائر ("al-Jazair") domain representing Algeria in Arabic

**IANA REFERENCE:** 413025

In accordance with ICANN's obligations for managing the DNS root zone, IANA<sup>1</sup> receives requests to delegate, redelegate and revoke top-level domains. This application has been compiled by IANA for presentation to the ICANN Board of Directors for review and appropriate action.

Sensitive Delegation Materials

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<sup>1</sup> The term IANA is used throughout this document to refer to the department within ICANN that performed the IANA functions.





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Submitted by: Kim Davies  
Position: Manager, Root Zone Services  
Date Noted: 1 April 2011  
Email and Phone Number kim.davies@icann.org

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Contact  
Information

## **2011-04-21-16-algeria-enclosures**

**Draft Public Report —  
Delegation of the .الجزائر ("al-Jazair") domain representing  
Algeria in Arabic**

ICANN has received a request to delegate the .الجزائر domain as a country-code top-level domain representing Algeria in Arabic to Centre de Recherche sur l'Information Scientifique et Technique, and provide this report for the ICANN Board of Directors to consider.

**FACTUAL INFORMATION**

**Country**

The “DZ” ISO 3166-1 code, from which this application's eligibility derives, is designated for use to represent Algeria.

**Strings**

The domain under consideration for delegation at the DNS root level is “الجزائر”. This is represented in ASCII-compatible encoding according to the IDNA specification as “xn--lgbbat1ad8j”. The individual Unicode code points that comprise this string are U+0627 U+0644 U+062C U+0632 U+0627 U+0626 U+0631.

In Arabic language, the string has a meaning equivalent to “Algeria” in English. Its pronunciation in English is transliterated as “al-Jazair”. The string is expressed in Arabic script.

**Chronology of events**

Centre de Recherche sur l'Information Scientifique et Technique (CERIST) has been involved in the Internet in Algeria since it was first established in 1994. It has been responsible for the management of the .DZ top-level domain for Algeria since it was first delegated in 1995. It currently continues to manage the .DZ domain, providing free domain registration to any Algerian applicant.

On 5 August 2010, an application was made to the “IDN Fast Track” process to have the string “الجزائر” recognised as representing Algeria.

On 23 October 2010, review by the IDN Fast Track DNS Stability Panel found that “the applied-for strings ... present none of the threats to the stability or security of the DNS identified in [the IDN Fast Track implementation plan] ... and present an acceptably low risk of user confusion”. The request for the string to represent Algeria was subsequently approved.

On 9 December 2011, CERIST submitted an application to ICANN for the delegation of “الجزائر” as a top-level domain.

### **Proposed Sponsoring Organisation and Contacts**

The proposed sponsoring organisation is Centre de Recherche sur l’Information Scientifique et Technique, an Algerian institution chartered to support Internet infrastructure and other ICT-related research in the country.

The proposed administrative contact is Nadjib Badache, the Director General of CERIST. The administrative contact is understood to be based in Algeria.

The proposed technical contact Aouaouche el-Maouhab, Manager of the DZ-NIC activity within CERIST.

### **EVALUATION OF THE REQUEST**

#### **String Eligibility**

The top-level domain is eligible for delegation under ICANN policy, as the string has been deemed an appropriate representation of Algeria through the ICANN Fast Track String Selection process, and Algeria is presently listed in the ISO 3166-1 standard.

#### **Public Interest**

Support for the application to delegate the domain was provided by Moussa Benhamadi, Minister of Post and Information and Communication Technology.

Support for the delegation has been provided Internet Society Algeria, an association created in 1999 to promote Internet usage in Algeria across government and the general public.

The application is consistent with known applicable local laws in Algeria.

The proposed sponsoring organisation undertakes to operate the domain in a fair and equitable manner.

#### **Based in country**

The proposed sponsoring organisation is constituted in Algeria. The proposed administrative contact is understood to be resident in Algeria. The registry is to be operated in the country.

#### **Stability**

The application does not involve a transfer of domain operations from an existing domain registry, and therefore stability aspects relating to registry transfer have not been evaluated.

The application is not known to be contested.

### **Competency**

The application has provided satisfactory details on the technical and operational infrastructure and expertise that will be used to operate the proposed new domain. Proposed policies for management of the domain have also been tendered.

## **EVALUATION PROCEDURE**

The Internet Corporation for Assigned Names and Numbers (ICANN) is tasked with managing the Domain Name System root zone as part of a set of functions governed by a contract with the U.S. Government. This includes managing the delegations of top-level domains.

A subset of top-level domains are designated for the local Internet communities in countries to operate in a way that best suits their local needs. These are known as country-code top-level domains, and are assigned by ICANN to responsible trustees (known as “Sponsoring Organisations”) who meet a number of public-interest criteria for eligibility. These criteria largely relate to the level of support the trustee has from their local Internet community, their capacity to ensure stable operation of the domain, and their applicability under any relevant local laws.

Through an ICANN department known as the Internet Assigned Numbers Authority (IANA), requests are received for delegating new country-code top-level domains, and re-delegating or revoking existing country-code top-level domains. An investigation is performed on the circumstances pertinent to those requests, and, when appropriate, the requests are implemented. Decisions on whether to implement requests are made by the ICANN Board of Directors, taking into account ICANN’s core mission of ensuring the stable and secure operation of the Internet’s unique identifier systems.

### **Purpose of evaluations**

The evaluation of eligibility for country-code top-level domains, and of evaluating responsible trustees charged with operating them, is guided by a number of principles. The objective of the assessment is that the action enhances the secure and stable operation of the Internet’s unique identifier systems. The evolution of the principles has been documented in “Domain Name System Structure and Delegation” (RFC 1591), “Internet Domain Name System Structure and Delegation” (ICP-1), and other informational memoranda.

In considering requests to delegate or redelegate country-code top-level domains, input is sought regarding the proposed new Sponsoring Organisation, as well as from persons and organisations that may be significantly affected by the change, particularly those within the nation or territory to which the ccTLD is designated.

The assessment is focussed on the capacity for the proposed sponsoring organisation to meet the following criteria:

- The domain should be operated within the country, including having its sponsoring organisation and administrative contact based in the country.
- The domain should be operated in a way that is fair and equitable to all groups in the local Internet community.
- Significantly interested parties in the domain should agree that the prospective trustee is the appropriate party to be responsible for the domain, with the desires of the national government taken very seriously.
- The domain must be operated competently, both technically and operationally. Management of the domain should adhere to relevant technical standards and community best practices.
- Risks to the stability of the Internet addressing system must be adequately considered and addressed, particularly with regard to how existing identifiers will continue to function.

### **Method of evaluation**

To assess these criteria, information is requested from the applicant regarding the proposed sponsoring organisation and method of operation. In summary, a request template is sought specifying the exact details of the delegation being sought in the root zone. In addition, various documentation is sought describing: the views of the local internet community on the application; the competencies and skills of the trustee to operate the domain; the legal authenticity, status and character of the proposed trustee; and the nature of government support for the proposal. The view of any current trustee is obtained, and in the event of a redelegation, the transfer plan from the previous sponsoring organisation to the new sponsoring organisation is also assessed with a view to ensuring ongoing stable operation of the domain.

After receiving this documentation and input, it is analysed in relation to existing root zone management procedures, seeking input from parties both related to as well as independent of the proposed sponsoring organisation should the information provided in the original application be deficient. The applicant is given the opportunity to cure any deficiencies before a final assessment is made.

Once all the documentation has been received, various technical checks are performed on the proposed sponsoring organisation's DNS infrastructure to ensure name servers are properly configured and are able to respond to queries for the top-level domain being requested. Should any anomalies be detected, IANA staff will work with the applicant to address the issues.

Assuming all issues are resolved, an assessment is compiled providing all relevant details regarding the proposed sponsoring organisation and its suitability to operate the top-level domain being requested. This assessment is submitted to ICANN's Board of Directors for its determination on whether to proceed with the request.

## **2011-04-21-17-morocco-annex**



**ANNEX TO ICANN BOARD SUBMISSION NO. 2011-04-21-XX**

**TITLE:** Delegation of the .المغرب domain representing Morocco

**IANA REFERENCE:** 417869

In accordance with ICANN's obligations for managing the DNS root zone, IANA<sup>1</sup> receives requests to delegate, redelegate and revoke top-level domains. This application has been compiled by IANA for presentation to the ICANN Board of Directors for review and appropriate action.

Sensitive Delegation Materials

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<sup>1</sup> The term IANA is used throughout this document to refer to the department within ICANN that performed the IANA functions.



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Submitted by: Kim Davies  
Position: Manager, Root Zone Services  
Date Noted: 11 April 2011  
Email and Phone Number kim.davies@icann.org; Contact  
Information

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## **2011-04-21-17-morocco-enclosures**

## ENCLOSURE 1 TO ICANN BOARD SUBMISSION NO. 2011-04-21-XX

### **Draft Public Report — Delegation of the المغرب (“al-Maghrib”) domain representing Morocco in Arabic**

ICANN has received a request to delegate the المغرب domain, a country-code top-level domain representing Morocco, to Agence Nationale de Réglementation des Télécommunications (ANRT). ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

#### **FACTUAL INFORMATION**

##### **Country**

The “MA” ISO 3166-1 code from which the application’s eligibility derives, is designated for use to represent Morocco.

##### **String**

The domain under consideration for delegation at the DNS root level is “المغرب”. This is represented in ASCII-compatible encoding according to the IDNA specification as “xn--mgbc0a9azcg”. The individual Unicode code points that comprise this string are U+0627 U+0644 U+0645 U+063A U+0631 U+0628.

In Arabic language, the string has a meaning equivalent to “Morocco” in English. Its pronunciation in English is transliterated as “al-Maghrib”. The string is expressed using the Arabic script.

##### **Chronology of events**

In February 1998, ANRT was created as a publicly-owned entity “with incorporated status and financial autonomy” under the authority of the Prime Minister in accordance with the Moroccan Telecommunication Law No. 24-96 “that reorganised the telecommunication sector in Morocco”.

In May 2006, ANRT applied for a redelegation of .MA ASCII country code top-level domain. The application was approved by the ICANN Board of Directors in the summer 2006.

In 2007 the Moroccan Telecommunication Law No. 24-96 was amended by the Law No. 29-06 to “attribute to ANRT the mission of managing “.ma” ccTLD for the public interest”.

On 10 December 2007 ANRT joined the “Arabic domain names pilot project” during which “some experimental Arabic domain names under “المغرب” were created and tested”. The participation in this project allowed ANRT “to gain a good practical experience related to IDN domain names”.

On 8 September 2010 an application was made to the “IDN Fast Track” process to have the string “المغرب” recognised as representing Morocco. The request was supported by two Ministries, the Moroccan Federation of Information Technologies, Telecommunications and offshoring (APEBI), Moroccan Internet Society (MISOC) and two global telecommunications operators in Morocco.

On 23 October 2010, review by the IDN Fast Track DNS Stability Panel found that "the applied-for strings ... present none of the threats to the stability or security of the DNS identified in [the IDN Fast Track implementation plan] ... and present an acceptably low risk of user confusion". The request for the string to represent the Morocco was subsequently approved.

On 31 December 2010, the ANRT commenced a request to ICANN for delegation of “المغرب” as a top-level domain. During the next several months IANA Root Management Staff were working with applicants on gathering the necessary information and documentation.

### **Proposed Sponsoring Organisation and Contacts**

The proposed sponsoring organisation is Agence Nationale de Réglementation des Télécommunications, a publicly-owned entity established in February 1998 under the authority of the Prime Minister in accordance with the Moroccan Telecommunication Law No. 24-96 in Morocco. ANRT is the current operator of the .MA ASCII country code top-level domain.

The proposed administrative and technical contact is Azdine El Mountassir Billah, the Director General of Agence Nationale de Réglementation des Télécommunications. The administrative contact is understood to be based in Morocco.

## **EVALUATION OF THE REQUEST**

### **String Eligibility**

The top-level domain is eligible for delegation under ICANN policy, as the string has been deemed an appropriate representation of Morocco through the ICANN Fast Track String Selection process, and Morocco is presently listed in the ISO 3166-1 standard.

### **Public Interest**

The applicant states that ANRT “has been solicited by high government officials to enter in the process in order to have the delegation of the Moroccan ccTLD “المغرب”.

Explicit government support for the application was provided in letters from Abbas El Fassi, the Prime Minister of the Moroccan government, and two Ministries: the Ministry of Foreign Affairs & Cooperation and Ministry of Industry, Trade and New Technologies.

Additional support was stated in the letters from the Moroccan Federation of Information Technologies, Telecommunications and offshoring (APEBI), Moroccan Internet Society (MISOC) and two global telecommunications operators in Morocco: Itissalat Al-Maghrib and Medi TELECOM.

The application is consistent with known applicable local laws in Morocco.

The proposed sponsoring organisation undertakes to operate the domain in a fair and equitable manner.

### **Based in country**

The proposed sponsoring organisation is constituted in Morocco. The proposed administrative contact is understood to be resident in Morocco. The registry is to be operated in the country.

### **Stability**

The application does not involve a transfer of domain operations from an existing domain registry, and therefore stability aspects relating to registry transfer have not been evaluated.

The application is not known to be contested.

### **Competency**

The application has provided satisfactory details on the technical and operational infrastructure and expertise that will be used to operate the proposed new domain. The proposed operator is the current manager of .MA ASCII country code top-level domain for Morocco.

No policies for management of the domain have been tendered. However, applicants stated that ANRT is currently working on the registration policies that will underline the main rules to register a المغرب domain name in “non-discriminatory and transparent” manner. The policies will be based on the current policies exercised for .MA ASCII country code top-level domain. In addition these policies will include guidelines “based essentially on the RFC 5564”.

## **EVALUATION PROCEDURE**

The Internet Corporation for Assigned Names and Numbers (ICANN) is tasked with managing the Domain Name System root zone as part of a set of functions governed by a contract with the U.S. Government. This includes managing the delegations of top-level domains.

A subset of top-level domains are designated for the local Internet communities in countries to operate in a way that best suits their local needs. These are known as country-code top-level domains, and are assigned by ICANN to responsible trustees (known as “Sponsoring Organisations”) who meet a number of public-interest criteria for eligibility. These criteria largely relate to the level of support the trustee has from their local Internet community, their capacity to ensure stable operation of the domain, and their applicability under any relevant local laws.

Through an ICANN department known as the Internet Assigned Numbers Authority (IANA), requests are received for delegating new country-code top-level domains, and redelegating or revoking existing country-code top-level domains. An investigation is performed on the circumstances pertinent to those requests, and, when appropriate, the requests are implemented. Decisions on whether to implement requests are made by the ICANN Board of Directors, taking into account ICANN’s core mission of ensuring the stable and secure operation of the Internet’s unique identifier systems.

### **Purpose of evaluations**

The evaluation of eligibility for country-code top-level domains, and of evaluating responsible trustees charged with operating them, is guided by a number of principles. The objective of the assessment is that the action enhances the secure and stable operation of the Internet’s unique identifier systems. The evolution of the principles has been documented in “Domain Name System Structure and Delegation” (RFC 1591), “Internet Domain Name System Structure and Delegation” (ICP-1), and other informational memoranda.

In considering requests to delegate or redelegate country-code top-level domains, input is sought regarding the proposed new Sponsoring Organisation, as well as from persons and organisations that may be significantly affected by the change, particularly those within the nation or territory to which the ccTLD is designated.

The assessment is focussed on the capacity for the proposed sponsoring organisation to meet the following criteria:

- The domain should be operated within the country, including having its sponsoring organisation and administrative contact based in the country.
- The domain should be operated in a way that is fair and equitable to all groups in the local Internet community.



- Significantly interested parties in the domain should agree that the prospective trustee is the appropriate party to be responsible for the domain, with the desires of the national government taken very seriously.
- The domain must be operated competently, both technically and operationally. Management of the domain should adhere to relevant technical standards and community best practices.
- Risks to the stability of the Internet addressing system must be adequately considered and addressed, particularly with regard to how existing identifiers will continue to function.

### **Method of evaluation**

To assess these criteria, information is requested from the applicant regarding the proposed sponsoring organisation and method of operation. In summary, a request template is sought specifying the exact details of the delegation being sought in the root zone. In addition, various documentation is sought describing: the views of the local internet community on the application; the competencies and skills of the trustee to operate the domain; the legal authenticity, status and character of the proposed trustee; and the nature of government support for the proposal. The view of any current trustee is obtained, and in the event of a redelegation, the transfer plan from the previous sponsoring organisation to the new sponsoring organisation is also assessed with a view to ensuring ongoing stable operation of the domain.

After receiving this documentation and input, it is analysed in relation to existing root zone management procedures, seeking input from parties both related to as well as independent of the proposed sponsoring organisation should the information provided in the original application be deficient. The applicant is given the opportunity to cure any deficiencies before a final assessment is made.

Once all the documentation has been received, various technical checks are performed on the proposed sponsoring organisation's DNS infrastructure to ensure name servers are properly configured and are able to respond to queries for the top-level domain being requested. Should any anomalies be detected, IANA staff will work with the applicant to address the issues.

Assuming all issues are resolved, an assessment is compiled providing all relevant details regarding the proposed sponsoring organisation and its suitability to operate the top-level domain being requested. This assessment is submitted to ICANN's Board of Directors for its determination on whether to proceed with the request.

**2011-04-21-18-srb-annex**

**ANNEX TO ICANN BOARD SUBMISSION NO. 2011-04-21-XX**

**TITLE:** Delegation of the .cpб (“srb”) domain representing Serbia in Cyrillic

**IANA REFERENCE:** 426828

In accordance with ICANN’s obligations for managing the DNS root zone, IANA<sup>1</sup> receives requests to delegate, redelegate and revoke top-level domains. This application has been compiled by IANA for presentation to the ICANN Board of Directors for review and appropriate action.

Sensitive Delegation Materials

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<sup>1</sup> The term IANA is used throughout this document to refer to the department within ICANN that performed the IANA functions.



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Submitted by: Kim Davies  
Position: Manager, Root Zone Services  
Date Noted: 11 April 2011  
Email and Phone Number kim.davies@icann.org; Contact  
Information

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## **2011-04-21-18-srb-enclosures**

**Draft Public Report —  
Delegation of the .cpб (“srb”) domain representing Serbia in  
Cyrillic**

ICANN has received a request to delegate the .cpб domain, a country-code top-level domain representing Serbia, to Serbian National Register of Internet Domain Names (RNIDS). ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

**FACTUAL INFORMATION**

**Country**

The “RS” ISO 3166-1 code from which the application’s eligibility derives, is designated for use to represent Serbia.

**String**

The domain under consideration for delegation at the DNS root level is “cpб”. This is represented in ASCII-compatible encoding according to the IDNA specification as “xn--90a3ac”. The individual Unicode code points that comprise this string are U+0441 U+0440 U+0431.

In Serbian language, the string is an abbreviation of Serbia, with a transliteration and pronunciation in English as “srb”. The string is expressed using the Cyrillic script.

**Chronology of events**

On 8 July 2006, the Founding Assembly of the Serbian National Register of Internet Domain Names (RNIDS) was organised when decision on establishing RNIDS was brought up with the basic task “to administer and manage national Internet domain names.” The organisation was subsequently formally founded as a non-profit, non-governmental entity in December 2006. It was registered according to its articles of association with a resolution No. 415-00-00010/2007-14 by the Ministry of Culture of the Republic of Serbia with the “aim to organize the management of the Country Code Top Level Domain .” Its legal name in the local language is “Registar Nacionalnog Internet Domena Srbije”.

On 27 March 2007, RNIDS successfully applied for a delegation of .RS ASCII country code top-level domain for Serbia and redelegation of the subsequently retired .YU country code top-level domain for Yugoslavia.

On 14 January 2010, pursuant to Article 43, Paragraph 3 of the Law on the Government (“The Official Gazette of the Republic of Serbia”, number 55/05, 71/05-amendment, 101/07 and 65/08), at proposal of the Ministry of Telecommunications and Information Society, the Government brought the Decision (05 Number: 345-178/2010) on the responsibility of the Ministry of Telecommunications and Information Society for establishing conditions for allocation of the national Internet domain in the Cyrillic script, for the sake of implementation.

On 3 February 2010, the Round table dedicated to “The way of conducting the public discussion for choosing the Cyrillic domain of Serbia” was held in the Serbian Chamber of Commerce. Representatives from various sectors of the economy, civil society, educational institutions, mass media and government were present. The decision was made to form the working group for choosing the Cyrillic IDN for Serbia.

On 5 March 2010, RNIDS announced the official beginning of the public discussion on selecting the national Cyrillic domain. Several public forums were opened among other activities. After proposals were collected and evaluated, final voting results showed that “cpб” string received the most support.

On 1 September 2010, an application was made to the “IDN Fast Track” process to have the string “cpб” recognised as representing Serbia. The request was supported by the Holy Synod of Bishops of the Serbian Orthodox Church, “Mikro PC World” magazine, BeotelNet ISP, I Net Ltd. (one of the founders of RNIDS), Adizes SEE, the IT Association of Serbia.

On 23 October 2010, review by the IDN Fast Track DNS Stability Panel found that "the applied-for strings ... present none of the threats to the stability or security of the DNS identified in [the IDN Fast Track implementation plan] ... and present an acceptably low risk of user confusion". The request for the string to represent the Serbia was subsequently approved.

From 17 November to 31 December 2010, RNIDS conducted a forum to discuss principles for managing .cpб domain.

On 23 December 2010, the Ministry of Telecommunications and Information Society signed a cooperation agreement with RNIDS outlining the status and activities of RNIDS. In accordance with the signed document, RNIDS agrees to function and enhance “its operations in accordance with current regulations, ICANN rules and its founding documents, in the best general interest of all citizens of Serbia and complying with principles of quality, efficiency, independence and transparency of activities.”

On 9 February 2011, the RNIDS commenced a request to ICANN for delegation of “cpб” as a top-level domain.

### **Proposed Sponsoring Organisation and Contacts**



The proposed sponsoring organisation is Serbian National Register of Internet Domain Names (formally, *Registar Nacionalnog Internet Domena Srbije*), a non-profit, non-governmental entity, founded in December 2006 and registered according to its articles of association with a resolution No.415-00-00010/2007-14 by the Ministry of Culture of the Republic of Serbia with the “aim to organize the management of the Country Code Top Level Domain .” RNIDS is managed by the Assembly composed of 49 legal entities. RNIDS is the current operator of the .RS ASCII country code top-level domain for Serbia.

The proposed administrative and technical contact is Nenad Marinkovic, Director of RNIDS. The administrative contact is understood to be based in Serbia.

## **EVALUATION OF THE REQUEST**

### **String Eligibility**

The top-level domain is eligible for delegation under ICANN policy, as the string has been deemed an appropriate representation of Serbia through the ICANN Fast Track String Selection process, and Serbia is presently listed in the ISO 3166-1 standard.

### **Public Interest**

Explicit government support for the application was provided in the letter from the Ministry of Telecommunications and Information Society, stating “based on our review of results RNIDS has achieved up to date in managing the .rs domain registry, the Ministry considers that the Serbian National Register of Internet Domain Names fulfils technical and organizational requirements for managing the registry of internationalized domain names in Cyrillic, laid down by the Internet Corporation for Assigned Names and Numbers (ICANN).”

Comprehensive support for the application was received from a variety of sectors of the community. Documented support was provided on behalf of the Internet Service Providers (Telecom Srbija and EUnet); Civil Society (Burek.com online community, the Association of Small and Medium Enterprises and Entrepreneurs, the General Association of entrepreneurs from Leskovac, Association for Applying Information Technologies RUDNET, Serbian Chamber of Commerce, and Telecommunications Society, DIPLO foundation); Intellectual Property interests (the Intellectual Property Office and “Art Lighthouse Agency” Ltd); e-commerce providers (Centre for Promotion and Advancement of IT Consciousness - “NIIT”, Banca Intesa ad Beograd, Agency E-trgovina); mass media (“Mikro PC World” magazine, PC PRESS, Politika, Pregled); educational institutions (Faculty of Law and School of Electrical Engineering from the University of Belgrade and the Singidunum University); and Internet-based companies (AgitPROP, Contrast).

RNIDS structure allows for local Internet community to delegate its representatives for the RNIDS Assembly. RNIDS has stated that “every member of the Internet community can use RNIDS forum in order to propose and discuss various issues related to the ccTLD’s management.”

The application is consistent with known applicable local laws in Serbia.

The proposed sponsoring organisation undertakes to operate the domain in a fair and equitable manner.

### **Based in country**

The proposed sponsoring organisation is constituted in Serbia. The proposed administrative contact is understood to be resident in Serbia. The registry is to be operated in the country.

### **Stability**

The application does not involve a transfer of domain operations from an existing domain registry, and therefore stability aspects relating to registry transfer have not been evaluated.

The application is not known to be contested.

### **Competency**

The application has provided satisfactory details on the technical and operational infrastructure and expertise that will be used to operate the proposed new domain. The proposed operator is the current manager of .RS ASCII country code top-level domain for Serbia.

Proposed policies for management of the domain have also been tendered.

## **EVALUATION PROCEDURE**

The Internet Corporation for Assigned Names and Numbers (ICANN) is tasked with managing the Domain Name System root zone as part of a set of functions governed by a contract with the U.S. Government. This includes managing the delegations of top-level domains.

A subset of top-level domains are designated for the local Internet communities in countries to operate in a way that best suits their local needs. These are known as country-code top-level domains, and are assigned by ICANN to responsible trustees (known as “Sponsoring Organisations”) who meet a number of public-interest criteria for eligibility. These criteria largely relate to the level of support the trustee has from

their local Internet community, their capacity to ensure stable operation of the domain, and their applicability under any relevant local laws.

Through an ICANN department known as the Internet Assigned Numbers Authority (IANA), requests are received for delegating new country-code top-level domains, and redelegating or revoking existing country-code top-level domains. An investigation is performed on the circumstances pertinent to those requests, and, when appropriate, the requests are implemented. Decisions on whether to implement requests are made by the ICANN Board of Directors, taking into account ICANN's core mission of ensuring the stable and secure operation of the Internet's unique identifier systems.

### **Purpose of evaluations**

The evaluation of eligibility for country-code top-level domains, and of evaluating responsible trustees charged with operating them, is guided by a number of principles. The objective of the assessment is that the action enhances the secure and stable operation of the Internet's unique identifier systems. The evolution of the principles has been documented in "Domain Name System Structure and Delegation" (RFC 1591), "Internet Domain Name System Structure and Delegation" (ICP-1), and other informational memoranda.

In considering requests to delegate or redelegate country-code top-level domains, input is sought regarding the proposed new Sponsoring Organisation, as well as from persons and organisations that may be significantly affected by the change, particularly those within the nation or territory to which the ccTLD is designated.

The assessment is focussed on the capacity for the proposed sponsoring organisation to meet the following criteria:

- The domain should be operated within the country, including having its sponsoring organisation and administrative contact based in the country.
- The domain should be operated in a way that is fair and equitable to all groups in the local Internet community.
- Significantly interested parties in the domain should agree that the prospective trustee is the appropriate party to be responsible for the domain, with the desires of the national government taken very seriously.
- The domain must be operated competently, both technically and operationally. Management of the domain should adhere to relevant technical standards and community best practices.
- Risks to the stability of the Internet addressing system must be adequately considered and addressed, particularly with regard to how existing identifiers will continue to function.

## **Method of evaluation**

To assess these criteria, information is requested from the applicant regarding the proposed sponsoring organisation and method of operation. In summary, a request template is sought specifying the exact details of the delegation being sought in the root zone. In addition, various documentation is sought describing: the views of the local internet community on the application; the competencies and skills of the trustee to operate the domain; the legal authenticity, status and character of the proposed trustee; and the nature of government support for the proposal. The view of any current trustee is obtained, and in the event of a redelegation, the transfer plan from the previous sponsoring organisation to the new sponsoring organisation is also assessed with a view to ensuring ongoing stable operation of the domain.

After receiving this documentation and input, it is analysed in relation to existing root zone management procedures, seeking input from parties both related to as well as independent of the proposed sponsoring organisation should the information provided in the original application be deficient. The applicant is given the opportunity to cure any deficiencies before a final assessment is made.

Once all the documentation has been received, various technical checks are performed on the proposed sponsoring organisation's DNS infrastructure to ensure name servers are properly configured and are able to respond to queries for the top-level domain being requested. Should any anomalies be detected, IANA staff will work with the applicant to address the issues.

Assuming all issues are resolved, an assessment is compiled providing all relevant details regarding the proposed sponsoring organisation and its suitability to operate the top-level domain being requested. This assessment is submitted to ICANN's Board of Directors for its determination on whether to proceed with the request.

## 2011-04 Media Clips Compilation



## **A Sampling of ICANN News Media Clips**

**Date Range:**

28 February 2011 – 1 April 2011



## ICANN: No government veto over controversial top-level domains

By [Matthew Lasar](#)  
February 28, 2011

Less than two weeks away from ICANN's [conference](#) in San Francisco, representatives from the organization's [Government Advisory Committee](#) have [rejected](#) a US Department of Commerce [proposal](#) that would give GAC members veto power over new domain endings.

The Department of Commerce plan would have allowed governments to object to a generic Top Level Domain (gTLD) "for any reason." On top of that, "if it is the consensus position of the GAC not to oppose objection[s] raised by a GAC member or members, ICANN shall reject the application," the proposal added.

Critics like information studies Professor Milton Mueller of Syracuse University [warned](#) that the provision would let individual governments scrap gTLDs like .humanrights or .gay.

But the GAC's [scorecard on recommendations](#) to ICANN proposes government "advice" rather than veto power over gTLDs. Here's the text of the proposal:

*At the beginning of the Initial Evaluation Period, ICANN will provide the GAC with a detailed summary of all new gTLD applications. Any GAC member may raise an objection to a proposed string for any reason.*

*The GAC will consider any objection raised by a GAC member or members, and agree on advice to forward to the ICANN Board.*

*GAC advice could also suggest measures to mitigate GAC concerns. For example, the GAC could advise that additional scrutiny and conditions should apply to strings that could impact on public trust (e.g. '.bank').*

If ICANN's Board takes an action on gTLDs "not consistent" with the GAC's advice, "the Board will provide a rationale for its decision," the draft suggests. ICANN's Board will hold a public meeting in San Francisco on March 18. The GAC and the Board are holding a [pre-San Francisco conference](#) in Brussels today.

# The Washington Post

## Obama administration joins critics of U.S. nonprofit group that oversees Internet

By Ian Shapira  
Washington Post Staff Writer  
Tuesday, March 1, 2011; 10:04 AM

The California nonprofit organization that operates the Internet's levers has always been a target for such global heavies as Russia and China that prefer the United Nations to be in charge of the Web. But these days, the Internet Corporation for Assigned Names and Numbers is fending off attacks from a seemingly unlikely source: the Obama administration.

Concerned about the growing movement to cede oversight to the U.N., the U.S. government, which helped create ICANN in 1998, has been reprimanding the nonprofit group to give foreign nations more say over the Web's operations.

The battle has come at a sensitive time for ICANN, which this month is meeting with foreign governments as it pulls off the biggest expansion ever of Web suffixes - including .gay, .muslim and .nazi. Also this fall, the nonprofit organization is seeking to hold on to its federal contract to oversee the Web's master database of addresses - a sweeping power that governments fear could be used to shut down foreign domains that the United States finds unsavory.

"There's a deeper question of how the world is reacting to a small company - even a nonprofit - completely in charge of a key part of the Internet. Is that acceptable? There's no 100 percent comfortable solution here," said Steve Crocker, ICANN's vice chairman, who lives in Bethesda and is the chief executive of Shinkuro, a technology company.

With some Middle East countries shutting down the Internet within their borders to curb uprisings, the question of who runs the Web is increasingly figuring into global foreign policy debates. Some fear that governments such as those of Libya or Iran could more easily crush rebellions if they gained more control over the Internet's inner workings.

ICANN quietly wields vast influence over the Web, a power unfamiliar to many Americans and elected officials. Based in an off-campus University of Southern California building, the company has more than 100 employees and is led by a chief executive and a board of directors comprised of private sector executives and technology experts. ICANN's core function: Decide which Web addresses get seen on the Internet.

In Washington, ICANN remains somewhat mysterious to elected officials, according to Nao Matsukata, a senior policy adviser to the Coalition Against Domain Name Abuse, a grass-roots organization in Washington. Matsukata's main problem, he said, is trying to explain what ICANN is to people on Capitol Hill. His group has met with more than 50 members of Congress.

"Sometimes, when we're in meetings on the Hill, they're just nodding their heads," said Matsukata, a former trade official in the George W. Bush administration. "Very few people understand where all these decisions are coming from and that this is something that impacts



us every day of our lives. Someone is determining what is allowed, what is not allowed, and someone is profiting from these things."

The tiny nonprofit group can be especially provocative for a trade press that covers its every move, and for a rival U.N. agency, the International Telecommunications Union. When the ITU, a 145-year-old agency of nearly 200 nations and territories, held its annual meeting in October in Mexico, a Syrian emissary representing Arab states raged against ICANN as if it were an enemy nation.

"Do not surrender to the ICANN!" Nabil Kisrawi yelled during one of the conference's sessions, according to a story in the Register, an online publication on Internet governance. "There is even a representative of the ICANN in this room!" Kisrawi said. (Kisrawi recently died.)

Other nations have been mobilizing against ICANN. China, which monitors dissident activity on the Web, has been leading a campaign among dozens of developing nations to lobby the U.N. for oversight over ICANN, according to former and current ICANN officials. And a coalition of former Soviet states led by a Russian minister has been pushing the U.N. to obtain veto power over ICANN.

Some countries also worry that the new wave of Web suffixes might be too controversial and that others might require companies to spend vast sums to protect their online brands and trademarks. (Who gets .merck? The U.S. drug company? Or the German drug company with the same name?)

Chris Disspain, chairman of an ICANN internal group and an executive who oversees Australian domain names, said the prospect of governments running the Web would be calamitous. "China, Syria, Iran and Saudi Arabia and number of others have said in meetings they believe ICANN shouldn't be in existence, or be replaced by some U.N. body," he said. "Frankly, that would be a disaster."

Some countries fear that the United States has, at the very least, the appearance of too much power by owning the contract to run the master database of Web addresses.

"One concern is that if the U.S. decides Syria is behaving badly, then they could make all Web sites using Syria's country code domain - .sy - point to freedom of expression sites, for example," said Avri Doria, an ICANN group chairman. "Countries say, 'How can we subject ourselves to that?'"

Crocker, the ICANN board's vice chairman, said the chances of the United States tinkering with the master Web database are "nil." ICANN can only request changes in the master database; the U.S. government reviews those decisions, then the Dulles-based company VeriSign executes the change.

The Commerce Department, however, worries that other countries might soon lobby en masse for the U.N. to take over instead. Commerce officials prefer a nimble private-sector organization to run the Web's addressing system, but the government doesn't believe ICANN is listening enough to the international community.

Some ICANN officials worry that, if tensions continue with the Commerce Department, the nonprofit organization might lose its contract to run the Web's master database. That contract, which the Commerce Department last gave to ICANN in a no-bid process, comes up for renewal in the fall. Commerce officials have yet to decide whether they will ask for other organizations to compete for it.

In mid-February at a technology conference in Colorado, Lawrence Strickling, an assistant secretary in the Commerce Department, put ICANN on notice, declaring it "must act" by June on a set of accountability guidelines made by him and international leaders who will continue to "monitor" it. Strickling warned about the "forces at play" lobbying for the United Nations to run the Web.

Strickling said he met privately in December with ICANN board members in Colombia, where he urged ICANN to be more transparent and open to recommendations from foreign nations. "It's not out of hostility . . . but I am trying to nudge ICANN to be its best," Strickling said in an interview. "It's important that this model have buy-in from other governments in order to support the global growth of the Internet."

ICANN scored one minor victory in February. Its advisory body of foreign nations rejected the Obama administration's proposal that would have required ICANN to make it easier for nations to object to controversial new Web suffixes such as .gay or .xxx.

The United States proposed that any country within ICANN's advisory council should be able to recommend eliminating any new domain name. If no other country objected to that nation's veto recommendation, then ICANN's board would have to follow suit. ICANN, however, wants those challenges to go before three experts guiding the International Chamber of Commerce.

But ICANN's advisory body of foreign countries recently decided that any nation's objection will be considered as non-binding advice to ICANN's board.

Commerce Department officials worry that if foreign governments feel they have no role in the process, they will start ignoring ICANN, blocking Web sites and splitting up the Internet so that only certain domains can be accessed, depending on the country.

Critics of the Commerce Department say the agency is bending too much to other nations' preferences. "The U.S. government was pushing hard to give any country the power to object and have that right be decisive," said Milton Mueller, a Syracuse University professor who has chaired and participated in several groups that developed ICANN policies that would be overridden by the U.S. intervention. "We think they were playing a geopolitical game of placating governments."



# ICANN vs. the World

By Jerry Brito on March 5, 2011  
ICANN vs. the World

A rose by any other name may smell just as sweet, but if that name is an Internet top-level domain name, world governments may beg to differ.

The “.com” at the end of TIME.com is known as a top-level domain—or TLD—and you may be aware of others, including .net, .org, .edu, and even .ly for Libya. While there are over a hundred other country code TLDs like .uk and .jp, there are only 21 generic TLDs like .com, including the lesser known .travel and .museum. That's about to change radically.

What TLDs exist is decided by the Internet Corporation for Assigned Names and Numbers (ICANN), a small non-profit corporation that runs the Internet's namespace under contract with the U.S. Government. After much deliberation, ICANN decided in 2008 to expand the number of generic TLDs, and later this month will begin the process of accepting applications for new domains.

While there is no technical limit to the number of TLDs that can be created, there may be a political one. Governments around the world are increasingly seeking a say over what new TLDs will and will not be allowed.

## Governments Find Some Names Objectionable

If you wanted to register the web address gay.com, there's no law to stop you. In fact, it exists. Free expression reigns under the current regime for registering web addresses. But what if you sought to establish a new .gay TLD?

“It is clear from conversations with government officials in a couple of conservative Arab countries that they object to .gay,” says Syracuse University professor and ICANN expert Milton Mueller.

That's potentially bad news for dotGAY and the Dot Gay Alliance, two groups that plan to apply to run the .gay TLD. If governments have a veto over new TLDs, free expression could go out the window. Not only might Arab countries object to .gay, but one can imagine China interfering with .falungong or .tibet, and France and Germany blocking .nazi. (Falundafa.org, tibet.net, and nazi.org all exist.)

## UN Pushes for Control of Internet Governance

Before 1998, the U.S. government completely controlled the Internet's domain name system. As the Internet grew and became more commercial and international, total U.S. control was increasingly untenable. The U.S. could have turned over its Internet authority to an international body, like the UN's International Telecommunication's Union (ITU). Instead, the Clinton Administration privatized domain name governance. It did so precisely because it wanted to keep the Web's critical naming system away from the stifling bureaucratic control of world governments.

ICANN was created as a private U.S. non-profit with an international board, and the U.S. Government's naming authority was transferred to it. Although there have been some bumps along the way—notably ICANN's rejection of a proposed .xxx domain—the private governance scheme has largely succeeded in preserving free expression online, allowing sites like gay.com and tibet.net to exist unmolested.

Government representatives from around the world sit on ICANN's Governmental Advisory Committee, but as the name implies, their role is only advisory and policy decisions are ultimately made by the ICANN board. Recently, however, governments around the world have been demanding control over ICANN's actions. There are increasing calls for domain name authority to be transferred to the ITU and the world governments that run it.

U.S. Resisting UN by Leaning on ICANN

Although it has contracted with ICANN to govern the domain name system, the U.S. Government still ultimately controls it. Talking about Internet freedom, Assistant Secretary of State Michael Posner has said the U.S. is not too impressed with the prospect of UN control.

“We have a range of anxieties about throwing this issue into the United Nations,” said Posner. “We have great trepidation that if this became a UN-sponsored initiative, all the governments that have the greatest interest in regulating and controlling content and protecting against dissident speech in their own countries would be very loud voices.”

You might think, then, that the U.S. would stand up to foreign government and ITU encroachment on ICANN's authority, but you would be wrong.

Last month the U.S. circulated a proposal that would have essentially given world governments a veto over any new proposed TLD “for any reason.” That proposal was ultimately softened under public pressure, but the Obama Administration continues to place pressure on ICANN to give governments more say over its policy decisions. If it's too principled about free expression, the logic goes, ICANN and the U.S. may face overwhelming pressure to cede authority to the UN.

### **Uncertain Future**

Internet freedom advocates have vowed to fight to preserve the Internet's independent, non-governmental governance structure. Writing in Google's public policy blog, Internet pioneer, former ICANN Chairman, and now Google “Chief Internet Evangelist” Vint Cerf blasted a UN committee's decision to exclude non-governmental groups from a new working group on Internet governance.

“The current bottoms-up, open approach works—protecting users from vested interests and enabling rapid innovation,” he wrote. “Let's fight to keep it that way.”

Time will tell how this saga turns out, but time may be running out for ICANN. The non-profit's contract with the U.S. Government is up for renewal in September, and that will likely serve as another pressure point to demand more government control over what names are allowed.

## Governments press ICANN over new domain rules

by Declan McCullagh  
March 8, 2011

A rare rift has developed between national governments and the nonprofit organization that oversees Internet domain names, with neither side showing signs of backing down in a dispute that includes trademarks and free expression.

In a statement released over the weekend, the Internet Corporation for Assigned Names and Numbers, or ICANN, listed 23 areas of continued disagreement over the rules for approving new top-level domain names. Hundreds of applications for these suffixes are expected later this year, including .car, .love, .movie, .web, and .gay.

ICANN chairman Peter Thrusch wrote (PDF) that his organization "has made a good faith effort toward narrowing the outstanding issues," which were debated at a meeting in Brussels last week. The formal "consultation"--unprecedented in ICANN's 13-year history--is expected to resume at ICANN's meeting in San Francisco that starts March 13.

The disagreements center on the question of how much influence government officials, and to a lesser extent trademark owners, will enjoy over the process of creating new domain suffixes.

National governments, which have not flexed their muscles as visibly in this way before, are pushing to give themselves greater ability to object to proposed suffixes while handing trademark holders more power to monitor new domain names registered under those suffixes. ICANN has rejected both proposals, saying that the former will lead to "ad hoc changes to the evaluation process based on subjective assessments."

"The dynamics of watching it in person are a lot like this--a couple in an arranged marriage who grudgingly realize that they have to work as equals or watch their whole family and fortune be a ward of the United Nations," says Steve DelBianco, executive director of the NetChoice coalition, whose members include AOL, eBay, Oracle, VeriSign, and Yahoo.

That's a reference to a push by some governments to divest ICANN of domain name authority and instead hand it to a United Nations agency, most likely the International Telecommunication Union.

Last year, China and its allies objected to the fact that "unilateral control of critical Internet resources" had been given to ICANN, suggesting instead that the U.N. would be a better fit. According to a transcript (PDF) of last week's Brussels meeting, Kenya's representative threatened that, without some changes, developing countries "will take another direction--and I can tell you they will just go to the ITU."

Representatives of national governments on ICANN's Governmental Advisory Committee, or GAC, recently rejected a proposal from the United States that would have given them a veto over new top-level domains. But they are nevertheless seeking more influence over the process, saying that "additional scrutiny and conditions should apply" to suffixes such as .bank,

and that the possibility of future "market power" should be taken into account. They also want the ability to object to proposed suffixes without paying.

"The real hazard in this is the GAC's insistence that ICANN be able to predict the likelihood of market power," DelBianco says. "Governments around the world have competition authorities of their own. Why would we want ICANN to take on a role they're so uniquely ill-equipped to play?"

Another point of disagreement is over how the process should aid trademark holders. That could help companies like eBay or PayPal prevent cybersquatting and phishing attacks against their customers. It also could make it more difficult for legitimate companies and individuals to do business if they happen to be using a word close to a trademarked phrase.

GAC has suggested lowering the burden of proof for trademark holders, adding a "loser pays" mechanism, and permitting monitoring of not only exact infringements but also "key terms" associated with a trademark such as "Kodakonlineshop."

"ICANN shouldn't be involved in trademark policy--what does that have to do with protecting Internet stability?" says Karl Auerbach, chief technology officer at InterWorking Labs in Scotts Valley, Calif., and a former ICANN board member who sued the organization to gain access to its books. "If ICANN were responsible for airlines, they'd be more concerned about whether tickets were printed on the right stock than about whether airlines can fly safely."

A seven-page statement (PDF) in December 2010 from GAC says its is "very concerned" that "public policy issues raised remain unresolved." In addition to concern over the review of "sensitive" top-level domains, the statement says, there are also issues about "use and protection of geographical names." (For instance, should a U.S.-based entrepreneur be able to register .london or .paris, or should those be under governmental control?)

That statement followed years of escalating tensions between ICANN and representatives of national governments, including a letter (PDF) they sent in August 2010 suggesting that "the absence of any controversial (suffixes) in the current universe of top-level domains to date contributes directly to the security and stability of the domain name and addressing system." And the German government recently told (PDF) ICANN CEO Rod Beckstrom that there are "outstanding issues"--involving protecting trademark holders--that must be resolved before introducing "new top-level domains."

## In cyberspace, a war over names

By: Michelle Quinn  
March 12, 2011 07:44 PM EDT

SAN FRANCISCO — For those who value the free flow of information on the [Internet](#), there's only one thing more frightening than having the U.S. government control the Web.

That would be having the United Nations in charge instead.

The Internet Corporation for Assigned Names and Numbers opens its annual meeting here Monday, and its international board of experts will go about their jobs of mulling whether .love and .gay and .web should be added to existing domains like .com, .net and .biz.

But they'll carry out that work in the midst of a turf fight among the United States, other governments and free-speech advocates over who should have control of the domain process.

For now, it's [ICANN](#), a California nonprofit the Clinton administration helped create in the early days of the Internet. But President Barack Obama's [Commerce Department](#) has suggested that countries around the world retain veto power over new domain names. And countries such as [China](#) and Libya have suggested that the United Nations take control of the process.

And that has some free-speech proponents alarmed.

"Domain names and numbers are one of the few chokeholds of free speech," said Susan Crawford, a former special assistant to the Obama administration on science, technology and innovation policy. "By having a government-led institution, it will immediately insert lowest-common-denominator speech demands into the decision-making process."

Recent events have heightened concerns about government control.

Governments in Egypt and Libya blacked out parts of the Internet during recent protests. Meanwhile, the U.S. government's seizure of more than 100 domain names of websites accused of copyright infringement has sparked cries of First Amendment violations here at home.

The reason that control of the Internet's addressing and numbering system is important is that, in the technical workings of cyberspace, you have to have a name and number to exist.

The U.S. government is "ganging up with other governments," charged Milton Mueller, a professor at Syracuse University who has been involved in ICANN. "The thing that's concerning is that if ICANN makes some kind of deal, who will be cut out of the process? Will ICANN become a remote, bargaining game between this tiny board and a few powerful governments?"

The irony is that the Internet was developed as part of a Department of Defense project some 40 years ago. In 1998, after Web browsers popularized the new medium, the Clinton administration helped set up

Now, the governance of cyberspace is entering a new age.

“ICANN is embarking on the biggest change in its lifetime,” said Kim Davies, who is responsible for domain names at ICANN. “Both ICANN and governments are grappling with what role they play.”

Some lawmakers want to make sure the decisions don’t fall into the wrong hands.

Rep. [Mary Bono Mack](#) (R-Calif.) spoke to those fears in January when she proposed a House resolution to fight any effort to push control of the Internet to the U.N. “It has become increasingly clear that international governmental organizations, such as the United Nations, have aspirations to become the epicenter of Internet governance,” she said in a statement. “And I’m going to do everything I can to make sure this never happens.”

But others argue that ICANN’s model is out of step with the Internet’s growth and importance. With an estimated 2 billion people online, and more joining every day, running the Internet should be in the hands of an international, democratic body, they say.

“Humanity is looking at this small cabal that clearly works with the U.S. government and wields enormous power over the chief communication network, and they are saying this is not a participatory, democratic structure,” said Sascha Meinrath, director of New America Foundation’s Open Technology Initiative. “And they are right.”

In a series of meetings next week, ICANN will grapple with some of these issues as it seeks to create new real estate in the virtual world. Under ICANN’s proposal, new domain names could be almost anything — companies such as .cannon or subjects such as .movie, .sex or .gay. That move has countries and business groups ruffled. Some governments object to .sex or .gay as morally offensive. Companies worry about diluting their brand and having to do battle with new competitors.

The expansion will be the chief topic of ICANN’s weeklong meeting, which includes a public education session, committee meetings and public sound-off forums. Former President Bill Clinton is scheduled to speak Wednesday. The gathering culminates in an open board meeting Friday. The board is expected to address the new domain-name process and the results of its meetings with its government advisory committee.

The board will probably decide on the creation of a new domain name, .xxx., which has been off and on the table since 2004.

For the most part, the U.S. government, through the Department of Commerce, has not had a heavy hand with ICANN. But ICANN walks a delicate line over the perception that the U.S. has a special relationship with ICANN and an inappropriate control over the Internet.

Recently, Commerce officials have sent mixed signals about ICANN’s autonomy, and some observers suggest that the U.S. is pressuring ICANN to be more responsive to government concerns to stop an effort by some governments to break away.

Commerce recently proposed to ICANN’s board that a single government should have veto power over any new domain name application “for any reason.” Members of ICANN’s government advisory committee rejected that proposal.

But the question remains: How responsive should ICANN be to governmental concerns?



In a February speech in Denver, Larry Strickling, an assistant secretary in Commerce, suggested that if ICANN did not give governments a seat at the table, they will block more, undermining the Internet's entire workings. That "will have impacts on Internet security as well as the free flow of information," he said.

This pressure has troubled some.

ICANN "wasn't meant to be a government entity," said David Johnson, a visiting professor at New York Law School who was involved in helping create the contracts that led to the creation of ICANN. "If the government committee is purporting to set the rules directly, that's a complete destruction of the original goals and may have a lot of problems with accountability and representative democracy."

But others say that the U.S. has to walk a fine line in order to keep the Internet open. To do that, ICANN has to give governments a voice and needs to be transparent about its decision making.

"The big picture is that the interest of the U.S. government and ICANN are aligned," Crawford said. "The model is a good one, and the U.S. is acting as a good steward."

ICANN appears to be gearing up for some sort of battle. For the first time, one of ICANN's officers applied to be a registered lobbyist.

In his application, ICANN's Jamie Hedlund, vice president of government affairs, stated that among the issues he would work on would be education on "ICANN's private sector-led, bottom-up policy development model" and "preserving and enhancing the security and stability of the Internet's systems of unique identifiers, including the Domain Name System."

## ICANN To Vote on .XXX Domain

By Sean Michael Kerner  
March 14, 2011

After nearly a decade of debate and delays, the decision to enable a .xxx top level domain is once again on the table at ICANN.

ICANN is meeting this week in San Francisco to discuss multiple issues including Generic Top Level Domains (gTLDs) as well as broader questions surrounding Internet governance.

Peter Dengate Thrush, chairman of ICANN said during a press conference that the .xxx domain will be up for a vote this Friday. At ICANN's last major meeting, held in Cartagena, Columbia, ICANN voted to delay any decision on the .xxx domain.

"There will be another vote, historically those votes have been reasonably interesting, they have been quite close and they have raised a number of issues," Thrush said.

ICANN has been debating the adult-only .xxx domain since at least the year 2000.

Another key topic that ICANN has been grappling with is the introduction of new Generic Top Level Domains (gTLDs). With gTLDs, the door would open wide for nearly any type of name for TLD usage. The decision on gTLDs was deferred at the Cartagena meeting until the San Francisco meeting. As it turns out, ICANN is going to delay the decision even further.

"We won't be launching the (gTLD) program in San Francisco," Thrush said. "What we are doing is moving the program through a great deal of consultation with the governmental advisory committee on the areas they've signaled disagreement with us."

Another issue that was raised in Cartagena has to do with governance and transparency issues that were raised by Lawrence Strickling, the assistant secretary for communications and information at the U.S. Department of Commerce. Thrush stressed that ICANN is working through those topics as well.

Thrush noted that ICANN has a transparency review team now and a full program is set to be in place by June of this year.

"The multi stake holder model is fundamental to the Internet's future and that model is working," Rob Beckstrom CEO of ICANN said during the press conference. "More people are participating and making their voice heard and this meeting is a good example of that - this is the largest meeting in ICANN's history."

Sean Michael Kerner is a senior editor at InternetNews.com, the news service of Internet.com, the network for technology professionals.

# San Francisco Chronicle

## Rod Beckstrom, CEO of ICANN, talks about new domain names

Marcus Chan, Chronicle Staff Writer  
Monday, March 14, 2011

Rod Beckstrom, in the ICANN offices in Palo Alto, talks a... Rod Beckstrom isn't making any predictions about when the... Rod Beckstrom, CEO of ICANN in the companies offices on T...

The Internet could be on the verge of opening the doors to a deluge of proposals for new domain names, cyber suffixes that would compete with the likes of .com and .net.

The nonprofit agency that oversees the Internet naming system, ICANN, isn't making any promises or predictions. But its plan, which has been in the works since 2005, could reach a conclusive point this week at the organization's key meeting in San Francisco.



Currently, there are 21 generic top-level domains, such as .com (the most popular), .net and .org. But ICANN (Internet Corporation for Assigned Names and Numbers) wants to allow groups or companies to propose and operate new domains that are more specific - .nyc, .ebay or .gay, for example.

That expansion could bring the number of domain names to the hundreds, even thousands, according to some estimates.

But the road to a wider Web hasn't been easy, especially with countless governments, businesses and interest groups around the globe having economic, social and political stakes in the outcome and wanting a say in the name process.

And how soon the Web actually sees these new names will depend on how the San Francisco meeting goes.

The Chronicle recently interviewed the president and CEO of ICANN, Rod Beckstrom, at the organization's satellite office in Palo Alto.

The interview has been edited for length and clarity.

Q: Why do we need new generic top-level domain names?

A: As an example, there's literally over a thousand different trademarks in America that have the name Smith in it. So imagine you have something called Smith's Gas Station. Well, if you want to go get a domain name with the name Smith in it, there's a limited number of options. And maybe you didn't get it. Maybe someone else got that.

So when you open up these new top-level domains, it creates opportunities for individuals and businesses to get the name that they really want to have.

It's also important because part of the new program is opening this up for other languages as well. We have .com, .gov, .org, etc., and those are English abbreviations or acronyms. You don't have the equivalent in Chinese, in Hindi. Most people in the world feel that the domain name system is American- or English-centric. So the reason is both more variety within Western languages that use Latin character sets as well as opening it up for the other character sets.

Q: One contentious issue regarding this plan is potentially controversial names. A new suffix such as .gay might be popular in the United States but be objectionable in other countries.

A: I don't want to opine on any specific candidate, because it's speculative. But if you look at names that might be controversial, there's a set of different checks and balances that have been built into the system.

One is an objection process. What this means is if a religious group or government says this term is clearly offensive to us and is somehow documented in our practices and policies that this is offensive ... then they can mount an objection and then it goes to an official panel. There are world experts in these issues, in judging what's viewed as a violation of different statutes.

Q: So, this outside panel, whatever their determination is, ICANN must abide by it or take it seriously?

A: Ultimately, the board makes the decision.

In addition to that panel process, the board has the right at its discretion to turn down any application. That was viewed as another quality-control mechanism.

Q: Another concern by national governments is whether ICANN's plan provides enough protections for trademark holders.

A: For context, there are five or six mechanisms in the (draft applicant guidebook) to protect trademark holders. I'm going to refer to one of the most significant ones and give you an idea of the scale of the undertaking.

We have agreed to create a global marks database. By marks we mean trademarks and service marks. ... If you get a document to show that you own the trademark or service mark, you get to put it into a global database. Once it's in the system, you will be notified if anyone tries to register your name. That's the first time in human history that a global marks database has been created to notify owners of events that could affect them.

Q: Some media reports have speculated that we could see the first new generic top-level domains in early 2012.

A: I'm not going to make a prediction. Journalists have been making predictions since the board approved this in Paris in 2008.

The earliest time this program could be approved is sometime following the March meeting, and the latest it's approved is your guess is as good as mine.

It takes a lot of time, and it takes a lot of effort. And it's very frustrating at times for people. But it does allow a lot of thinking and a lot of creativity, and it's led to a very secure, stable Internet and domain name system.

Q: Facebook would argue that domain names aren't as important today. If you're a business trying to build your brand online, or a group of concerned citizens trying to start a revolution, it's easier to draw a crowd on its social network.

A: Well, look, it's choice. The beauty of open systems is they evolve in many different directions and they tend to foster innovation and give people choice.

Consumers like to have choice. They like to have options. So, that's also a reason (to ask) why would you totally constrain the top level and not allow there to be some level of choice there?

Q: What has it been like for you to be leading this effort that could significantly transform the Web? This process seems chaotic and overwhelming.

A: First, fascinating. This has got to be one of the most interesting and toughest jobs on the planet. ...

I say this is one of the most interesting geopolitical portfolios in the world. We have significant issues on the table at any given time with 10 to 20 countries.

It's tough because the demands are inordinate on this organization. We are between tectonic forces of countries of the world, corporations, economic interests, legal interests, civil society, everyone that's got something they want out of the root of the Internet is coming here. And they're not happy if they don't get what they want, when they want.

Q: You've been in this role for how long now?

A: Almost two years.

Q: How much more of this can you take?

A: (Laughter) Who knows. ... I'm enjoying this very challenging ride.  
ICANN meeting

-- When: Through Friday

-- Where: Westin St. Francis hotel, San Francisco

-- Why: ICANN will hold public hearings on proposed generic top-level domains to be added to familiar ones like .com and .org. ICANN meetings are free and open to the public.

-- Who: Speakers include Internet pioneer Vint Cerf today and former President Bill Clinton on Wednesday.

-- More: [svsf40.icann.org](http://svsf40.icann.org)

**E-mail Marcus Chan at [mchan@sfchronicle.com](mailto:mchan@sfchronicle.com).**

**<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2011/03/14/BULG1I6O9D.DTL>**

**This article appeared on page D - 1 of the San Francisco Chronicle**

# Bill Clinton Speaks at ICANN in San Francisco

Thursday, Mar 17, 2011 | Updated 3:15 PM PDT

Former President Bill Clinton gave the keynote speech last night at the Internet Corporation for Assigned Names and Numbers (ICANN) conference held at the Westin St. Francis in San Francisco.

All Things Digital explains, ICANN is the multinational, non-governmental organization that researches, debates and enforces decisions that affect how traffic gets sent around the pipes of the Internet.



For instance, making sure countries get the proper domain suffixes. Like, .us for the United States, and .ly for Lybia.

Clinton, referring to himself as “the president at the dawn of the Internet age,” noted that when he was inaugurated in 1993, there were only 50 websites. When his term was up in 2001, there were 36 million.

He spoke of the importance of ICANN making sure universal access to a free internet is maintained.

“That’s why it’s important that you want the Internet to stay forever young,” said Clinton. “One hundred years from now, you want somebody in some godforsaken place that’s been beat down to be able to do what the kids in Cairo did.”

Later Clinton and ICANN President and CEO Rod Beckstrom answered pre-selected questions involving topics such as the controversial .xxx domain, and internet taxation in the e-commerce business.

In the end the former President's message was simple, “You have to be vigilant, because at some point all institutions are led by people more interested in maintaining the present than creating the future,” he said.



## Update: Adult Industry Protests .XXX Domain

ARTICLE DATE: 03.17.11

By Mark Hachman

The Free Speech Coalition, representing the adult industry, staged a small protest against the proposed .XXX top-level domain outside the ICANN 40 meetings in San Francisco, claiming that it would add undue cost and bureaucracy to an industry that's already operating smoothly.

About a dozen protesters held signs and marched outside the Westin Hotel, where the meetings were held. If a decision is to be reached on a .XXX domain by ICANN, which oversees the Domain Name System at the heart of the Internet, such a decision will be made Friday morning.

Members of the Free Speech Coalition also held a press conference in a nearby hotel, where they presented their arguments in greater detail, objecting to the new TLD as one that would "ghettoize" the adult industry and impose unfair financial burdens, either by forcing adult Web site providers to shell out extra cash for the new domains, or else be forced to sue copycats who would squat on the complementary .xxx domains.

Members of the adult industry said that they had no need of an additional TLD, which would be used to simply either host or redirect content back to their existing pages, most of which use a .com domain.

"We can unequivocally say that the industry does not support it," said Diane Duke, the executive director of the FSC, at the the press conference.

Joanne Cachapero, the membership director and a spokeswoman for the FSC, said the new .XXX domain would add seven times the cost burden to existing domains and registrations. FSC members claimed that ISC, which will oversee the domain, will charge about \$60 to \$70 per domain; ISC's FAQ claims that it will charge \$60/domain, but that an independent IFFOR non-profit council will charge an additional \$10 per domain.

John Sander, vice president of marketing and business development for Kink.com, estimated that the new .XXX domain would cost the company \$100,000 per year for the "thousands and thousands of domains" that Kink.com owns. Sander said that the site's revenue was publicly revealed as about \$20 million per year about four years ago, and that the site's revenue had grown "very substantially" since then.

"First and foremost, .XXX seems like a good idea for a domain name, as parents could filter it out," said Connor Young, president of the YNOT Group, which serves as an online hub for members of the adult industry.

"It's actually a way to force everyone to use the same domain name. You might think that would work, but it won't," Young said. According to Young, adult content can be produced anywhere in the world, which means that the .XXX domain will be filtered, but other sites won't.



"The industry is concerned about child protection and illegal material being made available on line but does not believe that the TLD XXX will address these issues in any way," Fiona Patten, the chief executive of the Eros Association, covering Australia's adult industry," wrote in a letter to Rod Beckstrom, in April 2010. "There wil still be plenty of adult material on the .com domain and frankly child pornographers are criminals and they will not be concerned about not using a .XXX domain."

According to ICM, domain-name holders can reserve a .XXX domain via a "sunrise" program that gives priority to a user who wants to reserve "example.xxx" if he or she already owns "example.com", but only if that application was processed by Feb. 2010.

The industry is also worried that ICM will institute a IFFOR (International Foundation for Online Responsibility) board, that would serve as a regulatory agency for the .XXX domain and, by extension, the content providers who will operate under it.

ICM, however, claims that the IFFOR will be composed of adult industry representatives. "The IFFOR Policy Council will comprise five adult industry representatives from around the world, with one member from ICM plus three advocates focused on: privacy and security; free speech; and child protection. The adult industry has majority representation. The policies guidelines are strictly organized in the IFFOR charter (available [www.iffor.org](http://www.iffor.org)) and no policy can be implemented that is outside the charter.

Adult industry executives said they also feared that they would be forced to make a Hobson's choice between either signing up for the new domain or file trademark litigation. An adult site could spend millions building up the reputation of a .com-based site, they said. If they refused to pay for the complementary .XXX registration, they said, a squatter could steal their business.

Jeffrey Douglas, a constitutional lawyer practicing in Southern California, also claimed that the idea that filtering software would be installed on all computers, especially in poorer areas, was absurd. "If it were .sex, that wouldn't mean the same thing in various languages," he said. "But .XXX transcends language."

The FSC's Duke, however, said that the organization would not be opposed to the use of .XXX if it were one of the generic top-level-domains (TLDS) that are being proposed, rather than a domain that singled out and isolated the adult industry, and were run by what she called a for-profit corporation.

"We would not be opposed to being one of many," Duke said. "If we were one of many, it would be a much fairer market than just one."

Colin Rowntree, the chief executive of Wasteland.com, a BDSM site, said that he had secured the domains for 36 .mobi sites when the domain rolled out. But his company re-examined the need for them recently, concluding that users were simply going to .com version, or a mobile-formatted version that could use [m.wasteland.com](http://m.wasteland.com).

"If 100 new TLDs are just randomly fired into the air, 99 of those will just flop and fizzle out," Rowntree said.

Editor's Note: This story was updated at 4:49 PM with additional details.

## ICANN approves .xxx for adult sites

By Laurie Segall, staff reporter  
March 18, 2011: 6:44 PM ET

NEW YORK (CNNMoney) -- The Internet Corporation for Assigned Names and Numbers said Friday it approved the .xxx domain for adult web sites after years of nixing the idea.

A spokesman for ICANN, which holds jurisdiction over top-level domains, confirmed the go-ahead.

ICM Registry, the nonprofit organization that has been pushing to establish .xxx, will distribute it to porn sites. Even before approval, the site hosted a start-up plan pending the proposed domain's entry.

"In order to provide an orderly process for members of the registrant community and to use our resources effectively during this intervening period, ICM has decided to undertake the first phase of the Industry Reservation Period," the group's site said.

In June, ICANN's board of directors approved the top-level domain, which is the technical name for the .com, .xxx or .net part of a URL . It was sent to the next committee for approval.

In the past, ICM Registry has argued that the .xxx domain is beneficial to the public, because it indicates a clear signal that the domain contains pornography.

# The Washington Post

## Coming soon to a computer near you: Dot-XXX

By Ian Shapira  
Friday, March 18, 3:33 PM

The label XXX is usually plastered on adult magazines, naughty DVDs and signs for strip clubs. This year, XXX will have a new home, as a Web domain on your computer's address bar. Think [www.porn.xxx](http://www.porn.xxx), [www.naked.xxx](http://www.naked.xxx) or [www.sex.xxx](http://www.sex.xxx).

On Friday in San Francisco, the California nonprofit that oversees Internet addresses gave the green light to the virtual red-light district. The vote comes after several years of clashes and deliberations by the Internet Corp. for Assigned Names and Numbers.

Adult-entertainment sites will still populate the .com space and every other corner of the Internet. But now, many pornographic sites can also join a specialized domain that instantly telegraphs its content with the infamous suffix. ICM Registry, a Florida-based company that will run .xxx, said the domain's Web sites will be the Internet's most trusted place for adult entertainment: ICM will monitor the sites to ensure that they prohibit spam, viruses and any other illegal behavior. And it says it will use some of the registration fees for an affiliated foundation to promote free speech and combat child pornography.

"At the moment, the consumer has no way of knowing who is operating to good standards or has viruses," Stuart Lawley, ICM Registry's chairman and chief executive, said in an interview. "This new domain allows webmasters to associate with best business practices."

But the dirty domain has a slew of critics. The Obama administration and some foreign nations say the domain's offensive material will only encourage oppressive regimes to block .xxx entirely. A Commerce Department spokeswoman said the administration neither supports nor objects to the domain's actual content or merit.

"We are disappointed that ICANN ignored the clear advice of governments worldwide, including the U.S.," said Lawrence Strickling, assistant Commerce secretary. "This decision goes against the global public interest, and it will open the door to more Internet blocking by governments and undermine the stability and security of the Internet."

Another set of foes, oddly enough: major pornography industry players, who fear that .xxx will be easily vulnerable to governments' censorship. They also are concerned about aggressive policing by ICM and worry that porn Web sites will be forced to pay thousands of dollars in registration fees to buy multiple .xxx addresses simply to protect their brands from cybersquatters.

"This is putting a red target on us," said Diane Duke, executive director of the Free Speech Coalition, a trade association representing multiple adult-entertainment organizations including Hustler. "People who are pedophiles and child pornographers are not part of the adult-entertainment system. We have a code of ethics. We do a great job of creating an adults-only space."

The fears about governments targeting .xxx might be well-founded.

A spokesman for the Embassy of Saudi Arabia, which already bans pornography, said in an interview that the country would “absolutely” shut off access to.xxx.

“This would actually make our life much easier. If you can say that only pornography goes into this portal, it’s much easier to block it,” Nail al-Jubeir, the spokesman, said. “Most of the problems we face in Saudi Arabia are that porn sites tend to be under various Web site names, and it’s a cat and mouse game, where the sites pop up under different domain names and new sites. When we find out, we block it. It’s an uphill battle.”

ICANN officials say they are not aware of any large government blocking any one of the generic domains such as .com, .net or .biz. “If blocking were to happen, it would be precedent-setting. Our goal is to make sure the Internet addresses work globally and consistently around the world,” said Kim Davies, ICANN’s manager of root services. “Knowing you could open your computer in one country and get to a Web site, and go to a different country, and type it again and get it — that’s what we want to make happen.”

Lawley, a British expatriate who sold an Internet company in the United Kingdom for more than \$200 million in 2000, said his critics are unfairly blaming him for the potential censorship by other countries. When ICANN next year approves hundreds of new domain names — like .gay, .news, or .IBM — more countries are bound to engage in more blocking, he said.

“How many countries will block .cnn and .facebook? Iran might block .newspaper or .amnesty,” said Lawley, who lives in Palm Beach, Fla. “It’s not the domain that brings instability, but the actions of the oppressive countries.”

What’s more, each new Web site registration on .xxx will cost about \$70, with \$10 going to an ICM-affiliated nonprofit promoting “online responsibility” and thwarting child pornography, Lawley said.

Peter Dengate Thrush, ICANN board chairman, said in an interview that .xxx will not increase the volume of porn on the Internet. “All dot-xxx does is make [pornography] more accessible,” he said. “It will be easier for people to filter it.”

On Thursday, several porn industry players protested outside the San Francisco hotel where ICANN was holding its meetings. Many took to the microphone to face off with the ICANN board, a mix of government and technology professionals from around the world.

“My name is John Stagliano, and I’m the owner of Evil Angel Productions, Evil Angel Video,” he said. “There’s a very real threat to free speech and to my particular freedom simply because I want to create art in my own way.”

Allison Vivas, president of Pink Visual, said that the porn industry doesn’t need any more regulation and that ICM is promoting its foundation as a marketing ploy.

“How many of you know that for years the adult industry has provided 100 percent of the funding to the Association of Sites Advocating Child Protection, an organization [that] has been recognized by the U.S. Congress?” Vivas said. “We have some critics who purposely attempt to demonize us and disseminate false information. And I say this as a protective mother of two young daughters.”

Greg Dumas, who runs several .com porn sites and supports .xxx, said some of his peers who oppose the domain are not thinking about .xxx’s potential business solutions.

“They think it’s a threat to their business models,” he said. “But it’s not. The adult business has been down for awhile, because there’s a lot of free content. But I hope this kick-starts the business, and we get new eyeballs and we get people excited looking for new business models.”

shapirai@washpost.com

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# The New York Times

## Agency OKs '.xxx' as suffix for porn Web addresses

*The agency governing Internet addresses on Friday approved the creation of a new red-light district on the Web, but the decision may not end years of fighting over the contentious plan.*

By MIGUEL HELFT  
The New York Times  
March 19, 2011

SAN FRANCISCO — The agency governing Internet addresses on Friday approved the creation of a new red-light district on the Web, but the decision may not end years of fighting over the contentious plan.

The Internet Corp. for Assigned Names and Numbers (ICANN) authorized the creation of a ".xxx" suffix for pornography websites. The decision was immediately slammed by some of the sex industry's biggest names.

Industry members say they fear they could be subject to arbitrary censorship by governments and even by a new board overseeing the dot-xxx domain. They also say the plan would unfairly force existing pornography sites to register their sister domain names ending in "xxx" to prevent other businesses from using the names.

"Our industry is unanimously opposed," said Diane Duke, executive director of the Free Speech Coalition, a trade association representing more than 1,000 pornography businesses.

The decision is a big win for ICM Registry, a Florida-based company that first applied for the dot-xxx domain in 2004. ICM will oversee the domain and profit from it. Its chief executive, Stuart Lawley, dismissed his detractors.

"The opposition has been very small and very vocal," he said. "It has been completely overblown."

He said sites in the dot-xxx domains will be scanned daily for viruses and will be offered a payment-processing system that customers will be able to trust.

"Everybody wins," Lawley said. "The consumer of adult sites wins. The providers will benefit because more people will become paying customers. And those who don't want to go there will win as well, because the sites will be easier to filter."

Peter Dengate Thrush, chairman of the ICANN board, said that the vote vindicated the accountability of his organization. The corporation had originally opposed the application by ICM Registry in 2007. But after ICM appealed, the organization tentatively reversed that vote in June, and said its decision to give the project a green light was made purely on technical grounds.

Thrush said some established websites were probably opposing the new dot-xxx domains for business reasons.

"We heard from a number of them that they didn't want it," Thrush said. "The board wasn't persuaded by their arguments. They are incumbents, and they are trying to oppose a new entrant."

Nine board members voted to approve the registry, and three voted against.

# The Washington Times

## Despite objections, .xxx OK'd for Internet domain names

By [Cheryl Wetzstein](#)

The Washington Times

8:08 p m., Sunday, March 20, 2011

The red-light district got a green light Friday when the international group that oversees Internet names voted to include ".xxx" as a top-level domain.

The decision means that .xxx will soon become as common as .com, .net and .gov.

It also means, on the consumer level, that Internet users can purchase their own .xxx website — such as jim.xxx — for as little as \$60, said Stuart Lawley, chief executive of ICM Registry, which sought the new domain.

Friday's vote by the board of directors for the Internet Corporation for Assigned Names and Numbers (ICANN) was not unanimous. Nine members voted for the new domain, three voted against it and four abstained, mainly because of conflicts of interest.

Opposing board member George Sadowsky said he objected to the .xxx application because he didn't see enough evidence that the world community wanted such a domain, given diverse cultural sensibilities. Moreover, he said, an affirmative vote would "mark the first instance" when ICANN approved a domain that would actively attract blocking and filtering.

Board member Katim Touray, another opponent, said that approving .xxx would disrupt ICANN's "relationship with governments around the world."

But board chairman Peter Dencate Thrush said he and other board members thought that the .xxx issue had been considered at length for many years and it was "time to move" on it.

"We listened very carefully to their arguments," Mr. Thrush said of opponents, including those in the adult entertainment industry.

In the end, though, application requirements were met, public comments were accepted, questions were answered, and there was no procedural reason to say no, said ICANN board members: There are risks with approving .xxx, but "I want to take the risk and face the challenge," said board member Erika Mann. The .xxx domain is not intended to be insulting to cultures; it "reflects reality," said her colleague, Bertrand de la Chapelle.

The issue is "a lose-lose for our board," admitted ICANN board member Rita Rodin Johnston, who voted against .xxx in 2007 but voted for it Friday. With the application processes met, ICANN has to "stumble forward" with .xxx as a top level domain, she said.

Mr. Lawley's ICM Registry praised the ICANN vote as "a landmark decision" that would open a "progressive new home for adult entertainment online."



It also would create "a clearly defined Web address for adult entertainment, out of the reach of minors and as free as possible from fraud or malicious computer viruses," he said.

Mr. Lawley told a recent interview at Domainfest, an Internet industry conference, he expected his company to sell about 500,000 .xxx sites. Every site, he added, will include built-in components to block viruses and allow for child protection — a meta tag on each .xxx site will allow filters to find them with "100 percent efficiency," he said.

An Associated Press report this year said Mr. Lawley's company "stands to make millions" if the .xxx was approved.

Anti-pornography groups Friday lamented the decision.

"The establishment of a .xxx domain would increase, not decrease the spread of pornography on the Internet, causing even more harm to children, families and communities, and make ICANN complicit in that harm," said Patrick Trueman, chief executive of Morality in Media and former chief of the U.S. Department of Justice Child Exploitation and Obscenity Section.

"There is no evidence that the public wants or needs this domain," said Mr. Trueman. "In fact, each time this idea has been proposed it has been overwhelmingly opposed by the public and governments throughout the world."

ICANN has caved to the pornography industry — it will now be able to use both .com and .xxx to lure children, Penny Young Nance, chief executive of Concerned Women for America, said in an opinion piece on Foxnews.com.

An adult industry trade group called Free Speech Coalition (FSC) also opposed the domain-name change.

"Of course we are disappointed, but we are not surprised by the ICANN Board's decision. As voiced in concerns by speakers at this very conference, the ICANN Board has dangerously undervalued the input from governments worldwide," said Diane Duke, FSC executive director, who said her group would continue to try to overturn the ICANN decision.

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## XXX domain poses headache for Indian regulators

Mar 29, 2011 10:57 EDT  
By Neha Arha

People use computers at an internet cafe in Taiyuan, Shanxi province in China November 13, 2009. India is proposing to block .xxx-registered websites after a global agency governing the web approved the suffix for pornography websites last week, risking confrontation between a fast-liberalising youth and strong traditionalist values.

The government's move followed a decade-long dialogue within the Internet Corporation for Assigned Names and Numbers (ICANN) that resulted in the approval for .xxx suffix for pornography websites. Sales of .xxx domains should begin soon in Q2 2011.

Taking a cue from .com, .org, .nic and others, the creation of .xxx would identify adult content and services and could be used by governments for mass censorship of adult content.

Despite continuous efforts by some staunch conservative groups, porn remains easily accessible in India. The move to ban savitabhabhi.com, a popular toon porn site, fell flat when it later resurfaced through a foreign server.

In addition to labelling it immoral under the Indian Penal Code, distribution of adult content is illegal. Distributing such content in the electronic form calls for imprisonment for a maximum term of five years or/and fine which may extend to 100,000 rupees (\$2,237).

The battle continues over how the net can handle pornography. Online pornography is becoming more intrusive, more obnoxious and more provocative, conservative bodies say. Some websites like the messaging portal 160by.com and music downloading sites carry adult images and links that seem unavoidable when accessed through a phone.

Asia's third-largest economy is seeing a huge social change as the middle-class swells and attitudes to arranged marriages and live-in relationships have led to clashes between traditionalist thinking among the elder generation and progressive ideas from the youth.

The self-styled moral policing brigade that attacked women in a Mangalore pub in 2009 due to their late-night partying habits attracted negative comments and feisty retaliation from liberal campaign groups in the form of the 'pink-chaddi campaign'.

With Indian media consumers becoming numb to onscreen kissing and as censorship norms sway generously, this will be seen as a decisive moment for the Indian government to evolve and liberalise or to choose censorship. Share your views.

Apr 01 2011

## ICANN CEO on Getting Lucky, Bad Ideas and the 'Flow State'

By Janet Guyon  
April 1, 2011

Rod Beckstrom left a career track at age 24 that would have made him [Morgan Stanley's](#) youngest-ever managing director at 26. Instead, he became a tech entrepreneur in Silicon Valley, founding a financial derivatives software company that he later took public, then sold in 1999 for \$60 million.

He's now the chief executive of ICANN, the non-profit based in Palo Alto, Calif., that coordinates Internet domain names.



Beckstrom, 50, is also a trustee of the Environmental Defense Fund and has written four books, including "The Starfish And the Spider," which outlines a new organizational theory of management. He was director of the National Cyber Security Center for a year until 2009.

FINS spoke to Beckstrom at ICANN's recent meeting in San Francisco about getting lucky, international banking, and former President Bill Clinton's challenge to the tech industry to create jobs.

**Janet Guyon: Your career took you from investment banking in London during the 1980s to Silicon Valley at the birth of the Internet. What was your first big break?**

Rod Beckstrom: I grew up in Tulsa, Oklahoma. The summer of my junior year at Stanford, I worked in the treasury department at a savings and loan in Tulsa called Sooner Federal Savings and Loan. I was a computer geek who studied economics. We were among the first banks in the U.S. to develop interest-rate swaps. The next thing I knew, all these investment banks in New York wanted to hire me.

**JG: After graduation from Stanford, you took a job at Morgan Stanley in 1984 as the fourth employee on their swap desk in London. They wanted you to work in New York and pay you more than twice as much. Why didn't you take the New York job?**

RB: I always wanted to be in international business. I had been an exchange student in Germany in high school so I definitely wanted an international career after that. In international banking

you have to have integrity because there is zero tolerance for error when doing big transactions. You have to make good on your word because that's the way it works. Building good relationships is really important and building trust is important.

**JG: Morgan Stanley called you their "golden boy" after you joined and told you they'd make you a managing director by age 26. Why didn't you stay in banking?**

RB: After getting my MBA from Stanford, I really wanted to stay in Silicon Valley and start a software firm. I asked Morgan Stanley to give me \$1 million in funding to start a financial derivatives software company that would run a model for trading interest rate and currency swaps on a Sun Microsystems server. They didn't give me the money, so I took out a student loan for \$10,000. That's how I started CATS Software Inc.

**JG: How important was being lucky in your career?**

RB: I have been really lucky in my career. There's been a lot of serendipity. I have been fortunate to be on the forefront of many trends, like two months after I started at Stanford, I met Steve Jobs. I was on the forefront of financial derivatives when they were born. When I left Morgan Stanley and started my own company, I helped create the category in financial software. I took it public when I was 34, then got recruited to the board of the Environmental Defense Fund when they were working on the Kyoto Protocol.

**JG: Did you make your own luck?**

RB: What I tell people is you have to follow your passions. When I said 'No' to Morgan Stanley to start a tech company in Silicon Valley it was about staying true to what I am. It was just a feeling. I would have burned out doing \$250 million trades on complex deals. If people follow their passions, you can be in a flow state enough to know you are making the right moves.

**JG: What do you mean by 'being in the flow'?**

RB: You feel it. You feel light and you're excited. You know when you feel stuck or something's burdensome. The challenge is to listen to that because the world would tell you should take the MD job at Morgan Stanley. It's challenging in our careers to listen to our inner wisdom that can guide us like a compass.

**JG: Have you ever been afraid to make an unorthodox move?**

RB: Absolutely. I've been afraid of the fear of failure. That's been motivating.

**JG: What did you fail at?**

RB: I started Privada Inc. to build one of the first anonymous browsers on the web that would protect your privacy. I was co-chairman with Ira Magaziner, one of former President Bill Clinton's senior advisors. We raised \$37 million and then, poof! It was gone when the tech bubble burst in 2001. We ran out of money. But that failure was nice because it was quick. Often tech firms that don't make it go on like the living dead.

**JG: What did you learn from failure?**

RB: It's hard to make technology companies work. You have to ask: "Will the technology work? Is the team creative enough?" You just keep learning. In any high stress job, you are often confronted with times when it's not working. My boss at Morgan Stanley used to say he never met anyone with as many bad ideas as I had. He had not met many with so many good ideas too, so I've learned to keep being creative and thinking outside the box. Sometimes the door shuts and you have to look for the next opportunity.

**JG: At the ICANN conference, former President Bill Clinton spoke and pretty much challenged the industry to create new tech jobs. How do you respond to that?**

RB: I don't have any expertise in job creation. I would observe, though, that technology is diffusing information globally and that is leading to a global economic boom. With the world growing at 4% a year, there is great job creation going on globally. In the U.S., we have a challenge to invest in education successfully. Long-term, good high-speed Internet connections and education and hard work can lead to more jobs and economic growth.

Write to [Janet Guyon](#)



## Clinton Argues for 'Consumption Tax' on E-Commerce

ARTICLE DATE: 03.17.11

By Mark Hachman

On the issue of taxes applied to Internet retailers, President Bill Clinton appeared to more fully shift away from the laissez-faire stance he struck while in office, arguing that a "consumption tax" should be placed on e-commerce.

Clinton spoke Wednesday night at the 40th public meeting of the Internet Corporation for Assigned Names and Numbers (ICANN), the body that oversees the Domain Name System (DNS) at the heart of the Internet.

Clinton signed the Internet Freedom Tax Act in 1998, whose chief effect was the de-facto elimination of sales tax for e-tailers who did not have a physical presence in the state in which a purchase was made. Clinton said then that he did so to prevent stifling the emerging 'Net economy, although he did believe in funding state and local governments.

Since then, however, companies like Amazon have used the act's provisions to undercut local retailers, while cutting ties with affiliates in states that consider those affiliates a physical presence, and thus justification to charge taxes. Amazon recently severed its relationships with affiliates in Illinois, and has threatened to do so in California, Texas, and other states.

Following a speech that placed his administration in the context of the Internet and what it helped achieve, Clinton was asked what role governments should play in Internet governance.

"Here's what I think," Clinton said. "I think that in general we should keep doing what we're doing and make appropriate modifications. I do think there's a big story in the paper today about whether e-commerce ought to include, particularly if it crosses a certain threshold and size, collecting and remitting sales taxes. And all I ask you to think about is this: I fought very hard for this not to happen for an extended period of time so e-commerce could get started and get going.

"But if you want to keep taxes low and if you want countries to keep competitive tax systems, then you have to have some form of consumption tax as a part of your mix," Clinton added. "And it does seem [to] sense e-commerce is doing great and old commerce is doing not so great, as I can tell you because we lost my bookstore in my little hometown in Chappaqua, New York, and my Borders survived next door but [with] about 40 percent of them next door being closed. Do we need to set up a tax system that favors the people that are doing well and burdens the people that are struggling?"

Amazon could not be reached for comment after hours.

Clinton also indicated that cyberspace should be treated no differently than the real world, at least in regards to law enforcement. "Now, the role of government, let me just say, in terms of specific crimes like the porn sites or whatever, my basic position on that is if it's a crime in the real world, it ought to be treated - it is a crime in cyberspace, you should have the same policy

going after it. But you shouldn't burden cyberspace with things that you readily accept in the real world because it makes you nervous that people have more access to it. That's my general rule of thumb."

The Internet as economic, cultural force

For the majority of his speech, however, Clinton focused on a topic dearer to his heart: globalization, and the effect of the Internet.

As an economic force, the president said, information technology was a driver of the American economy during Clinton's eight years in office. IT jobs represented 30 percent of the nation's job growth and 35 percent of our income growth.

"What happened to America before this meltdown is that unlike in my eight years, we did not have any independent source of new employment," Clinton said.

He also referenced a report delivered by Nobel laureate Michael Spence, which looked at the impact of globalization on two classes of jobs in the "tradable" sector, which competed internationally, and the other, which did not.

"One part of the economy is in the so-called tradeable sector. It's subject to international competition. And the other set is not. The people who work for government and healthcare and things that both can't be exported and can't be subject to foreign competition. And they concluded that one of the reasons inequality was increasing quite apart from government policies that increase or discourage it, is that if you're in the tradeable sector and you're in America, you're doing well. You've proved you're competitive and your income is rising, but the size of your cohort is shrinking."

Those jobs that aren't, such as in healthcare, stagnate. "What happens is you're generating a lot more jobs because the people that you serve are growing," Clinton said. "Both growing numbers of kids in the schools, growing numbers of elderly people needing healthcare and other services, but you're not in the tradeable sector, which means your numbers will go up but since your productivity doesn't, there are more people clamoring for static dollars, so the incomes don't rise."

"And that means that as we go forward, we all really need to be thinking about: what is the next decade's source of new jobs? What role does information technology have in it? How will it be different from the kinds of things that happened in the '90s?" Clinton asked.

"If you ask me a question on any subject tonight, tomorrow, next year, if you'd asked me five years ago, my little mind just goes on a one track and it says well will this build up or reduce the forces of positive interdependence? Will it build up or reduce the forces of negative interdependence? If it will build up the positive, I'm for it," Clinton said. "If it won't, I'm not."

Clinton said that his three favorites scientific discoveries of the past year were the revelations that those humans that did not evolve directly from sub-Saharan Africa had a small amount of Neanderthal genes; the discoveries of possibly Earthlike planets in outer space, and research from the Large Hadron Collider and Fermilab that showed that positively-charged sub-atomic particles called muons actually outnumbered negatively charged muons, and the hope for a grand unified theory.

Clinton also highlighted the revolutions in the Middle East, North Africa, plus the disasters in Japan and Haiti as evidence of the social and cultural power of the Internet, as well.

Dancing around the issue of whether Internet governance should remain in partnership with the U.S. government or align itself with a more international standards body, Clinton noted that institutions - government, ICANN, and others - tend to preserve what they currently have, rather than plan for the future.

"You want the Internet to stay forever young, right? Don't you? A hundred years from now you want somebody in some other godforsaken place where people have been beat down to do what those kids in Cairo did," Clinton said. "That's what you want."



## **Geist: Governments' ominous thirst to control the web**

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Michael Geist

A simmering battle over governance of the Internet is set to take centre stage in California this week as the Internet Corporation for Assigned Names and Numbers (ICANN), a California-based non-profit corporation with the principal responsibility for maintaining the Internet's domain-name system, holds one of its regular meetings in Silicon Valley.

Since its creation in 1998, ICANN has faced a wide range of critics — Internet users frustrated at the lack of accountability, business groups concerned that the policy-making process is too slow and uncertain, and governments wondering why matters related to the Internet are vested in a private organization and not an entity such as the United Nations.

Yet this week ICANN faces one of its greatest challenges to its independence. Ironically, it comes directly from the government that created it — the United States.

The source of the dispute arises from the long-standing efforts to establish new top-level domains. In the 1980s, seven generic top-level domains, including dot-com, dot-net, and dot-org, were established. Those domains remain among the most popular on the Internet, with millions of registrations worldwide.

The introduction of new generic top-level domains has been one of ICANN's thorniest policy issues, with the governance body approving seven new domains, including dot-biz and dot-info, in 2000.

Interest in the creation of yet additional domain name extensions remains high as the domain name registry business presents a lucrative opportunity to collect annual registration fees for potentially millions of new domain names. Domain name registrars support additional domains as they provide new products to market to the Internet community.

After years of debate and stakeholder consultation, ICANN has finally developed a policy designed to allow for hundreds of new domain name extensions such as dot-bank, dot-car, dot-love, dot-movie, dot-web, and dot-gay.

Earlier this year, governments began to voice their concerns with the ICANN policy, using the Governmental Advisory Committee (GAC), an advisory body consisting of more than 100 governments within ICANN, to identify dozens of demands for policy changes. In fact, the U.S. raised the possibility of an absolute veto power for governments over ICANN policies.

The move shocked the Internet governance world, as many noted that the veto power could extend to any country, since countries uncomfortable with dot-gay or dot-humanrights could simply exercise their veto power.

Last month, the ICANN board met with the Governmental Advisory Committee in an effort to clarify areas of disagreement. The outcome confirms a wide gap between the policy process developed by the Internet community and national governments. The governments are seeking

new rules for intellectual property protection that include the removal of due process on disputes and “more intensive” vetting for domains involving regulated industries such as banking or law.

While the Internet governance battle has received little attention in Canada, there is an important Canadian connection. Heather Dryden, an official at Industry Canada, is the Governmental Advisory Committee chair — the lead representative on the issue.

Canadian leadership on greater governmental power over Internet governance is a stark reversal in position. In 2008, the Canadian government published its views on the role of the GAC, emphasizing its advisory position and concluding that “the GAC should not be viewed as a decision-making body, nor should it be expected to routinely provide a consensus view on issues, or ‘official’ government ‘positions’ or ‘directions’.”

The recent events are a reminder that a stakeholder-driven process giving all interests a voice — Internet users, domain name registrars and registries, Internet companies and governments — remains a work-in-progress with the possibility of government takeover still looming in the background.

Michael Geist holds the Canada Research Chair in Internet and E-commerce Law at the University of Ottawa, Faculty of Law. He can be reached at [mgeist@uottawa.ca](mailto:mgeist@uottawa.ca) or online at [www.michaelgeist.ca](http://www.michaelgeist.ca).