

2011-01-25-01 Annex-to-Board-Submission-BFC- Revised-Charter

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

SUBMISSION TITLE: Board Finance Committee Revised Charter

Finance Committee Charter

I. Purpose

The Finance Committee of the Board of Directors (“Board”) of ICANN (“ICANN” or the “Corporation”) is responsible for:

- A. Providing oversight on the annual budget process of the Corporation;
- B. Reviewing and making recommendations on the annual budget submitted by the President;
- C. Developing and recommending short and long-range strategic financial objectives for the corporation; and
- D. Providing strategic oversight on financial matters for the Corporation.

II. Scope of Responsibilities

- A. Providing oversight on the annual budget process of the Corporation.
 - 1. The Committee will oversee the President and Chief Executive Officer in carrying out the responsibilities under Article XVI, section 4 of the Bylaws with respect to preparation and presentation of the annual budget to the Board, including, where pertinent, the setting of fees and charges as provided in Article XVI, Section 5 of the Bylaws.
 - 2. In consultation with the President, the Committee will oversee establishment of budget tracking and reporting standards as are appropriate to the needs of the Committee and the Board.
- B. Reviewing and making recommendations on the annual budget submitted by the President.
 - 1. The Committee will oversee and make recommendations regarding the annual budget process.
 - 2. The Committee will review the annual budget and make specific recommendations to the Board on its adoption, including where desirable, comments on expense levels, revenue structures, fees and charges, adequacy of proposed funding levels of programs, and adequacy of provision for reserves.
- C. Developing and recommending short and long-range strategic financial objectives for the corporation.

1. The Committee will review and make recommendations to the Board regarding the financing of strategic initiatives of the corporation.
2. The Committee will undertake a review, at least annually, of the long range financial objectives of the corporation and the ability to sustain the corporation and the accomplishment of its stated mission and programs.
3. The Committee will report to the Board annually on such objectives, including recommendations for revision as appropriate.

D. Providing strategic oversight on financial matters for the Corporation.

1. The Committee will review and make recommendations to the Board regarding revenue strategies.
2. The Committee will review and make recommendations to the Board regarding expense management strategies.
3. The Committee will review and make recommendations to the Board regarding cash, asset, and liability strategies.

In addition, the Committee may perform any other duties or responsibilities delegated to the Committee by the Board from time to time.

III. Composition

The Committee shall be comprised of at least three, but not more than five voting Board Directors and not more than one Liaison Director, as determined and appointed annually by the Board, each of whom shall comply with the Conflicts of Interest Policy (see <http://www.icann.org/en/committees/coi/coi-policy-30jul09-en.htm>.) The voting Directors shall be the voting members of the Committee. The members of the Committee shall serve at the discretion of the Board.

Unless a Committee Chair is appointed by the full Board, the members of the Committee may designate its Chair from among the voting members of the Committee by majority vote of the full Committee membership.

The Committee may choose to organize itself into subcommittees to facilitate the accomplishment of its work. The Committee may seek approval and budget from the Board for the appointment of consultants and advisers to assist in its work as deemed necessary, and such appointees may attend the relevant parts of the Committee meetings.

IV. Meetings

The Board Finance Committee shall meet at least quarterly, or more frequently as it deems necessary to carry out its responsibilities. The Committee's meetings may be held by telephone and/or other remote meeting technologies. Meetings may be called upon no less than forty-eight (48) hours notice by either (i) the Chair of the Committee or (ii) any two members of the Committee acting together, provided that regularly scheduled meetings generally shall be noticed at least one week in advance.

V. Voting and Quorum

A majority of the voting members of the Committee shall constitute a quorum. Voting on Committee matters shall be on a one vote per member basis. When a quorum is present, the vote of a majority of the voting Committee members present shall constitute the action or decision of the Committee.

VI. Records of Proceedings

A preliminary report with respect to actions taken at each meeting (telephonic or in-person) of the Committee shall be recorded and distributed to committee members, if feasible, within two working days, and meeting minutes shall be posted promptly following approval by the Committee.

VII. Review

The performance of the Committee shall be reviewed annually and informally by the Board Governance Committee. The Board Governance Committee shall recommend to the full Board changes in membership, procedures, or responsibilities and authorities of the Committee if and when deemed appropriate. Performance of the Committee shall also be formally reviewed as part of the periodic independent review of the Board and its Committees.

**2011-01-25-01 Attachement-1-to-Annex-to-Board-
Submission-BFC-Charter**

ATTACHMENT 2

Finance Committee Charter

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B. Reviewing and making recommendations on the annual budget submitted by the President;
C. Developing and recommending short and long-range strategic financial objectives for the corporation; and
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II. Scope of Responsibilities

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1. The Committee will oversee the President and Chief Executive Officer in carrying out the responsibilities under Article XVI, section 4 of the Bylaws with respect to preparation and presentation of the annual budget to the Board, including, where pertinent, the setting of fees and charges as provided in Article XVI, Section 5 of the Bylaws.
2. In consultation with the President, the Committee will oversee establishment of budget tracking and reporting standards as are appropriate to the needs of the Committee and the Board.
B. Reviewing and making recommendations on the annual budget submitted by the President.
1. The Committee will oversee and make recommendations regarding the annual budget process.
2. The Committee will review the annual budget and make specific recommendations to the Board on its adoption, including where desirable, comments on expense levels, revenue structures, fees and charges, adequacy of proposed funding levels of programs, and adequacy of provision for reserves.
C. Developing and recommending short and long-range strategic financial objectives for the corporation.

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The Committee may choose to organize itself into subcommittees to facilitate the accomplishment of its work. The Committee may seek approval and budget from the Board for the appointment of consultants and advisers to assist in its work as deemed necessary, and such appointees may attend the relevant parts of the Committee meetings.

IV. Meetings

The Board Finance Committee shall meet at least quarterly, or more frequently as it deems necessary to carry out its responsibilities. The Committee's meetings may be held by telephone and/or other remote meeting technologies. Meetings may be called

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2011-01-25-02 Annex-to-Board-Submission-SO-AC- Board-Member-Transition

ANNEX TO BOARD SUBMISSION NO. 2011-01-25-xx

SUBMISSION TITLE: SO/AC Board Member Transition - Bylaws Amendments

Proposed Bylaws Amendments to Modify Board Terms

Section 8. TERMS OF DIRECTORS

1. The regular term of office of Director Seats 1 through 15 shall begin as follows:

a. The regular terms of Seats 1 through 3 shall begin at the conclusion of ICANN's annual meeting in 2003 and each ICANN annual meeting every third year after 2003;

b. The regular terms of Seats 4 through 6 shall begin at the conclusion of ICANN's annual meeting in 2004 and each ICANN annual meeting every third year after 2004;

c. The regular terms of Seats 7 and 8 shall begin at the conclusion of ICANN's annual meeting in 2005 and each ICANN annual meeting every third year after 2005;

d. The terms of Seats 9 and 12 shall continue until the conclusion of ICANN's Mid-year Meeting after ICANN's annual meeting in 2011. The next terms of Seats 9 and 12 shall begin at the conclusion of the Mid-year Meeting occurring after the 2011 ICANN annual meeting and each ICANN annual meeting every third year after 2011;

e. The terms of Seats 10 and 13 shall continue until the conclusion of ICANN's Mid-year Meeting after the 2012 ICANN annual meeting. The next terms of Seats 10 and 13 shall begin at the conclusion of the Mid-year Meeting occurring after the 2012 ICANN annual meeting and each ICANN annual meeting every third year after 2012; and

f. The terms of Seats 11 and 14 shall begin at the conclusion of ICANN's Mid-year Meeting after the 2010 ICANN annual meeting, and each ICANN annual meeting every third year after 2010,

g. The first regular term of Seat 15 shall begin at the conclusion of ICANN's Mid-year Meeting after the 2010 ICANN annual meeting and each ICANN annual meeting every third year after 2010. (Note: In the period prior to the beginning of the regular term of Seat 15, Seat 15 is deemed vacant. Through a process coordinated by the At Large Advisory Committee, the At-Large Community made the selection of a Director to fill the vacant Seat 15 and provided the ICANN

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Secretary written notice of its selection. The vacant Seat 15 was at the conclusion of the ICANN annual meeting in 2010, with a term to conclude upon the commencement of the first regular term specified for Seat 15 in accordance with this Section of the Bylaws. Until the conclusion of the ICANN annual meeting in 2010, there was a non-voting Liaison appointed by the At Large Advisory Committee who participated as specified at Sections 9(3) and 9(5) of this Article.)¹

h. For the purposes of this Section, the term "Mid-year Meeting" refers to the first ICANN Public Meeting occurring no sooner than six and no later than eight months after the conclusion of ICANN's annual general meeting. In the event that a Mid-year Meeting is scheduled and subsequently cancelled within six months prior to the date of its commencement, the term of any seat scheduled to begin at the conclusion of the Mid-year Meeting shall begin on the date the Mid-year Meeting was previously scheduled to conclude. In the event that no Public Meeting is scheduled during the time defined for the Mid-year Meeting, the term of any seat set to begin at the conclusion of the Mid-year Meeting shall instead begin on the day six months after the conclusion of ICANN's annual meeting.

2. Each Director holding any of Seats 1 through 15, including a Director selected to fill a vacancy, shall hold office for a term that lasts until the next term for that Seat commences and until a successor has been selected and qualified or until that Director resigns or is removed in accordance with these Bylaws.

3. At least two months before the commencement of each annual meeting, the Nominating Committee shall give the Secretary of ICANN written notice of its selection of Directors for seats with terms beginning at the conclusion of the annual meeting.

4. At least two months before the date specified for the commencement of the term as specified in paragraphs 1.d-g above, any Supporting Organization or the At-Large community entitled to select a Director for a Seat with a term beginning that year, shall give the Secretary of ICANN written notice of its selection.

5. Subject to the provisions of the Transition Article of these Bylaws, no Director may serve more than three consecutive terms. For these purposes, a person selected to fill a vacancy in a term shall not be deemed to have served that term. Any prior service in Seats 9, 10, 11, 12, 13 and 14 as such terms were defined in the Bylaws as of [insert date before amendment effective], so long as such service was not to fill a vacancy, shall be included in the calculation of consecutive terms under this paragraph.

¹ When these amendments were posted for public comment, this Note to section 8.g. was drafted in future tense as the At-large had not yet completed its Board member selection process. Given that process has now been completed, the Note has been revised to reflect past tense. This does not substantively alter to meaning or impact of the Note.

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**2011-01-25-03 Annex - Board Cover Letter SSAC Chair
Appointment Jan 2011**



14 January 2011

To: ICANN Board
From: SSAC Chair
Via: SSAC Liaison to the ICANN Board

The purpose of this letter is to notify the Board of changes to the SSAC and, in particular, to request Board action with respect to the appointment of the Chair and Vice Chair of the SSAC.

As you know, the SSAC has been in operation since spring 2002 and since that time I have served as Chair of the Committee. Ray Plzak also has served for many years as Vice-Chair of the Committee. Upon my appointment as Vice Chair of the ICANN Board of Directors I decided it was time to step down as Chair of the SSAC as soon as the Committee selected a new Chair and once the Board had appointed the Chair. In addition, on 22 December 2010 Ray Plzak resigned as Vice Chair.

Subsequently, the SSAC initiated an election for Chair and Vice-Chair from the members of the Committee beginning 10 December 2010 and ending 07 January 2011. Following the election the Committee selected Patrik Fältström as Chair and James Galvin as Vice Chair.

According to Article XI, Section 2, Subsection 2 of the ICANN Bylaws, the ICANN Board of Directors shall appoint the Chair and the members of the SSAC. Thus, the Committee recommends the Board appoint Patrik Fältström as Chair of the SSAC. Biographical information for Patrik and James is attached for your reference.

The SSAC welcomes comments from the Board concerning this request.

Steve Crocker
Chair, ICANN Security and Stability Advisory Committee

2011-01-25-03 Annex Patrik Fltstrm Bio Jan 2011

Patrik Fältström

Biographical Information

Patrik Fältström is currently a Distinguished Consulting Engineer with Cisco Systems in the Office of the CTO. At Cisco, Mr. Fältström is involved with many things touching the domain name system. Previously, Fältström was a technical specialist at Tele2, systems manager at the Royal Institute of Technology in Stockholm, researcher at Bunyip Information Systems in Montreal and a programmer in the Swedish Royal Navy. He has been working with UNIX since 1985, DNS since 1987, and been involved in Internet-related standardization since 1989, both in Sweden and worldwide.

Mr. Fältström is one of the editors of the standards of Internationalized Domain Names (IDN) and ENUM (E.164 number mapping in DNS) created in the Internet Engineering Task Force (IETF), and was one of two area directors of the applications area for five years, followed by being a member of the Internet Architecture Board (IAB) for three years and member of ISOC Board of Trustees 2006-2009. He was an appointed advisor to the Swedish IT Minister 2003-2010 and a member of ICANN Security and Stability Committee since 2005. He is or has been a member of numerous other advisory groups and investigations related to Internet during the years, both public and private sector including ICANN, Packet Clearing House, Telio, HotSIP, Swedish Regulator PTS, Telia-Sonera International Carrier, Tele2, .SE, Swedish Government and the European Commission. Mr. Fältström holds an M.Sc. degree in mathematics from the University of Stockholm.

2011-01-25-03 Annex Jim Galvin Bio Jan 2011

Dr. James Galvin
Director, Strategic Partnerships and Technical Standards
Biographical Information

Dr. James Galvin is Afilias' Director of Strategic Partnerships and Technical Standards. For over 30 years, Jim has been an active member of the IT, computer science and Internet communities. He currently supports and manages Afilias' relationships within these same societies and communities that direct the founding technical standards upon which Internet applications and services are developed. In addition, he is involved in improving Afilias' technical leadership in areas such as DNSSEC for which he gained extensive experience while chairing the IETF Working Group on DNS Security for 8 years.

James has many years of technical consulting experience including infrastructure design and analysis, project management, risk management, and archival documentation at organizations including IETF, ICANN, PIR, Afilias, Navy Research Labs, Sun Microsystems, Drummond Group, and Treasury Inspector General for Tax Administration. He has also held positions at CommerceNet, Trusted Information Systems and is the Founder and Principal at eList eXpress an email list management service provider.

James has a Bachelor of Science degree from Moravian College with a double major in Computer Science and Mathematics. He holds a Masters in Computer Science and Information Systems from The University of Delaware where he also earned his Doctorate with a dissertation entitled, "Distributed Cryptographic Key Management System."

**2011-01-25-04 Board Cover Letter SSAC Departing
Members Jan 2011**



14 January 2011

To: ICANN Board
From: SSAC Chair
Via: SSAC Liaison to the ICANN Board

The purpose of this letter is to bring you up-to-date on proposed changes to the Security and Stability Advisory Committee (SSAC) and to provide an explanation for the attached requests for Board actions.

As you know, the SSAC has been in operation since spring 2002 and our members may depart from time-to-time.

On 16 December, Christophe Reverd decided to step down as an SSAC member. The Board appointed Christophe on 26 June 2009. We are grateful for Christophe's service to the SSAC and wish him well in his professional endeavors. We request the Board to extend an expression of thanks to Christophe on behalf of the SSAC.

Also, on 22 December Ray Plzak, a charter member of the SSAC and our Vice Chair for many years, decided to resign his membership on the Committee. As a founding member and as Vice Chair, Ray provided valuable guidance and insight to the SSAC. We will greatly miss his leadership and skills and we deeply appreciate his tremendous service to the Committee and the ICANN community. We request the Board to extend our appreciation to Ray on behalf of the SSAC.

The SSAC welcomes comments from the Board concerning these requests.

Steve Crocker
Chair, ICANN Security and Stability Advisory Committee

**2011-01-25-07 Annex Global Policy Proposal IPv4
PostEx 20101116**

Global Policy Proposal for the Allocation of IPv4 by the IANA Post Exhaustion - Preliminary Background Report, 16 November 2010

(Proposal for handling recovered IPv4 address space)

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 [TBD], the Board resolved to request tracking of the development of a Global Policy Proposal for the Allocation of IPv4 by the IANA Post Exhaustion, 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 issue of the tracking of this policy.

Status Overview

The purpose of the proposal is to enable IANA to allocate returned IPv4 blocks to RIRs after the exhaustion of the IANA free pool of IPv4 /8 address blocks. IANA would serve as repository for IPv4 blocks returned by the RIRs and place them in a separate Reclamation Pool. Once this Reclamation Pool is declared active, IANA would allocate blocks of any size to the RIRs according to need. An RIR would qualify for allocation once its own supply of /8 blocks is exhausted.

The global policy proposal draft was first introduced in the ARIN region on 20 July 2010 and has since been introduced in all the other RIRs. It is currently in the discussion phase in all RIRs.

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.

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

Status of current proposal

| RIR | AfriNIC | APNIC | ARIN | LACNIC | RIPE |
|------------------------------------|---------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------|
| Proposal Introduced | 25 Aug 2010 list message | 23 July 2010 list message prop-086-v001 | 20 July 2010 list message prop 2010-10 | 6 Sep 2010 List message prop 2010-04 | 23 Aug 2010 list message prop 2010-05 |
| Discussion list | Resource Policy Disc. List | SIG-Policy | Public Policy Mailing List | Políticas – Policy Mailing List | Address Policy WG |
| Public Forum | | | ARIN XXVI 6 - 8 Oct 2010 | | |
| Final Call for Comments | | | | | |
| Next Public Forum | AfriNIC 13 20 - 26 Nov 2010 | APNIC 31 21 - 25 Feb 2011 | ARIN XXVII 10 - 13 Apr 2011 | LACNIC XV TBD | RIPE 61 15 - 19 Nov 2010 |
| Adoption | | | | | |
| Link to document | AFPUB-2010-GEN-003 | prop-086-v001 | Draft policy 2010-10 | LAC-2010-04 (EN) LAC-2010-04 (ES) LAC-2010-04 (PT) | Proposal 2010 - 05 |
| Link to Policy Development Process | Policy Development Process | Policy Development Process | Policy Development Process | Policy Development Process | Policy Development Process |
| Status | In discussion | In discussion | In discussion | In discussion | In discussion |

2011-01-25-08 Annex RSSAC Review implementation steps

RSSAC review WG final report: implementation steps

December 2010, v2

1. Chronology

- ✓ June 2010: final report delivered and published.
- ✓ 5 August 2010: Board acknowledged receipt of the report, requesting action suggestions from SIC for October meeting

2. This document

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

The mapping to the original reviewers' recommendations is given in the WG's report.

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 at the October Board meeting
- 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)

| WG Conclusions | Action needed | Actors involved | Timeline | Comments |
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| The WG concluded points 1-3 by: Recommending the Board of ICANN not to implement any structural changes to RSSAC, in the absence of Root Operators' consent. Asking the Board of ICANN via the Structural Improvements Committee to invite Root | 1-3. Establish a suitable dialogue format (e.g. in conjunction with RSSAC meetings). Initiate a dialogue between ICANN and the Root Server Operators to consider the structural changes suggested. Pursue the dialogue to reach | 1-3. SIC - Board - Staff - Root Server Operators | 1-3. Long | 1-3. To be considered together with Recommendation 4 |

| WG Conclusions | Action needed | Actors involved | Timeline | Comments |
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| <p>Operators to consider the structural changes suggested by external reviewers and to formulate to the Board of ICANN, a coherent set of proposals for addressing the recommendations of reviewers, in order to initiate a dialogue with ICANN on the implementation of measures that could be accepted by both parties. This coherent set of proposal needs to be endorsed by all Root Operators.</p> | <p>agreement on a coherent set of proposals to implement, endorsed by all Root Server Operators. Formulate this set for approval by the Board, as appropriate. Implement the approved set of proposals.</p> | | | <p>2. Requires Bylaws changes</p> |
| <p>4. RSSAC to appoint its Chair from among the members for two years and with a limit of three consecutive two-year terms. WG Conclusion: ICANN Bylaws stipulate that the initial Chair of the RSSAC is to be elected by the ICANN Board, and that subsequent Chairs shall be elected by the RSSAC, based on procedures to be adopted by RSSAC members. In reality the second part of this Bylaws provision was never implemented, and the same initial Board-nominated RSSAC Chair is still in function since 1999. This reviewers' recommendation puts into practice the provision of ICANN Bylaws, and as such is endorsed by the WG. Suggested length of tenure and maximum number of terms for the future RSSAC Chair are based on standard practices, and RSSAC is invited to consider them when setting its own operating procedures.</p> | <p>4. Invite RSSAC to consider the recommendation, to be part of the approach for 1-3 above</p> | <p>4. SIC - Board - Staff -Root Server Operators</p> | <p>4. Long</p> | <p>4. To be considered together with 1-3</p> |
| <p>5. On inward and outward Liaisons: a) To keep the current Liaison from the RSSAC to the Board; b) To establish both an inward and an</p> | <p>5. a) No action required b) Appointment of RSSAC liaison</p> | <p>5. a) - b) RSSAC, SSAC</p> | <p>5. a) - b) short</p> | <p>5.</p> |

| WG Conclusions | Action needed | Actors involved | Timeline | Comments |
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| <p>outward Liaison to/from SSAC;</p> <p>c) To establish an inward Liaison from IETF/IAB so as to obtain additional technical input;</p> <p>d) To dismiss the current outward Liaison to the NomCom because of the new suggested structure of RSSAC.</p> <p>WG's Conclusion: The WG agrees with the rationale behind reviewers' proposals aimed at strengthening the relations between RSSAC, SSAC and IETF via the introduction of inward and outward Liaisons, and remarks that:</p> <ul style="list-style-type: none"> • An inward Liaison from SSAC to RSSAC is regularly appointed, and this process shall be maintained; • An outward RSSAC Liaison to SSAC used to be appointed, but the position is currently vacant; the WG recommends to fill this vacancy, in coordination with SSAC; • It is indubitably worth discussing/analyzing the recommendation in favor of the establishment of an inward Liaison from IETF/IAB, in dialogue with the IETF/IAB. <p>The WG agrees furthermore with the recommendation to keep the current RSSAC Liaison to the Board. It does not address the recommendation to dismiss the present Liaison to the NomCom, as reviewers presented it as a consequence of their envisaged restructuring of RSSAC, which is not discussed in the present report. This recommendation should be analyzed when discussing the overall structure and function of the RSSAC.</p> | <p>to SSAC, filling the current vacancy</p> <p>c) Dialogue between RSSAC and IETF/IAB, appointment if agreed</p> <p>d) Any action to be taken will depend on the outcome of 1-4 above. To be included in that approach.</p> | <p>c) RSSAC, IETF/IAB, (staff)</p> <p>d) Board, RSSAC, staff</p> | <p>c) medium-long</p> <p>d) long</p> | <p>d) Requires Bylaws changes</p> |

| WG Conclusions | Action needed | Actors involved | Timeline | Comments |
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| <p>6. RSSAC meetings:</p> <ul style="list-style-type: none"> a) RSSAC to meet at each ICANN meeting with provision for it to hold additional meetings in between; b) Sessions to be public unless a majority of the members believe it appropriate to have a closed session for part of a meeting; c) All Root Server Operators and members of the Board to be invited and to have speaking rights at the discretion of the Chair; d) Other attendees may be granted speaking rights at the discretion of the Chair; <p>If RSSAC went into closed session under exceptional circumstances and at the discretion of the Chair, the Root Server Operators, ICANN Board, appointed Liaisons and technical staff would be invited to join.</p> <p>WG’s Conclusion: The WG agrees with reviewers that the conducting of RSSAC meetings at IETF meetings and the low participation of RSSAC members in ICANN meetings is one of the reasons why several ICANN community members have poor knowledge of RSSAC operations. However, it is aware that there are operational reasons which suggest the running of RSSAC meetings in parallel with IETF meetings. On balance of these remarks, and in view of ensuring a higher level of visibility of RSSAC work to the ICANN communities, it recommends that RSSAC should consider organizing at least one of its yearly meetings in parallel with an ICANN meeting.</p> <p>The WG agrees with all the residual measures</p> | <p>6 a-d. Dialogue between RSSAC and SIC/Board/staff. To be included in approach for 1-3</p> | <p>6 a-d. SIC, Board, RSSAC, staff</p> | <p>6 a-d. Medium-long</p> | <p>6 a-d. May require change of RSSAC rules of operation</p> |

| WG Conclusions | Action needed | Actors involved | Timeline | Comments |
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| <p>suggested in this recommendation, aimed at achieving a greater transparency of the work of RSSAC.</p> | | | | |
| <p>7. ICANN to nominate two members of staff to support the RSSAC:</p> <ul style="list-style-type: none"> • One technical fellow to perform research and drafting of reports; this support, initially, would be part-time, with perspective of growing demand. Role to be separated from L-root operations; • One administrative, part-time support for tasks such as meeting support, logistics, website maintenance, support to Chair between meetings etc. <p>WG’s Conclusion: The WG considers that this recommendation is well-motivated, and recommends that –should RSSAC request in this sense, ICANN would deliver the required two part-time resources so as to support RSSAC works. The role of this supporting staff should be separated from the managing of the ‘L’ Root and the IANA function.</p> <p>From a broader perspective, the WG considers that the very coordination of the relation between ICANN and the Root Server Operators deserves further analysis.</p> <p>In general, one remarks that Root Server Operators are committed to serving the data provided to them by IANA, but otherwise they consider themselves to be independent from, and only partially related to ICANN.</p> <p>ICANN currently has two structural relationships with RSSAC: one via IANA, and another one via the ‘L’ Root Server operation. Due to their</p> | <p>7 a-b. Specify RSSAC needs, develop job descriptions, selection/recruitment of suitable staff members, work planning, induction with RSSAC</p> | <p>7 a-b. RSSAC, senior staff</p> | <p>7 a-b. Short - Medium</p> | <p>7 a-b. Preferably synchronized with the discussions for 1-3, to specify RSSAC needs. NOTE: One staff person needs to be identified very early, for developing the implementation plan.</p> |

| WG Conclusions | Action needed | Actors involved | Timeline | Comments |
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| <p>specific focus and fields of activity, none of these operational relations however represents ICANN as a whole, to the Root Server Operators. The RSSAC review WG recommends that ICANN identify a member of the senior management team with the duty to represent the whole Organization in communications with RSSAC, particularly with regard to the operational implementation of ICANN policies in the areas of new TLDs (new gTLDs, ccTLDs, and IDN TLDs), and the continued roll-out of DNSSEC and IPv6. This senior contact would then coordinate ICANN interaction with RSSAC, either by direct involvement or through others, including but not necessarily limited to the 'L' Root Operator and the IANA staff.</p> | | | | |
| <p>8. Fund travel and accommodation for RSSAC members to and from ICANN meetings and other relevant technical meetings. WG's Conclusion: The WG recommends that ICANN funds travel and accommodation for RSSAC members to participate in ICANN meetings, whenever a RSSAC meeting is organized during an ICANN meeting.</p> | <p>8. Planning and agreeing extent with RSSAC, budgeting, communication to RSSAC</p> | <p>8. Finance staff, RSSAC staff, travel support staff</p> | <p>8. Medium - long</p> | <p>8. Not foreseen in FY 2011 budget</p> |

2010-01-25-09 Annex-to-Board-Submission-NomCom- Chair-Elect

ANNEX TO BOARD SUBMISSION NO. 2011-01-25-09

**SUBMISSION TITLE: Nominating Committee (NomCom) Chair-Elect,
Changes to ICANN Bylaws**

Annex

The proposed Bylaws are attached in redline form.

Implementation Concerns

As discussed in the Board submission, the proposed Bylaws changes arose out of a recommendation in the Nominating Committee Review Finalization Working Group Final Report, to create a “Chair-Elect” position to train future leadership of the NomCom, and replace the position of the previous Chair serving as an advisor to the NomCom.

In its discussion of draft Bylaws amendments, the Structural Improvements Committee requested that the Bylaws be written in a manner to allow flexibility to the Board in making appointments to the NomCom leadership. One notable feature is that the Bylaws do not require an automatic succession from the post of Chair-Elect to Chair. In fact, there is no requirement that a person selected to serve as Chair-Elect will ever be appointed to Chair. Nor is there a requirement that the person appointed to Chair will ever have served as the Chair-Elect. The Bylaws do state an expectation that a succession from Chair-Elect to Chair will occur, but the Board is not bound to this requirement. The Board, therefore, retains the ability to assess the fitness of candidates after they have been appointed to a post, and also retains flexibility in addressing vacancies in the Chair-Elect position.

While this flexibility will give the Board the discretion to make decisions on the NomCom leadership, it creates some questions that must be resolved prior to implementation. Those questions include:

- What are the desirable qualities in a NomCom Chair-Elect, and how are those different from a candidate for Chair?

- Will appointing a NomCom Chair to two successive terms be feasible when there is a Chair-Elect waiting to serve? What is the maximum number of years that it is reasonable to expect a person to commit to service on the NomCom?
- When is it feasible to complete the identification of the first Chair-Elect?
- Will the process for identifying a Chair-Elect be different from the process for identifying a Chair?

The Board Governance Committee may identify additional questions that need to be resolved prior to making its first Chair-Elect appointment. However, the Bylaws as amended include a process for filling a vacancy in the Chair-Elect position, as will exist after the Bylaws amendments are implemented. When the Chair-Elect position is vacant, the Board may appoint a non-voting advisor to the Chair, and the previous NomCom Chair is one of the enumerated candidates to fill that advisory position. Currently, the previous Chair to the NomCom is already serving as a non-voting advisor to the Chair. Therefore, the Bylaws can be approved, and full implementation details worked out, with little to no disruption of the current operating procedures of the 2011 Nominating Committee.

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|------------------------|--------------------------------------------|
| Submitted by: | Samantha Eisner |
| Position: | Senior Counsel |
| Date Noted: | 14 January 2011 |
| Email and Phone Number | Samantha.eisner@icann.org; +1.310.578.8631 |

2010-01-25-09 Attachment-NomCom-Board-Submission

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;

Section 3. TERMS

Subject to the provisions of the [Transition Article of these Bylaws](#):

1. Each voting delegate shall serve a one-year term. A delegate may serve at most two successive one-year terms, after which at least two years must elapse before the individual is eligible to serve another term.
2. The regular term of each voting delegate shall begin at the conclusion of an ICANN annual meeting and shall end at the conclusion of the immediately following ICANN annual meeting.
3. Non-voting liaisons shall serve during the term designated by the entity that appoints them. The Chair, the Chair-Elect, and any Associate Chair shall serve as such until the conclusion of the next ICANN annual meeting.

4. It is anticipated that upon the conclusion of the term of the Chair-Elect, the Chair-Elect will be appointed by the Board to the position of Chair. However, the Board retains the discretion to appoint any other person to the position of Chair. At the time of appointing a Chair-Elect, if the Board determines that the person identified to serve as Chair shall be appointed as Chair for a successive term, the Chair-Elect position shall remain vacant for the term designated by the Board.

5. Vacancies in the positions of delegate, non-voting liaison, Chair or Chair-Elect shall be filled by the entity entitled to select the delegate, non-voting liaison, Chair or Chair-Elect involved. For any term that the Chair-Elect position is vacant pursuant to paragraph 4 of this Article, or until any other vacancy in the position of Chair-Elect can be filled, a non-voting advisor to the Chair may be appointed

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Deleted: The immediately previous Nominating Committee Chair,

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by the Board from among persons with prior service on the Board or a Nominating Committee, including the immediately previous Chair of the Nominating Committee. A vacancy in the position of Associate Chair may be filled by the Chair in accordance with the criteria established by Section 2(9) of this Article.

Author

Deleted: A vacancy in the position of non-voting advisor (immediately previous Chair) may be filled by the

6. The existence of any vacancies shall not affect the obligation of the Nominating Committee to carry out the responsibilities assigned to it in these Bylaws.

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**2011-01-25-10 Annex-to-submission .TEL numeric-only
names**

ANNEX TO BOARD SUBMISSION NO. 2011-01-25-[To be assigned]

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

BACKGROUND

On 1 October 2010, in the public comment forum for a proposal to allow the allocation of numeric-only and number-and-hyphen domain names in .NAME, Khashayar Mahdavi, CEO of Telnic Limited (.TEL registry) stated that if .NAME proposal were approved, .TEL should also be allowed to register numeric-only domain names. Furthermore, Mr. Mahdavi mentioned that approving the release of this restriction on one TLD and leaving it in place for another provides the first with a substantial commercial advantage.

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

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

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

On 14 October 2010, ICANN notified Telnic that it had conducted the threshold security, stability and competition review on the proposed service pursuant to the RSEP, and did not identify any significant issues. Numeric-only names have been allowed in 14 gTLDs and several ccTLDs for years without harm to the security or stability of the Internet. From a purely security-and-stability point of view, there is no difference on what TLD allows the numeric-only names, whether it is under .COM, .ORG, .MX or .TEL, it makes no difference. Therefore there is no new issue created by this proposal. ICANN advised Telnic that an amendment to Appendices 6, Schedule of Reserved Names, and S, the Charter, would be necessary to implement the new service.

Also on 14 October 2010, ICANN published the proposed amendment for public comment until 13 November 2010; four comments were received, one was supportive, one did not address the merits of the proposal but made a suggestion to enhance it, one raised a potential issue, and the last one was the response from Telnic. The full summary of public comments is presented in its own section below.

On 25 November 2010, Lawrence Conroy, the Chairman of the IPAG (.TEL delegated policy-making authority), wrote a letter in response to ICANN request to explain the policy development and approval process that was followed, in order to develop the RSEP request. In the letter Conroy explained the process followed. The letter is included in Exhibit B of this document.

In the same letter, Conroy, a well-recognized ENUM expert, explained why the proposal does not create a technical issue with ENUM. Conroy stated that *“In this proposal, single-digit labels (such as 1.tel or 4.tel) are reserved, rather than continuing to apply a blanket prohibition of all numeric labels (such as 3663.tel); that is not needed or useful. By blocking all single digit labels, the root of an ENUM tree cannot be placed directly in .tel. ENUM simply doesn’t work with multi-digit labels. Telnic did not and does not intend to launch any alternative to ENUM, and has a long standing agreement with ICANN that this will be the case for .tel.”*

Conroy also mentioned *“... alternative ENUM-like systems such as e164.org have existed successfully for years and we are not aware of any community concerns in this respect.”* Furthermore, any domain, whether TLD or at any other level in the DNS tree could be used by a group of interested people to run an ENUM-like system if they

wanted. Therefore, there would be no newly introduced technical issue with ENUM by having numeric-only domain names, as proposed by Telnic.

On 7 January 2011, in response to ICANN's request, Telnic wrote a letter explaining why they believed the proposal would not cause confusion between a numeric-only name under .TEL and what might be considered to be a corresponding telephone number. Telnic noted the issue has not been raised before, that adequate tools exist to deal with instances of actual user confusion and/or misrepresentation, and that other TLDs already offer such names without restriction or problems. Lastly, Telnic remarked that should user confusion be identified as an actual problem; their IPAG is well qualified to address any issues that may arise. The letter is included in Exhibit C of this document.

PROPOSED CONTRACT AMENDMENTS

A redline of the proposed amendment to the .TEL Registry Agreement is shown in Exhibit A of this document. Changes to Appendices 6, Schedule of Reserved Names, and S, the Charter would be necessary to implement the proposed service.

PUBLIC COMMENT SUMMARY

The proposed amendment was available for public comment from 14 October 2010 through 13 November 2010; four comments were received, one was supportive, one did not address the merits of the proposal but made a suggestion to enhance it, one raised a potential issue, and the last one was the response from Telnic. All comments can be viewed at: <http://forum.icann.org/lists/tel-numeric-only-domains/>

Overall there was no clear consensus view on whether or not the amendment should be approved; each commenter provided input suggesting a different path.

Matthias Jungbauer, supported the proposal. He proposed "*to create only real existing phone numbers as tel domains*" by cooperating with phone companies.

Volodya did not explicitly support the proposal, but proposed that the country code will be a forced addition to the domain in order to avoid "*US centricity*", also recognizing that it would increase the complexity of verification mechanisms.

Tim Ruiz (registrar GoDaddy.com, Inc.) opposed the proposal stating that requesting this change through the Registry Service Evaluation Policy (RSEP) process is inappropriate since it does not simply involve a new Registry Service as defined under the RSEP, but rather involves a fundamental change to .TEL charter.

Tim also commented that it is unfair to other applicants and potential applicants to allow a sTLD to change its purpose after it has been delegated. He further added that Telnic's promise not to allow numeric-only second-level registrations was a fundamental aspect of its application and a primary reason why .TEL was awarded to Telnic and not Pulver (another bidder for .TEL sTLD at the time). He concluded that this request should not be granted without requiring the rebidding of the .TEL sTLD itself, giving an opportunity for others to bid competitively.

Tim also expressed concern about “*certain other recent [RSEP] requests*” by sTLDs for similar reasons, without further specifying.

Khashayar Mahdavi, CEO of Telnic Limited (.TEL registry) submitted a response to Tim Ruiz’s comment after the close of the public comment period. He stated that the proposal is not a fundamental change to the nature of .TEL, since the restriction on all-numeric strings has nothing to do with the nature of .TEL and was instead a measure put in place to address initial concerns about potential conflicts with ENUM. He stated that .TEL’s purpose, as described in its charter, is to serve the community of users who wish to use a TLD to store and publish their contact information in the DNS. He concluded that the removal of the restriction for numeric-only domains is therefore non-essential to the core mission of .TEL.

Khashayar further commented that:

- The requirement to restrict availability of numeric-only names was established to address an isolated concern that existed at that time: the concern of a conflict between the .TEL concept and ITU’s ENUM system. He added that time and the growing understanding of the .TEL technology has proven such a conflict does not exist. He pointed out that the proposal, by excluding single-digit domains, avoids the perceived conflict with ENUM;

- Telnic’s sTLD proponent competitor (Pulver) mentioned by Tim Ruiz proposed an ENUM competitor system while Telnic’s bid specifically avoided such competition with ENUM by limiting the purposes of .TEL domain names. He remarked that was the reason why Telnic won the bid over Pulver and not because of the numeric-only restriction; and,
- The RSEP is the process that has been used in the past for similar proposals and therefore sees no reason why the RSEP should not apply to this request.

DISCUSSION OF ISSUES

As a result of the public comments received and the analysis that ICANN made of the proposed service, four potential issues were identified. The issues and their proposed responses are presented below.

1. Whether the proposal represents a fundamental change to the purpose of the TLD

This issue was raised by Tim Ruiz (registrar GoDaddy.com, Inc.) in the public comment forum as described above. As explained by Khashayar Mahdavi, CEO of Telnic, the purpose of the .TEL gTLD is described in its Charter, which is to serve the community of users who wish to use a TLD to store and publish their contact information in the DNS. Therefore, by changing the registration restrictions to allow numeric-only domains does not change the nature of the TLD.

2. Whether the delegated policy-making authority was followed

.TEL is a sponsored top-level. As a sTLD, it has delegated policy making authority (defined in Appendix S to the .TEL Registry Agreement) that permits for example the establishment of policies and procedures for the TLD. In .TEL, policy-making is facilitated through their IPAG. The allocation of numeric-only domains in .TEL is currently prohibited by the .TEL Charter, and therefore such a change to that restriction should be appropriately developed through an IPAG policy process. Lawrence Conroy, Chairman of the IPAG, in his letter (see Exhibit B) explained how their policy development and approval process was followed.

3. Potential technical issue with numeric-only names in .TEL and ENUM

As explained by Lawrence Conroy, Chairman of the IPAG and a well-recognized ENUM expert, if the intend is to block a TLD from having an ENUM-like offering, it is enough with not allowing to register all the single digit labels in the TLD, since ENUM needs those in order to function as specified. Conroy also stated that Telnic has no intentions to launch an alternative to ENUM. Lastly, it is worth noting that there are already ENUM-alternate offerings in the market with no apparent negative implications to ENUM.

4. Potential user confusion regarding numeric-only names and their similar telephone numbers

Telnic noted (see full text of the letter in Exhibit C) that the issue has not been raised before; they state that during their consultations about this Request, no one in the community ever noted the issue and that it has not been mentioned during previous proposals from .TEL

Telnic added that adequate tools exists to deal with instances of actual user confusion and/or misrepresentation such as search engines to find the right information and the UDRP in case of misrepresentation.

Telnic noted that other TLDs already offer such names without restriction or problems. Lastly, Telnic remarked that should user confusion be identified as an actual problem; their IPAG is well qualified to address any issues that may arise.

RESOURCE IMPLICATIONS

There are no anticipated resource implications for ICANN with the introduction of this service by Telnic.

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| Submitted by: | Francisco Arias |
| Position: | gTLD Registry Technical Liaison |
| Date Noted: | 13 January 2011 |
| Email and Phone Number | francisco.arias@icann.org; +1 310 880 6112 |

EXHIBIT A – Redlined Proposed Amendment to the .TEL Registry Agreement
Amendment No. 4 to the .TEL Registry Agreement
(date to be inserted)

ICANN and Telnic Ltd. agree that that the following modifications are made to Appendices 6 and S of the 30 May 2006 .TEL Registry Agreement:

- I. The Parties agree that Appendix 6 to the Agreement is hereby deleted in its entirety and replaced with a new Appendix 6, in the form attached hereto.
- II. The Parties agree to the following modifications to Appendix S, Part I, Section 4:

[old text]

4. The .tel Registry will operate using the standard "Delegation Only" model. The .tel registry servers will not hold or use NAPTRs internally, and so will not return NAPTRs in response to any query. The .tel registry will not allow numeric-only domains to be registered at the registry level.

[new text]

4. The .tel Registry will operate using the standard "Delegation Only" model. The .tel registry servers will not hold or use NAPTRs internally, and so will not return NAPTRs in response to any query. The .tel registry will not allow single-character numeric domains to be registered at the registry level.

The Parties have duly executed this Amendment as of the date first written below.

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

TELNIC LTD.

By: _____

By: _____

Name: Kurt Pritz

Name: Khashayar Mahdavi

Title: Senior Vice President, Services

Title: Chief Executive Officer

Date: _____

Date: _____

Appendix 6 to .TEL Registry Agreement
(date to be inserted)

Schedule of Reserved Names

Except to the extent that ICANN otherwise expressly authorizes in writing, the Registry Operator shall reserve (i.e., Registry Operator shall not delegate, use or otherwise make available such labels to itself or any third party, but may register such labels in its own name in order to withhold them from delegation or use) names formed with the following labels from initial (i.e. other than renewal) registration within the TLD:

A. Labels Reserved at All Levels. The following names shall be reserved at the second level and at all other levels within the TLD at which Registry Operator makes registrations:

ICANN-related names:

- aso
- gnso
- icann
- internic
- ccnso

IANA-related names:

- afrinic
- apnic
- arin
- example
- gtld-servers
- iab
- iana
- iana-servers
- iesg
- ietf
- irtf
- istf
- lacnic
- latnic
- rfc-editor
- ripe
- root-servers

B. Additional Second-Level Reservations. In addition, the following names shall be reserved at the second level:

- All single-character numeric labels.
- All two-character ASCII labels shall be initially reserved. The reservation of an existing two-character country-code label shall be released to the extent that Registry Operator has reached an agreement with the applicable government or country-code manager, or with the ISO 3166 maintenance agency, whichever is responsible for the ccTLD that corresponds to such label. The Registry Operator may also propose release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes.

C. Tagged Domain Names. All labels with hyphens in the third and fourth character positions (e.g., "bq--1k2n4h4b" or "xn--ndk061n")

D. Second-Level Reservations for Registry Operations. The following names are reserved for use in connection with the operation of the registry for the TLD. Registry Operator may use them, but upon conclusion of Registry Operator's designation as of the registry for the TLD they shall be transferred as specified by ICANN:

- nic
- whois
- www

E. Geographic and Geopolitical Names. All geographic and geopolitical names contained in the ISO 3166-1 list from time to time shall initially be reserved at both the second level and at all other levels within the TLD at which the Registry Operator provides for registrations. All names shall be reserved both in English and in all related official languages.

In addition, Registry Operator shall reserve names of territories, distinct economies, and other geographic and geopolitical names as ICANN may direct from time to time. Such names shall be reserved from registration during any sunrise period, and shall be registered in ICANN's name prior to start-up and open registration in the TLD. Registry Operator shall post and maintain an updated listing of all such names on its website, which list shall be subject to change at ICANN's direction. Upon determination by ICANN of appropriate standards and qualifications for registration following input from interested parties in the Internet community, such names may be approved for registration to the appropriate authoritative body.

EXHIBIT B – .TEL IPAG Chairman, Lawrence Conroy letter to ICANN

Internet Corporation for Assigned Names and Numbers
Mr. Kurt Pritz, Senior Vice President, Services
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601, USA

November 25, 2010

Dear Kurt,

I am writing to you in my capacity of the chairman of the IPAG, the independent policy advisory group for the .tel Top Level Domain. The IPAG controls all policies active in the .tel TLD. The IPAG consists of five members (Jeff Neuman, Elmar Knipp, Micha Benoliel, Bart Lieben and myself) each of whom has an equal vote.

I am a Senior System Architect at Roke Manor Research. I'm an active contributor to the IETF and a co-author of a number of ENUM-related RFCs, including the new version of the ENUM standard. I have been an active member of the UK ENUM Technical Group that led up to the introduction of the ENUM system in the UK. I have also been personally involved in ENUM trials in a number of countries, in development of ENUM software and systems, and have co-hosted the first ENUM technical interoperability tests. In short, I know ENUM in depth, both technically and from an operational perspective. I have been a member of the .tel policy advisory group since 2006 and have served as the IPAG Chairman since 2008.

Recently Telnic submitted a request to ICANN to allow allocation of numeric-only strings in .tel (excluding single-digit strings).

Below I summarise the process Telnic and the IPAG has used so far in submitting this RSEP proposal.

I also provide some technical background to show why multi-digit strings in .tel are not in conflict with ENUM and Telnic's agreements with ICANN.

Also, comments have been raised that suggest that the RSEP is not appropriate for this change (or, apparently, any change) to an sTLD's operation. I list the reasons why I believe it is appropriate (indeed, it is the only way to make such changes).

RSEP process and the IPAG

There were two RSEP proposals being processed by ICANN for .tel; one covering permission to release one and two ASCII character labels that was recently approved, and another proposing release of all but single digit labels that is still under review.

For this digit label RSEP proposal, the process so far was as follows:

1. Based on community feedback, Telnic's Policy Director contacted me to ask if digit only strings could be allowed in .tel domains. Given that neither the current .tel AUP nor the .tel ICANN contract permitted such labels I decided to conduct a thorough review of this issue.

2. After that review I came to the conclusion that the only reason for this restriction on digit strings in .tel was to prohibit Telnic from competing against ENUM.
3. From my expert knowledge of ENUM I knew that the restriction imposed on Telnic was over-zealous and unnecessary. Simply restricting *single* digit labels as opposed to *all* digit labels was sufficient to prevent Telnic from running an ENUM tree in .tel, in keeping with its agreement with ICANN.
4. I therefore concluded that relaxing the restriction from blocking all numeric-only strings (as in the current charter) to prohibiting only single digit strings would continue to prevent Telnic from competing with ENUM (the intent of the charter text), whilst not changing the purpose of the .tel TLD at all.
5. On the basis of this conclusion I informed Telnic's Policy Director that as long as Telnic restricted the use of single digit domains it would not be a change of community, purpose, use, or charter principles for the .tel TLD and therefore he should prepare an RSEP proposal to request the registration service change.
6. Acting as the IPAG Chairman, I sent a summary of the process, my suggested position on the policy aspects, and the background to this to the IPAG. As a precaution I asked the IPAG members to vote on the principle of releasing these labels. IPAG did vote unanimously in support of this principle.
7. Telnic submitted the RSEP request.

This reflects the normal procedures. Where there is obviously no change in community or the spirit of the charter, Telnic consults with me as the IPAG chairman, and with my agreement proceeds. Where there are policy implications, I notify the IPAG and indicate the policies that will need to be considered.

Given that this RSEP proposal does not have any impact on the principles of the .tel charter, retains the distinction between .tel and ENUM, and certainly has no impact on the community OR on the way in which .tel is used, I considered it reasonable merely to notify the IPAG and to wait until the final form of agreement between the company and ICANN was forthcoming. Once that happens, the IPAG will convene to amend the .tel AUP to allow for number digit strings.

The .tel Acceptable Use Policy (AUP) controls the purpose and use of the .tel sTLD and its registered domains, reflecting the .tel charter and community principles. This AUP also controls registrations, as it incorporates its own defined limits on acceptable domain names.

Thus the RSEP process gives permission for change, but it is the .tel IPAG that determines what change is acceptable from a sponsored community and charter perspective.

Sponsored TLD paradigm and purpose of an sTLD

The concept of Sponsored TLD first emerged in the 2000 new TLD application round. According to that idea, "a sponsored TLD is a specialized TLD that has a sponsor representing the narrower community that is most affected by the TLD. The sponsor thus carries out delegated policy

formulation responsibilities over many matters concerning the TLD".¹ Accordingly, there are two principles that define a specific sponsored TLD:

1. Sponsored Community.

This defines who **can** participate in the TLD. This also determines the mission of the sponsoring organisation.

2. Eligibility Requirements.

These define who **can not** participate in the TLD. Eligibility requirements are needed to ensure that the scope of the sTLD and hence, the delegated authority of the sponsoring organization are indeed limited to the needs of the sponsored community.

.tel as a sponsored TLD

According to the .tel charter², the purpose of the .tel sTLD is to serve individuals and organisations "that wish to store and publish their contact information using the DNS" (paragraph 1 of the .tel charter).

The **.tel Sponsored Community**, according to the same paragraph, is defined by the activity of the registrants who use their delegated DNS zones for publishing NAPTR records rather than Address records.

The **.tel Eligibility Requirements** are established in the .tel AUP³ which is mandatory for all registrants (paragraph 2 of the .tel charter). The first rule is that every .tel domain must contain at least one piece of contact information in the form of a DNS NAPTR record. The second rule is that user-specified A records (Address records) are not allowed in .tel. This essentially means that one cannot use a .tel domain for a website.

There is one further element in the charter that is germane to this RSEP proposal. This is Telnic's agreement to ensure that .tel is not and cannot be used to provide an ENUM service or otherwise conflict with ENUM. This is covered in more detail in the following section.

By embedding contacts directly in domains, .tel is vastly different from just every other TLD in the world. The definition of the Sponsored Community and the Eligibility Requirements provide a very clear delineation of what .tel is and what .tel isn't.

Does the purpose of the TLD or its essential principles change if multi-digit strings are allowed in .tel rather than just alphabetic strings? Clearly, that is not the case.

The Sponsored Community will still be defined by the activity of its members. Those that publish NAPTR records in the DNS are still members of the community, regardless of whether they do it via an alphanumeric .tel domain or via a purely numeric one.

¹ ICANN Rio de Janeiro Meeting Topic: Criteria to Be Used in the Selection of New Sponsored TLDs, <http://www.icann.org/en/meetings/riodejaneiro/stld-rfp-topic.htm>.

² Appendix 5 to the .tel Registry Agreement, part I - .tel charter.

³ <http://www.icann.org/en/tlds/agreements/tel/appendix-s-04feb08.htm>

⁴ .tel Acceptable Use Policy, <http://www.telnic.org/downloads/AUP.pdf>

The Eligibility Requirements will also stay the same. Holders of numeric-only domains will still be required to publish contact information in the DNS and they will still be disallowed from using user-specified Address records. All the essential sTLD requirements stay in place. Use of the domains is identical whether they are alphabetic or multi-digit labels.

The proposed amendment does not propose anything remotely resembling a "fundamental change" to the sTLD. This is merely a non-essential modification of the syntactic rules of the TLD.

ENUM and .tel

One could reasonably ask why the restriction on all numeric names was put in place in the .tel registry agreement. To explain that we'll need to go back to ICANN's new sTLD round of 2004, and a separate system called ENUM.

NAPTR records that are the core of the .tel ecosystem are also used in a system called ENUM, which is being standardised by the IETF and is controlled by the ITU and IAB. ENUM is a way of routing communications. It maps telephone numbers to domain names and provides facilities to associate traditional telephone numbers with specific Internet resources such as VoIP identifiers.

For example, according to the ENUM rules, the phone number +442074676450 corresponds to an Internet domain name 0.5.4.6.7.6.4.7.0.2.4.4.e164.arpa. Note that in the ENUM domain tree the telephone number has to be written backwards and broken down into separate digits. Each of the single digits then becomes a domain label.

The key point is that machines (softswitches and Session Border Controllers) use ENUM to place calls or set up communications that are addressed using fully qualified telephone numbers.

In the 2004 new sTLD round two applications were submitted for the .tel TLD – one from Telnic that was eventually approved by ICANN, and another application from NetNumber/Pulver.

The NetNumber/Pulver .tel application was specifically focused on linking telephone numbers with the domain name system and simply copied the ENUM approach. As stated in their RFP application, the new TLD was supposed to become "the top-tier of a globally distributed directory solution that enables IP Communications Service Providers (IPCSPs) to register the phone numbers of their individual or enterprise subscribers on the Internet and associate those phone numbers with any number of IP-enabled communications devices (phone, fax, e-mail, PDA, etc.) or services."⁴

During the public comment period numerous comments were posted that highlighted the overlap between the Pulver concept and ENUM, and expressed concerns because of the potential conflict between two addressing systems⁵.

Telnic proposed a completely different and innovative concept of using the .tel TLD. This envisaged placing personal contacts directly in domains, with the goal that these would be published by and

⁴ New sTLD RFP Application .tel-Pulver. <http://www.icann.org/en/tlds/stld-apps-19mar04/tel-pulver.htm>

⁵ Public comment forum on Pulver .tel application. <http://forum.icann.org/lists/stld-rfp-tel-pulver/>. See e. g. comments by Daniel R. Tobias, Mark Healey, JongYun Ra, Koki Higashida, Jim Reid and Paul Rosbotham.

presented to people. This contrasts with the ENUM approach of taking telephone numbers and mapping these to a strict domain hierarchy, with machines processing fully qualified telephone numbers to find the appropriate domain in that hierarchy and using records stored there to place calls automatically.

In 2004, ICANN (in common with almost all other stakeholders) did not have a clear understanding of ENUM and the way it operated, and so it was simpler to block all digit-only strings. This was and is a gross over-restriction, as ENUM simply does not operate on multi-digit strings (instead relying a domain hierarchy with specifically crafted sets of single digit labels). However, at the time it was simpler to phrase the restriction in this way rather than explain the details.

The current RSEP proposal retains the distinction between .tel and ENUM whilst removing the over-restriction. It will now block only the labels that need to be blocked.

In this proposal, single-digit labels (such as 1.tel or 4.tel) are reserved, rather than continuing to apply a blanket prohibition of all numeric labels (such as 3663.tel); that is not needed or useful. By blocking all single digit labels, the root of an ENUM tree cannot be placed directly in .tel. ENUM simply doesn't work with multi-digit labels.

Telnic did not and does not intend to launch any alternative to ENUM, and has a long standing agreement with ICANN that this will be the case for .tel. That is why in its RSEP request Telnic volunteered to block all single-digit labels in .tel. This is reflected in the proposed amendment to the .tel registry agreement.

It should also be noted that all other TLD agreements except .tel and .name do not contain any restrictions on numeric-only strings. Besides, alternative ENUM-like systems such as e164.org have existed successfully for years and we are not aware of any community concerns in this respect.

Why RSEP is the applicable process

Should the proposed amendment be approved, new domain names will become available in .tel. This represents an extension to the core service of the registry – registration of domain names. This service can only be provided by Telnic by reason of its designation as the registry operator. As such, the proposed change clearly falls under the definition of a registry service given in paragraph 1.1 of the Registry Services Evaluation Policy⁶.

Other registries apparently have come to the same conclusion. Every request resulting in additional names becoming available in a TLD, be it for allocation of 1- or 2- character domain names (such as requests from .mobi or .cat) or for allocation of numeric strings (such as .name request), have been submitted via RSEP. Many of these requests have already been approved by ICANN. We are not aware of any complaints about inapplicability of the RSEP procedure in any of the above-mentioned cases.

Indirectly this approach was also confirmed by the ICANN staff in the course of preliminary email exchange with Telnic, in which they proposed submission of the request via the RSEP procedure.

⁶ Registry Services Evaluation Policy, <http://www.icann.org/en/registries/rsep/rsep.html>

I therefore believe that RSEP is the only process applicable for dealing with the proposed change to the .tel registry agreement.

In the particular case of sTLDs, each of their sponsoring organisations were given delegated authority to manage policy aspects specific to their sTLD. Thus, whilst this particular proposal uses the RSEP, changes to policy that are within delegated authority need no ICANN involvement at all.

The RSEP procedure for registry services that fall outside delegated authority is appropriate. Removing the RSEP as a channel for change in sTLDs is unreasonable, as it forces the sTLDs into a rigid straightjacket and blocks their ability to change while the rest of the industry can. I believe that ICANN has developed the RSEP for use by all TLDs, and attempts to hobble sTLDs are unwarranted without major justification, which has not been given.

Conclusion

Telnic and the IPAG have used our normal procedures in processing this RSEP proposal (as with all other policy changes). Absent compelling explanations to the contrary, the IPAG will consider changes to .tel policies once changes in the .tel agreement are confirmed.

In submitting this RSEP proposal, I know the company has acted in good faith and has kept to the principles it agreed with ICANN originally. It is entirely unclear what could be a change in the community or change in use of .tel domains caused by implementation of this RSEP proposal.

Telnic expects the vast majority of community members will continue to choose names or distinctive words for the domains they register and use. However, the choice of label to be registered does not affect the way in which the domain can be used; the eligibility criteria that define community membership remain entirely unchanged. If someone chooses 3663.tel as a domain to register, this merely means that his or her contacts are stored in that domain rather than example.tel or any other. The use of .tel (storing and presenting personal or company contacts inside domains within NAPTR records) remains the same. The block on user web sites in .tel (by barring user-specified address records in domains) is and will remain in place.

Thus if people believe that there is a fundamental change in either community or use, it is their responsibility to explain in detail just what the change is, and how and where this conflicts with the principles of the sTLD as described in the ICANN .tel agreement and its policies. Such a change was certainly not intended, and is at best obscure. Domain labels containing multi digit strings are entirely different from ENUM, and the purpose of ENUM was and is entirely different from .tel.

I hope that this explains my position on this topic, and shows the steps we have taken so far. I can't see how we could have acted differently.

Yours Sincerely,



Lawrence Conroy
.tel IPAG Chairman

EXHIBIT C – Telnic letter to ICANN



ICANN
Mr. Craig Schwartz
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601
USA

January 7, 2011.

Thank you for your email highlighting a concern raised by ICANN staff members regarding our proposal to allow Telnic to remove the restriction on multi-digit labels in .tel. We appreciate the opportunity to respond to this concern in advance of your board meeting.

As we understand it, the ICANN staff believes that when an internet user enters a telephone number followed by ".tel" into a browser or other connected device, the user may expect that the information they receive will relate to the person or organization that leases that telephone number in the international telephone system. We also understand that a corollary to the staff's concern is that an individual finding a .tel listing at a string that corresponds to a telephone number would assume that the information in that listing comes from the individual or entity with that telephone number.

On analyzing this scenario, we do not perceive the issue described in the email to be of significant concern for the reasons we describe below.

1. **This issue has not been raised before by the community or by ICANN.** In the course of our consultations over multi-digit strings, no one in the community has raised this potential scenario as an issue. As we have planned for a potential release of multi-digit strings in .tel, none of the individuals or organizations with whom we have consulted has voiced this concern. Furthermore, to our knowledge, and based on our review of the archival records, nobody raised this issue during ICANN's evaluation of Telnic's application to operate .tel, nor its evaluation of the other .tel proposals.

As you may recall, the concern raised during the application process was the perceived potential conflict with ENUM (which we believe we have addressed to your satisfaction in the letter that the Chairman of the .tel IPAG Mr. Lawrence Conroy sent you on November 30th). As such, we do not believe that the original limitation on numeric domain names in .tel was caused by the perceived confusion between phone numbers and domain names as was suggested in your email of 23d of December. As this has not been raised before, we believe that this is a new issue brought up by members of the ICANN staff after further internal conversation.

In our view, the fact that the community has not raised confusion of numeric strings as a potential issue strongly suggests that the community does not expect users to try to use .tel in the way imagined by the ICANN staff.

2. **Adequate tools already exist to deal with the instances of actual user confusion.** Domain names, though being useful as identifiers, were never intended to be the primary instrument for finding the right information on the internet. Search engines do that job much more efficiently. We expect that the upcoming arrival of new TLDs will further reduce the extent to which users use TLDs themselves as a means of locating specific information, as the same domain string will likely deliver different results in different TLDs.
3. **Adequate tools already exist to address instances of actual misrepresentation.** In the unlikely event that a .tel registrant registers a multi-digit string as a domain name and deliberately misrepresents himself or herself as the person or organization with the corresponding telephone number, there are already adequate tools available to address the situation (including UDRP if the string of digits has acquired trademark status). These same tools have been used for years in other TLDs, with considerable success.
4. **Other communications-based TLDs now offer numeric-only domains without restrictions and without problems.** Other TLDs, such as .mobi, that are normally considered communication-based are currently offering multi-digit strings with no special procedures for dealing with the alleged confusion. To our knowledge, they have not experienced the types of issues envisioned by the ICANN staff. Furthermore, we have not seen any indication that ICANN expects to TLDs proposed in the next round of applications to have in place measures to address this issue.

We also believe that, should it become necessary to address this issue, the decision as to what policies and practices to implement to do so lies with the .tel sponsoring organisation, not ICANN. Because .tel is sponsored TLD, ICANN has delegated to it certain policymaking functions, especially around issues that are unique to the TLD. As .tel is the only sponsored TLD that is currently restricted from offering multi-digit domain names, the issue raised by the staff is clearly unique to this TLD and therefore well within the scope of the .tel policymaking authority. Bringing ICANN into this process would be a violation of the fundamental principle of delegated authority for sponsored TLDs.

If, despite all of the foregoing, the issue outlined by the staff develops into a true issue for .tel, Telnic as a sponsored TLD has a policy development process in place led by a Policy Advisory Group (IPAG) which is composed of independent experts with experience in the telephony and internet industries. We believe that the IPAG is well-qualified to address any issues arising out of the release of multi-digit domain names.

Some might think that the correct solution would be to implement some type of allocation or reservation system enabling users to register or reserve their telephone numbers as strings in .tel. Without prejudice to the outcome of the possible IPAG deliberations, we would like to draw attention to the following points, which suggest that such a system would be impractical:

1. **Telephone numbers can appear in a variety of equally-valid formats, many of which are not unique to a specific recipient.** The only officially recognized unique identifier for a phone number is the E.164 international form: +<country code><nationally significant number>. For example, Telnic's office telephone number in London is +442074676450. The plus sign is essential as it indicates that the digits that immediately follow represent the dialling code of a country (note that it is not possible to include the plus sign as part of a domain name, so "true" E.164 telephone numbers and domain names will always remain separate).



In practice, however, an E.164 telephone number can be dialled in many different ways, all of which are equally valid depending on the location of the caller. For example, to call Telnic's office in London, depending on the location of the caller and the settings of that caller's phone, he or she will have to use one of the following dialling sequences:

- from London: 74676450
- from the rest of the UK: 02074676450
- from Germany (EU): 00 44 2074676450
- from the US: 011 44 2074676450

Not only are there many ways to dial the number for Telnic's office, but the same sequence used to reach Telnic when dialling from one location could lead to a different recipient when dialled from a different one. The number used to dial Telnic from London would reach someone else entirely when dialled within another country.

2. **Phone numbers change over time.** For example, over the last few years the area code for London has changed from 01 to 0171 and 0181, then to 0207 and 0208 and most recently to 020, causing all E.164 identifiers for London phone numbers to change as well.

In sum, even if Telnic were to try to implement a system allocating domain names to telephone number holders, there is no generally-accepted system for developing a string of unique numbers to achieve the intended result. Even if there were, the entire system could be undone by a change in local telephone rules.

We hope that we have addressed your concerns to your satisfaction and we are looking forward to ICANN approving our proposal to remove the restriction on multi-digit domains in .tel.

Kindest regards,

Khashayar Mahdavi
CEO
Telnic Limited

2011-01-25-11 Annex-to-submission NAME numbers and hyphens

ANNEX TO BOARD SUBMISSION NO. 2011-01-25-[To be assigned]

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

BACKGROUND

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

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

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

On 9 September 2010, ICANN notified VeriSign it had conducted the threshold security, stability and competition review on the proposed service pursuant to the RSEP, and did not identify any significant issues. Numeric-only names have been allowed in 14 gTLDs and several ccTLDs for years without harm to the security or stability of the Internet. From a purely security-and-stability perspective, there is no difference on what TLD allows the numeric-only names, whether it is under .COM, .ORG, .MX or .NAME, it makes no difference. Therefore there is no new issue created by this proposal. ICANN advised VeriSign that an amendment to Appendices 6, Schedule of Reserved Names, and 11, Registration Restrictions, would be necessary to implement the new service.

On 16 September 2010, ICANN published the proposed amendment for public comment until 16 October 2010; four comments were received, one of them was not related to the proposal, one did not address the merits of the proposal, one raised two

potential issues, and one was supportive. The full summary of public comments is presented in its own section below.

On 7 January 2011, to address public comment remarks and in response to ICANN's request, VeriSign wrote a letter stating and explaining why the proposed change was not a fundamental change to the .NAME TLD. VeriSign also addressed the second issue raised during public comment stating that "*Challenges relating to the registration of pure number or number-hyphen .name domain names would be addressed under the Eligibility Requirements Dispute Resolution Policy.*" Lastly, VeriSign also mentioned two services it offers to the IP and brand protection community that would help mitigate the perceived issue. The letter is included in Exhibit B of this document.

PROPOSED CONTRACT AMENDMENTS

A redline of the proposed amendment to the .NAME Registry Agreement is shown in Exhibit A of this document. Changes to Appendices 6, Schedule of Reserved Names, and 11, Registration Restrictions would be necessary to implement the proposed service.

PUBLIC COMMENT SUMMARY

The comment period was open from 16 September to 16 October 2010. Four comments were received, though one of them was not relevant to the proposed amendment. All comments can be viewed at: <http://forum.icann.org/lists/name-numbers-and-hyphens-domains/>

Overall there was no clear consensus view; each commenter provided input suggesting a different path.

Khashayar Mahdavi, CEO of Telnix Limited (.TEL registry) was neutral to the proposed amendment but stated that if .NAME proposal were approved, .TEL should also be allowed to register numeric-only domain names. Furthermore, Mr. Mahdavi mentioned that approving the release of this restriction on one TLD and leaving it in place for another provides the first with a substantial commercial advantage.

Sten-Ove Tullberg supported the inclusion of hyphens while remaining neutral to numeric-only domain names in .NAME.

Steven Metalitz opposed to the expansion of the “Personal Name” definition in .NAME Agreement. He wrote *“Even if there is no evidence that a person is ‘commonly known by’ a particular string of letters, numbers, or other symbols, the person could plausibly assert that she use that string to identify herself, even if only to herself or to a very limited group. This certainly invited abuse, and also has obvious implications for the viability of any Eligibility Requirements Dispute Resolution Policy.”*

Mr. Metalitz stated that, *“The proposed change also has an impact on the defensive registrations that would be available to a trademark owner, since under [.NAME Agreement] Appendix 11 ‘a Defensive Registration will not be granted if it conflicts with a then-existing Personal Name Registration.’ Since a vast new range of permissible Personal Name Registrations would be opened if the proposed amendment were adopted, the range of potential defensive registrations would be correspondingly diminished.”*

Mr. Metalitz stated that the ICANN community and Intellectual Property right holders in particular had relied upon the narrow scope of permissible registrations in .NAME. Mr. Metalitz claimed that the Intellectual Property Constituency considered the current restrictions important when negotiating with GNR, the original applicant of the .NAME proposal. He adduced that one of the reasons why the scope of the original proposal was narrowed, was to reduce the risk of conflict with Intellectual Property rights. Additionally, he commented that in 2002, the current restrictions in .NAME played a significant role in the negotiation and ultimate approval of modifications to the registry’s obligations to provide public access to Whois data.

The fourth comment, signed by Herbert Thomas-Potts (The American Hyphen Society) was not relevant to the proposed amendment.

DISCUSSION OF ISSUES

As a result of the public comments received and the analysis that ICANN made of the proposed service, two potential issues were identified. The issues and their proposed responses are presented below.

1. Whether the proposal represents a fundamental change to the purpose of the TLD

Steven Metalitz raised this issue on the public comment forum. ICANN also posed this very question upon receiving the request. VeriSign answered to the issue in the letter (see Exhibit B) to ICANN stating that *“The proposed change to permit pure number and number-hyphen domain names is not a fundamental change to the .name TLD, as the .name TLD will continue to be for individuals for their personal use.”*, further adding that, *“Additionally, numbers in the context of .name are relevant at this time because of how people around the world now use the web and the Internet. In many places in the world, especially in developing countries, mobile has become the predominate form of communication and interface to the web. A phone number is how one is known. And, typing numbers on a phone interface is often easier than typing letters.”*

2. Impact on defensive registrations of the expansion or “Personal Name” definition

Steven Metalitz also raised this issue on the public comment forum. VeriSign answered in the letter (see Exhibit B) to ICANN stating that *“Challenges relating to the registration of pure number or number-hyphen .name domain names would be addressed under the Eligibility Requirements Dispute Resolution Policy.”* VeriSign also mentioned two services it offers to the IP and brand protection community that would help mitigate the perceived issue. With regard to trademark protection, it is also worth noting that .NAME is directed to individuals for personal use, and not for business.

RESOURCE IMPLICATIONS

There are no anticipated resource implications for ICANN with the introduction of this service by VeriSign.

| | |
|------------------------|--------------------------------------------|
| Submitted by: | Francisco Arias |
| Position: | gTLD Registry Technical Liaison |
| Date Noted: | 13 January 2011 |
| Email and Phone Number | francisco.arias@icann.org; +1 310 880 6112 |

EXHIBIT A – Redlined Proposed Amendment to the .NAME Registry Agreement

Amendment No. 4 to the .NAME Registry Agreement (date to be inserted)

ICANN and VeriSign Information Services, Inc. agree that that the following modifications are made to Appendices 6 and 11 of the 15 August 2007 .NAME Registry Agreement:

Appendix 6

[old text]

B. Additional Second-Level Reservations. In addition, and subject to the provisions of Appendix 9, the following names shall be reserved at the second level:

- All single-character labels.
- All two-character labels shall be initially reserved. The reservation of a two-character label string shall be released to the extent that the Registry Operator reaches agreement with the government and country-code manager, or the ISO 3166 maintenance agency, whichever appropriate. The Registry Operator may also propose release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes.
- Any pure numbers or combinations of numbers and hyphens (e.g., 101.name, 534231.name, 523-12213.name)

[new text]

B. Additional Second-Level Reservations. In addition, and subject to the provisions of Appendix 9, the following names shall be reserved at the second level:

- All single-character labels.
- All two-character labels shall be initially reserved. The reservation of a two-character label string shall be released to the extent that the Registry Operator reaches agreement with the government and country-code manager, or the ISO 3166 maintenance agency, whichever appropriate. The Registry Operator may also propose release of these reservations based on its implementation of measures to avoid confusion with the corresponding country codes.

Appendix 11

I. Paragraph 1(f) is deleted in its entirety.

II. Paragraph 2(a):

[old text]

Definition of Personal Name. For the purposes of this Appendix, a 'Personal Name' is a person's legal name, or a name by which the person is commonly known. A "name by which a person is commonly known" includes, without limitation, a pseudonym used by an author or painter, or a stage name used by a singer or actor

[new text]

Definition of Personal Name. For the purposes of this Appendix, a 'Personal Name' is a person's legal name, a name by which the person is commonly known, a number by which a person is identified or any other personal identifiers. A "name by which a person is commonly known" includes, without limitation, a nickname, a pseudonym used by an author or painter, or a stage named used by a singer or actor. A "number by which a person is identified" includes, without limitation, a telephone number, a mobile phone number or any other number which individuals use to identify themselves. "Any other personal identifiers" includes, without limitation, a handle used by individuals when communicating via a mobile telephone, or a screen name used by individuals when communicating via instant message or any other identifiers which individuals use to identify themselves."

The parties have duly executed this Amendment as of the date first written below.

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

**VERISIGN INFORMATION
SERVICES, INC.**

By: _____

By: _____

Name: Kurt Pritz

Name: Raynor Dahlquist

Title: Senior Vice President, Services

Title: Senior Vice President & General
Manager

Date: _____

Date: _____

EXHIBIT B – VeriSign letter to ICANN



21345 Ridgetop Circle
Dulles, VA 20196
t 703 948 3200
f 703 421 4873

VerisignInc.com

VIA E-MAIL AND FEDERAL EXPRESS

7 January 2011

Mr. Kurt Pritz
SVP Stakeholder Relations
ICANN
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601

Re: Verisign Response to Request for Information - .name Pure Number / Number – Hyphen RSEP

Dear Kurt,

I am writing in follow up to your request to Pat for more information relating to Verisign's .name Pure Number RSEP submission.

The proposed change to permit pure number and number-hyphen domain names is not a fundamental change to the .name TLD, as the .name TLD will continue to be for individuals for their personal use. If GNR had not inserted the restrictive language into the original .name contract back in 2000-2001, this restriction would not have been a part of the contract at all. Removing the restriction would provide .name with parity with all other gTLDs except one.

Additionally, numbers in the context of .name are relevant at this time because of how people around the world now use the web and the Internet. In many places in the world, especially in developing countries, mobile has become the predominate form of communication and interface to the web. A phone number is how one is known. And, typing numbers on a phone interface is often easier than typing letters. In GNR's application to ICANN for the .name gTLD, it was noted that a personal identifier can be someone's telephone number and GNR foresaw working with mobile operators in the future for applications that involved a .name domain, which is why this is not a fundamental change as it was envisioned to be a part of the TLD in the future. And, since 2002 when .name was launched, mobile subscriptions have gone from 1B worldwide to 5B today. We believe the market is now ready for such an offering.

Because Verisign was not the original registry operator for the .name TLD, Verisign contacted former GNR executives to confirm their original intent involving pure numbers. They stated that GNR's original intent by adding the restriction was not necessarily to prevent abuse but to preserve this totally blank space for future plans involving pure numbers instead of allowing it to be opened up for general availability at the outset. Verisign was advised by these executives that there is no written documentation regarding their intent.

Mr. Kurt Pritz
7 January 2011
Page 2

Verisign intends to treat pure number and number-hyphen domain names the same as it currently treats alpha or alpha-numeric .name domain names today. Challenges relating to the registration of pure number or number-hyphen .name domain names would be addressed under the Eligibility Requirements Dispute Resolution Policy. Additionally, with ICANN's approval of this RSEP, Verisign will enable the following regarding pure number and number-hyphen domains:

- Ability to add to the NameWatch reports¹ domain strings with all numbers and number-hyphen combinations.
- Ability to add to the standard and premium Defensive Registrations² service the ability to register domain strings with all numbers and number-hyphen combinations.

The IP and brand protection community will have the means to protect themselves via Verisign's Defensive Registration and NameWatch .name's IP and brand protection products.

Please confirm that this response addresses the questions that you expect from the board and that everything is now in order for this RSEP request to be included on the agenda for the next meeting of the board scheduled for later this month. Many thanks.

Best regards,



Barbara Steele
Director of Policy / Compliance Officer
VeriSign, Inc.

Cc: Pat Kane, Verisign
Michael Mainwold, Verisign
Craig Schwartz, ICANN
Francisco Arias, ICANN

¹ NameWatch service monitors .name domain registrations for early identification of potential intellectual property infringement or identity theft, and a report is sent to the NameWatch registrant for the "string" it requested it be monitored. If the NameWatch string was "murray" and someone registered PILAR.MURRAY.name, the report would show:

Direct matches of NameWatch string "MURRAY"

| Domain Name / SLD Email | Sponsoring Registrar | Registrant Name | Registrant Address | Creation/Expiration/Last Update |
|-------------------------|----------------------|-----------------|--------------------|---------------------------------|
| PILAR.MURRAY.name | Key-Systems | --- | --- | --- |

² Defensive Registration removes common law trademarks and copyrighted names from the pool of available domain names for the .name TLD. Standard Defensive Registration service removes exact names from Third-Level Domain Names. Premium Defensive Registration service blocks registrations of Email Forwarding, Second-Level, and Third-Level Domain Names.

2011-01-25-13 Annex 322622-bf

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

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

IANA REFERENCE: 322622

In accordance with ICANN's obligations for managing the DNS root zone, IANA¹ 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

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

Submitted by: Kim Davies
Position: Manager, Root Zone Services
Date Noted: 13 January 2010
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2011-01-25-13 Annex 322622-bf-enclosures

**Draft Public Report —
Redelegation of the .BF domain representing Burkina Faso to
the Autorité de Régulation des Communications
Electroniques**

ICANN has received a request to redelegate the .BF domain, a country-code top-level domain representing Burkina Faso, to the Autorité de Régulation des Communications Electroniques. ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

FACTUAL INFORMATION

Country

The “BF” ISO 3166-1 code is designated for use to represent Burkina Faso.

Chronology of events

The top-level domain .BF was initially delegated in March 1994 to the University of Ouagadougou. At some later point, prior to the establishment of ICANN, responsibility for the domain was delegated to Délégation Générale à l’Informatique (DELGI), a governmental entity, which remains listed as the sponsoring organisation for the domain today.

In November 2008, a new law was enacted in Burkina Faso, Law 61/AN, which explicitly appointed the Autorité de Régulation des Communications Electroniques (ARCE) responsibility for the .BF top-level domain. The same effort to restructure telecommunications resulting in the disbanding of DELGI.

Proposed Sponsoring Organisation and Contacts

The proposed sponsoring organisation is the Autorité de Régulation des Communications Electroniques, a governmental entity based in Ouagadougou, Burkina Faso.

The proposed administrative contact is Serge Roland Sanou, of the Autorité de Régulation des Communications Electroniques. The administrative contact is understood to be based in Burkina Faso.

The proposed technical contact is Emmanuel Guigma, of ONATEL SA.

EVALUATION OF THE REQUEST

String Eligibility

The top-level domain “.BF” is eligible for continued delegation under ICANN policy, as it is the assigned ISO 3166-1 two-letter code representing the country Burkina Faso.

Public Interest

Support for the application to delegate the domain was provided by Lamoussa Oualbeogo on behalf of the Ministry of Post, Information Technology and Communications (MPTIC). Endorsement for the proposal was received from Rich Media, Zongos Productions and Consulting, and the University of Ouagadougou. In essence, the proposal sees ARCE take over from DELGI as the administrator of the domain (i.e. both governmental entities of Burkina Faso), while retaining aspects of registry operations outsourced to ONATEL SA.

The application is consistent with known applicable local laws in Burkina Faso.

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 Burkina Faso. The proposed administrative contact is understood to be resident in the Burkina Faso. The registry is to be operated in the country.

Stability

The request is deemed uncontested, with the current sponsoring organisation consenting to the transfer. An appropriate transfer plan has been tendered with support from the involved parties.

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.

2011-01-25-14 Annex 305437-cd

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

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

IANA REFERENCE: 305437

In accordance with ICANN's obligations for managing the DNS root zone, IANA¹ 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

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

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2011-01-25-14 Annex 305437-cd-enclosures

**Draft Public Report —
Redelegation of the .CD domain representing the Democratic
Republic of the Congo to Office Congolais des Postes et
Telecommunications**

ICANN has received a request to redelegate the .CD domain, a country-code top-level domain representing the Democratic Republic of the Congo, to Office Congolais des Postes et Telecommunications. ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

FACTUAL INFORMATION

Country

The “CD” ISO 3166-1 code is designated for use to represent the Democratic Republic of the Congo.

Chronology of events

The .CD domain was initially delegated in 1997 to Interpoint SARL, a Switzerland-based registry provider that has also provided service for a number of other African countries such as Burundi and Rwanda. Interpoint was the operator of the .ZR domain for Zaire. When the country was renamed to the Democratic Republic of the Congo, it was issued with a replacement ISO 3166-1 code of "CD" on 14 July 1997. Interpoint approached ICANN to replace .ZR with .CD, and was delegated the .CD domain shortly thereafter. The administrative contact for the domain was Frederic Gregoire, and the technical contact was David Kruger.

In October 2000, the Government of the Democratic Republic of the Congo, through its Office Congolais des Postes et Telecommunications (OCPT), entered into a joint venture agreement with Bahnhof Infowerk AB, a Swedish company, to operate the .CD domain. As a result, a redelegation request was submitted to ICANN to redelegate the .CD domain to the Government, with Bahnhof Infowerk acting as technical operators.

While investigations on the redelegation request proceeded, in January 2001 the Government of the Democratic Republic of the Congo wrote to ICANN to "protest against the illegal and irregular administration" of the .CD domain. In this communication it advised that current operations (i.e. by Interpoint) were being conducted by persons unknown to the government, and that they are examining identifying a reliable partner to redelegate the domain to at a later date.

In February 2001, the Government executed an agreement with Key Systems GmbH, a German provider of domain registry systems, to establish a company "Key-Systems Congolais" to be responsible for the administration of the .CD and .ZR domains. In this agreement the parties undertook to engage with ICANN to obtain redelegation of the domains. After this agreement, Key Systems wrote to ICANN seeking to obtain redelegation of these domains. ICANN responded that as the .ZR domain is to be retired, it could not be redelegated in this fashion. With respect to the .CD domain, ICANN sought confirmation from the current operator of the .CD domain that the redelegation was supported. ICANN also continued to research the conflicting request to redelegate the domain it had received in late 2000.

ICANN became aware that Interpoint had transferred effective operations of the .CD domain to Key Systems without the redelegation process having been conducted. ICANN was also recipient of a number of complaints from people in the country, complaining about how the domain was now being managed. Aware of objections to the redelegation, and in light of the multiple conflicting requests for redelegation, ICANN wrote to Interpoint that "we hope you will keep in mind that you are still the designated technical contact of the .cd top-level domain, and as such you continue to have responsibility, under the IANA's supervision, to the global and Congolese Internet communities for the proper operation of the .cd top-level domain. In that regard, we request that, until further guidance from the IANA, you fulfill your responsibilities for technical management of the .cd top-level domain by operating the registrant database and DNS zone." Frederic Gregoire acknowledged this request, and wrote to Key Systems on June 18 advising that he will comply with ICANN's request until the matter of redelegation is settled.

In early 2002, the Minister wrote to ICANN, advising that progress on obtaining consent to transfer operations was proceeding well. It was indicated Interpoint was supportive of transferring the registry data for .CD. The Ministry reported it was now of a view to support delegation of the .CD domain to the Ministry, with Didier Kasole of ISOC-Congo running the domain within the country.

In June 2002, Key Systems and Interpoint SARL entered into a contract to take "measures necessary" to transfer the registry data for the .CD and .ZR domains to Key Systems, and to support redelegation of the domain to Key Systems. A new request for redelegation was submitted to ICANN, listing the Ministry of Post, Telephones and Telecommunications as the sponsoring organisation, with Key Systems representatives acting as the administrative and technical contacts.

In December 2002, the Minister of Post and Telecommunications of the Democratic Republic of Congo met with ICANN representatives. They informed ICANN they felt the .CD domain had been hijacked and were seeking private-sector, multi-stakeholder led management of the .CD registry. They informed that they sought to have the Ministry responsible for the domain with technology functions performed by the University of Kinshasa. They noted a Congolese organisation, Congo Internet

Management sprl, had taken over de-facto operation of the domain, with technical back-end systems provided by Key Systems. They said they were in discussions with Key Systems about recovering the domain registry data.

In August 2003, a request to redelegate the .CD domain to the President of the Autorite de Regulation de la Poste et des Telecommunications du Congo (ARPTC), with Didier Kasole listed as the technical contact, was presented to ICANN. This request was ultimately closed without prejudice.

On 12 June 2006, OCPT lodged a new request to redelegate the .CD domain. In support it provided Decision 010/2005 by the Minister of Post and Telecommunications. In order to confirm support for the proposal, and to ensure an appropriate transfer plan, ICANN attempted to establish contact with the current domain contact and proposed contact persons. Outreach to both the current and proposed contacts for the domain over several months but was unsuccessful. After several months, ICANN closed the request without prejudice.

Around this time, CIM transferred aspects of operations of the technical backend to Qinetics, another registry vendor trading under the name RegistryASP, while still maintaining a commercial relationship with Interpoint to sublicense the ability to operate the .CD domain.

On 30 October 2006, a new request for redelegation to OCPT was submitted to ICANN. ICANN wrote to Interpoint regarding the lack of response ICANN had received on this request, asking that they respond by 28 February 2007. ICANN stated that if no response was received by that date, ICANN would assume that they are uncontactable. On 18 March 2007, Gregoire ultimately responded advising he had never been contacted by ICANN previously regarding a redelegation, and said he had already consented to redelegation of the domain a "long time ago". As ICANN had not received any such consent relating to transfer to OCPT, and also OCPT had argued it had been unable to contact Gregoire in order to plan for an orderly transfer of domain registry data from Interpoint to OCPT, ICANN sought further clarification. Gregoire responded that he was in daily contact with OCPT and was surprised by their assertions, and offered a written confirmation in April 2007 that he did not oppose redelegation of .CD. Based on this response, ICANN engaged OCPT to clarify whether registry data had been offered by Interpoint.

During this period, while seeking clarification from the various actors, the office of the Minister of Post and Telecommunications wrote to ICANN advising that the representatives of OCPT did not have standing to be seeking a redelegation, and any such requests needed to be referred to the Minister's office. With an ongoing conflicts on many aspects of the request, ICANN set a deadline of 15 June 2007 for the various parties to come to agreement in order to continue processing the request. In response, ICANN was asked to hold off processing while local discussions continued regarding

what the proposed redelegation should entail. ICANN then closed the request without prejudice.

In November 2007, the Governments of South Africa and the Democratic Republic of Congo signed a Memorandum of Understanding to cooperate on a number of infrastructure issues. The scope of work included specifically "the Management, under OCPT, of the .CD internet domain network." In line with this agreement, Telkom Group Limited (Telkom SA) later commenced working with OCPT to assist in .CD redelegation and management matters.

On 5 March 2008, a new request to redelegate the domain was submitted by OCPT. OCPT noted in the application that the current operator of the .CD domain was uncooperative and that the request should be considered a hostile redelegation. After meeting with representatives of OCPT the request was closed, to be resubmitted at a later date when the applicants were ready.

On 25 June 2009, CIM wrote to ICANN for the first time confirming that they had taken over day-to-day management of the .CD domain, and disagreeing with some of the representations made by OCPT. Upon seeking clarification — given that no redelegation had taken place — they advised "Frederic Gregoire has delegated the responsibilities of the .cd to Congo Internet Management". CIM explained that they had done so with the recognition of the DRC government, under a 2002 agreement. ICANN advised that it does not intervene in local disputes, and that the currently recognised operator of .CD was Interpoint. ICANN encouraged that CIM engage locally and discuss redelegation.

On 21 December 2009, OCPT wrote to CIM advising that the terms of its 2002 contract had not been fulfilled, and as attempts to settle the matter had been unsuccessful, it was terminating the agreement for CIM to operate the domain. It ordered CIM to transfer "all data and essential information relating to the management of the .CD domain name" to OCPT.

On 13 February 2010, Gregoire wrote to OCPT, advising that since 2003 he has been acting under instruction of CIM in maintaining .CD, and had been paid by CIM to do so. He claimed that in the intervening period "for reasons known only by ICANN" that the redelegation of .CD had been prevented from taking place. He suggested OCPT enter into a similar commercial arrangement with Interpoint to continue to operate .CD while performing a clandestine registration service, "allow[ing] you in fact to control the whole .CD domain ... without awaiting ICANN's decision".

On 8 March 2010, a new request to redelegate the .CD domain to OCPT was started with ICANN. For the remainder of the calendar year, the applicant continued to supply new documentation for ICANN consideration, and at the end of 2010 a complete redelegation application was submitted. During the year outreach was performed by OCPT within the country, including engagement with the Internet Service Provider Association of the DRC.

Proposed Sponsoring Organisation and Contacts

The proposed sponsoring organisation is Office Congolais des Postes et Telecommunications, a governmental entity of the Democratic Republic of the Congo, located at 95 Boulevard du 30 Juin, in Gombe, Kinshasa.

The proposed administrative contact is Chris Tshimanga, an employee of Telkom SA consulting to the Office Congolais des Postes et Telecommunications. The administrative contact has stated that they are based in the Democratic Republic of the Congo.

The proposed technical contact is Jaco Lesch, a representative of the Office Congolais des Postes et Telecommunications.

EVALUATION OF THE REQUEST

String Eligibility

The top-level domain “CD” is eligible for delegation under ICANN policy, as it is the assigned ISO 3166-1 two-letter code representing the Democratic Republic of the Congo.

Public Interest

The Minister of Posts, Telephones and Telecommunications has reiterated to ICANN that it supports the redelegation of the .CD domain to OCPT, consistent with the decree issued on 13 May 2005 to that effect.

Support for the application has been received on behalf of the National Network of NGOs for the Promotion of New Information Technologies and Communication (REPRONTIC). The applicant has also provided minutes and other material relating to consultations performed in relation to the application.

The application is consistent with known applicable local laws in the Democratic Republic of the Congo.

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 Republic of the Congo. The proposed administrative contact is understood to be resident in the Democratic Republic of the Congo. The registry is to be operated in the country.

Stability

The request is deemed uncontested, with the the current sponsoring organisation along with the current back-end services provider consenting to the transfer. An appropriate transfer plan has been tendered with support from the involved parties.

Competency

The application has provided satisfactory details on the technical and operational infrastructure and expertise that will be used to operate the 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.

2011-01-25-15 Annex 396842-sy

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

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

IANA REFERENCE: 396842

In accordance with ICANN's obligations for managing the DNS root zone, IANA¹ 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

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

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2011-01-25-15 Annex 396842-sy-enclosures

Draft Public Report — Redelegation of the .SY domain representing the Syrian Arab Republic to the National Agency for Network Services

ICANN has received a request to redelegation the .SY domain, a country-code top-level domain representing the Syrian Arab Republic, to the National Agency for Network Services.. ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

FACTUAL INFORMATION

Country

The "SY" ISO 3166-1 code is designated for use to represent the Syrian Arab Republic.

Chronology of events

The .SY domain was initially delegated to the Embassy of the Syrian Arab Republic in Washington D.C., USA, in 1996. In 1997, it was redelegated to the current sponsoring organisation, the Syrian Telecommunications Establishment (STE).

In 2009, the National Agency for Network Services was established as a governmental entity. It was created as a provision of the Digital Signature and Network Services law, which assigns the Agency responsibilities including managing the Syrian ccTLDs (i.e. both .SY and any internationalised top-level domains for the Syrian Arab Republic), and defining policies and rules for domain registration.

On 5 October 2010, the National Agency for Network Services commenced a request to ICANN for redelegation of the “.SY” top-level domain.

Proposed Sponsoring Organisation and Contacts

The proposed sponsoring organisation is the National Agency for Network Services, a government entity established in the Syrian Arabic Republic under the provisions of the Digital Signature and Network Service Law (Law number 4 of 25/2/2009). It is located that the Sahara-Sabboura crossroads in Damascus, Syrian Arab Republic.

The proposed administrative contact is Weam Salem of the National Agency for Network Services. The administrative contact is understood to be based in the Syrian Arab Republic.

The proposed technical contact is Mustafa Alrifae of the National Agency for Network Services.

EVALUATION OF THE REQUEST

String Eligibility

The top-level domain is eligible for continued delegation under ICANN policy, as it is the assigned ISO 3166-1 two-letter code representing the Syrian Arab Republic.

Public Interest

Support for the application to delegate the domain was provided by Dr Imad Al-Sabouni, the Minister of Communication and Technology of the Syrian Arab Republic.

Support for the redelegation has been provided as a joint statement on behalf of all ten of the private ISPs that operate in the country, namely SCS-NET, Aya, SAWA, Syriatel-Aalami, MTN, INET, ZAD, Runnet, E-lcom and Teranet. This support was the result of a consultation performed on 8 September 2010. No other information on consultations was provided.

The application is consistent with known applicable local laws in the Syrian Arab Republic.

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 Syrian Arab Republic. The proposed administrative contact is understood to be resident in the Syrian Arab Republic. The registry is to be operated in the country.

Stability

The request is deemed uncontested, with the current sponsoring organisation consenting to the transfer. An appropriate transfer plan has been tendered with support from the involved parties.

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.

2011-01-25-16 Annex 395627-korea

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

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

IANA REFERENCE: 395627

In accordance with ICANN's obligations for managing the DNS root zone, IANA¹ 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

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

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2011-01-25-16 Annex 395627-korea-enclosures

**Draft Public Report —
Delegation of the .한국 ("Hanguk") domain representing the
Republic of Korea in Korean**

ICANN has received a request to delegate the .한국 domain, a country-code top-level domain representing the Republic of Korea, to the Korean Internet and Security Agency. ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

FACTUAL INFORMATION

Country

The “KR” ISO 3166-1 code, from which this application's eligibility derives, is designated for use to represent the Republic of Korea.

String

The domain under consideration for delegation at the DNS root level is “한국”. This is represented in ASCII-compatible encoding according to the IDNA specification as “xn--3e0b707e”. The individual Unicode code points that comprise this string are U+D55C U+AD6D.

In Korean language, the string has a meaning equivalent to “Korea” in English. Its pronunciation in English is transliterated as “Hanguk”. The string is expressed using the Hangul script.

Chronology of events

In July 2009, the proposed sponsoring organisation, Korea Internet and Security Agency, was formed to "efficient support the enhancement of the communications network", in accordance with Article 52-1 of the Act on Network Utilisation and Data Protection. In its creation, various agencies were placed within the organisation's remit, including the National Internet Development Agency of Korea which had to that time been responsible for the .KR country-code top-level domain.

In May 2010, an application was made to the "IDN Fast Track" process to have the string “한국” recognised as representing the Republic of Korea. The request was supported by the Korea Communications Commission, and supported by the outcome of a consultation process conducted with various Internet community groups.

On 16 June 2010, review by the IDN Fast Track DNS Stability Panel found that "the applied-for strings associated with the applications from [the Republic of Korea] (a

present none of the threats to the stability or security of the DNS ... and (b) present an acceptable low risk of user confusion". The request for the string to represent the Republic of Korea was subsequently approved.

In August 2010, for 5 days KISA conducted an online survey of users of its website, asking "Do you support KISA as the registry for .한국?". KISA reports that of the 581 respondents, 95% answered "Yes" to the question. It further reports it surveyed 32 of its registrars, and 5 "DNS experts", and all agreed it should be the registry.

On 30 September 2010, the Korea Internet & Security Agency commenced a request to ICANN for delegation of ".한국" as a top-level domain.

Proposed Sponsoring Organisation and Contacts

The proposed sponsoring organisation is Korea Internet & Security Agency, a company incorporated (registration number 244271-0006001) in the Republic of Korea.

The proposed administrative contact is Young Wan Ju, Vice President of the Internet Promotion Division of the Korea Internet & Security Agency. The administrative contact is understood to be based in the Republic of Korea.

The proposed technical contact is Young Jin Suh, Director of the System Management Team of the Korea Internet & Security Agency.

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 the Republic of Korea through the ICANN Fast Track String Selection process, and the Republic of Korea is presently listed in the ISO 3166-1 standard.

Public Interest

The applicant has not provided any documentation whereby the government has expressed direct support for delegation of this specific domain to the Korea Internet & Security Agency. The applicant has stated that the Government of the Republic of Korea considers it inappropriate to explicitly state its consent to the application. In the application, it has been asserted that Article 2 of the "Act on Internet Address Resources" stipulates that the the Korea Internet & Security Agency is the sole organisation responsible for managing internet addresses in Korea, where Internet addresses is defined as "an information mechanism comprised of numbers, letters or codes, or a combination thereof that allows identification of specific information systems and access thereto on the Internet according to certain communication protocols under international standards", and specifically any IP addresses and domain names.

Therefore, the applicant states that governmental support can be implied to fall within this remit.

Letters of support for the application have been received from the Korea Internet Numbers and Numbers Forum, and the Internet address Dispute Resolution Committee. The applicant has put forward the support of these two organisation, and the results of its surveys in August 2010, as evidence of an appropriate level of community consultation on the proposed operation of the domain.

The application is consistent with known applicable local laws in the 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 Republic of Korea. The proposed administrative contact is understood to be resident in the Republic of Korea. 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 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.

2011-01-25-17 Annex 395148-singapore

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

TITLE: Delegation of the .新加坡 ("Singapore") domain, and the .சிங்கப்பூர் ("Singapore") domain, representing Singapore in Chinese and Tamil

IANA REFERENCE: 395148, 395286

In accordance with ICANN's obligations for managing the DNS root zone, IANA¹ 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.

Rationale Statement Not Considered

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

Submitted by: Kim Davies
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2011-01-25-17 Annex 395148-singapore-enclosures

**Draft Public Report —
Delegation of the .新加坡 ("Singapore") domain, and
the .சிங்கப்பூர் ("Singapore") domain, representing Singapore
in Chinese and Tamil**

ICANN has received a request to delegate the .新加坡 and .சிங்கப்பூர் domains as country-code top-level domains representing Singapore to Singapore Network Information Centre Pte Ltd. ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

FACTUAL INFORMATION

Country

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

Strings

The two domains under consideration for delegation at the DNS root level are:

1. The string “新加坡”, as represented in ASCII-compatible encoding according to the IDNA specification as “xn--yfro4i67o”. The individual Unicode code points that comprise this string are U+65B0 U+52A0 U+5761. The string is expressed in Chinese script, and in Chinese language, has the meaning and pronunciation of "Singapore".
2. The string “சிங்கப்பூர்”, as represented in ASCII-compatible encoding according to the IDNA specification as “xn--clchc0ea0b2g2a9gcd”. The individual Unicode code points that comprise this string are U+0B9A U+0BBF U+0B99 U+0BCD U+0B95 U+0BAA U+0BCD U+0BAA U+0BC2 U+0BB0 U+0BCD. The string is expressed in Tamil script, and in Tamil language, has the meaning and pronunciation of "Singapore".

Chronology of events

The proposed sponsoring organisation, Singapore Network Information Centre (SGNIC) Pte Ltd, was formed in 1995 to administer the Internet domain space in Singapore. Today it is a wholly owned subsidiary of the Infocomm Development Authority of Singapore.

On 31 March 2010, an application was made to the "IDN Fast Track" process to have the strings recognised as representing Singapore. On 4 June 2010, review by the IDN Fast Track DNS Stability Panel found that "the applied-for strings associated with the applications from [Singapore] (a) present none of the threats to the stability or security of the DNS ... and (b) present an acceptable low risk of user confusion". The request for the strings to represent Singapore were subsequently approved.

On 28 September 2010, Singapore Network Information Centre Pte Ltd commenced a request to ICANN for delegation of ".新加坡" and ".சிங்கப்பூர்" as top-level domains.

Proposed Sponsoring Organisation and Contacts

The proposed sponsoring organisation is Singapore Network Information Centre (SGNIC) Pte Ltd, a company incorporated with business registration number 199704146E in Singapore.

The proposed administrative and technical contact is Lee Han Chuan, the technical manager of SGNIC. The contact is understood to be based in country name.

EVALUATION OF THE REQUEST

String Eligibility

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

Public Interest

The Info-communications Development Authority of Singapore Act confers authority upon the Infocomm Development Authority to "authorise or regulate the registration, administration and management of domain names in Singapore". Leong Keng Thai, Deputy Chief Executive of the Infocomm Development Authority has written in support of the delegation application that "SGNIC has been the ccTLD manager for ".sg" domain names since 1997. With its experience and knowledge in dealing with domain name matters, we fully support SGNIC being the IDN ccTLD manager for the ".新加坡" and ".சிங்கப்பூர்" [strings]".

The applicant has provided two identically worded letters to represent local Internet community support for the string, one from the Singapore Chinese Chamber of Commerce and Industry, supporting the Chinese string; and from the Tamil Language Council, supporting the Tamil string. The applicant has stated it did not conduct outreach on who or how the domains should be operated, but simply whether they should be operated. The applicant has stated that it "carried out a scan of all

associations/societies in Singapore to identify the appropriate communities and entities for public consultation", and settled on one organisation for each string to engage with.

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

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 Singapore. The proposed administrative contact is understood to be resident in Singapore. 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.

2011-01-25-18 Annex 396834-syria

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

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

IANA REFERENCE: 396834

In accordance with ICANN's obligations for managing the DNS root zone, IANA¹ 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

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

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2011-01-25-18 Annex 396834-syria-enclosures

**Draft Public Report —
Delegation of the سوريةة ("Sourya") domain representing the
Syrian Arab Republic in Arabic**

ICANN has received a request to delegate the سوريةة domain, a country-code top-level domain representing the Syrian Arab Republic, to the National Agency for Network Services. ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

FACTUAL INFORMATION

Country

The "SY" ISO 3166-1 code, from which this application's eligibility derives, is designated for use to represent the Syrian Arab Republic.

String

The domain under consideration for delegation at the DNS root level is "سوريةة". This is represented in ASCII-compatible encoding according to the IDNA specification as "xn--ogbpf8fl". The individual Unicode code points that comprise this string are U+0633 U+0648 U+0631 U+064A U+0629.

In Arabic language, the string has a meaning equivalent to "Syria" in English. Its pronunciation in English is transliterated as "Sourya". The string is expressed using the Arabic script.

Chronology of events

In 2009, the National Agency for Network Services was established as a governmental entity. It was created as a provision of the Digital Signature and Network Services law, which assigns the Agency responsibilities including managing the Syrian ccTLDs (including, specifically, internationalised top-level domains), and defining policies and rules for domain registration.

On 11 April 2010, an application was made to the "IDN Fast Track" process to have the string "سوريةة" recognised as representing the Syrian Arab Republic. An alternative string was also designated as a proposed variant of the primary string. The request was supported by the Ministry of Communication and Technology, the Syrian Computer Society, Syrian Telecom and Damascus University.

On 4 June 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 Syrian Arab Republic was subsequently approved.

On 5 October 2010, the National Agency for Network Services commenced a request to ICANN for delegation of "سوريّة" as a top-level domain.

Proposed Sponsoring Organisation and Contacts

The proposed sponsoring organisation is the National Agency for Network Services, a government entity established in the Syrian Arabic Republic under the provisions of the Digital Signature and Network Service Law (Law number 4 of 25/2/2009). It is located at the Sahara-Sabboura crossroads in Damascus, Syrian Arab Republic.

The proposed administrative contact is Weam Salem of the National Agency for Network Services. The administrative contact is understood to be based in the Syrian Arab Republic.

The proposed technical contact is Mustafa Alrifae of the National Agency for Network Services.

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 the Syrian Arab Republic through the ICANN Fast Track String Selection process, and the Syrian Arab Republic is presently listed in the ISO 3166-1 standard.

Public Interest

Support for the application to delegate the domain was provided by Dr Imad Al-Sabouni, the Minister of Communication and Technology of the Syrian Arab Republic.

Support for the redelegation has been provided as a joint statement on behalf of all ten of the private ISPs that operate in the country, namely SCS-NET, Aya, SAWA, Syriatel-Aalami, MTN, INET, ZAD, Runnet, E-lcom and Teranet. This support was the result of a consultation performed on 8 September 2010. No other information on consultations was provided.

The application is consistent with known applicable local laws in the Syrian Arab Republic.

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 Syrian Arab Republic. The proposed administrative contact is understood to be resident in the Syrian Arab Republic. 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.

2011-01-25-19 Annex 395828-india

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

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

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

In accordance with ICANN's obligations for managing the DNS root zone, IANA¹ 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

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

Submitted by: Kim Davies
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2011-01-25-19 Annex 395828-india-enclosures

**Draft Public Report —
Delegation of the seven top-level domains representing India
in various languages**

ICANN has received a request to delegate seven strings as country-code top-level domains representing India to National Internet Exchange of India. ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

FACTUAL INFORMATION

Country

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

String

The seven domains under consideration for delegation at the DNS root level are:

1. The string “भारत”, as represented in ASCII-compatible encoding according to the IDNA specification as “xn--h2brj9c”. The individual Unicode code points that comprise this string are 092D 093E 0930 0924. The string is expressed in Devanagari script, and in Hindi language.
2. The string “بھارت”, as represented in ASCII-compatible encoding according to the IDNA specification as “xn--mgbbh1a71e”. The individual Unicode code points that comprise this string are U+0628 06BE 0627 0631 062A. The string is expressed in Arabic script, and in Urdu language.
3. The string “భారత్”, as represented in ASCII-compatible encoding according to the IDNA specification as “xn--fpcrj9c3d”. The individual Unicode code points that comprise this string are U+0C2D 0C3E 0C30 0C24 0C4D. The string is expressed in Telugu script, and in Telugu language.
4. The string “ભારત”, as represented in ASCII-compatible encoding according to the IDNA specification as “xn--gecrj9c”. The individual Unicode code points that comprise this string are U+0AAD 0ABE 0AB0 0AA4. The string is expressed in Gujarati script, and in Gujarati language.
5. The string “ভারত”, as represented in ASCII-compatible encoding according to the IDNA specification as “xn--s9brj9c”. The individual Unicode code points that comprise

this string are U+0A2D 0A3E 0A30 0A24. The string is expressed in Gurmukhi script, and in Punjabi language.

6. The string “இந்தியா”, as represented in ASCII-compatible encoding according to the IDNA specification as “xn--xkc2dl3a5ee0h”. The individual Unicode code points that comprise this string are U+0B87 0BA8 0BCD 0BA4 0BBF 0BAF 0BBE. The string is expressed in Tamil script, and in Tamil language.

7. The string “ভারত”, as represented in ASCII-compatible encoding according to the IDNA specification as “xn--45brj9c”. The individual Unicode code points that comprise this string are U+09AD 09BE 09B0 09A4. The string is expressed in Bangla script, and in Bengali language.

The selected strings are pronounced "Bharat", and each have a meaning equivalent to "India".

Chronology of events

Between October 2009 and April 2009, outreach workshops were held in different regions on India by the applicant in order to firstly raise awareness of internationalised domain names, and then specifically on how Indian internationalised domain names should be deployed. Overall there were around 800 attendees to these workshops.

In May 2010, applications were made to the "IDN Fast Track" process to have the various strings recognised as representing India. The requests were supported by the Ministry of Communications and Information Technology, the Central Institute of Indian Languages, the Sahitya Akademi (National Academy of Letters), along with others.

On 1 September 2010, review by the IDN Fast Track DNS Stability Panel found that "the applied-for strings associated with the applications from [India] (a) present none of the threats to the stability or security of the DNS ... and (b) present an acceptable low risk of user confusion". The request for the string to represent the Republic of Korea was subsequently approved.

On 30 September 2010, the National Internet Exchange of India commenced requests to ICANN for delegation of the various strings at top-level domains.

Proposed Sponsoring Organisation and Contacts

The proposed sponsoring organisation is the National Internet Exchange of India, an incorporated company under Indian law. Its registered office at Incube Business Centre, 5th floor, 18 Nehru Place, New Delhi, India.

The proposed administrative and technical contact is Rajiv Kumar, Systems Analyst at the National Internet Exchange of India. The contact is understood to be resident in India.

EVALUATION OF THE REQUEST

String Eligibility

The top-level domains are eligible for delegation under ICANN policy, as the strings have been deemed appropriate representations of India through the ICANN Fast Track String Selection process, and India is presently listed in the ISO 3166-1 standard.

Public Interest

The applicant has not provided an explicit declaration of support from the Government of India, but notes it has made public statements in support of the application and has submitted this application to ICANN. The Government will have a central role in the operation of the proposed domains as it acts as chair of the sponsoring organisation.

Letters of support for the application have been received from the Center for Development of Advanced Computing; the ISP Association of India; the Internet Society, Delhi Chapter; the Internet and Mobile Association of India and the Cyber Café Association of India. The applicant has provided this support as well as extensive details of public consultation as evidence of appropriate levels of local Internet community support.

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

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 India. The proposed administrative contact is understood to be resident in India. 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 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.

2011-01-25-20 Annex - 20110113 Strat Plan-Clean



ICANN STRATEGIC PLAN
JULY 2011 – JUNE 2014

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One World. One Internet.

ICANN

One World. One Internet.

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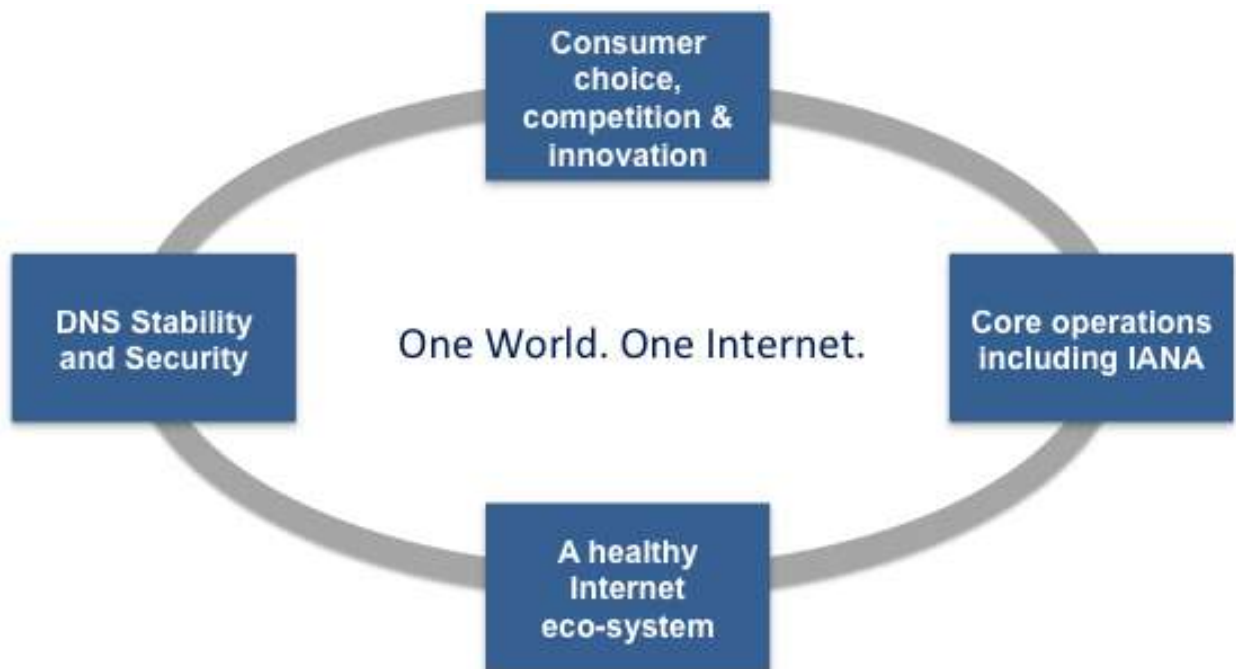
ICANN's **vision**: *One world. One Internet.*

ICANN's **mission**:

- coordinate, at the overall level, the global Internet's systems of unique identifiers; and
- ensure the stable and secure operation of the Internet's unique identifier systems.

The unique identifier systems are comprised of the Internet's: domain name system (DNS), Internet Protocol (IP) addresses, autonomous system (AS) numbers, and protocol ports & parameter numbers. Additionally, ICANN affirms its commitment to work for the maintenance of a single, global interoperable Internet.

ICANN's vision and mission encompass four strategic focus areas addressed in this plan.



Key themes for this strategic plan are: global coordination of the security, stability and resiliency (SSR) regime; internationalization of ICANN and its relationships; formulation of policies and enforceable agreements; and serving internet users through renewal of the IANA contract and launch of the New gTLD Program. ICANN is a non-profit, public benefit corporation with approximately 140 employees globally and supported by thousands of volunteers. Primarily through contracts with gTLD registries and registrars, ICANN receives approximately \$64M in annual funding. ICANN works for the maintenance of a single, interoperable Internet. One World. One Internet.



Strategic Plan 2011-2014: Four Strategic Focus Areas

Supporting... One World. One Internet.

| | DNS stability and security | Consumer choice, competition & innovation | Core operations including IANA | A healthy internet eco-system |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Strategic Objectives | <ul style="list-style-type: none"> Maintain & drive DNS uptime Enhance DNS risk management Broad DNSSEC adoption Enhanced international DNS cooperation Improved DNS resiliency | <ul style="list-style-type: none"> Maintain single authoritative root Increased TLD options in more languages New gTLDs including IDNs Lower registration abuse Increased industry competition | <ul style="list-style-type: none"> Flawless IANA operations Resilient L-Root operations Continual improvements (TQM) Internationalization Long-term IANA functions responsibility | <ul style="list-style-type: none"> Continuing role in internet governance Stakeholder diversity World-class accountability and transparency Enhanced trust in ICANN's stewardship Act in global public interest Cross-stakeholder work |
| Strategic Projects | <ul style="list-style-type: none"> DNSSEC propagation Facilitate work on DNS security Full business continuity planning IPv4 exhaustion risk management Advocate IPv6 adoption RPKI deployment | <ul style="list-style-type: none"> Internationalized Domain Name (IDNs) expansion Implement new gTLDs Whois program improvements Improve policy processes Registrant protection | <ul style="list-style-type: none"> IANA infrastructure upgrade IANA services outreach Monitoring root zone performance IANA excellence efforts Organizational Effectiveness Initiative (OEI) | <ul style="list-style-type: none"> Affirmation of Commitments & organizational reviews Retain & support existing community while attracting new & diverse community members Build global support for single authoritative root Enhanced cooperation in Internet Governance |
| Community Work | <ul style="list-style-type: none"> Local DNSSEC adoption Whois Internationalized Registration Data Develop solutions for DNS security IPv6 rollout | <ul style="list-style-type: none"> IDNA protocol implementation New TLD rollout Registrar Accreditation Agreement amendments gTLD Registrant Rights Charter | <ul style="list-style-type: none"> Strengthening regional presence Monitoring performance Key committee participation Engagement within technical community Final IPv4 address allocation Root Zone Management | <ul style="list-style-type: none"> Increased multi-stakeholder participation Contributing to international forums Review SOs and ACs |
| Staff Work | <ul style="list-style-type: none"> Collaborative business continuity planning (BCP) Collaboration with RIRs & technical groups DNSSEC operations & propagation IPv4 & IPv6 engagement Cooperative TLD training in developing countries | <ul style="list-style-type: none"> Compliance improvements Support SO & AC work Global outreach IDN ccTLD Fast Track New gTLD implementation ICANN regional footprint | <ul style="list-style-type: none"> IANA request processing Board support Security and contingency operations L-Root operations Improve financial system and controls Staff retention and engagement | <ul style="list-style-type: none"> Thought leadership Widen international engagement Strengthen corporate, government & other stakeholder partnerships Decision impact analysis & reporting Enhance communications & accessibility via improved web site Enhance translation strategy |

Multi-stakeholder – Collaborative – International – Transparent – Accountable

DNS stability and security

Focus Area Definition: ICANN is chartered to: (i) ensure the stable and secure operation of the Internet's unique identifier systems, (ii) facilitate international participation in the DNS technical coordination, and (iii) coordinate operation and evolution of the DNS root name server system. This area focuses on external security and stability activities (cf., the IANA & Core Operations address internal activities).

Environmental Scan: The stability, security and resiliency (SSR) of the Internet's global unique identifier systems (DNS, IP addresses & AS numbers, Parameters & Ports) are important priorities for ICANN, industry and Internet users globally. SSR form the core elements of ICANN's mission. Misuse of and attacks against the DNS and other Internet infrastructures challenge overall unique identifier security. Cyber security attacks continue to grow in size and sophistication, targeting individuals, corporations and governments. Business continuity planning (BCP) is gaining traction as more organizations plan and perform business interruption simulation testing. Additionally, new TLDs (including IDNs) and overall growth of domain names will continue to provide opportunities and challenges as ICANN and new TLD cooperate to maintain stability, security and resiliency. The last IPv4 address blocks are being allocated in an ICANN / RIR guided manner while the international community is adopting IPv6 addresses. To ensure the security, stability and resiliency that are crucial to the unique identifier systems, ICANN must work in partnership with others on these issues.

Strategic Objectives: ICANN has identified four strategic objectives in the focus area Stability, Security & Resiliency. Each objective has related projects, staff and community work to support the achievement of the strategic objectives over the life of this plan. The strategic objectives are:

Maintain and drive DNS uptime. Since its inception, ICANN has been working with the community to ensure the security, stability and resiliency of the DNS. Of course, this is an area where ICANN has a strong strategic objective (maintain 100% DNS uptime) without the means to assure its achievement. There are certain aspects that ICANN controls, certain aspects ICANN can materially influence, and certain areas where we have the bully pulpit. For example, ICANN can work to control and ensure stable, continuous L-root operations. ICANN also has contractual and other strong relationships with TLDs and registrars to leverage in this area. Strategic projects to support DNS uptime include Business Continuity Planning for Registries and Registrars, IPv4 Exhaustion Communications and facilitation of IPv6 Adoption. ICANN will work for RIR interests to advocate (through its constituency groups) for IPv6 adoption by ISPs, and consumer and business entities. Staff and community work will focus on building DNS capacity and better integration of global efforts.

Increase security of the overall systems of unique identifiers. Domain Name System Security Extensions (DNSSEC) implementation will continue to be a strategic objective for ICANN. DNSSEC provides a mechanism for authentication of DNS requests and reduces the risk of some malicious behavior. ICANN will continue to work with the community for DNSSEC deployment at all DNS levels with a goal that 30 TLDs in developing countries will have signed their zone by the by the end of calendar year 2011 and DNSSEC will be broadly adopted by the end of this plan period. Also, ICANN will coordinate the development of Resource Public Key Infrastructure (RPKI) as a means to increase Internet Protocol (IP) security.

Increase international participation in unique identifier security. Attacks on the unique identifier system can come from anywhere around the globe. Strong international security systems and skills are first line deterrents to bad behavior. Staff and community work will focus on global security outreach and collaboration with Regional Internet Registries (RIR) operators to influence the improvement of overall security. ICANN will follow the lead of its community working groups to develop an approach to the establishment of solutions such as coordination of an emergency response team (DNS CERT) to address

one of the issues of Internet security. Also, community work needs to facilitate the acceptance of internationalized registration data in the Whois database.

Coordinate DNS global risk management. This is an area where ICANN's efforts will directly influence the improvement of the overall DNS security and stability through international participation in continuity exercises, training and emergency simulations. ICANN will coordinate improved global DNS risk management through registry and registrar continuity planning and performance of business interruption simulation exercises. ICANN will work with others to protect the integrity of the global DNS through initiatives such as training for TLD operators. ICANN will also enhance collaboration with the global computer security and incident response community to improve BCP and testing to address risks and threats. ICANN will seek to work with others to develop objective risk management models.

Strategic Metrics: In summary, the strategic metrics for the Focus Area of DNS Stability and Security are:

- 100% L-Root uptime
- 100% contract compliance to TLD uptime service level agreements
- Number of global business continuity exercises
- Range of participation in global business continuity exercises
- Number of DNSSEC TLD signings: 30 in 2011 and broadly adopted by end of plan period
- No Internet stability issues due to IPv4 exhaustion
- Initiate an RPKI security effort in 2011 and complete the policy within the plan period

Consumer choice, competition & innovation

Focus Area Definition: ICANN is chartered to: (i) operate through open and transparent processes that enable competition and open entry in Internet-related markets, (ii) develop policies for determining circumstances under which new TLDs are added, (iii) introduce competition in the registration of domain names where practicable and beneficial in the public interest and (iv) promote consumer trust and choice in DNS the marketplace.

Environmental Scan: 2009 ended with an estimated 192,000,000 domain names, growing over 8% above 2008. Country code top-level domains (ccTLDs) presently represent the fastest growing segment of this environment. In 2009, several internationalized top-level domain names were added to the Internet: for the first time, new language characters are “right of the dot”. The .com generic top-level domain (TLD) was established in 1985; total TLDs have grown to over 290 in number. The Internet registry and registrar markets are still maturing and comprised of many different and evolving business models. Many new potential TLD (including IDN) operators have innovative businesses models and high expectations. As with any maturing market, some business models will survive and be emulated, while others will fail and fade away; importantly, ICANN has focused significant attention on continuity and registrant protection as new processes are implemented. Comments indicate the increasing importance of DNS security, improved compliance mechanisms, and earned consumer trust. By the end of this plan, over 100,000,000 new names may exist, in many innovative areas.

Strategic Objectives: ICANN has identified five strategic objectives in this focus area.

More TLDs available in multiple languages (IDNs). ICANN has a strategic goal to continue to open the Internet up to more languages and cultures around the globe. Strategic projects are to continue the implementation of IDNs, through the Fast Track, new gTLDs, and IDN Policy Development Process currently conducted in the ccNSO. New gTLDs offer the opportunity for more communities and languages to be represented on the Internet and for expanded customer choice for domain name registrations. ICANN will provide effective program management for the successful deployment of IDNs through the New gTLD and ccTLD Programs.

Increase regional participation in the industry. Expanding the global DNS skillset for technology and operations is a key goal for ICANN. The IDN and New gTLD Programs will result in more registries and registrars across all international regions. ICANN will build capacity to serve contracted parties and the interests of registrants and users across all regions. Specific strategic projects include conducting education and training programs in partnership with ISOC, local TLD operators, and the local Internet communities.

Mitigate malicious conduct. ICANN’s goal is to reduce the incidence and impact of malicious conduct by using projects to influence the behaviors of global Internet participants. Related projects are to improve the contractual compliance regime for registrars and registries and pursue the implementation of an expanded Whois program and secure, predictable environments for users through a registrant’s rights charter and incorporation of Registrar Accreditation Agreement amendments. Staff and community will continue to work with WIPO and other authoritative bodies to protect and enforce intellectual property rights on the Internet.

Foster industry innovation. The Internet is a target and source of significant business and technological innovation. ICANN has a goal to see similar innovation brought to the stable evolution of the unique identifier system.

Promote fair opportunities for open entry to internet-related markets around the globe. ICANN’s projects related to this objective are to continue to support the development and implement of open and transparent policies and processes that will enable competition. ICANN will promote the

implementation and deployment of the IDNA protocol to ensure that IDNs operate as expected. ICANN will work with the community to address potential assistance for disadvantaged organizations. Staff and community work will focus on capturing, evaluating and incorporating input for open entry programs such as IDNs and new gTLDs.

Strategic Metrics: In summary, the strategic metrics for the Focus Area of Consumer choice, competition and innovation are:

- Launch of the new gTLD program and timely processing of applications
- Number of IDN ccTLDs delegated during the period of the plan
- New gTLDs and IDN Fast Track: Implementation of measures of success that align with ICANN core values and original program objectives
- Measure effectiveness of Rights Protection Mechanisms in New gTLD Program
- Measure effectiveness of Rights Protection Mechanisms in New gTLD Program
- 95% or greater percent completion of planned regional education programs
- 95% or greater percent completion of planned contract compliance audits
- Launch and timely progress of the Whois program enhancements, especially to address internationalized data
- 2011 Completion of the Registrant's Rights Charter
- 100% application of the approved RAA amendments into relevant contract renewals
- Launch and implement the IDNA protocol during the period of the plan

Core operations including IANA

Focus Area Definition: ICANN is chartered – through its IANA function – to (i) coordinate the assignment of Internet technical parameters to maintain universal connectivity, (ii) perform and oversee functions for coordinating the IP address space and operation of the authoritative Internet DNS root server system, and (iii) coordinate allocation and assignment of three sets of unique identifiers (DNS, IP, Ports & Parameters); and also to: (iv) adhere to transparent & accountable budgeting & operational processes and (v) publish annual report of progress against Bylaws, strategic and operating plans.

This focus area provides for continuous improvement and excellence by, in each area:

1. Assessing the current environment
2. Creating a plan for specific improvements
3. Measuring the value of those improvements when implemented

Environmental Scan: ICANN’s core operations are focused on building the capacity and ability to provide services and coordinate the Internet DNS. ICANN operates the L-root sever and has significant skills and documentation to share with the international community. Operations excellence is required to support the IDN Fasttrack and New gTLD Programs. As the Internet continues to grow and evolve, technical advancements (e.g., RPKI, new standards) should be considered as they relate to the evolution of ICANN services and operations. Over the life of this plan, there are many factors that will increase the load on operations, among them: the introduction of new top-level domains, an increasingly connected global community, and the rapidly growing number of devices. ICANN began performing the IANA operations in 1998 through an agreement with the US Government. The current multi-year contract expires September 30, 2011. ICANN will submit a proposal for the IANA contract renewal or its replacement, is well positioned to compete for the award, and expects to continue to operate the IANA function. ICANN, including its IANA function, also effectively participates with other global organizations to work for the maintenance of a single, interoperable Internet.

Strategic Objectives: Below are the strategic objectives for the IANA and Core Operations focus area.

Continued flawless IANA operations. ICANN is committed to continued excellence in the Internet Assigned Numbers Authority (IANA) function and other core operations. The continuation of neutral delivery of IANA services will be secured through the anticipated award of a long-term IANA functions contract. ICANN continues to invest in the IANA infrastructure, and process improvements through the European Foundation for Quality Management (EFQM) model to support meeting or exceeding IANA service level agreements. During the term of this plan, ICANN will develop advancements in security (specifically, deploy RPKI) and continue to upgrade its processes through automation (specifically, the root-zone management tool). The IANA function will remain focused on the timely processing of unique identifier requests and DNSSEC management. We will respond to community monitoring of IANA performance but also implement our own measurements and feedback mechanisms.

L-Root operational excellence. Enables ICANN to lead by example and provides the international Internet community a transparent and collaborative model for root server operations. ICANN will look for opportunities to share this knowledge through international outreach. ICANN will be recognized as a top-tier root zone manager.

Efficiency and effectiveness of operations. ICANN is implementing a long-term, culturally embedded operational effectiveness initiative to drive process, system and documentation improvements across core operations. ICANN is committed to improving the ongoing efficiency and effectiveness of policy development and implementation processes and the multi-stakeholder model that engages the global

community. It will support the ongoing GNSO initiative to improve the policy development process (PDP) and also encourage and support additional initiatives. ICANN will continue to strengthen the security, stability and continuity of its own operations through an Operational Effectiveness Initiative to ensure: continual operational improvement, and staff retention and engagement.

Strengthen international operations and presences by providing adequate levels of service to stakeholders around the globe, working in multiple languages and in multiple time zones. The introduction of new IDNs and TLDs during the life of this plan will continue to require ICANN to build capability and presence. Another important aspect of strengthened operations is to maintain or improve service standards in all key operational measures during the life of this plan, including managing the impact of new gTLDs and new IDN ccTLDs. ICANN will also engage effectively with the technical community, e.g., the IETF and root server managers.

Improve the financial system and controls to realize: increased capacity and scalability of operational workload, increased operational efficiencies, reduction in operating costs, improved data integrity and availability, faster generation and publication of reports, better accessibility to financial information, improved customer service (both internal and external), greater sustainability of the base technology.

Strategic Metrics: In summary, the strategic metrics for the Focus Area of Core Operations including IANA are:

- Meet or exceed IANA contract service level agreement performance
- 2011 award of the IANA follow-on contract or replacement
- EFQM ratings demonstrating improvement over time
- RPKI deployment in 2011
- 100% L-root uptime
- Organizational Effectiveness Program Metrics and Results
- Definition of global stakeholder service level metrics
- 2011 implementation of a new ICANN finance information technology system

A healthy Internet eco-system

Focus Area Definition: ICANN is chartered to (i) operate for the global public benefit of the Internet community as a whole, (ii) coordinate cross-community deliberations and policy development that germane to ICANN's mission, (iii) cooperate as appropriate with relevant international organizations, (iv) ensure that DNS technical coordination decisions are made in the public interest and are accountable and transparent, and (v) operate as a multi-stakeholder, private sector led organization with input from the public for whose benefit ICANN shall in all events act.

Environmental Scan: ICANN is charged to operate for the benefit of the Internet community as a whole. The public is a diverse and disparate collection of communities knitted together by the Internet and operating as a complex eco-system. As the Internet continues to be a greater enabler of gross domestic product, government daily operations and global security activities, the profile of Internet governance has also elevated. In September of 2009 the US Department of Commerce and ICANN signed the Affirmation of Commitments (Affirmation) that affirmed the transition of technical coordination of the Internet's DNS to a private sector led organization – ICANN. Over the past few years, the United Nations and other global bodies have also increased their participation in Internet governance.

Strategic Objectives: ICANN has identified four strategic objectives in the focus area of *A Healthy internet eco-system*. Each objective has related projects, staff work and community work to support the achievement of the strategic objectives over the life of this plan. The strategic objectives are:

One unified, global Internet. To deliver on ICANN's vision of "One World. One Internet.", strategic projects supporting this objective interweave this entire strategic plan. With the potential growth of ccTLDs, IDNs and new gTLDs, continued internationalization of ICANN is crucial to maintaining a single, global interoperable Internet and a single Internet zone file used globally. Staff work will include development of thought leadership on key issues to influence the continuation of a single authoritative root. . In particular, preserve the stable management of the naming and addressing system.

Building stakeholder diversity. ICANN commits to ensure that the many global stakeholders are heard on Internet related issues. Strategic projects include continued refinement of the inclusive multi-stakeholder model that encourages and manages the active collection of views from the global community. ICANN will also actively participate in a wide range of constructive Internet governance-related debates in partnership with other organizations. ICANN will continue efforts to increase community participation utilizing more remote participation technologies. Importantly, ICANN will work to retain and support existing community members and build upon recent efforts to formalize a cross-stakeholder model (i.e., across the GAC, Supporting Organizations and other Advisory Committees). The multi-stakeholder model recognizes the influence of governments, corporations, not-for-profits and how they fit into the naming and addressing system. Starting with the new Board seat representing the At-Large community, we will also work to formalize input from the At-Large community into Board discussions.

Improve communications and accessibility through, among other things, web page improvements that facilitate the objectives set out in this strategic plan and addresses community concerns regarding translations, introductions for newcomers, and ease of access to information.

Ongoing accountability and transparency. ICANN is charged with fact-based policy development and decision-making. Strategic projects related to this are the implementation of the Affirmation of Commitment reviews, implement impact reporting based upon the results of the reviews, provide Internet governance education to an expanding group of international participants and promote programs that enhance global participation. ICANN's Bylaws mandate ongoing review of its respective Supporting Organizations and Advisory Committees to ensure continued improvements to the

organization's structure and responsibility to the stakeholders. Staff work will focus on providing a thorough and reasoned explanation of decisions taken, the rationale and sources of data.

International engagement. While preserving the stability of the unique identifier system, recognize the authority and participation of different actors with different remits such as law enforcement and open access to information. In order to achieve its goals, ICANN will: participate in constructive IGF fora, collaborate with international organizations such as the EC and OECD on standards and best practices, engage in offline discussions, write papers, and otherwise engage with industry participants.

Trust in ICANN's stewardship. Contributing to a healthy Internet eco-system. The ICANN Board has created the Board Global Relationships Committee to support ICANN's global capacity-building efforts. Staff work will provide thought leadership contributions to international forums and discussions on Internet governance, including the United Nations-organized Internet Governance Forum and other intergovernmental forums. Additionally, the ICANN Fellowship program provides training in partnership with other organizations to support the DNS needs in developing countries.

Strategic Metrics: In summary, the strategic metrics for the Focus Area of A Healthy Internet eco-system are:

- Timely completion of the Affirmation Reviews
- Timely Board determination and action to implement Affirmation of Commitments reviews recommendations
- Continuation of a single authoritative root
- Formalized cross-stakeholder participation process in the multi-stakeholder model
- Formalized At-Large community input process for the Board
- Number of international Internet governance events with constructive ICANN participation
- Number and trend of ICANN Fellowships

2011-01-25-20 Annex - 20110113 Strat Plan-Redline



ICANN STRATEGIC PLAN
JULY 2011 – JUNE 2014

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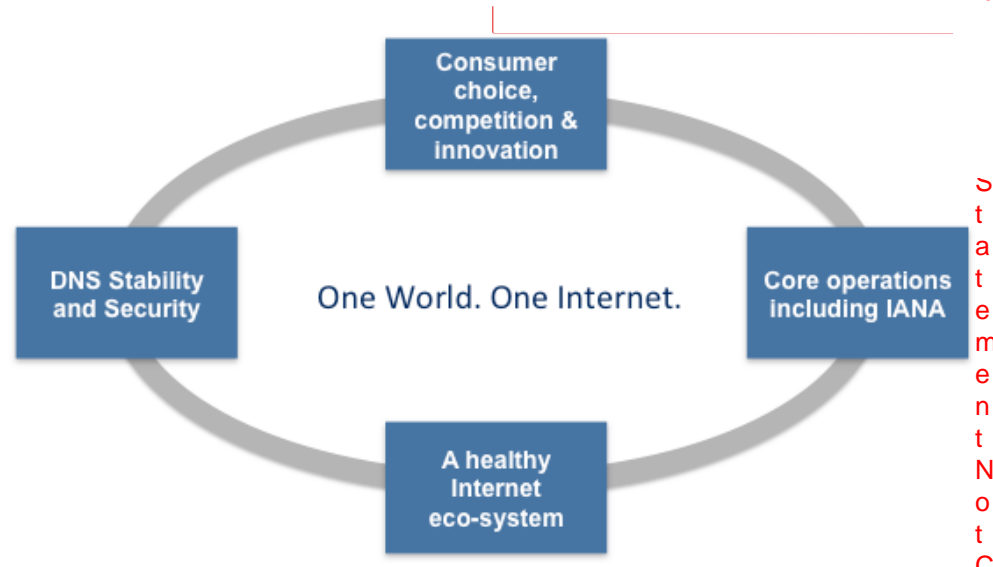
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Draft Comments Redacted



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Strategic Plan 2011-2014: Four Strategic Focus Areas

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| Strategic Objectives | <ul style="list-style-type: none"> Maintain & drive DNS uptime Enhance DNS risk management Broad DNSSEC adoption Enhanced international DNS cooperation Improved DNS resiliency | <ul style="list-style-type: none"> Maintain single authoritative root Increased TLD options in more languages New gTLDs including IDNs Lower registration abuse Increased industry competition | <ul style="list-style-type: none"> Flawless IANA operations Resilient L-Root operations Continual improvements (TQM) Internationalization Long-term IANA functions responsibility | <ul style="list-style-type: none"> Continuing role in internet governance Stakeholder diversity World-class accountability and transparency Enhanced trust in ICANN's stewardship Act in global public interest Cross-stakeholder work |
| Strategic Projects | <ul style="list-style-type: none"> DNSSEC propagation Facilitate work on DNS security Full business continuity planning IPv4 exhaustion risk management Advocate IPv6 adoption RPKI deployment | <ul style="list-style-type: none"> Internationalized Domain Name (IDNs) expansion Implement new gTLDs Whois program improvements Improve policy processes Registrant protection | <ul style="list-style-type: none"> IANA infrastructure upgrade IANA services outreach Monitoring root zone performance IANA excellence efforts Organizational Effectiveness Initiative (OEI) | <ul style="list-style-type: none"> Affirmation of Commitments & organizational reviews Retain & support existing community while attracting new & diverse community members Build global support for single authoritative root Enhanced cooperation in Internet Governance |
| Community Work | <ul style="list-style-type: none"> Local DNSSEC adoption Whois Internationalized Registration Data Develop solutions for DNS security IPv6 rollout | <ul style="list-style-type: none"> IDNA protocol implementation New TLD rollout Registrar Accreditation Agreement amendments gTLD Registrant Rights Charter | <ul style="list-style-type: none"> Strengthening regional presence Monitoring performance Key committee participation Engagement within technical community Final IPv4 address allocation Root Zone Management | <ul style="list-style-type: none"> Increased multi-stakeholder participation Contributing to international forums Review SOs and ACs |
| Staff Work | <ul style="list-style-type: none"> Collaborative business continuity planning (BCP) Collaboration with RIRs & technical groups DNSSEC operations & propagation IPv4 & IPv6 engagement Cooperative TLD training in developing countries | <ul style="list-style-type: none"> Compliance improvements Support SO & AC work Global outreach IDN ccTLD Fast Track New gTLD implementation ICANN regional footprint | <ul style="list-style-type: none"> IANA request processing Board support Security and contingency operations L-Root operations Improve financial system and controls Staff retention and engagement | <ul style="list-style-type: none"> Thought leadership Widen international engagement Strengthen corporate, government & other stakeholder partnerships Decision impact analysis & reporting Enhance communications & accessibility via improved web site Enhance translation strategy |

Multi-stakeholder – Collaborative – International – Transparent - Accountable

Influence versus Control

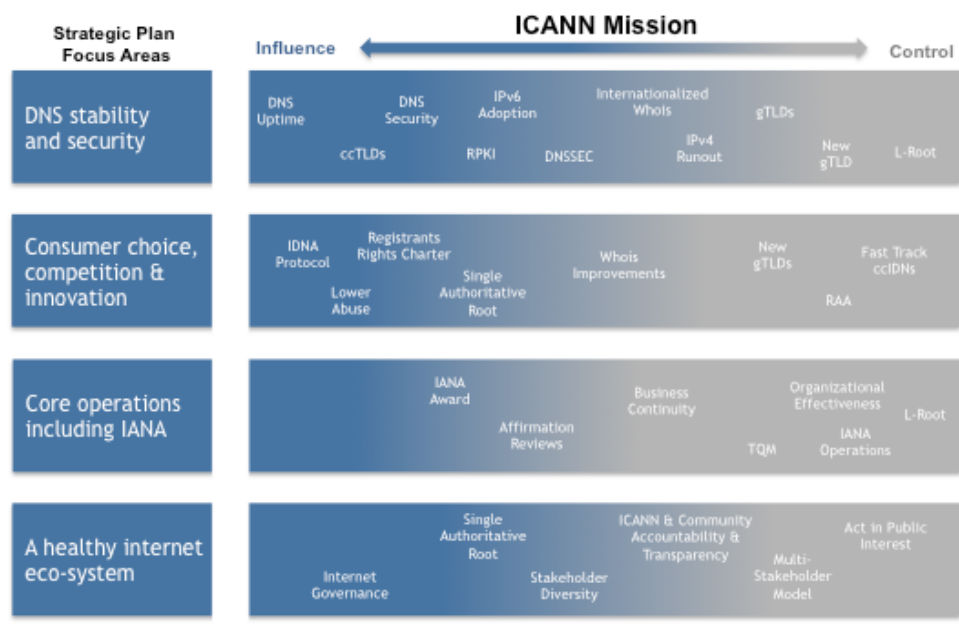
ICANN’s mission describes goals across the DNS: ensuring the stability and security of the Internet’s unique identifier systems, promoting competition and choice for consumers, supporting an independent, broad-based, bottom-up policy development process. Setting appropriate, achievable strategic objectives consonant with the mission requires the organization to understand what things it can and should influence versus what things it can and should control. ICANN’s strategic plan is bounded by its bylaws, mission, and technical coordination role. For example, ICANN cannot ensure 100% DNS uptime, however, through forums, outreach and thought leadership ICANN can influence actions of key participants to ensure security, stability and resiliency within their Internet areas of control.

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Therefore, ICANN’s strategic plan includes objectives where it can and should wield influence to achieve goals not within its direct control – in order to provide benefit to the broad Internet community. The plan will also include objectives to achieve elements of the mission statement within ICANN’s direct control. Often, there are objectives where ICANN has some control and also can exert influence. It is important that goals are written to appropriately reflect this environment.

While the one-page version of the Strategic Plan does not reflect the differences between areas of influence and control, the goals are written with this consideration in mind. The one-page version of the plan above are combined with the following graphic depicting the spectrum of ICANN’s influence to control across the four Strategic Plan Focus Areas to create achievable goals targeted at the Mission statement and benefit the community.

Each focus area of the Plan has a different distribution of influence versus control. As an example, ICANN has a high degree of control over objectives falling within its operations (including IANA), some control but substantial influence regarding the successful maintenance of the ICANN’s policy development process; and more influence than control over broad DNS issues – often related to security aspects and protocol development and deployment.



DNS stability and security

Focus Area Definition: ICANN is chartered to: (i) ensure the stable and secure operation of the Internet's unique identifier systems, (ii) facilitate international participation in the DNS technical coordination, and (iii) coordinate operation and evolution of the DNS root name server system. This area focuses on external security and stability activities (cf., the IANA & Core Operations address internal activities).

Environmental Scan: The stability, security and resiliency (SSR) of the Internet's global unique identifier systems (DNS, IP addresses & AS numbers, Parameters & Ports) are important priorities for ICANN, industry and Internet users globally. SSR form the core elements of ICANN's mission. Misuse of and attacks against the DNS and other Internet infrastructures challenge overall unique identifier security. Cyber security attacks continue to grow in size and sophistication, targeting individuals, corporations and governments. Business continuity planning (BCP) is gaining traction as more organizations plan and perform business interruption simulation testing. Additionally, new TLDs (including IDNs) and overall growth of domain names will continue to provide opportunities and challenges as ICANN and new TLD cooperate to maintain stability, security and resiliency. The last IPv4 address blocks are being allocated in an ICANN / RIR guided manner while the international community is adopting IPv6 addresses. To ensure the security, stability and resiliency that are crucial to the unique identifier systems, ICANN must work in partnership with others on these issues.

Strategic Objectives: ICANN has identified four strategic objectives in the focus area Stability, Security & Resiliency. Each objective has related projects, staff and community work to support the achievement of the strategic objectives over the life of this plan. The strategic objectives are:

Maintain and drive DNS uptime. Since its inception, ICANN has been working with the community to ensure the security, stability and resiliency of the DNS. Of course, this is an area where ICANN has a strong strategic objective (maintain 100% DNS uptime) without the means to assure its achievement. There are certain aspects that ICANN controls, certain aspects ICANN can materially influence, and certain areas where we have the bully pulpit. For example, ICANN can work to control and ensure stable, continuous L-root operations. ICANN also has contractual and other strong relationships with TLDs and registrars to leverage in this area. Strategic projects to support DNS uptime include Business Continuity Planning for Registries and Registrars, IPv4 Exhaustion Communications and facilitation of IPv6 Adoption. ICANN will work for RIR interests to advocate (through its constituency groups) for IPv6 adoption by ISPs, and consumer and business entities. Staff and community work will focus on building DNS capacity and better integration of global efforts.

Increase security of the overall systems of unique identifiers. Domain Name System Security Extensions (DNSSEC) implementation will continue to be a strategic objective for ICANN. DNSSEC provides a mechanism for authentication of DNS requests and reduces the risk of some malicious behavior. ICANN will continue to work with the community for DNSSEC deployment at all DNS levels with a goal that 30 TLDs in developing countries will have signed their zone by the by the end of calendar year 2011 and DNSSEC will be broadly adopted by the end of this plan period. Also, ICANN will coordinate the development of Resource Public Key Infrastructure (RPKI) as a means to increase Internet Protocol (IP) security.

Increase international participation in unique identifier security. Attacks on the unique identifier system can come from anywhere around the globe. Strong international security systems and skills are first line deterrents to bad behavior. Staff and community work will focus on global security outreach and collaboration with Regional Internet Registries (RIR) operators to influence the improvement of overall security. ICANN will follow the lead of its community working groups to develop an approach to the establishment of solutions such as coordination of an emergency response team (DNS CERT) to address

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one of the issues of Internet security. Also, community work needs to facilitate the acceptance of internationalized registration data in the Whois database.

Coordinate DNS global risk management. This is an area where ICANN's efforts will directly influence the improvement of the overall DNS security and stability through international participation in continuity exercises, training and emergency simulations. ICANN will coordinate improved global DNS risk management through registry and registrar continuity planning and performance of business interruption simulation exercises. ICANN will work with others to protect the integrity of the global DNS through initiatives such as training for TLD operators. ICANN will also enhance collaboration with the global computer security and incident response community to improve BCP and testing to address risks and threats. ICANN will seek to work with others to develop objective risk management models.

Strategic Metrics: In summary, the strategic metrics for the Focus Area of DNS Stability and Security are:

- 100% L-Root uptime
- 100% contract compliance to TLD uptime service level agreements
- Number of global business continuity exercises
- Range of participation in global business continuity exercises
- Number of DNSSEC TLD signings: 30 in 2011 and broadly adopted by end of plan period
- No Internet stability issues due to IPv4 exhaustion
- Initiate an RPKI security effort in 2011 and complete the policy within the plan period

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Consumer choice, competition & innovation

Focus Area Definition: ICANN is chartered to: (i) operate through open and transparent processes that enable competition and open entry in Internet-related markets, (ii) develop policies for determining circumstances under which new TLDs are added, (iii) introduce competition in the registration of domain names where practicable and beneficial in the public interest and (iv) promote consumer trust and choice in DNS the marketplace.

Environmental Scan: 2009 ended with an estimated 192,000,000 domain names, growing over 8% above 2008. Country code top-level domains (ccTLDs) presently represent the fastest growing segment of this environment. In 2009, several internationalized top-level domain names were added to the Internet: for the first time, new language characters are “right of the dot”. The .com generic top-level domain (TLD) was established in 1985; total TLDs have grown to over 290 in number. The Internet registry and registrar markets are still maturing and comprised of many different and evolving business models. Many new potential TLD (including IDN) operators have innovative businesses models and high expectations. As with any maturing market, some business models will survive and be emulated, while others will fail and fade away; importantly, ICANN has focused significant attention on continuity and registrant protection as new processes are implemented. Comments indicate the increasing importance of DNS security, improved compliance mechanisms, and earned consumer trust. By the end of this plan, over 100,000,000 new names may exist, in many innovative areas.

Strategic Objectives: ICANN has identified five strategic objectives in this focus area.

More TLDs available in multiple languages (IDNs). ICANN has a strategic goal to continue to open the Internet up to more languages and cultures around the globe. Strategic projects are to continue the implementation of IDNs, through the Fast Track, new gTLDs, and IDN Policy Development Process currently conducted in the ccNSO. New gTLDs offer the opportunity for more communities and languages to be represented on the Internet and for expanded customer choice for domain name registrations. ICANN will provide effective program management for the successful deployment of IDNs through the New gTLD and ccTLD Programs.

Increase regional participation in the industry. Expanding the global DNS skillset for technology and operations is a key goal for ICANN. The IDN and New gTLD Programs will result in more registries and registrars across all international regions. ICANN will build capacity to serve contracted parties and the interests of registrants and users across all regions. Specific strategic projects include conducting education and training programs in partnership with ISOC, local TLD operators, and the local Internet communities.

Mitigate malicious conduct. ICANN’s goal is to reduce the incidence and impact of malicious conduct by using projects to influence the behaviors of global Internet participants. Related projects are to improve the contractual compliance regime for registrars and registries and pursue the implementation of an expanded Whois program and secure, predictable environments for users through a registrant’s rights charter and incorporation of Registrar Accreditation Agreement amendments. Staff and community will continue to work with WIPO and other authoritative bodies to protect and enforce intellectual property rights on the Internet.

Foster industry innovation. The Internet is a target and source of significant business and technological innovation. ICANN has a goal to see similar innovation brought to the stable evolution of the unique identifier system.

Promote fair opportunities for open entry to internet-related markets around the globe. ICANN’s projects related to this objective are to continue to support the development and implement of open and transparent policies and processes that will enable competition. ICANN will promote the

implementation and deployment of the IDNA protocol to ensure that IDNs operate as expected. ICANN will work with the community to address potential assistance for disadvantaged organizations. Staff and community work will focus on capturing, evaluating and incorporating input for open entry programs such as IDNs and new gTLDs.

Strategic Metrics: In summary, the strategic metrics for the Focus Area of Consumer choice, competition and innovation are:

- [Launch of the new gTLD program and timely processing of applications](#)
- [Number of IDN ccTLDs delegated during the period of the plan](#)
- [New gTLDs and IDN Fast Track: Implementation of measures of success that align with ICANN core values and original program objectives](#)
- [Measure effectiveness of Rights Protection Mechanisms in New gTLD Program](#)
- [Measure effectiveness of Rights Protection Mechanisms in New gTLD Program](#)
- [95% or greater percent completion of planned regional education programs](#)
- [95% or greater percent completion of planned contract compliance audits](#)
- [Launch and timely progress of the Whois program enhancements, especially to address internationalized data](#)
- [2011 Completion of the Registrant's Rights Charter](#)
- [100% application of the approved RAA amendments into relevant contract renewals](#)
- [Launch and implement the IDNA protocol during the period of the plan](#)

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Core operations including IANA

Focus Area Definition: ICANN is chartered – through its IANA function – to (i) coordinate the assignment of Internet technical parameters to maintain universal connectivity, (ii) perform and oversee functions for coordinating the IP address space and operation of the authoritative Internet DNS root server system, and (iii) coordinate allocation and assignment of three sets of unique identifiers (DNS, IP, Ports & Parameters); and also to: (iv) adhere to transparent & accountable budgeting & operational processes and (v) publish annual report of progress against Bylaws, strategic and operating plans.

This focus area provides for continuous improvement and excellence by, in each area:

1. Assessing the current environment
2. Creating a plan for specific improvements
3. Measuring the value of those improvements when implemented

Environmental Scan: ICANN's core operations are focused on building the capacity and ability to provide services and coordinate the Internet DNS. ICANN operates the L-root sever and has significant skills and documentation to share with the international community. Operations excellence is required to support the IDN Fasttrack and New gTLD Programs. As the Internet continues to grow and evolve, technical advancements (e.g., RPKI, new standards) should be considered as they relate to the evolution of ICANN services and operations. Over the life of this plan, there are many factors that will increase the load on operations, among them: the introduction of new top-level domains, an increasingly connected global community, and the rapidly growing number of devices. ICANN began performing the IANA operations in 1998 through an agreement with the US Government. The current multi-year contract expires September 30, 2011. ICANN will submit a proposal for the IANA contract renewal or its replacement, is well positioned to compete for the award, and expects to continue to operate the IANA function. ICANN, including its IANA function, also effectively participates with other global organizations to work for the maintenance of a single, interoperable Internet.

Strategic Objectives: Below are the strategic objectives for the IANA and Core Operations focus area.

Continued flawless IANA operations. ICANN is committed to continued excellence in the Internet Assigned Numbers Authority (IANA) function and other core operations. The continuation of neutral delivery of IANA services will be secured through the anticipated award of a long-term IANA functions contract. ICANN continues to invest in the IANA infrastructure, and process improvements through the European Foundation for Quality Management (EFQM) model to support meeting or exceeding IANA service level agreements. During the term of this plan the ICANN will develop advancements in security (specifically, deploy RPKI) and continue to upgrade its processes through automation (specifically, the root-zone management tool). The IANA function will remain focused on the timely processing of unique identifier requests and DNSSEC management. We will respond to community monitoring of IANA performance but also implement our own measurements and feedback mechanisms.

L-Root operational excellence. Enables ICANN to lead by example and provides the international Internet community a transparent and collaborative model for root server operations. ICANN will look for opportunities to share this knowledge through international outreach. ICANN will be recognized as a top-tier root zone manager.

Efficiency and effectiveness of operations. ICANN is implementing a long-term, culturally embedded operational effectiveness initiative to drive process, system and documentation improvements across core operations. ICANN is committed to improving the ongoing efficiency and effectiveness of policy development and implementation processes and the multi-stakeholder model that engages the global

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community. It will support the ongoing GNSO initiative to improve the policy development process (PDP) and also encourage and support additional initiatives. ICANN will continue to strengthen the security, stability and continuity of its own operations through an Operational Effectiveness Initiative to ensure: continual operational improvement, and staff retention and engagement.

Strengthen international operations and presences by providing adequate levels of service to stakeholders around the globe, working in multiple languages and in multiple time zones. The introduction of new IDNs and TLDs during the life of this plan will continue to require ICANN to build capability and presence. Another important aspect of strengthened operations is to maintain or improve service standards in all key operational measures during the life of this plan, including managing the impact of new gTLDs and new IDN ccTLDs. ICANN will also engage effectively with the technical community, e.g., the IETF and root server managers.

Improve the financial system and controls to realize: increased capacity and scalability of operational workload, increased operational efficiencies, reduction in operating costs, improved data integrity and availability, faster generation and publication of reports, better accessibility to financial information, improved customer service (both internal and external), greater sustainability of the base technology.

Strategic Metrics: In summary, the strategic metrics for the Focus Area of Core Operations including IANA are:

- [Meet or exceed IANA contract service level agreement performance](#)
- [2011 award of the IANA follow-on contract or replacement](#)
- [EFQM ratings demonstrating improvement over time](#)
- [RPKI deployment in 2011](#)
- [100% L-root uptime](#)
- [Organizational Effectiveness Program Metrics and Results](#)
- [Definition of global stakeholder service level metrics](#)
- [2011 implementation of a new ICANN finance information technology system](#)

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A healthy Internet eco-system

Focus Area Definition: ICANN is chartered to (i) operate for the global public benefit of the Internet community as a whole, (ii) coordinate cross-community deliberations and policy development that germane to ICANN's mission, (iii) cooperate as appropriate with relevant international organizations, (iv) ensure that DNS technical coordination decisions are made in the public interest and are accountable and transparent, and (v) operate as a multi-stakeholder, private sector led organization with input from the public for whose benefit ICANN shall in all events act.

Environmental Scan: ICANN is charged to operate for the benefit of the Internet community as a whole. The public is a diverse and disparate collection of communities knitted together by the Internet and operating as a complex eco-system. As the Internet continues to be a greater enabler of gross domestic product, government daily operations and global security activities, the profile of Internet governance has also elevated. In September of 2009 the US Department of Commerce and ICANN signed the Affirmation of Commitments (Affirmation) that affirmed the transition of technical coordination of the Internet's DNS to a private sector led organization – ICANN. Over the past few years, the United Nations and other global bodies have also increased their participation in Internet governance.

Strategic Objectives: ICANN has identified four strategic objectives in the focus area of A *Healthy internet eco-system*. Each objective has related projects, staff work and community work to support the achievement of the strategic objectives over the life of this plan. The strategic objectives are:

One unified, global Internet. To deliver on ICANN's vision of "One World. One Internet.", strategic projects supporting this objective interweave this entire strategic plan. With the potential growth of ccTLDs, IDNs and new gTLDs, continued internationalization of ICANN is crucial to maintaining a single, global interoperable Internet and a single Internet zone file used globally. Staff work will include development of thought leadership on key issues to influence the continuation of a single authoritative root. In particular, preserve the stable management of the naming and addressing system.

Building stakeholder diversity. ICANN commits to ensure that the many global stakeholders are heard on Internet related issues. Strategic projects include continued refinement of the inclusive multi-stakeholder model that encourages and manages the active collection of views from the global community. ICANN will also actively participate in a wide range of constructive Internet governance-related debates in partnership with other organizations. ICANN will continue efforts to increase community participation utilizing more remote participation technologies. Importantly, ICANN will work to retain and support existing community members and build upon recent efforts to formalize a cross-stakeholder model (i.e., across the GAC, Supporting Organizations and other Advisory Committees). The multi-stakeholder model recognizes the influence of governments, corporations, not-for-profits and how they fit into the naming and addressing system. Starting with the new Board seat representing the At-Large community, we will also work to formalize input from the At-Large community into Board discussions.

Improve communications and accessibility through, among other things, web page improvements that facilitate the objectives set out in this strategic plan and addresses community concerns regarding translations, introductions for newcomers, and ease of access to information.

Ongoing accountability and transparency. ICANN is charged with fact-based policy development and decision-making. Strategic projects related to this are the implementation of the Affirmation of Commitment reviews, implement impact reporting based upon the results of the reviews, provide Internet governance education to an expanding group of international participants and promote programs that enhance global participation. ICANN's Bylaws mandate ongoing review of its respective Supporting Organizations and Advisory Committees to ensure continued improvements to the

organization's structure and responsibility to the stakeholders. Staff work will focus on providing a thorough and reasoned explanation of decisions taken, the rationale and sources of data.

International engagement. While preserving the stability of the unique identifier system, recognize the authority and participation of different actors with different remits such as law enforcement and open access to information. In order to achieve its goals, ICANN will: participate in constructive IGF fora, collaborate with international organizations such as the EC and OECD on standards and best practices, engage in offline discussions, write papers, and otherwise engage with industry participants.

Trust in ICANN's stewardship. Contributing to a healthy Internet eco-system. The ICANN Board has created the Board Global Relationships Committee to support ICANN's global capacity-building efforts. Staff work will provide thought leadership contributions to international forums and discussions on Internet governance, including the United Nations-organized Internet Governance Forum and other intergovernmental forums. Additionally, the ICANN Fellowship program provides training in partnership with other organizations to support the DNS needs in developing countries.

Strategic Metrics: In summary, the strategic metrics for the Focus Area of A Healthy Internet eco-system are:

- [Timely completion of the Affirmation Reviews](#)
- [Timely Board determination and action to implement Affirmation of Commitments reviews recommendations](#)
- [Continuation of a single authoritative root](#)
- [Formalized cross-stakeholder participation process in the multi-stakeholder model](#)
- [Formalized At-Large community input process for the Board](#)
- [Number of international Internet governance events with constructive ICANN participation](#)
- [Number and trend of ICANN Fellowships](#)

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2011-01-25-21a Annex-Board-Submission-Economic- Analysis

ANNEX TO ICANN BOARD SUBMISSION NO. 2011-01-25-21a

TITLE: Board Decision not to Commission any Further Economic Studies Prior to Decision on Launch of New gTLD Program

Compliance with October 2006 Board Resolution Calling for Economic Study

The following provides a discussion of the purpose of the Board resolution in October 2006 calling for economic analysis. This was created to address questions posed as to why ICANN has never completed the economic analysis called for in that Resolution and again explain that it was not directly addressing new gTLDs.

Discussion of Board's October 2006 Resolution Calling for Independent Economic Study

In October 2006, during a special telephonic meeting of the Board, the Board discussed a number of issues related to three of the existing gTLDs -- .BIZ, .INFO, and .ORG. In particular, the Board had questions related to the proposed new registry agreements for each of these registries, including (among other things) issues related to pricing limitations and renewal terms.

Although some have linked the propriety of continuing the New gTLD Program with completion of the study referenced in October 2006 resolution, it is important to again clarify that the Board's discussion had nothing to do with the pending proposal for new gTLDs. Indeed, the Board had not yet acted upon any proposal for a new gTLD program because the GNSO's Policy on new gTLDs had not been completed in October 2006.

Following the Board's consideration of the issues related to the new registry agreements for .BIZ, .INFO, and .ORG, the Board passed a resolution that states as follows:

- Resolved (06.____), the President is directed to commission an independent study by a reputable economic consulting firm or organization to deliver findings on economic questions relating to the domain registration market, such as:
- whether the domain registration market is one market or whether each TLD functions as a separate market,
- whether registrations in different TLDs are substitutable,
- what are the effects on consumer and pricing behavior of the switching costs involved in moving from one TLD to another,
- what is the effect of the market structure and pricing on new TLD entrants, and

- whether there are other markets with similar issues, and if so how are these issues addressed and by who?

Since October 2006, the Board has obtained a wealth of economic analysis, including thorough separate reports from the economic consulting firm CRAI, Professor Dennis Carlton, Professors Steven Salop and Josh Wright, and Professors Michael Katz and Gregory Rosston. These professors are among the most distinguished economists in the world, teaching at the University of Chicago, Georgetown, George Mason University, the University of California at Berkeley, and Stanford, respectively. Their reports address a wide range of issues associated with the possible introduction of a large number of proposed gTLDs. The very short summary of those reports is (1) economic theory and analysis supports the conclusion that the introduction of new gTLDs is likely to produce consumer benefits; and (2) that ICANN should seek to minimize, to the extent possible, any identifiable potential costs associated with that market opening, including the costs of defensive registrations associated with new gTLDs identified by the trademark community.

In the aggregate, the various economic studies commissioned and received by ICANN respond, to the extent relevant, to the illustrative questions posed by the Board in its October 2006 resolution (again, a resolution that was focused on issues other than the New gTLD Program). Of course, some of the specific questions are unanswerable in the absence of the experience and data that will only be available after a significant number of new gTLDs are actually introduced and have functioned for some period,¹ and others are, from an economist's perspective, not relevant to the question of whether the New gTLD Program should proceed. As an example of the latter, economic theory and the analysis that has been done indicates that new gTLDs would likely create some level of benefits for consumers, whether each TLD functions as a separate market or as part of a broader market, and regardless of the degree of substitutability between TLDs. Each of the economic studies that have been done recognizes the likely benefits of introducing competition into the registry market for the first time, although all also accept the fact that precise measurement of those benefits in advance is simply not possible.

To the extent that members of the ICANN Board or others might be concerned that issues associated with the October 2006 Board Resolution have not been addressed fully, the information below addresses each of the specific items that the Board requested in the Resolution:

1. Whether the domain registration market is one market or whether each TLD functions as a separate market.

The answer to this question is not relevant to the question of whether the New gTLD Program should proceed. The economists have each explained that entry by new gTLDs would

¹ For example, it is difficult if not impossible to study "the effects on consumer and pricing behavior of the switching costs involved in moving from one TLD to another" until there are a sufficient number of TLDs available for a meaningful number of registrants to consider switching. Those conditions do not yet exist, and will not exist until after the introduction of a substantial number of new gTLDs.

likely provide various consumer benefits, some of which are unforeseeable today and the aggregate net value of which is impossible to measure. That conclusion does not depend on whether existing TLDs or new TLDs compete in a single domain registration market or each TLD functions as a separate market. As Professor Carlton noted in his June 2009 report (¶ 9): “even if new gTLDs do not compete with .COM and the other major TLDs for existing registrants, it is likely that consumers would nonetheless realize significant benefits from new gTLDs due to increased competition for new registrants and increased innovation that would likely be fostered by entry.” Professors Katz and Rosston explain (June 2010, ¶ 29) that “even if new gTLDs put little competitive pressure on existing gTLDs, the new gTLDs could benefit users by offering new or differentiated services” and describe the potential for “innovative, heretofore unimagined business model” as “an important reason to consider expanding gTLDs.” Professors Salop and Wright (January 2010) further observed that the ability of new gTLDs to vertically integrate would facilitate these new business models and incentives to innovate.

In addition, the answer to this question would be different for different consumers, depending on whether a particular consumer already has a domain name in a particular TLD (and, thus, might incur switching costs to move) or (as will likely be true for many potential registrants if new gTLDs actually do create perceived value) the consumer is a first-time registrant, whether that consumer is interested in registering a new domain name, or whether that consumer is interested in multiple domain names across multiple TLDs.

2. Whether registrations in different TLDs are substitutable.

Professors Carlton and Katz/Rosston addressed this issue in their reports, although they acknowledged that there was limited data available to provide a complete answer to this question.² Professors Katz/Rosston also proposed a number of studies that could be completed once new gTLDs are added to the root in order to address this issue. Professor Carlton also answered the issue that is implied by this question, namely whether new gTLDs should have price caps; his answer was “no.” As with the first issue of whether TLDs are in the same or separate markets, the economists agreed that the consumer welfare benefits of new gTLD entry do not depend on the answer to this question.

3. What are the effects on consumer and pricing behavior of the switching costs involved in moving from one TLD to another.

Professors Carlton, Salop/Wright, and Katz/Rosston addressed this issue in detail. Indeed, Professors Katz/Rosston conducted a number of empirical studies attempting to address this issue. Even so, each of these professors noted that switching costs are extremely difficult to measure, and thus the effects on consumer and pricing behavior of switching costs is even more difficult to measure. Further, switching costs between TLDs will vary substantially from one

² Professors Katz/Rosston (June 2010, ¶ 81) note that the “greatest expected benefits [of new gTLDs] would likely come from new business models,” but “it is inherently difficult for an economic study of existing registries and business models to anticipate the benefits that could be generated by new business models that rely on unique characteristics of new gTLDs not introduced yet.”

user to another, rendering further study unlikely to reveal information useful to assessing the costs and benefits of new gTLDs.

4. What is the effect of the market structure and pricing on new TLD entrants.

It is not obvious what information this question was seeking. To the extent the issue included cross-ownership of registries and registrars, Professors Salop/Wright and CRAI addressed that issue in great detail. To the extent the issue relates to price caps, Professor Carlton addressed that issue in detail. Professors Carlton and Katz/Rosston also addressed in detail the existing market structure generally for TLDs. Professors Salop/Wright also analyzed the existing market structure for existing TLDs and in the registrar market. Finally, as noted above, the best economic evaluation of this issue will occur after new gTLDs are introduced because the status quo severely limits the extent of new competition.

5. Whether there are other markets with similar issues, and if so how are these issues addressed and by who?

All of the economic reports that ICANN received contain analogies to other markets. The concept that reducing entry barriers will lead to greater consumer welfare is a fundamental and generally applicable principle of microeconomics. Of course, the TLD market is different than many markets in the sense that commercially available TLDs have only been available to consumers for a relatively limited period of time, and competition has been severely restricted during that time. This is in contrast, for example, to ICANN's experience in creating competition at the registrar level, where new competition that ICANN began to create in 1999 almost immediately resulted in enormous savings for consumers (as well as great innovation) as prices for new domain names plummeted from the levels that were experienced before competition was introduced.

CONCLUSION

ICANN has assembled a considerable amount of economic data and analysis that supports the introduction of new gTLDs. That data and analysis answers, to the extent possible, the questions that the Board raised in 2006 and, more importantly, provides justification for proceeding with new gTLDs.

2011-01-25-22b Annex-to-Board-Submission-Board- GAC-Meeting

ANNEX: ICANN BOARD SUBMISSION NO. 2011-01-25-22b

TITLE: New gTLD Timeline and Proposed Processes for Meeting between ICANN's Governmental Advisory Committee and the ICANN Board to Resolve New gTLD Issues

Compilation of GAC advice on outstanding issues

The GAC Communiqué from Cartagena <<http://gac.icann.org/press-release/gac-2010-communication-39>> described twelve issues indicating concern that many issues raised by the GAC remain unresolved in the latest version of the Guidebook:

Provided below is a compilation of the advice the GAC has provided on each of the issues they have nominated as outstanding. These comments have been taken from the documents the GAC provided as advice on new gTLDs: The GAC Principles on New gTLDs, and the GAC Communiqués. This compilation is intended to describe what advice has been provided and at what times. Advice was not provided on all outstanding issues in every communication.

This document will be expanded to include a summary of the ICANN response (in the form of Guidebook changes, or written explanation) to each of the GAC comments.

Explanation:

1. The document is organized by the GAC topics listed in the Cartagena Communiqué.
2. Under each topic heading is a listing of all GAC Communiqués. The GAC advice for that topic is listed under each Communiqué where advice is given. If a certain Communiqué did not mention that topic, the Communiqué is still listed.
3. Some topics have been combined as there is overlap among them:
 - a. objection procedures including the requirements for governments to pay fees;
 - b. procedures for the review of sensitive strings; and
 - c. the need for an early warning to applicants whether a proposed string would be considered controversial or to raise sensitivities (including geographical names).
4. Law enforcement due diligence recommendations to amend the Registrar Accreditation Agreement as noted in the Brussels Communiqué has not been considered by staff in the new gTLD context, but rather in discussions relating to the RAA and is not included in the attached documentation.

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OBJECTION PROCEDURES, INCLUDING GOVERNMENTS TO PAY COSTS

THE NEED FOR AN EARLY WARNING TO APPLICANTS WHETHER A PROPOSED STRING WOULD BE CONSIDERED CONTROVERSIAL OR TO RAISE SENSITIVITIES (INCLUDING GEOGRAPHICAL NAMES).

PROCEDURES FOR THE REVIEW OF SENSITIVE STRINGS

| Date | GAC comments |
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| 28 March 2007 GAC Principles regarding New gTLDs | <p>2.1 New gTLDs should respect:</p> <p>a) The provisions of the Universal Declaration of Human Rights¹ which seek to affirm "fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women".</p> <p>b) The sensitivities regarding terms with national, cultural, geographic and religious significance.</p> |
| 31 October 2007, Communiqué Los Angeles | |
| 13 February 2008, Communiqué New Delhi | |
| 26 June 2008, Communiqué Paris | |
| 5 November 2008, Communiqué Cairo | |
| 10 March 2009, Comments on V1 of AG | |
| 24 June 2009 Communiqué Sydney | <p>States among other things:</p> <p>The GAC discussed the Draft Applicant Guidebook version 2 and feels that it does not yet respond to all the concerns that governments have. The GAC notes that considerable work is underway seeking to address several critical yet outstanding issues but the GAC remains concerned about a number of important issues:</p> <ul style="list-style-type: none"> - The complexity and cost of the objection procedure and the implications of the proposed procedure for governments to submit objections, for example, on public order and morality grounds. |
| 18 August 2009 Comments on V2 of AG | <p>GAC notes sensitivities with regard to terms with national, cultural, geographic and religious significance. Serious concerns about the practical modalities for address objections on these grounds, including ICANN's proposal to establish a panel of three judicial experts which may not fully take account of cultural and other national and differences in legal interpretation as to what is morally offensive or threatening to public order.</p> <p>More work is required on costs and the ability to object, noting that public interest groups may wish to object but may be unable to do so due to the costs involved. Governments should not have to follow the same procedures and pay the same costs as others. It is inappropriate for ICANN to require a public body to incur the same costs or subject itself to the limitations associated with a formal objection process primarily designed for non-governmental stakeholders. ICANN bylaws provide a more appropriate mechanism for the GAC or a member of the GAC to provide advice directly to the Board in issues of public policy.</p> <p>Noted that public comment is an avenue for governments and the Independent Objector could also be a possible avenue available to governments. The IO might also consider representations from governments at no cost to Them. Invited Board to include sub procedures in Applicant Guidebook version 3.</p> <p>Also points out that in many cases governments might already have to bear the costs associated with industry stakeholder and cross-government consultation, and increase their monitoring of the application process more generally just to make sure they are aware of the issues raised by the applications for new gTLDs.</p> |

¹ See <http://www.un.org/Overview/rights.html>

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| 28 October 2009, Communiqué Seoul | |
| 10 March 2010, Communiqué Nairobi | |
| 10 March 2010 Comments on V3 of AG | Objection mechanism should be improved, included to ensure that objection fees are cost based rather than set a high deterrence level and governments should not be subject to paying fees. Restates previous position that GAC members can provide advise directly to the ICAN Board as foreseen in the bylaws, and not be required to subject objections to an independent third party service provider. |
| 23 June 2010, Communiqué Brussels | |
| 4 August 2010 Comments on Morality and Public Order | <p>The GAC firmly believes that the absence of any controversial strings in the current universe of top level domains (TLDs) to date contributes directly to the security and stability of the domain name and addressing system (DNS) and the universal resolvability of the system. As a matter of principle, and consistent with Sections 3(b) and 8(a) of the <i>Affirmation of Commitments</i> and the core values contained in Article 1, Section 2 of ICANN’s Bylaws, the GAC believes that the objective of stability, security and universal resolvability must be preserved in the course of expanding the DNS with the addition of new top level domains to the root. The GAC urges the Board to ensure that his fundamental value, which preserves the integrity of the DNS, is incorporated as an element of the public interest standard to which it has committed in the <i>Affirmation of Commitments</i>.</p> <p>In this regard, the GAC believes that procedures to identify strings that could raise national, cultural, geographic, religious and/or linguistic sensitivities or objections are wanted so as to mitigate the risks of fragmenting the DNS that could result from the introduction of controversial strings.</p> <p>While the GAC appreciates that the proposed objection procedure on “Morality and Public Order” grounds included in DAGv4 was intended to satisfy the concern noted above, the GAC strongly advises the Board to replace the proposed approach to addressing objections to new gTLDs applications based on “morality and public order” concerns with an alternative mechanism for addressing concerns related to objectionable strings. The terms “morality and public order” are used in various international instruments, such as the Paris Convention for the Protection of Industrial Property, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (ICCPR). Generally, these terms are used to provide the basis for countries to either make an exemption from a treaty obligation or to establish by law limitations on rights and freedoms at the national level. Judicial decisions taken on these grounds are based on national law and vary from country to country. Accordingly, the GAC advises that using these terms as the premise for the proposed approach is flawed as it suggests that there is an internationally agreed definition of “morality and public order”. This is clearly not the case.</p> <p>The GAC therefore recommends that community-wide discussions be facilitated by ICANN in order to ensure that an effective objections procedure be developed that both recognizes the relevance of national laws and effectively addresses strings that raise national, cultural, geographic, religious and/or linguistic sensitivities or objections that could result in intractable disputes. These objection procedures should apply to all pending and future TLDs.</p> |
| 23 September 2010 Comments on V4 of AG | <p>Reiterates its position that governments should not be required to pay a fee for raising objections to new gTLD applications. There are a number of reasons why sovereign nations should not pay fees to object to strings which they consider to be objectionable:</p> <ul style="list-style-type: none"> - sovereign nations are not protecting a commercial interest (as opposed, for example, to the protection of trademarks) but are instead protecting their national interests and the public interest (as they see it); - the cost of blocking a controversial gTLD for a Government may be less than |

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| | <p>the upfront cost of opposing a controversial gTLD. If ICANN’s policy objective is for one unified Internet, it should ensure that sovereign nations have low costs in raising their concerns about individual gTLDs in the first instance; and</p> <ul style="list-style-type: none"> - as a general principle of public policy, the group responsible for causing a regulatory response should bear the cost of that regulatory response. This is consistent with the principle that the collective (i.e. tax payers, citizens) does not bear a burden caused by special interest groups, without a substantial and identifiable public benefit. |
| <p>22 Nov 2010 Interim GAC comments relating to new gTLDs</p> | <p>The GAC notes the work undertaken by the cross constituency Recommendation 6 Working Group which was set up to address the concerns raised by the GAC and ALAC during the Brussels meeting and in whose deliberations three GAC members participated. The GAC will be interested in the Board’s views of the recommendations contained in the report of the Group. The GAC believes it is necessary that further discussion and development of string review processes to identify those proposed strings that are: contrary to national law, policy or regulation (for example, several governments restrict the registration of certain terms of their ccTLDs); and/or that refer to religions, ethnicity, languages, or other cultural identifiers that might raise national sensitivities. The GAC believes the integration of prior reviews into the implementation of new gTLDs can serve as an “early warning” to applicants, providing an opportunity to amend or modify the proposed string prior to proceeding further in the application process. The prior reviews would also provide opportunities to determine whether the applicant is the sole appropriate manager or relevant authority for that particular string, or whether the proposed string is either too broad to effectively identify a single entity as the relevant authority or appropriate manager, or is sufficiently contentious that an appropriate manager cannot be identified and/or agreed.</p> |
| <p>9 December 2010 Communiqué Cartagena</p> | <p>That the GAC will provide the Board at the earliest opportunity with a list or "scorecard" of the issues which the GAC feels are still outstanding and require additional discussion between the Board and the GAC. These include:</p> <ul style="list-style-type: none"> • The objection procedures including the requirements for governments to pay fees; • Procedures for the review of sensitive strings; • The need for an early warning to applicants whether a proposed string would be considered controversial or to raise sensitivities (including geographical names). <p>----</p> <p>The GAC commends the initiative of the Recommendation 6 Cross Constituency Working Group (Rec6CCWG).</p> <p>The GAC will take into account the Board’s responses to the recommendations of the Rec6CWG in its further consideration of gTLD issues.</p> <p>Consistent with the GAC’s letter of 22 November 2010, the GAC anticipates working with the Board and other members of the ICANN constituencies, in particular the ALAC, in further consideration of the integration of prior reviews to serve as an early warning to applicants whether a proposed string would be considered controversial or to raise sensitivities.</p> |

ROOT ZONE SCALING

| Date | GAC comments |
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| 27 March 2007 GAC Principles regarding New gTLDs | 2.6 It is important that the selection process for new gTLDs ensures the security, reliability, global interoperability and stability of the Domain Name System (DNS) and promotes competition, consumer choice, geographical and service-provider diversity. 2.10 A new gTLD operator/registry should undertake to implement practices that ensure an appropriate level of security and stability both for the TLD itself and for the DNS as a whole, including the development of best practices to ensure the accuracy, integrity and validity of registry information. |
| 31 October 2007, Communiqué Los Angeles | |
| 13 February 2008, Communiqué New Delhi | |
| 26 June 2008, Communiqué Paris | |
| 5 November 2008, Communiqué Cairo | |
| 10 March 2009 Comments on V1 of AG | The GAC's main concern is to ensure that the careful expansion of the DNS does not cause any threat to the stability and security of the Internet. This is a strategic issue for the future of the DNS and its contribution to the global information society. |
| 24 June 2009 Communiqué Sydney | The GAC discussed the Draft Applicant Guidebook version 2 and feels that it does not yet respond to all the concerns that governments have. The GAC notes that considerable work is underway seeking to address several critical yet outstanding issues but the GAC remains concerned about a number of important issues: <ul style="list-style-type: none"> - Root scalability and stability; ---- The GAC welcomes the detailed briefings from the SSAC and RSSAC on DNSSEC and the signing of the root, the Root Zone Scaling Study and SSAC advisory on the problems associated with the use of wildcards. The GAC is particularly mindful that the introduction of new gTLDs and IDN ccTLDs has to be seen in the wider context of other major changes being implemented in the Domain Name System, including, for example, the introduction of IPv6 and DNSSEC. For this reason, the GAC is concerned about the cumulative impact of such major changes on the stability and security of the DNS and the Internet in general, and looks forward to the conclusions of the report of the Root Scaling Study. |
| 18 August 2009 Comments on V2 of AG | The GAC is aware that many root server operators have raised concerns about the effect that a major expansion of the gTLD space would have on the stability of the Internet. The GAC considers that a controlled and prudent expansion of the DNS space is of primary importance for safeguarding the stability, security and interoperability of the Internet on which the global economy and social welfare relies so much. The GAC notes that the SSAC and RSSAC have been asked to prepare a report on the scalability of the root zone and the impact of the potential simultaneous introduction of new gTLDs, DNSSEC, IPv6 glue, and IDNs into the root zone, which will be published in August. The GAC will look to this report to provide reassurance that the scaling up of the root will not impair the stability of the Internet and that the technical safeguards are sufficient. The GAC is hopeful the report will stress the importance of developing an alert or warning system, as well as the need for a process for halting the adoption of new top level domains should the root zone begin to show signs of breach or weakness. It should be noted that although the GAC is encouraged this study is underway there is some concern as to why the proper analysis did not occur earlier. |
| 28 October 2009 | The GAC welcomes the detailed briefings from the SSAC, RSSAC and VeriSign on DNSSEC and the signing of the root, the Root Zone Scaling Study and SSAC advisory on the |

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| Communiqué Seoul | <p>problems associated with the use of wildcards.</p> <p>The GAC regrets that an assessment of the impact of changes to the root zone file was not made much earlier in the launching of initiatives such as new gTLDs, IDNs, IPv6 and DNSSEC. This has regrettably created a high degree of uncertainty. Moreover, many stakeholders have already made significant investments in respect to these initiatives. They have a legitimate right to expect a more predictable environment in which to make important investment and operational decisions which is not helped by the current uncertainty.</p> |
| 10 March 2010 Communiqué Nairobi | <p>Following discussions in Seoul however, both between GAC members and with other stakeholders, the GAC feels that many of its concerns remain outstanding, related in particular to:</p> <ul style="list-style-type: none"> - the need to take full account of the security, stability and resiliency issues including those identified in the recent root scaling reports. These concerned the potential cumulative effects of changes resulting from the introduction and implementation of DNSSEC, IDNs, new gTLDs and IPv6; |
| 10 March 2010 Comments on V3 of AG | <p>The root scaling implications arising from the scale and rate of change of any introduction of new gTLDs at the same time as other changes - notably deployment of DNSSEC in the root, the introduction of IDNs and IPv6 transition - and the rate of these changes, must have no negative impact on the resilience, security and stability of the DNS. Each round of applications should encompass an appropriate number of strings that will not raise any concern in that regard.</p> <p>More action must be taken to ensure that the introduction of new gTLDs does not lead to a concomitant increase in malicious conduct and abuse of the DNS. Improvements in ICANN's post-delegation monitoring and enforcement of the commitments made by delegated operator registries and registrars are warranted.</p> |
| 23 June 2010 Communiqué Brussels | <p>The GAC welcomes the update by ICANN staff regarding ICANN Strategic Initiatives for Security, Stability and Resiliency as well as the SSAC update on root scaling issues.</p> <p>The GAC welcomes information about the "Global DNS-CERT Business Case" and the initiative to launch a global strategy concerning the medium-long term planning about security of the DNS presented in the recently published documents "Proposed Initiatives for Improved DNS Security and Resiliency".</p> <p>Concerning the DNS CERT, the GAC recommends that ICANN informs the relevant GAC Representatives about its consultations with national and regional CERTs and is concerned about possible duplication of efforts.</p> <p>The GAC notes progress on the analysis of the factors that provoke the expansion of the root zone file.</p> <p>In the context of scaling the root, the increasing adoption of DNSSEC will be the major factor; an important milestone will be July 2010 with the anticipated signing of the root going live.</p> <p>In particular the GAC notes that, in the context of the root scaling issue, —anycast related questions have been identified as an additional element to be considered.</p> |
| 4 August 2010, Comments on Morality and Public Order | |
| 23 September 2010 Comments on V4 of AG | <p>With regard to the technical impacts and in particular the “root scaling” issues which continue to be a paramount concern for governments in the expectation that ICANN will continue to guarantee the security and stability of the root zone as its top priority, the GAC notes your expectation that “the rate of growth of the root zone would remain linear”. The GAC would be grateful for sight of the analysis in support of this statement in your letter, together with a definition of how many TLDs which ICANN expects to be able to add within this parameter of linear growth of the root zone.</p> |

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| | <p>Given the unpredictability of the number of applications for new gTLDs, the GAC asks that consideration be given to creating a procedure, akin to a control or brake mechanism. This procedure should be used by ICANN to prevent the root from growing too rapidly and allow ICANN to mitigate any strain on the overall domain name system caused by the new gTLD programme at a time when it is expected that the rate of adding internationalized domain names (IDNs) to the root is expected to increase significantly.</p> <p>There is clearly a need to avoid root change congestion at the operational level and the potential problems that might flow from resource demands on the root operators already faced with extra strings being to be added to the root to accommodate IDNs. It is quite conceivable for example that a major commercial gTLD such as a “dot.bank” would require labels in up to 20 scripts. The ability of the root operators to keep in step with the number of IDN labels and at what rate of addition will need careful assessment. The GAC considers that this would further justify a control procedure in the rate of gTLD delegations that would serve to keep all the actors in line including the root operators as well as ensuring that the system remains properly integrated.</p> <p>This control mechanism would of course require carefully designed and clearly understood public policy criteria to be established in the applicant guidebook before implementation.</p> |
| <p>22 November 2010 Interim comments relating to new gTLDs</p> | <p>Due to uncertainties regarding the effectiveness of ICANN’s review and objection procedures, a country may feel compelled to block a new gTLD at the national level that it considers either objectionable or that raises national sensitivities. To date, there do not appear to be controversial top level domains that have resulted in significant or sustained blocking by countries. The GAC believes it is imperative that the impact on the continued security, stability and universal resolvability of the domain name system of the potential blocking at the national level of new gTLD strings that are considered to be either objectionable or that raise national sensitivities be assessed prior to introducing new gTLDs. In this regard, the GAC is pleased to inform the Board that it intends to seek advice from the technical community on this important issue.</p> |
| <p>9 December 2010 Communiqué Cartagena</p> | <p>That the GAC will provide the Board at the earliest opportunity with a list or "scorecard" of the issues which the GAC feels are still outstanding and require additional discussion between the Board and the GAC. These include:</p> <ul style="list-style-type: none"> • Root Zone Scaling <p>----</p> <p>The GAC and members of the technical community held a constructive and informative exchange regarding universal resolvability of the DNS in the context of controversial gTLDs. The GAC appreciates and welcomes future exchanges on these important issues. The discussion covered the fact that blocking access to resources and information already could occur at many other different layers in the Internet architecture. Based on the exchange, the GAC understands that DNSSEC is not designed to accommodate blocking and that collateral damage and unintended results are likely to be caused if TLDs are not universally resolvable.</p> |

MARKET AND ECONOMIC IMPACTS

| Date | GAC comments |
|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27 March 2007 GAC Principles regarding New gTLDs | 2.6 It is important that the selection process for new gTLDs ensures the security, reliability, global interoperability and stability of the Domain Name System (DNS) and promotes competition, consumer choice, geographical and service-provider diversity. |
| 31 October 2007, Communiqué Los Angeles | |
| 13 February 2008, Communiqué New Delhi | |
| 26 June 2008, Communiqué Paris | |
| 5 November 2008, Communiqué Cairo | |
| 10 March 2009, Comments on V1 of AG | |
| 24 June 2009 Communiqué Sydney | The GAC discussed the Draft Applicant Guidebook version 2 and feels that it does not yet respond to all the concerns that governments have. The GAC notes that considerable work is underway seeking to address several critical yet outstanding issues but the GAC remains concerned about a number of important issues: - The lack of comprehensive analysis of economic and competition impacts; |
| 18 August 2009 Comments on V2 of AG | The GAC had registered its concern at the Mexico City meeting that the two preliminary reports on competition and price caps had not provided appropriate answers to the 2006 Board request for economic studies to be undertaken. Such analysis is needed to take full account of the entire domain name environment. The GAC remains concerned that the threshold question has not been answered whether the introduction of new gTLDs provides potential benefits to consumers that will not be outweighed by the potential harms. The GAC notes that the economic reports commissioned by ICANN have failed to distinguish adequately between real demand and derived demand arising from widespread concern in the business community about the multiplication of the opportunity for cybersquatting, fraud and malicious conduct generally. The GAC notes that the recent IRT report addresses a number of related intellectual property protection and enforcement issues. However, the GAC believes there is an urgent need for separate empirical research to be undertaken regarding the costs of defensive registrations and the impact on consumers of the availability of new gTLDs. To the extent that the uses of new gTLDs are innovative and respond to registrant demand, the GAC expects there would be benefits to consumers. The GAC also recommends that any analysis of the gTLD environment encompass fact gathering beyond empirical studies. A thorough analysis would include interviews with and perhaps surveys of a wide cross-section of market participants. As a first step in this process, the GAC recommends that ICANN more systematically conduct outreach and data gathering from the variety of resources represented by the participants in the malicious conduct and e-crimes sessions in Sydney. |
| 28 October 2009 Communiqué Seoul | Following discussions in Seoul however, both between GAC members and with other stakeholders, the GAC feels that many of its concerns remain outstanding, related in particular to: <ul style="list-style-type: none"> • the importance of further economic studies to improve the community's understanding of all the costs, benefits and market impacts; |
| 10 March 2010, Communiqué Nairobi | |
| 10 March 2010 Comments on V3 of AG | The urgent need for economic studies to be concluded which assess whether the benefits of new gTLDs are likely to outweigh any costs to users and to assess whether any registry operator can or will be able to exercise market power with respect to any existing or new gTLD, before any changes are made to the current policy requiring vertical separation between registries and registrars. Economic |

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| | studies should also distinguish demand for new name registrations versus defensive registrations by current brand holders. |
| 23 June 2010, Communiqué Brussels | |
| 4 August 2010, Comments on Morality and Public Order | |
| 23 September 2010 Comments on V4 of AG | <p>Although it was published too late to be taken into account at the Brussels meeting, the GAC welcomes the publication of “An Economic Framework for the Analysis of the Expansion of gTLDs” (the report). The GAC looks forward to receiving the case analysis that is to follow this report.</p> <p>A key issue identified in the report is that ICANN has insufficient information to enable it to predict with certainty the economic impacts of the delegation of a large number of new gTLD strings. The GAC notes in this context the suggestion contained in the economic analysis that ICANN address this problem through conducting a small pilot programme with the aim of collecting relevant information and then using this data to refine and improve the application rules for the subsequent rounds. Such a proposal would have the support of many governments as consistent with sound technical and management practice when embarking on such a transformative initiative as the full opening up of the gTLD space in the domain name system.</p> <p>At the same time, the GAC is aware that there may be a number of relatively straightforward, non-sensitive and uncontroversial gTLD proposals – including community-based initiatives – which are being unduly delayed as a result of wider operational and policy development issues that do not directly concern or involve them. In the GAC’s view, these applications could be considered as part of a fast track first round. Instituting such a first phase of the gTLD round would also serve to “road test” the core application procedures and bed them in before subjecting them to the handling of more complex applications. The GAC also notes in this respect that the fast track process for IDN ccTLDs could serve as a useful benchmark.</p> <p>The GAC concludes therefore that an initial fast track round for a limited number of non-controversial applications which should include a representative but diverse sample of community, cultural and geographical applications, would be a preferable course for ICANN to take rather than a single open-ended launch. Ensuring equity and fair play in the application process for this limited first round would require a fully open community discussion and clear direction in the applicant guidebook. The GAC recommends that ICANN undertake a full review of the results of the fast track process before embarking on subsequent rounds.</p> <p>Furthermore, such a limited approach to the initial launch round would be consistent with the several cross-community discussions that have taken place since the Nairobi meeting which in the GAC’s view have successfully highlighted the social and economic benefits of track differentiation between categories. Specifically, the GAC recommends that such categorization be used in a more clearly defined version of the application batching process set out in version 4 of the DAG. It will be important of course in the design and implementation of this process to be mindful of the risk of potential “gaming” by applicants and there should be provisions to prevent market distortions.</p> |
| 22 Nov 2010, Interim GAC comments relating to new gTLDs | |
| 9 December 2010 Communiqué Cartagena | <p>That the GAC will provide the Board at the earliest opportunity with a list or "scorecard" of the issues which the GAC feels are still outstanding and require additional discussion between the Board and the GAC. These include:</p> <ul style="list-style-type: none"> • Market and Economic Impacts; |

REGISTRY/REGISTRAR SEPARATION

| Date | GAC comments |
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| 27 March 2007 GAC Principles regarding New gTLDs | 2.6 It is important that the selection process for new gTLDs ensures the security, reliability, global interoperability and stability of the Domain Name System (DNS) and promotes competition, consumer choice, geographical and service-provider diversity. |
| 31 October 2007, Communiqué Los Angeles | |
| 13 February 2008, Communiqué New Delhi | |
| 26 June 2008, Communiqué Paris | |
| 5 November 2008, Communiqué Cairo | |
| 10 March 2009, Comments on V1 of AG | |
| 24 June 2009, Communiqué Sydney | |
| 18 August 2009 Comments on V2 of AG | <p>The GAC has considered whether there is a risk that the gTLD process could create a multitude of monopolies rather than increasing competition. This rests in part on important, but unanswered questions relating to: (1) whether registrants view gTLDs as reasonable substitutes for one another; and (2) why some registrants purchase the same domain name in multiple TLDs.</p> <p>Further concerns have arisen regarding the apparent desire to alter existing policy that requires a structural separation between registrars and registries. Change to this policy should be guided primarily by whether and how such a change would benefit consumers and registrants. Studies to date have not fully addressed this aspect of the marketplace, nor have they included an analysis of the potential harm to domain name registrants of permitting registrars to operate as new gTLD registries.</p> |
| 28 October 2009 Communiqué Seoul | <p>Following discussions in Seoul however, both between GAC members and with other stakeholders, the GAC feels that many of its concerns remain outstanding, related in particular to:</p> <ul style="list-style-type: none"> - the ongoing discussions within the community regarding structural separation between registries and registrars, price caps and the potential impacts on competition in the DNS market; |
| 10 March 2010, Communiqué Nairobi | |
| 10 March 2010 Comments on V3 of AG | |
| 23 June 2010, Communiqué Brussels | |
| 4 August 2010, Comments on Morality and Public Order | |
| 23 September 2010 Comments on V4 of AG | <p>The GAC notes the significant work being done within the ICANN community to resolve the difficult issue of registry-registrar separation. The GAC looks forward to further discussion of this important issue.</p> <p>The GAC notes that CANN has incorporated strict rules in version 4 of the DAG under which registrars are not able to provide registry services or to operate a new gTLD. Governments generally support restrictions on vertical integration and cross-ownership as important devices for promoting competition, preventing market dominance and averting market distortions. The GAC notes in this regard the Salop and Wright report and recognizes that vertical separation may be warranted where a market participant wields, or may in the future wield, market power.</p> <p>However, the GAC also recognises that if market power is not an issue, the ability of registrars with valuable technical, commercial and relevant local expertise and experience to enter the domain names market could likely lead to benefits in terms of enhancing competition and promoting innovation.</p> <p>An important additional benefit which the GAC expects would flow from such an exemption would be that community-based TLD applicants would be able to cast their</p> |

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| | <p>net more widely in securing partners with the necessary expertise and experience in the local market to undertake what would be relatively small scale registry functions.</p> <p>The GAC therefore urges ICANN to resolve the current debate about registry-registrar separation with a solution that fosters competition and innovation in the DNS market by allowing exemptions, subject to some form of regulatory probity that ensures a level playing field, for certain registrars as potentially valuable newcomers to the registry market. ICANN may find it useful to consider the experience of competition regulators around the world in addressing this issue.</p> |
| <p>22 Nov 2010, Interim GAC comments relating to new gTLDs</p> | |
| <p>9 December 2010 Communiqué Cartagena</p> | <p>That the GAC will provide the Board at the earliest opportunity with a list or "scorecard" of the issues which the GAC feels are still outstanding and require additional discussion between the Board and the GAC. These include:</p> <ul style="list-style-type: none"> • Registry – Registrar Separation; |

PROTECTION OF RIGHTS OWNERS & CONSUMER PROTECTION ISSUES

| Date | GAC comments |
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| 27 March 2007 GAC Principles regarding new gTLDs | <p>2.3 The process for introducing new gTLDs must make proper allowance for prior third party rights, in particular trademark rights as well as rights in the names and acronyms of inter-governmental organizations (IGOs).</p> <p>2.9 Applicants should identify how they will limit the need for defensive registrations and minimise cyber-squatting that can result from bad-faith registrations and other abuses of the registration system.</p> |
| 31 October 2007, Communiqué Los Angeles | |
| 13 February 2008, Communiqué New Delhi | |
| 26 June 2008, Communiqué Paris | |
| 5 November 2008, Communiqué Cairo | |
| 10 March 2009 Comments on V1 of AG | <p>The GAC shares the concerns of business stakeholders about a range of overarching issues relating to overall costs to business. In particular efforts should be made to help limit the need for defensive registrations in the new gTLDs.</p> <p>This includes ensuring that registries provide appropriate mechanisms to prevent fraudulent registrations. The GAC believes it is important to gain a clear understanding of the views of the business community on those issues.</p> |
| 24 June 2009 Communiqué Sydney | <p>The GAC discussed the Draft Applicant Guidebook version 2 and feels that it does not yet respond to all the concerns that governments have. The GAC notes that considerable work is underway seeking to address several critical yet outstanding issues but the GAC remains concerned about a number of important issues:</p> <ul style="list-style-type: none"> - The need for more effective protection for intellectual property rights; - The lack of analysis of the risk of end user confusion and/or harm; |
| 18 August 2009 Comments on V2 of AG | <p>It will prove likely that the average Internet user will place greater emphasis on retaining the ease of navigation around the existing DNS. The DAG2 does not specifically address the issue of how the new gTLDs will integrate with the existing gTLDs. The GAC believes therefore that there is a need for more studies to be commissioned which assess the impacts of a radically changed new gTLD regime on end users. Such studies should focus in particular on the extent to which the expected proliferation of domains may cause confusion or may exacerbate the harms from the malicious conduct and criminal activity that consumers experience in the current marketplace, or whether a more measured rollout would be more beneficial and cause less consumer confusion. The GAC wishes to emphasize the point that such fact finding studies as these should have been conducted prior to the decision to introduce new gTLDs.</p> <p>-----</p> <p>ICANN should address the very low level of awareness of the proposed gTLD round amongst the business community, in particular amongst small and medium sized businesses, outside the Internet industry and the existing registry and registrar communities. The GAC recommends that ICANN more actively promote the opportunity for business in the period prior to the launch of the first and subsequent gTLD rounds.</p> |
| 28 October 2009 Communiqué Seoul | <p>Following discussions in Seoul however, both between GAC members and with other stakeholders, the GAC feels that many of its concerns remain outstanding, related in particular to:</p> <ul style="list-style-type: none"> - the need for more effective protection of intellectual property rights; |
| 10 March 2010, Communiqué Nairobi | |
| 10 March 2010 Comments on V3 | More action must be taken to ensure that the introduction of new gTLDs does not lead to a concomitant increase in malicious conduct and abuse of the DNS. |

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| <p>of AG</p> | <p>Improvements in ICANN’s post-delegation monitoring and enforcement of the commitments made by delegated operator registries and registrars are warranted. It is important to ensure that intellectual property rights are properly respected in the new gTLD space consistent with national and international law and standards. The GAC expects that the proposed Trademark Clearing House should be made available to all trademark owners, irrespective of the legal regime they operate under, and that an effective and sustainable Uniform Rapid Suspension (URS), with appropriate remedies, and a Post Delegation Dispute Resolution Policy are established to ensure appropriate trade mark protection. While these initiatives are broadly welcomed therefore in serving to help address the concerns of brand owners, the GAC believes that they require further refining. In particular, “substantive examination” should be re-defined so that registrations examined on “absolute grounds” are included in order to ensure broader availability of the URS.</p> |
| <p>23 June 2010, Communiqué Brussels</p> | |
| <p>4 August 2010, Comments on Morality and Public Order</p> | |
| <p>23 September 2010 Comments on V4 of AG</p> | <p>The GAC notes with great concern that brand-owners continue to be faced with substantial and often prohibitive defensive registration costs which constitute a negative impact on their business planning and budgeting over which they have no control. Consultations by individual GAC members with business stakeholders underline how this issue remains a fundamental downside to the expansion of the gTLD space, far outweighing any perception of opportunities for innovation and customer-orientated benefits from the creation of corporate brand TLDs.</p> <p>In the current financial and economic climate, these consultations reveal that many individual businesses (including small and medium-sized enterprises) and media entities – some with large families of brands - find themselves without a sound business case to justify high levels of expenditure on large numbers of domain name registrations, most of which they are unlikely ever to use. Many of those that do decide to commit valuable financial resources for acquiring such defensive registrations will need to take some difficult decisions as to how to prioritize their efforts to avoid as much abuse of their trademarks as possible, in the knowledge that they will not be able to prevent all the potential abuse of their brands that the new gTLD round will facilitate.</p> <p>This problem is exacerbated by lack of awareness: a recent survey carried out by ‘World Trademark Review’ showed that over 50% of respondents did not understand the implications for them of the gTLD programme.</p> <p>The GAC remains of the view, therefore, that more concerted attention needs to be paid by ICANN to mitigate the costs to brandowners of new gTLDs arising from the need to acquire defensive registrations. The GAC urges ICANN therefore to reach out more effectively to the business community to set out both the opportunities for corporate business and the cost implications for brandowners of the expansion of the gTLD space.</p> <p>The GAC notes the efforts to enhance through <i>process</i> the protection of rights owners as recounted in your letter of 5 August and developed in version 4 of the DAG.</p> <p>In particular, the GAC welcomes the expansion of the Trademark Clearing House to allow all nationally registered trademarks including those not substantially reviewed. However, the GAC shares the views of the World Intellectual Property Organisation (WIPO) that ICANN should ensure that the Trademark Clearing House operates on non-discriminatory terms and does not impose a validation fee depending on the source of the trademark. The GAC also recommends that the match criteria for searches be extended to include results that combine a trademark and a generic term (e.g. “Kodakcameras”).</p> <p>The GAC also urges ICANN to ensure that all new rights protection mechanisms complement the existing UDRP. The GAC has serious concerns with regard to the</p> |

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| | <p>way in which the draft Uniform Rapid Suspension System (URS) which governments had supported has evolved so as to require a much higher burden of proof while limiting marks eligible for a URS claim to only those which have been subject to substantive review or validated in the Clearing House with the associated cost and time implications. As a result, the GAC believes that the aim of achieving a light-weight mechanism has been compromised with the successive drafting of the URS, to the extent that it no longer serves as a viable alternative for rightsholders to the UDRP in securing the timely suspension of domain names.</p> <p>The GAC looks forward to the opportunity for further consultations with ICANN staff on these issues relating to the operation of the Clearing House and the URS.</p> |
| <p>22 Nov 2010, Interim GAC comments relating to new gTLDs</p> | |
| <p>9 December 2010 Communiqué Cartagena</p> | <p>That the GAC will provide the Board at the earliest opportunity with a list or "scorecard" of the issues which the GAC feels are still outstanding and require additional discussion between the Board and the GAC. These include:</p> <ul style="list-style-type: none"> • Protection of Rights Owners and consumer protection issues; |

POST DELEGATION DISPUTES WITH GOVERNMENTS

| Date | GAC comments |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27 March 2007, GAC Principles regarding New gTLDs | |
| 31 October 2007, Communiqué Los Angeles | |
| 13 February 2008, Communiqué New Delhi | |
| 26 June 2008, Communiqué Paris | |
| 5 November 2008, Communiqué Cairo | |
| 10 March 2009, Comments on V1 of AG | |
| 24 June 2009 Communiqué Sydney | <p>The GAC discussed the Draft Applicant Guidebook version 2 and feels that it does not yet respond to all the concerns that governments have. The GAC notes that considerable work is underway seeking to address several critical yet outstanding issues but the GAC remains concerned about a number of important issues:</p> <ul style="list-style-type: none"> - The need to ensure respect for national and public policy interests, in particular the need for adequate protection of geographic names (on the top and the second levels) and delegation/re-delegation procedures; |
| 18 August 2009 Comments on V2 of AG | <p>gTLDs using strings with geographic names other than country names or territories (so called geoTLDs) should follow specific rules of procedure</p> <p>The Draft Applicant Guidebook already provides for specific rules of procedure, such as the creation of a Geographic Names Panel or the requirement that an applicant for a geoTLD must document the government's or public authority's support for, or non-objection to, the applicant's application, and must demonstrate the government's or public authority's understanding of the string being requested and its intended use.</p> <p>However, the gTLD regime as proposed in DAG2 implies that the active involvement of public authorities would be limited to the application and evaluation phase of the new gTLD process. However, the GAC is of the view that the principles of subsidiarity should also apply after delegation. An approval or non-objection from the relevant government or public authority could for example be based on certain obligations on a gTLD registry for which the registry is held accountable (which may include direct legally binding agreement under contract with the relevant public authority). In such cases there could be a need for procedures that allow the relevant governments or public authorities to initiate a re-delegation process, perhaps because of infringement of competition legislation, misuse or breach of contract, or breach of the terms of approval/non-objection.</p> <p>Furthermore, in cases of a change in the ownership structure of a geoTLD, ICANN should establish a new process of approval or non-objection for that geoTLD by the relevant public authority. The GAC will provide input in this regard in the near future.</p> |
| 28 October 2009, Communiqué Seoul | |
| 10 March 2010, Communiqué Nairobi | |
| 10 March 2010 Comments on V3 of AG | <p>The GAC urges that mechanisms be established for the resolution of post-delegation deviation from conditions for government approval of or non-objection to the use of a geographical name. The GAC is of the view that this could be achieved with the inclusion of a clause in the registry agreement requiring that in the case of a dispute between a relevant Government and the registry operator, ICANN must comply with a legally binding decision in the relevant jurisdiction. However, in case of the need for approval or non-objection from multiple governments, proper mechanisms for resolving post delegation disputes must be detailed.</p> <p>-----</p> |

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| | <p>Taking into account that applicants and users of new TLDs of a high public interest for a specific community, such as city TLDs or country-region and other geographical TLDs², may expect the legal framework of the territory in which the community is located to be applicable to the TLD, ICANN should allow for ways to respect the specific legal framework under which the respective community is operating in the TLD regime. This will also help ICANN, the applicants and national or local public authorities to avoid the risk of large scale legal challenges.</p> |
| 23 June 2010, Communiqué Brussels | |
| 4 August 2010, Comments on Morality and Public Order | |
| <p>23 September 2010 Comments on V4 of AG</p> | <p>The GAC welcomes the proposal for contractual clauses in the registry agreement to respect a legally binding decision in the relevant jurisdiction in the event of dispute between a Government which has provided a letter of support or non-objection and a gTLD registry.</p> <p>However, the GAC would appreciate a response from ICANN on an outstanding point concerning the GAC view that the operations of registry operators of “geo-TLDs” should be conducted under the legal framework of the country the government administration of which provided the letter of support letter or non-objection to ICANN. The GAC believes that this requirement would remove any doubt or concern about legal conflict.</p> |
| 22 Nov 2010, Interim GAC comments relating to new gTLDs | |
| <p>9 December 2010 Communiqué Cartagena</p> | <p>That the GAC will provide the Board at the earliest opportunity with a list or "scorecard" of the issues which the GAC feels are still outstanding and require additional discussion between the Board and the GAC. These include:</p> <ul style="list-style-type: none"> • Post-delegation disputes with governments; |

² Subject to the provisions of article 2.2 of the GAC principles regarding new gTLDs, March 2007

GEOGRAPHIC NAMES

| Date | GAC comments |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 28 March 2007 GAC Principles regarding New gTLDs | <p>2.2 ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities.</p> <p>2.7 Applicant registries for new gTLDs should pledge to:</p> <p>a) Adopt, before the new gTLD is introduced, appropriate procedures for blocking, at no cost and upon demand of governments, public authorities or IGOs, names with national or geographic significance at the second level of any new gTLD.</p> <p>b) Ensure procedures to allow governments, public authorities or IGOs to challenge abuses of names with national or geographic significance at the second level of any new gTLD.</p> |
| 31 October 2007 Communiqué Los Angeles | <p>Appreciates work done by GNSO regarding the proposal for principles, recommendations and implementation guidelines for new gTLDs. GAC draws attention to the fact that the proposal does not properly take into account paragraph 2.2 in the <i>GAC principles regarding new gTLDs</i>, in particular the avoidance of country names. In practice some countries would not be in a position to avail themselves of the proposed objection mechanism especially those not participating in ICANN activities.</p> |
| 13 February 2008 Communiqué New Dehli | <p>On IDN gTLDs:</p> <ul style="list-style-type: none"> • <i>GAC Principles regarding new gTLDs</i> are equally relevant to IDN gTLDs. • should avoid country, territory, place names and country territory or regional language or people descriptions, unless in agreement with the govts or relevant public authorities. <p>In the event that there is any doubt regarding the status of whether an application constitutes an IDN ccTLD or IDN gTLD, ICANN should consult with the govt. or RPA of the territory concerned to determine whether there may be any potential infringement of their sovereign rights regarding their country or territory name.</p> |
| 26 June 2008 Communiqué Paris | <p>On the introduction of the gTLDs the GAC expressed concern to Board and GNSO that the GNSO proposals do not include provisions reflecting GAC Principles regarding new gTLDs, names 2.2, 2.6 and 2.7.</p> |
| 5 November 2008 Communiqué Cairo | <p>Appreciates level of engagement inter-sessionally with ICANN staff which lead to better reflection of the GAC principles in New gTLDs in the DAG, particularly principles 2.2 and 2.6. As a result became more sensitive to the potential blurring of the existing distinction between the ccTLD and gTLD namespace.</p> <p>Questions related to consideration of country and territory names need to be addressed further. Will continue consideration of whether the strings being meaningful representations or abbreviations of a country or territory name in any script or language should not be allowed in the gTLD space until the related ccTLD PDP is completed.</p> <p>The procedure recommended in 2.7a of the GAC principles also needs to be further considered in the DAG.</p> |
| 10 March 2009 Comments on V1 of AG | <p>The GAC expects ICANN to apply GAC gTLD principles in respect to the handling of geographic names and in particular principles 2.2 (including place names) and 2.7 that are not comprehensively addressed in the implementation proposals.</p> <p>Strings being meaningful representations or abbreviations of a country and territory name in any script or language should not be allowed in the gTLD space until the related IDN ccTLD policy development processes have been completed.</p> |

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| | The proposed introduction of new gTLDs and in particular any process relating to the protection of geographic names should not result in an unreasonable administrative burden for government administrations. |
| 24 June 2009 Communiqué Sydney | <p>The GAC discussed the Draft Applicant Guidebook version 2 and feels that it does not yet respond to all the concerns that governments have. The GAC notes that considerable work is underway seeking to address several critical yet outstanding issues but the GAC remains concerned about a number of important issues:</p> <ul style="list-style-type: none"> - The need to ensure respect for national and public policy interests, in particular the need for adequate protection of geographic names (on the top and the second levels) and delegation/re-delegation procedures; |
| 18 August 2009 Comments on V2 of AG | <p>The GAC has commented on the use of geographic names as gTLDs on various occasions. The GAC principles of 28 March 2007 emphasize that "ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities" (Article 2.2). In a letter dated 24 April 2009, the ICANN Board received input from the GAC regarding the issue of geographic names as new gTLDs. In this letter the GAC pointed out that the rights of relevant governments or public authorities, as representatives of the sovereign state or territory, cannot be limited as such by ICANN or by any procedures introduced by ICANN for new gTLDs.</p> <p>The GAC is of the opinion that the DAG2 is a substantial improvement on its predecessor, but that it does not yet fully reflect the GAC position that governments and other public authorities, as representatives of citizens of a sovereign state, territory, province or city, have a legitimate interest in the use of geographical names as new TLDs.</p> <p>The GAC therefore proposes the following amendments to be incorporated in version 3 of the Draft Applicant Guidebook (further in the text - DAG3):</p> <p>i. Strings that are a meaningful representation or abbreviation of a country name or territory name should not be allowed in the gTLD space</p> <p>These strings represent countries or territories and the principle of sovereignty must apply. TLDs in this category should therefore be treated in the same way as ccTLDs.</p> <p>The use of exhaustive listings (e.g. ISO 3166-1) will not cover all the ccTLD-like applications envisaged by the GAC and ccNSO, in particular in the following categories: 'Commonly referred to as' type strings representing a country or territory but which are not official titles, e.g. .america, .ceylon, .holland; Common or general names that are often applied to more than one country, e.g: .guinea</p> |
| 28 October 2009 Communiqué Seoul | <p>Following discussions in Seoul however, both between GAC members and with other stakeholders, the GAC feels that many of its concerns remain outstanding, related in particular to:</p> <ul style="list-style-type: none"> - the need to respect national public interests and sovereign rights regarding strings with geographical meaning; |
| 10 March 2010, Communiqué Nairobi | |
| 10 March 2010 Comments on V3 of AG | The GAC restates the advice contained in the Chair's letter of 18 August 2009 which states: " <i>Strings that are a meaningful representation or abbreviation of a country name or territory name should not be allowed in the gTLD space</i> ". The GAC interprets para 2.2 of the GAC gTLD principles that strings which are a meaningful representation or |

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| | <p>abbreviation of a country or territory name should be handled through the forthcoming ccTLD PDP, and other geographical strings could be allowed in the gTLD space if in agreement with the relevant government or public authority.</p> <p>----</p> <p>The GAC is of the view that the definition of geographical strings continues to be insufficient and is not in line with GAC gTLD principles paras 2.2 and 2.7. For example, commonly used abbreviations or regions not listed in ISO 3166-2 should also be considered as geographical names.</p> |
| 23 June 2010, Communiqué Brussels | |
| 4 August 2010, Comments on Morality and Public Order | |
| <p>23 September 2010 Comments on V4 of AG</p> | <p>The GAC appreciates the work undertaken by ICANN to address the GAC's concerns relating to the use of geographical names. In particular, the GAC welcomed the addition of the clearly stated provision in version 4 of the DAG that country and territory names are to be excluded from the first application round. However, as stated in its Nairobi communiqué, the GAC underlines that this exclusion should be prolonged until the completion of the ccPDP.</p> <p>The GAC notes that the guide still does not take fully into consideration the GAC's concerns about extending the protection of geographical names. The GAC remains of the view that the definition of geographical strings continues to be insufficient and inconsistent with GAC gTLD principles and earlier advice by the GAC. In particular, names by which countries are commonly known as and which do not appear in ISO lists should also be given the same protection as country names that do appear.</p> <p>The GAC notes that ICANN referred governments to the "secondary avenue of recourse available by way of objections" in the Chair's letter of 5 August 2010. The GAC therefore asks ICANN to ensure that the criteria for community objections are implemented in a way that appropriately enables governments to use this instrument to protect their legitimate interests.</p> <p>Applications for gTLDs which are city names will need careful handling. The GAC considers that the provisions in version 4 of the DAG in relation to city names carry the danger that an applicant could seek to avoid the safeguards of government support or non-objection if the application simply states that the intended use of the name is for non-community purposes. The GAC asks ICANN to review the proposal in the DAG in order to ensure that this potential loophole does not arise.</p> <p>The GAC takes this opportunity to remind the Board that governments need time to consult internally before deciding on whether or not to deliver a letter of approval or non-objection, in particular in cases there is more than one application for a string with a geographical name. This timeline needs to be factored into the DAG advice.</p> |
| 22 Nov 2010, Interim GAC comments relating to new gTLDs | |
| <p>9 December 2010 Communiqué Cartagena</p> | <p>That the GAC will provide the Board at the earliest opportunity with a list or "scorecard" of the issues which the GAC feels are still outstanding and require additional discussion between the Board and the GAC. These include:</p> <ul style="list-style-type: none"> • Use and protection of geographical names; |

LEGAL RECOURSE FOR APPLICANTS

| Date | GAC comments |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27 March 2007, GAC Principles regarding New gTLDs | |
| 31 October 2007, Communiqué Los Angeles | |
| 13 February 2008, Communiqué New Delhi | |
| 26 June 2008, Communiqué Paris | |
| 5 November 2008, Communiqué Cairo | |
| 10 March 2009, Comments on V1 of AG | |
| 24 June 2009, Communiqué Sydney | |
| 18 August 2009, Comments on V2 of AG | |
| 28 October 2009, Communiqué Seoul | |
| 10 March 2010, Communiqué Nairobi | |
| 23 June 2010, Communiqué Brussels | |
| 4 August 2010, Comments on Morality and Public Order | |
| 23 September 2010 Comments on V4 of AG | The GAC supports a framework whereby applicants can legally challenge any decision made by ICANN with respect to the application. The GAC believes therefore that the denial of any legal recourse as stated in Module 6 of the DAG under item 6 is inappropriate. The GAC cannot accept any exclusion of ICANN's legal liability for its decisions and asks that this statement in the DAG be removed accordingly. |
| 22 Nov 2010, Interim GAC comments relating to new gTLDs | |
| 9 December 2010 Communiqué Cartagena | That the GAC will provide the Board at the earliest opportunity with a list or "scorecard" of the issues which the GAC feels are still outstanding and require additional discussion between the Board and the GAC. These include: <ul style="list-style-type: none"> • Legal recourse for applicants; |

LEGAL RECOURSE FOR APPLICANTS

| Date | GAC comments |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27 March 2007, GAC Principles regarding New gTLDs | |
| 31 October 2007, Communiqué Los Angeles | |
| 13 February 2008, Communiqué New Delhi | |
| 26 June 2008, Communiqué Paris | |
| 5 November 2008, Communiqué Cairo | |
| 10 March 2009, Comments on V1 of AG | |
| 24 June 2009, Communiqué Sydney | |
| 18 August 2009, Comments on V2 of AG | |
| 28 October 2009, Communiqué Seoul | |
| 10 March 2010, Communiqué Nairobi | |
| 23 June 2010, Communiqué Brussels | |
| 4 August 2010, Comments on Morality and Public Order | |
| 23 September 2010 Comments on V4 of AG | The GAC supports a framework whereby applicants can legally challenge any decision made by ICANN with respect to the application. The GAC believes therefore that the denial of any legal recourse as stated in Module 6 of the DAG under item 6 is inappropriate. The GAC cannot accept any exclusion of ICANN's legal liability for its decisions and asks that this statement in the DAG be removed accordingly. |
| 22 Nov 2010, Interim GAC comments relating to new gTLDs | |
| 9 December 2010 Communiqué Cartagena | That the GAC will provide the Board at the earliest opportunity with a list or "scorecard" of the issues which the GAC feels are still outstanding and require additional discussion between the Board and the GAC. These include: <ul style="list-style-type: none"> • Legal recourse for applicants; |

PROVIDING OPPORTUNITIES FOR ALL STAKEHOLDERS

| Date | GAC comments |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27 March 2007, GAC Principles regarding New gTLDs | |
| 31 October 2007, Communiqué Los Angeles | |
| 13 February 2008, Communiqué New Delhi | |
| 26 June 2008, Communiqué Paris | |
| 5 November 2008, Communiqué Cairo | |
| 10 March 2009, Comments on V1 of AG | |
| 24 June 2009 Communiqué Sydney | <p>The GAC discussed the Draft Applicant Guidebook version 2 and feels that it does not yet respond to all the concerns that governments have. The GAC notes that considerable work is underway seeking to address several critical yet outstanding issues but the GAC remains concerned about a number of important issues:</p> <ul style="list-style-type: none"> - The one TLD category and single fee structure; |
| 18 August 2009 Comments on V2 of AG | <p>The GAC proposes that ICANN should actively consider a more category-based approach to the introduction of new gTLDs. This could allow for different procedures for different types of TLDs, including non-commercial cultural, linguistic and regional gTLDs which would strengthen cultural diversity on the Internet, creation of local content, and freedom of expression. It would also potentially lessen consumer confusion and provide a structure for a more measured rollout of new gTLDs.</p> <p>Furthermore the GAC believes that the structure of the gTLD application fee regime should reflect these different categories and the limited financial resources available to applicants for some of them. The GAC also feels that it would be logical and reasonable to apply existing policy principles and processes for ccTLDs (such as those policy provisions outlined in the GAC's ccTLD principles) to any top level domains intended to service a specific community within a specific national jurisdiction.</p> |
| 28 October 2009 Communiqué Seoul | <p>Following discussions in Seoul however, both between GAC members and with other stakeholders, the GAC feels that many of its concerns remain outstanding, related in particular to:</p> <ul style="list-style-type: none"> - the need to assist developing countries which would otherwise be constrained by their limited access to financial and technical resources. |
| 10 March 2010, Communiqué Nairobi | |
| 10 March 2010 Comments on V3 of AG | <p>Finally, the GAC reiterates the importance of fully exploring the potential benefits of further categories (or track differentiation) that could simplify rather than add complexity to the management of the new TLD program and in that way help to accelerate the new gTLD program. In particular, the GAC believes that:</p> <ul style="list-style-type: none"> iii) instead of the currently proposed single-fee requirement, a cost-based structure of fees appropriate to each category of TLD would a) prevent cross subsidisation and b) better reflect the project scale, logistical requirements and financial position of local community and developing country stakeholders who should not be disenfranchised from the new TLD round. |
| 23 June 2010 Communiqué Brussels | <p>The GAC believes that the new gTLD process should meet the global public interest consistent with the Affirmation of Commitments. It therefore urges ICANN to set technical and other requirements, including cost considerations, at a reasonable and proportionate level in order not to exclude developing country stakeholders from participating in the new gTLD-process. Key documents should be available in all UN languages. The GAC urges that the communications and outreach strategy for the new gTLD round be developed with this issue of inclusiveness as a key priority.</p> |
| 4 August 2010, Comments on Morality and Public Order | |
| 23 September 2010 | <p>The GAC notes the concerns expressed at the Internet Governance Forum in Vilnius on 16 September that the new gTLD round as currently framed carries the risk of</p> |

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| <p>Comments on V4 of AG</p> | <p>excluding the participation of developing countries in the gTLD round and thereby ensuring cultural and linguistic diversity.</p> <p>The GAC reiterates its strong belief that the new gTLD process should meet the global public interest in promoting a fully inclusive and diverse Internet community and infrastructure, consistent with the Affirmation of Commitments. The GAC therefore urges ICANN to set technical and other requirements, including cost considerations, at a reasonable and proportionate level in order not to exclude stakeholders from developing countries from participating in the new gTLD process. Key documents produced by ICANN must be available in all UN languages within a reasonable period in advance of the launch of the gTLD round. The GAC strongly recommends that the communications strategy for the new gTLD round be developed with this issue of inclusiveness as a key priority.</p> |
| <p>22 Nov 2010, Interim GAC comments relating to new gTLDs</p> | |
| <p>9 December 2010 Communiqué Cartagena</p> | <p>That the GAC will provide the Board at the earliest opportunity with a list or "scorecard" of the issues which the GAC feels are still outstanding and require additional discussion between the Board and the GAC. These include:</p> <ul style="list-style-type: none"> • Providing opportunities for all stakeholders including those from developing countries; |

2010-01-25-22c Annex-to-Board-Submission-ICM-and-GAC

ANNEX TO BOARD SUBMISSION NO. 2011-01-25-22c

SUBMISSION TITLE: ICANN Board Consideration of GAC Advice on the .XXX Registry Agreement

Annex

The proposed document setting out the Board's positions is attached as Attachment 1. The Chart setting out the Board's positions, originally approved by the Board on 28 October 2010 and provided to the GAC prior to the meeting in Cartagena, is suggested as an attachment to the document, and is attached as Attachment 2.

Submitted by: John Jeffrey
Position: General Counsel and Secretary
Date Noted: 18 January 2011
Email and Phone Number: John.Jeffrey @ICANN.org; +1-310-301-5834

2011-01-25-22c-Annex-Attachment-ICM-GAC-Chart

ICM – Chart of GAC Advice*

| <u>Reference</u> | <u>Source</u> | <u>GAC Advice*</u> | <u>Relevant Registry Agreement Terms</u> | <u>Additional Discussion</u> |
|--------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GAC-BD-XXX-2006-02-28-01 | Wellington Communiqué | Specify how Registry Agreement will take appropriate measures to restrict access to illegal and offensive content; | Appendix S imposes many related obligations on ICM: - promote development and adoption of responsibility business practices designed to combat child pornography - a registrar selection process requiring thorough understanding of the principles of the .xxx registration policies, and willingness to enforce those policies; - specifies .xxxlock – a “locking” service aimed at preventing malicious hijacking of registrations - requires Digital Certificates to provide higher levels of trust. | There is a clear requirement for validation of registrants, as well as policies against illegal and offensive material such as child pornography. The proposed Agreement also sets out processes to reduce the chance of malicious hijacking, which could lead to the posting of illegal or offensive content. Finally, the requirement that all registrants be verified – even if a privacy service is used – creates an expectation that all registrants will abide by the sTLD policies as they cannot mask their identity from the Registry. Placing further specification regarding other types of “offensive” material would require ICANN to take a role in content management. |
| GAC-BD-XXX-2006-02-28-02 | Wellington Communiqué | Specify how Registry Agreement will support the development of tools and programs to protect vulnerable members of the community; | Within Appendix S, there is an obligation ICM to promote development and adoption of responsible business practices designed to combat child pornography, facilitate user choice and parental control of access to content. Appendix S also includes a rapid takedown provision for | The proposed Registry Agreement, along with the documents provided in the Due Diligence phase, such as the identification of ICM and IFFOR Responsibilities and Obligations, demonstrate the commitment to adopting best business practices in accordance with safeguarding children online, combating child abuse images, prohibiting misuse of personal information, ensuring clear and accurate consumer disclosures and prohibit deceptive marketing. <i>See</i> |

* Note on term “GAC Advice”: This list does not serve as an authoritative identification that the GAC statements listed constitute formal GAC Advice under [Article XI, Section 2.1.j of the ICANN Bylaws](#). ICANN intentionally included all items that might be considered GAC Advice based on inclusion in formal Communiqués or correspondence to the Board.

ICM – Chart of GAC Advice*

| <u>Reference</u> | <u>Source</u> | <u>GAC Advice*</u> | <u>Relevant Registry Agreement Terms</u> | <u>Additional Discussion</u> |
|--------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | use in challenging abusive registrations including unauthorized registration of personal names. | <p>http://www.icann.org/en/tlds/agreements/xxx/iffor-responsibilities-obligations-20jul10-en.pdf. Further, the IFFOR Policy Council will include a Child Protection Advocate as one of its members.</p> <p>http://www.icann.org/en/tlds/agreements/xxx/appendix-d-iffor-organizational-chart-26jul10-en.pdf. ICM has also provided documentation relating to a Compliance Reporting System to review complaints of non-compliant registrations or registrants operating in a manner that violates IFFOR policies, including special provisions regarding reports of child abuse images. Information on the Compliance Reporting System is available at http://www.icann.org/en/tlds/agreements/xxx/appendix-c-compliance-reporting-system-26jul10-en.pdf.</p> |
| GAC-BD-XXX-2006-02-28-03 | Wellington Communiqué | Specify how Registry Agreement will maintain accurate details of registrants and assist law enforcement agencies to identify and contact the owners of particular websites, if need be; and | The main Registry Agreement and Appendix S impose Whois data availability requirements. Under Appendix S, proxy registration will be allowed, but only pursuant to the xxxProxy service using authorized proxy agents, requiring the verified identity of registrants to be stored in the registry Authentication database. Appendix S, Part 6 also requires the creation of a | The provisions requiring verification of registrants, combined with the robust Whois searchability requirements and the limitation on using only ICM-approved proxy or privacy registration services meets the concern raised by the GAC regarding availability of registrant contact information. Further, the ICM Compliance Reporting System requires ICM to follow law enforcement direction in regards to the handling of reports of child abuse images. |

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ICM – Chart of GAC Advice*

| <u>Reference</u> | <u>Source</u> | <u>GAC Advice*</u> | <u>Relevant Registry Agreement Terms</u> | <u>Additional Discussion</u> |
|--------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | Whois database searchable on multiple fields of data. | |
| GAC-BD-XXX-2006-02-28-04 | Wellington Communiqué | Specify how Registry Agreement will act to ensure the protection of intellectual property and trademark rights, personal names, country names, names of historical, cultural and religious significance and names of geographic identifiers drawing on best practices in the development of registration and eligibility rules. | Appendix 6 to the Registry Agreement contains a Reserved Names list, following standard Registry reservation requirements including a prohibition on two-character reservations, and the reservation of geographic and geopolitical names on the ISO 3166-1 list, in English and all related official languages. Appendix S contains a Start Up Trademark Opposition Procedure to allow intellectual property claimants to challenge registrations; an “IP Protect” service to allow Intellectual Property owners to designate non-resolving registrations; and Rapid Takedown process to allow quick takedown of registrations in clear cases of trade or service mark abused pending a full UDRP filing. The Registry Agreement also specified the applicability of | The proposed Registry Agreement contains many protections against abusive registrations that do not exist within other registries to date. ICM also propounds an ICM Registry Policy on Preventing Abusive Registrations that includes “common-law trademark claims, personal names, [and] cultural or religious terms” in the types of terms that can qualify for special protections within the Registry. This includes the creation of a mechanism whereby the GAC and/or the governments of any country or economy participating in the GAC may identify for reservation names that match words of cultural and/or religious significance. http://www.icann.org/en/tlds/agreements/xxx/preventing-abusive-registrations-20jul10-en.pdf . |

* Note on term “GAC Advice”: This list does not serve as an authoritative identification that the GAC statements listed constitute formal GAC Advice under [Article XI, Section 2.1.j of the ICANN Bylaws](#). ICANN intentionally included all items that might be considered GAC Advice based on inclusion in formal Communiqués or correspondence to the Board.

ICM – Chart of GAC Advice*

| <u>Reference</u> | <u>Source</u> | <u>GAC Advice*</u> | <u>Relevant Registry Agreement Terms</u> | <u>Additional Discussion</u> |
|--------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | ICANN consensus policies, including the UDRP. (Article III, Section 3.1 (b)). | |
| GAC-BD-XXX-2006-02-28-05 | Wellington Communiqué and 2 February 2007 letter | The Wellington Communiqué noted that several GAC members were emphatically opposed from a public policy perspective to the introduction of an .XXX sTLD, and not contingent on the specifics of the proposed agreement. The GAC member opposition was reiterated in the 2 February 2007 letter. | N/A | The question remains whether a position taken by “several members of the GAC” can be equated with GAC advice on public policy matters. If it is not GAC advice, then the concern of inconsistency diminishes. |
| GAC-BD-XXX-2007-03-28-01 | Lisbon Communiqué | The Lisbon Communiqué stated that ICANN could be moving towards assuming an ongoing management and oversight role regarding Internet | N/A | The concern of ICANN being required to oversee content, while mitigated through the creation of the ICM Compliance Reporting System, may not be fully eliminated through the proposed Registry Agreement. There is the possibility that ICANN may be required to take compliance action against ICM for content-related matters that also result in violations of the Registry Agreement. Further, regardless of the merit of such requests, if the .XXX sTLD Registry is |

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ICM – Chart of GAC Advice*

| <u>Reference</u> | <u>Source</u> | <u>GAC Advice*</u> | <u>Relevant Registry Agreement Terms</u> | <u>Additional Discussion</u> |
|--------------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | content, which is inconsistent with its technical mandate. | | delegated, registrants and others will likely turn to ICANN for assistance with content-related issues. ICANN cannot stop such requests for content oversight to occur. The ICANN Board and the GAC may benefit from further discussion of this potential issue. |
| GAC-BD-XXX-2010-08-04-01 | 4 August 2010 letter | The 4 August 2010 GAC letter called for a cross-community discussion to assist in the development of an objection procedure “that both recognizes the relevance of national laws and effectively addresses strings that raise national, cultural, geographic, religious and/or linguistic sensitivities or objections that could result in intractable disputes. These objection procedures should apply to all pending and future TLDs.” | N/A | There are no objection procedures in place or contemplated to address the possibility that the .XXX string may raise national, cultural, geographic, religious and/or linguistic sensitivities or objections. ICANN has been dealing with this issue within the New gTLD program, however that work remains separate from the consideration of the .XXX sTLD, which is not subject to the timing or the requirements of the New gTLD program. Further, outside of the public comment periods, there was no formalized string objection process within the 2004 sTLD RFP process when ICM applied for the .XXX sTLD. If the “pending” TLD refers to .XXX, the approval of the .XXX sTLD Registry Agreement without allowing for these types of objections would be inconsistent with GAC advice. |

* Note on term “GAC Advice”: This list does not serve as an authoritative identification that the GAC statements listed constitute formal GAC Advice under [Article XI, Section 2.1.j of the ICANN Bylaws](#). ICANN intentionally included all items that might be considered GAC Advice based on inclusion in formal Communiqués or correspondence to the Board.

2011-01-25-22c Annex-Attachment-to-ICM-Annex

To: The Governmental Advisory Committee

From: ICANN Board of Directors

Date: [Insert date of approval or transmission]

Subject: ICANN Board position on Meeting GAC Advice on ICM's Application for the .XXX sTLD

In Cartagena, the Board noted that it agrees with the staff's assessment of potential conflicts with GAC advice if the Board proceeds with its determination to enter a registry agreement with ICM Registry, and invoked the GAC consultation process. *See* <http://www.icann.org/en/minutes/resolutions-10dec10-en.htm#4>. The Board directed staff to communicate the Board's determination to the GAC. On 25 January 2011, the Board approved this document setting out the Board's positions, and directed staff to provide the document to the GAC. The Board positions are consistent with the attached chart, previously provided after approval by the Board on 28 October 2010.

As identified in the GAC's Cartagena Communiqué, the GAC notes that the position stated in the Wellington Communiqué "represents consensus GAC advice and still applies." GAC Communiqué – Cartagena, at http://gac.icann.org/system/files/Cartagena_Communique.pdf. For the sake of completeness, the Board addresses GAC statements arising out of the Wellington Communiqué as well as three other documents: (1) a 2 February 2007 Letter from the Chair and Chair-Elect of the GAC to the Chair of the ICANN Board; (2) the Lisbon Communiqué; and (3) a 4 August 2010 Letter from the Chair of the GAC to the Chair of the ICANN Board.

1. Areas of Potential Inconsistency with GAC Advice

The Board previously identified three pieces of GAC advice with which entering a Registry Agreement may be inconsistent:

a. From the Wellington Communiqué, the GAC’s statement:

“[S]everal members of the GAC are emphatically opposed from a public policy perspective to the introduction of a .xxx sTLD.” This statement was reiterated in a 3 February 2007 letter from the GAC Chair.

b. From the Lisbon Communiqué:

“The GAC also calls the Board’s attention to the comment from the Government of Canada to the ICANN online Public Forum and expresses concern that, with the revised proposed ICANN-ICM Registry Agreement, the Corporation could be moving towards assuming an ongoing management and oversight role regarding Internet content, which would be inconsistent with its technical mandate.”

c. From the 4 August 2010 letter from the Chair of the GAC:

“The GAC therefore recommends that community-wide discussions be facilitated by ICANN in order to ensure that an effective objections procedure be developed that both recognizes the relevance of national laws and effectively addresses strings that raise national, cultural, geographic, religious and/or linguistic sensitivities or objections that could result in intractable disputes. These objection procedures should apply to all pending and future TLDs.”

2. Board Positions on Each Potentially Inconsistent Item:

a. GAC Member Opposition, stated in the Wellington Communiqué and 2 February 2007 letter.

The Board requests clarification from the GAC as what constitutes GAC advice for the purpose of determining whether ICANN Board action would be consistent with GAC advice. In the event that the GAC asserts that a reported position of “several members of the GAC” is GAC advice on public policy matters, then entering into a Registry Agreement with ICM would be inconsistent with the opposition to the introduction of the .XXX sTLD, and the ICANN Board/GAC consultation should address this topic.

b. ICANN as Content Enforcer, raised in the Lisbon Communiqué.

The concern of ICANN moving towards assuming an ongoing management and oversight role regarding Internet content inconsistent with its technical mandate is mitigated through some of the provisions of the ICM Registry Agreement and Due Diligence Documentation.

The ICM Compliance Reporting System includes many provisions regarding ICM's obligations for monitoring and content enforcement within the .XXX sTLD. *See* <http://www.icann.org/en/tlds/agreements/xxx/appendix-c-compliance-reporting-system-26jul10-en.pdf>. ICM's agreement with the Sponsoring Organization for the .XXX, IFFOR, includes obligations for IFFOR to contract with third party vendors to establish monitoring programs regarding registrant compliance with the sTLD policies. ICM/IFFOR Agreement at Section II.9 (page 4). ICM commits to fund these activities through a US\$10/registration payment to IFFOR. ICM/IFFOR Agreement at Section I.1. *See* <http://www.icann.org/en/tlds/agreements/xxx/iffor-sponsoring-organization-agreement-26jul10-en.pdf>. As noted by ICM in the materials it provided to the Board in advance of the 28 October 2010 meeting, "the Registry Agreement no longer contains the provisions that authorized ICANN's review and ability to negotiate IFFOR policies", removing ICANN's involvement from setting content-related policies. *See* 28 October 2010 Board Briefing Materials, Book 2, at page 178.

The possibility remains that ICANN may be required to take contractual compliance action against ICM for content-related matters that also result in violations of the Registry Agreement. This risk is not unique to the .XXX sTLD. In addition, as with other sTLDs, if the .XXX sTLD Registry is delegated, registrants and others will likely turn to ICANN for assistance with content-related issues. ICANN cannot stop such requests for content oversight to occur, though the revised terms of the proposed Registry Agreement make the viability of those requests less likely than in prior iterations of the proposed Registry Agreement. As the Board cannot determine that entering into the Registry Agreement is fully consistent with this GAC advice, the ICANN Board and the GAC may benefit from further discussion of this potential issue.

c. Creation of Objection Mechanism, Requested in the 4 August 2010 letter.

The ICANN Board seeks clarification from the GAC as to whether the statement regarding the creation of objection mechanisms in “pending and future TLDs” is providing GAC advice on entering the .XXX Registry Agreement. If this 4 August 2010 statement constitutes GAC advice on .XXX, the Board acknowledges that entering into a Registry Agreement with ICM would not be consistent with this advice.

There are no objection procedures in place to address the possibility that the .XXX string may raise national, cultural, geographic, religious and/or linguistic sensitivities or objections.¹ The GAC’s contemplated objection mechanism was not included in the Request for Proposals for the sTLD program when it was initiated in 2004. Outside of the public comment periods, there was no formalized string objection process within the 2004 sTLD RFP process when ICM applied for the .XXX sTLD. Materials relating to the sTLD RFP are available from <http://www.icann.org/en/tlds/stld-apps-19mar04/>. The imposition of an objection mechanism for the evaluation of the .XXX string would therefore revise the sTLD process, an outcome that should be avoided.

As the GAC is aware, ICM was successful in arguing to an Independent Review Panel that ICANN did not act consistently with the documented sTLD process when the Board in 2007 reconsidered a 2005 decision, which the Panel determined the Board had already made, that the sponsorship criteria was met. *See* the Panel’s Declaration, at <http://www.icann.org/en/irp/icm-v-icann/irp-panel-declaration-19feb10-en.pdf>. Similarly, the creation of a string objection process nearly seven years after ICM applied for the .XXX sTLD, and the use of that process to evaluate ICM’s application today, would result in an improper modification of process and raise the possibility of challenge to such actions.

¹ ICANN has been dealing with this issue within the New gTLD Program, however that work remains separate from the consideration of the .XXX sTLD, which is not subject to the timing or the requirements of the New gTLD program.

3. Areas where the Board considers entering a Registry Agreement to be consistent with GAC Advice.

For the benefit of the Board and GAC, the Board sets forth the basis for its determination that four items of advice arising out of the Wellington Communiqué are consistent with the Board's determination that it intends to enter a registry agreement with ICM.

In the Wellington Communiqué, the GAC identified four specific public policy aspects to be included in the proposed Registry Agreement, and requested information on the degree the .XXX Registry Agreement would address those areas. The Wellington Communiqué stated that a Registry Agreement must include "enforceable provisions covering all of ICM Registry's commitments" that:

"Take appropriate measures to restrict access to illegal and offensive content;"

"Support the development of tools and programs to protect vulnerable members of the community;"

"Maintain accurate details of registrants and assist law enforcement agencies to identify and contact the owners of particular websites, if need be;" and

"Act to ensure the protection of intellectual property and trademark rights, personal names, country names, names of historical, cultural and religious significance and names of geographic identifiers drawing on best practices in the development of registration and eligibility rules."

The Board considers that each of these four aspects are appropriately addressed within the Proposed Registry Agreement, and provides detailed discussion below. The discussion below also meets the GAC's request for "[c]onfirmation from ICANN that the proposed Agreement would include enforceable provisions covering all of ICM Registry's commitments." *See* Wellington Communiqué.

a. The Registry Agreement includes appropriate measures to restrict access to illegal and offensive content.

The Board considers that the proposed Registry Agreement contains terms that are appropriate to restrict access to illegal and offensive content. The Registry Agreement Terms are set forth in Appendix S to the Registry Agreement, available at <http://www.icann.org/en/tlds/agreements/xxx/proposed-xxx-agmt-appendix-s-clean-23aug10-en.pdf>. Some of the terms the Board considered to determine this item was met include:

Part 1.2, obligating ICM to “promote the development and adoption of responsible business practices designed to combat child pornography, facilitate user choice and parental control of access to content.”

Part 5, at page 9 of the Appendix, provides a description of the registrar selection process, requiring each registrar to demonstrate “understanding of the principles and intentions underlying the .xxx registration policies” (Item II); “willingness and ability to propagate and enforce sTLD policies . . . in accordance with policies and procedures prescribed by Registry Operator” (Item IV); and “demonstrated systems designed to avoid submission of clearly inappropriate applicants” (Item VII).

Attachment 1 to the Appendix, at page 20, includes a product listing introducing “.xxxlock”, a “service intend[ed] to provide registrants with the ability to prevent modifications, transfers, or deletions of domain names without explicit permission from the registrant. The service’s main purposes are to prevent malicious domain hijacking and domain transfer errors.” The anticipated protections against malicious conduct reduce the risk of domain name hijacking, which could result in posting of illegal or offensive content.

Attachment 1 to the Appendix, at page 21, also includes a specification for offering of digital certification services requiring registrants “to provide appropriate credentials to verify their organization and their right to use their .xxx domain name. Certificates give the end users of Web sites a higher level of trust; ensure their privacy, and provid[e] a secure mechanism for any online financial transactions.”

These terms impose a clear requirement for validation of registrants. ICM also provided information regarding the Verification System Agreement, setting out the obligation for the registrant to represent and warrant its compliance with the sponsoring organization policies and best practices, to not sell or trade the credential, as well as to maintain current contact information, and to remain subject to a disqualification policy. The registry also retains the right to freeze the use of a domain name outside of a UDRP process. The Verification System Agreement is at <http://www.icann.org/en/tlds/agreements/xxx/terms-for-verification-credentials-contract-26jul10-en.pdf>, and also includes a term that the registrant will comply with all applicable laws and regulations. The Verification System Agreement will reduce the opportunity for a .xxx domain name to be registered and then licensed or sold to a third party that will not comply with the registry policies and requirements.

Appendix S, at Attachment 1, page 20, also describes a “xxxProxy” service, a service via Authorized Proxy Agents. When a registrant opts for this service the actual verified identity of the registrant will also be stored in the registry Authentication Database.” With this requirement for authorization of proxy service providers and agreements to store the registrant identity, creates an expectation that all registrants will abide by the sTLD policies as they cannot mask their identity from the Registry.

Placing further specification regarding other types of “offensive” material would require ICANN to take a role in content management.

b. The terms of the Registry Agreement supports the development of tools and programs to protect vulnerable members of the community.

Appendix S, as cited above, includes an obligation for ICM to promote development and adoption of responsible business practices designed to combat child pornography, facilitate user choice and parental control of access to content. In addition, ICM assumes the obligation for policy making authority “relating to terms and conditions for registration in the .XXX sTLD relating to child safety and preventing child abuse images.” <http://www.icann.org/en/tlds/agreements/xxx/iffor-responsibilities-obligations-20jul10-en.pdf>. The due diligence documentation – including this identification of ICM and IFFOR Responsibilities and Obligations, demonstrates the commitment to adopting best business practices in accordance with safeguarding

children online, combating child abuse images, prohibiting misuse of personal information, ensuring clear and accurate consumer disclosures and prohibiting deceptive marketing. See <http://www.icann.org/en/tlds/agreements/xxx/iffor-responsibilities-obligations-20jul10-en.pdf>.

The Sponsoring Organization (IFFOR) will specifically assume this responsibility under its agreement with ICM, including operating to “promote the development and adoption of responsible business practices designed to combat child pornography, facilitate user choice and parental control regarding access to online adult entertainment” (page 1); and creating best practices to “safeguard children online and combat child pornography [and] implement innovative approaches to reduce the incidence of children exposed to online adult entertainment.” (Page 4.) The IFFOR/ICM Agreement is available at <http://www.icann.org/en/tlds/agreements/xxx/iffor-sponsoring-organization-agreement-26jul10-en.pdf>. Further, the IFFOR Policy Council will include a Child Protection Advocate as one of its members. <http://www.icann.org/en/tlds/agreements/xxx/appendix-d-iffor-organizational-chart-26jul10-en.pdf>.

ICM provided materials describing a robust Compliance Reporting System, under which ICM – working with IFFOR – will facilitate referral of complaints regarding child abuse images and other complaints. ICM commits to “ follow hotline and/or law enforcement direction with respect to these complaints.” The Compliance Reporting System is described at <http://www.icann.org/en/tlds/agreements/xxx/appendix-c-compliance-reporting-system-26jul10-en.pdf>.

Appendix S also includes a rapid takedown provision for use in challenging abusive registrations including unauthorized registration of personal names. The Rapid Takedown service is described at Attachment 1, page 20. The provisions of the Registry Agreement are supplemented through ICM’s Registry Policy on Preventing Abusive Registrations, available at <http://www.icann.org/en/tlds/agreements/xxx/preventing-abusive-registrations-20jul10-en.pdf>.

c. The terms of the Registry Agreement require the maintenance of accurate details of registrants and assist law enforcement agencies to identify and contact the owners of particular websites, if need be.

The Registry Agreement, at Appendix 5 (page 48), imposes Whois data availability requirements on the Registry. *See* <http://www.icann.org/en/tlds/agreements/xxx/proposed-xxx-agmt-clean-23aug10-en.pdf>. The Whois requirements are supplemented under Appendix S to the Registry Agreement. Part 6 of the Appendix, beginning at page 6, includes privacy capabilities for additional data to be associated with the registration (page 12), as well as an obligation that the Whois data will be searchable on multiple data points. The “xxxProxy” service, described above, requires that even when a registrant elects to use a privacy service, “the actual verified identity of the registrant will also be stored in the registry Authentication Database.” (Appendix S, page 20.)

ICM’s verification system, which imposes requirements on use of websites and updating of registration information, in addition to the Compliance Reporting System discussed above, provide heightened assurance regarding the availability of registrant contact information.

d. The terms of the Registry Agreement ensure the protection of intellectual property and trademark rights, personal names, country names, names of historical, cultural and religious significance and names of geographic identifiers drawing on best practices in the development of registration and eligibility rules.

The Registry Agreement contains many protections against abusive registrations that do not exist within other registries to date. ICM also propounds an ICM Registry Policy on Preventing Abusive Registrations that includes “common-law trademark claims, personal names, [and] cultural or religious terms” in the types of terms that can qualify for special protections within the Registry. This includes the creation of a mechanism whereby the GAC and/or the governments of any country or economy participating in the GAC may identify for reservation names that match words of cultural and/or

religious significance. *See* <http://www.icann.org/en/tlds/agreements/xxx/preventing-abusive-registrations-20jul10-en.pdf>.

Appendix 6 to the Registry Agreement contains a Reserved Names list, following standard Registry reservation requirements including a prohibition on two-character reservations, and the reservation of geographic and geopolitical names on the ISO 3166-1 list, in English and all related official languages. *See* <http://www.icann.org/en/tlds/agreements/xxx/proposed-xxx-agmt-clean-23aug10-en.pdf> at page 56.

Appendix S to the Registry Agreement contains a Start Up Trademark Opposition Procedure to allow intellectual property claimants to challenge registrations (page 19); an “IP Protect” service to allow Intellectual Property owners to designate non-resolving registrations and imposing “strict conditions regarding transfer” (page 20); and a Rapid Takedown process, “a mechanism for rapidly changing an active domain to non resolving status in the clearest of cases of trade- or service-mark abuse, or abusive registrations such as the unauthorized registration personal names, to be adjudicated by an Approved Third Party Adjudicator pending a full UDRP filing.” (Page 21.)

Finally, the Registry Agreement also specifies the applicability of ICANN consensus policies, including the UDRP. *See* <http://www.icann.org/en/tlds/agreements/xxx/proposed-xxx-agmt-clean-23aug10-en.pdf>, Article III, Section 3.1 (b), at page 3.

Conclusion:

For each of the four specified public policy areas that the GAC identified in the Wellington Communiqué for addressing in a .XXX sTLD Registry Agreement, the Board confirms that the proposed Registry Agreement contains terms that sufficiently address the areas. The Board identifies that, at minimum, the terms and provisions identified above from proposed Registry Agreement and the additional Due Diligence documentation provided by ICM provide sufficient support to confirm that the Board is acting consistently with the GAC advice provided through the Wellington Communiqué.

4. Additional Information Request Regarding the .XXX sTLD (not Advice)

In its 2 February 2007 letter, the GAC requested a “clear explanation of why the ICANN Board is satisfied that the .XXX application has overcome the deficiencies relating to the proposed sponsorship community.” This was a re-statement of the request made in the Wellington Communiqué for a “[w]ritten explanation of the Board decision to proceed to entry into negotiations, particularly with regard to the sponsored community and public interest criteria outlined in the sTLD selection criteria.” The question relating to the sponsorship community remained after ICANN’s President submitted two letters to the GAC Chair.

Board Response:

Though this request does not require consultation between the parties, the Board notes that in anticipation of the GAC consultation, it is beneficial for the Board and the GAC to conclude on all matters relating to the .XXX sTLD application.

In March 2007, the Board determined that ICM’s Application and the Revised Agreement failed to meet, among other things, the Sponsored Community criteria of the sTLD RFP specification. See http://www.icann.org/en/minutes/resolutions-30mar07.htm#_Toc36876524. ICM challenged that Board determination through the initiation of an Independent Review of the Board’s action, and in February of 2009, the Independent Review Panel issued findings including: (1) that the Board’s earlier 1 June 2005 resolution found that that the application of ICM Registry for the .XXX sTLD met the required sponsorship criteria; and (2) the Board’s 2007 reconsideration of that finding was not consistent with the application of neutral, objective and fair documented policy. IRP Declaration, page 70, at <http://www.icann.org/en/irp/icm-v-icann/irp-panel-declaration-19feb10-en.pdf>. In furtherance of the Board’s commitment to furthering the accountability of ICANN, on 25 June 2010 the Board determined to accept and act in accordance with the these two identified findings of the Panel. <http://www.icann.org/en/minutes/resolutions-25jun10-en.htm#5>. As a result of the Board’s decision to accept those findings, the Board is now acting under the premise that the sponsorship criteria have been met.

2011-01-25-23 Annex-Board-Submission-Rec6-CWG

ANNEX TO ICANN BOARD SUBMISSION NO. 2011-01-25-23

TITLE: **New gTLDs: Update on Response from Rec6 Cross-Community Working Group**

1. Attachment 1 to this Annex is a table setting out all of the Rec6 CWG recommendations and ICANN's initial response to those recommendations. *See* pages of 104 through 124 of <http://www.icann.org/en/minutes/board-briefing-materials-2-28oct10-en.pdf>.
2. Attachment 2 to this Annex is the Rec6 CWG 7 January 2011 response to the Board's 10 December 2010 Resolution asking for clarification on three particular issues.

Privileged and Confidential

| | |
|------------------------|---------------------------|
| Submitted by: | Kurt Pritz |
| Position: | SVP, Stakeholder Services |
| Date Noted: | 18 January 2011 |
| Email and Phone Number | Kurt.pritz@icann.org |

**2011-01-25-23 Annex-Attachment-1-Board-Submission-
Rec6-CWG**

The following table reproduces the table at pp. 13-23 of the **Report on Implementation of GNSO New gTLD Recommendation # 6**, dated 21 September 2010, (*see* <http://www.icann.org/en/announcements/announcement-2-22sep10-en.htm>), with the addition of a column on the right in which ICANN initially responds to the recommendations.

| Rec. No. and Level of Support | Issue | Working Group Recommendation | ICANN Response and Rationale |
|--------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Definition of the 'Morality' & 'Public Order Objection' in AGv4 | | |
| 1.1 Full Consensus | Change Name of Objection | ICANN should remove the references to Morality & Public Order in the Draft Applicant Guidebook as far as these are being used as an international standard and replace them with a new term. Further details about what is meant with the new term would need to be worked out to ensure that it does not create any confusion or contravene other existing principles such as GNSO New gTLD's Principle G and Recommendation 1. | Agreed. The name of the resolution can be revised, as can the Applicant Guidebook ("AGB"), in accordance with the intent of this recommendation. The various options provided in 1.2 below will be explored. |
| 1.2 Full Consensus | New Name | The name of the Rec6 objection should not be "Morality and Public Order." The Rec6 CWG identified the following alternative names for consideration, with varying levels of support: | See Response to 1.1 above. |
| No Consensus-Strong Support | | "Objections Based on General Principles of International Law" | |
| Divergence | | "Objections based on the General Principles of Ordre Public or International Law" | |
| Divergence | | "Public Interest Objections" | |
| Divergence | | "Objections Based on the Principles of Ordre Public" | |

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| 2 | International Principles of Law | | |
| 2.1 Full Consensus | Other treaties | <p>ICANN should seriously consider adding other treaties as examples in the Draft Applicant Guidebook, noting that these should serve as examples and not be interpreted as an exhaustive list. For example, the following treaties could be referenced:</p> | <p>Agreed. A more extensive list of treaties and other international instruments could be included in the AGB, with the statement that they serve only as examples.</p> <p>However, when referring to treaties, one must take into consideration not only their ratification status, but also the reservations and declarations that may be made when States ratify or accede to the treaties. These reservations and declarations may indicate how the States will interpret and apply certain provisions of the treaties. States may thereby in practice limit the scope of certain provisions through such reservations and declarations.</p> |
| | | <ul style="list-style-type: none"> • Universal Declaration of Human Rights (1948) • Declaration on the Elimination of Violence against Women • International Covenant on Economic, Social and Cultural Rights (1966) • International Covenant on Civil and Political Rights (1966) • Convention against Torture and Other Cruel, Inhuman | <p>Consider, for example, Article 4(a) of the International Convention on the Elimination of All Forms of Racial Discrimination (1966), pursuant to which, “with due regard to the principles embodied in the Universal Declaration of Human Rights”, States Parties shall make “an offence punishable by law all</p> |

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| | | <p>or Degrading Treatment or Punishment (1984)</p> <ul style="list-style-type: none"> • International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990) • Convention on the Elimination of all Forms of Discrimination against Women (1979) • Slavery Convention • Convention on the Prevention and Punishment of the Crime of Genocide • International Convention on the Elimination of All Forms of Racial Discrimination (1966) • Convention on the Rights of the Child (1989) | <p>dissemination of ideas based on racial superiority or hatred”. The United States Senate, when giving its consent to the ratification of this Convention, made the following reservation: “... the Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression and association. Accordingly, the United States does not accept any obligation under this Convention, in particular under articles 4 and 7, to restrict those rights, through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States.”</p> |
| 2.2 Full Consensus | AGB Revision | The AGB should refer to “principles of international law” instead of “international principles of law.” | The AGB could be revised in accordance with the intent of this recommendation. |
| 2.3 No Consensus – Strong Support | Gov’t Objection for National Law (alternative) | The Applicant Guidebook should allow individual governments to file a notification (not an objection) that a proposed TLD string is contrary to their national law. The intention is that an “objection” indicates an intent to block, but a “notification” is not an attempt to block, but a notification to the applicant and the public that the proposed string is contrary to the government’s perceived national interest. However, a national law objection by itself should not provide sufficient basis for a decision to deny a TLD application. | The AGB can make clear that governments should feel free to express concerns to applicants, but through ICANN that should be done by using the already existing mechanism of the public comment forum. The AGB can be revised to indicate how governments can communicate directly with applicants. Agreed that a government’s statement of concern would not in itself be deemed to be an objection; nor would the statement be taken into account in any objection |

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| | | | <p>proceeding that may be commenced.</p> <p>It should be stressed that a government's filing of an objection should not be interpreted as the expression of an intent to block the gTLD. One would expect that most governments will participate in the New gTLD Dispute Resolution Procedure in good faith. Such participation would include accepting the dismissal of objections. Governments should not consider that blocking a gTLD is the logical or necessary step to take after the dismissal of an objection.</p> <p>More generally, it is agreed that a national law objection by itself does not constitute grounds for rejection of a gTLD application.</p> |
| <p>2.4 No Consensus- Strong Support</p> | <p>Gov't Objection for National Law (alternative)</p> | <p>The Applicant Guidebook should not include as a valid ground for a Rec6 objection, an objection by an individual government based on national public interest concerns that are specified by the objection government as being contrary to national laws that are not based on international principles.</p> | <p>Agreed. No revision of the AGB is necessary to implement this recommendation. <i>See also</i>, Response to 2.3 above.</p> |

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| 2.5 Full Consensus | Gov't Objection for National Law | If individual governments have objections based on contradiction with specific national laws, such objections may be submitted through the Community Objections procedure using the standards outlined in AGv4. | Agreed. No revision of the AGB is necessary to implement this recommendation. |
| Rec. No. and Level of Support | Issue | Working Group Recommendation | ICANN Response and Rationale |
| 3 | Quick Look Procedure | | |
| 3.1 No Consensus- Strong Support | Explicit Guidelines | Further and more explicit guidelines needed, such as common examples from a substantial number of jurisdictions where the term "manifestly" has been defined through judicial decisions, and in particular where such analysis was in the context of disputes relating to Principles of Ordre Public (or whatever term is used per Rec. 1.2), be added to the Quick Look Procedure. | Agreed. More guidelines can be provided. The jurisprudence of the European Court of Human Rights offers specific examples of how the term "manifestly ill-founded" has been interpreted in disputes relating to human rights. Article 35(3) of the European Convention on Human Rights provides: "The Court shall declare inadmissible any individual application submitted under Article 34 which it considers incompatible with the provisions of the Convention or the protocols thereto, manifestly ill-founded, or an abuse of the right of application." |

The ECHR renders reasoned decisions on admissibility, pursuant to Article 35 of the Convention. (Its decisions are published on the Court's website: <http://www.echr.coe.int>.) In some cases, the Court briefly states the facts and the law and then announces its decision, without discussion or analysis. *E.g.*, Decision as to the Admissibility of Application No. 34328/96 by Egbert Peree against the Netherlands (1998). In other cases, the Court reviews the facts and the relevant legal rules in detail, providing an analysis to support its conclusion on the admissibility an application. Examples of such decisions regarding applications alleging violations of Article 10 of the Convention (freedom of expression) include: Décision sur la Recevabilité de la requête n° 65831/01 présentée par Roger Garaudy contre la France (2003); Décision sur la Recevabilité de la requête n° 65297/01 présentée par Eduardo Fernando Alves Costa contre le Portugal (2004).

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| 3.2 Consensus | Standards for an Abusive Objection | Further guidance as to the standards to determine what constitutes an abusive objection is needed and consideration of possible sanctions or other safeguards for discouraging such abuses. | The jurisprudence of the European Court of Human Rights provides examples of the abuse of the right of application being sanctioned, in accordance with ECHR Article 35(3). See, for example, <i>Décision partielle sur la Recevabilité de la requête n° 61164/00 présentée par Gérard Durringer et autres contre la France et de la requête n° 18589/02 contre la France (2003)</i> . An objector whose objection is dismissed as an abuse of the right to object will forfeit the filing fee that it paid. |
| 3.3 Consensus | National Law not a valid ground for an objection | In determining whether an objection passes the quick look test, there should be an evaluation of the grounds for the objection to see if they are valid. National law not based on international principles should not be a valid ground for an objection. | Agreed. No revision of the AGB is necessary to implement this recommendation. |
| Rec. No. and Level of Support | Issue | Working Group Recommendation | ICANN Response and Rationale |
| 4 | Contracted Expert Consultation | | |
| 4.1 Full Consensus | Board Responsibility | Ultimate resolution of the admissibility of a TLD subject to a Rec6 objection rests with the Board alone and may not be delegated to a third party. | While relying upon the determinations of experts regarding these issues, it is the case that the Board retains ultimate responsibility for the new gTLD program. No revision of the AGB is necessary to implement this recommendation. |

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| <p>4.2 Consensus</p> | <p>Board Consultation with Experts</p> | <p>Under its authority to obtain independent expertise as stated in Article XI-A of the ICANN Bylaws, the Board shall contract appropriate expert resources capable of providing objective advice in regard to objections received through this process.</p> | <p>The existing process provides for the designation of a dispute resolution service provider (“DRSP”, which is the ICC International Centre for Expertise for Rec 6 objections). Objections to applied-for strings are submitted to the DRSP, not to the Board. The DRSP then appoints a panel of experts. In an adversarial proceeding, the expert panel considers the objection and the applicant’s response to the objection, and then renders a reasoned “expert determination”, which either sustains the objection or rejects it.</p> <p>Note that this is also inconsistent with the GNSO’s Implementation Guideline H, which states that “[e]xternal dispute resolution providers will give decisions on objections.”</p> <p>The process will not be changed to provide for the submission of objections directly to the Board or for the Board to contract directly with the experts who consider objections.</p> |
| <p>4.3 No Consensus- Strong Support</p> | | <p>Such experts advising the ICANN Board are to be independent of any conflict in accordance with other provisions in the AGB. Their advice will be limited in scope to analysis of objections, based upon the criteria as expressed within these recommendations.</p> | <p>Under the proposed process, the experts are not directly “advising the ICANN Board”, but rather rendering an expert determination. See Response to 4.2 above. As a matter of day-to-day management, ICANN does not expect its Board to review</p> |

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| | | | <p>and discuss the neutral advice and recommendations received for each and every objection.</p> <p>It is certainly agreed, however, that the experts should not have any conflict of interest. The New gTLD Dispute Resolution Procedure, Article 13(c), provides for the experts to be impartial and independent.</p> |
| <p>4.4 No Consensus-Strong Support</p> | | <p>The number of experts to be consulted, the method of their selection and terms of their engagement, are to be determined by the Board subject to these recommendations.</p> | <p>Agreed, to the extent that this recommendation refers to the dispute resolution process set out in AGBv4, which calls for three experts for each panel. But the Board will not consult experts directly. See Response to 4.2 above.</p> |
| <p>4.5 No Consensus-Strong Support</p> | | <p>The contracted advisors will be expected to have specific expertise in interpreting instruments of international law and relating to human rights and/or civil liberties. The CWG recommends that the Board augment this with complementary expertise in other relevant fields such as linguistics.</p> | <p>The experts who are appointed by the DRSP are not “contracted advisors” in the sense that may be intended here (see Response to 4.2 above). The New gTLD Dispute Resolution Procedure, Article 13(b)(iii), stipulates in general terms the qualifications of the experts. The AGB could be revised to develop this point, referring to complementary expertise.</p> |
| <p>4.6 No Consensus-Strong Support</p> | <p>Name of Process</p> | <p>This process for Rec6 objections should not be referred to as a Dispute Resolution Process.</p> | <p>The rationale for this recommendation has not been explained. If the recommendation is based upon the idea that “dispute resolution” implies a procedure that yields a final and binding decision (i.e., in this context, a decision that</p> |

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| | | | <p>is binding even upon the Board), this point can be clarified.</p> <p>As stated above in Response to Recommendation 4.1), the Board retains ultimate responsibility for the New gTLD Program. Thus, while relying upon the determinations of experts regarding these issues and the day-to-day analysis and management by ICANN staff following such determinations, the Board does reserve the right under exceptional circumstances to consider an individual application for a new gTLD to determine whether approval would be in the best interest of the internet community.</p> <p>In light of this clarification, no revision of the AGB appears to be necessary.</p> |
| Rec. No. and Level of Support | Issue | Working Group Recommendation | ICANN Response and Rationale |
| 5 | Threshold for Board decisions to reject an application based on objections | | |
| 5.1 No Consensus-Strong Support | Higher Threshold | A higher threshold of the Board should be required to uphold an objection. | The existing process does not provide for the Board to consider and approve individual applications for new gTLDs (of which there may be hundreds in the first round). Under exceptional circumstances, |
| 5.2 Consensus | | The higher threshold should be at least 2/3. | |

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| 5.3 Consensus | | Approval of a string should only require a simple majority of the Board regardless of the input from the experts. | the Board may consider an individual application for a new gTLD to determine whether approval of that application would be in the best interest of the internet community. In that event, the Board’s existing rules and procedures for making decisions would apply. |
| Rec. No. and Level of Support | Issue | Working Group Recommendation | ICANN Response and Rationale |
| 6. Incitement to discrimination criterion. | | | |
| 6.1 Consensus | Revision to Criteria | This criteria should be retained, but rephrased as follows: “Incitement to and instigation of discrimination based upon race, age, colour, disability, gender, actual or perceived sexual orientation or gender identity, political or other opinion, ethnicity, religion, or national origin.” | This revision of the criterion would extend the scope of Rec6 objections beyond the legal norms that are generally accepted under principles of international law. For example, “discrimination based upon ... political or other opinion” is, in fact, widely accepted and practiced in democratic societies. Employment by the government may be based upon a person’s political opinions (known and widely practiced in the United States as the “spoils system”). The <i>Proporz</i> system in post-war Austria allocated jobs in the government and in other important sectors according to political party membership. Accordingly, the AGB will not be revised in accordance with this recommendation. |

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| 7. The use of 'incitement' as a term for the determination of morality and public order. | | | |
| 7.1 Consensus | Replace "incitement" | <p>The new proposed language should read:</p> <ul style="list-style-type: none"> • Incitement and instigation of violent lawless action; • Incitement and instigation of discrimination, based upon race, age, colour, disability, gender, actual or perceived sexual orientation or gender identity, political or other opinion, ethnicity, religion, or national origin. • Incitement and instigation of child pornography or other sexual abuse of children. | <p>There is a distinction in some contexts between "incitement" and "instigation". For example, in international criminal law, "incitement" has been held to be an inchoate crime (in which the crime is completed despite the fact that the person incited fails to commit the act to which he or she has been incited), while "instigation" is not an inchoate crime (hence, punishable only where it leads to the commission of the substantive crime). The "direct and public incitement to commit genocide" is punishable pursuant to Article III(c) of the Convention on the Prevention and Punishment of the Crime of Genocide.</p> <p>See also the European Union's Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, which provides for Member States to take the measures necessary to ensure that certain intentional conduct is punishable, including "publicly inciting to violence or hatred directed against a group of persons</p> |

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| | | | <p>or a member of such a group defined by reference to race, colour, descent or national or ethnic origin” (Article 1(1)(a)).</p> <p>In light of the nature of a gTLD string, incitement alone may suffice to make a string worthy of objection.</p> <p>The AGB could be revised in some way to reflect the intent but it would be likely to include an “or” rather than an “and”.</p> |
| Rec. No. and Level of Support | Issue | Working Group Recommendation | ICANN Response and Rationale |
| 8. String only? | | | |
| 8.1 No Consensus-Strong Support | Analysis based on string and context | The experts should conduct their analysis on the basis of the string itself. It could, if needed, use as additional context the intended purpose of the TLD as stated in the application. | Agreed (subject to 4.2 above). No revision of the AGB is necessary to implement this recommendation. |
| 8.2 Divergence | Analysis based on string only (Alternative) | The experts should conduct their analysis on the basis of the string only. | See above § 8.1. |

| Rec. No. and Level of Support | Issue | Working Group Recommendation | ICANN Response and Rationale |
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| 9. Universal Accessibility Objective with Limited Exceptions | | | |
| 9.1 Consensus | Limiting Blocking of TLDs | The Rec6 CWG hopes that the mechanisms it proposes in this Report will help limit blocking of whole TLDs at the national level. Blocking of TLDs should remain exceptional and be established by due legal process. The group also recognized that reduced blocking of TLDs is of little value if the result is that the opportunity to create new TLDs is unduly constrained by an objection process. The absence of blocking is of little value if it creates a name space that does not reflect the true diversity of ideas, cultures and views on the Internet. | Agreed. No revision of the AGB is necessary to implement this recommendation. |

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| 10. Independent Objector | | | |
| 10.1 Divergence | Modifications to role of IO | <p>The Rec6 CWG proposes modifications to the mandate and function of the Independent Objector as described in section 3.1.5 of the AGv4, without changing its scope. Unlike the current intention as expressed in the AGv4, it is suggested that the Independent Objector may not initiate an objection against a string if no community or government entity has expressed an interest in doing so. A valid Independent Objector objection must be tied to a specific party who claims it will be harmed if the gTLD is approved. The Independent Objector must not encourage communities or governments to file objections, however the Independent Objector should be mandated to:</p> | <p>The proposed modifications to the IO’s “mandate and function” would, in fact, change its “scope” in ways that are inconsistent with the existing process and the independence of the IO.</p> <ul style="list-style-type: none"> ▪ The rationale for authorizing the IO to file an objection if no other objection on the relevant grounds has been filed remains pertinent. ▪ The provision of procedural assistance to potential objectors would represent a change in the IO’s role that ICANN considers to be inappropriate. ▪ Under the existing process, the appropriate DRSP shall receive, register and publish all objections, as part of the DRSP’s responsibility to administer the dispute resolution procedure (which also includes the important task of appointing the expert panel). It would not be appropriate for the IO to undertake these tasks in parallel with or in place of the DRSP. ▪ The “Quick Look” evaluation is to be |
| | | 1. Provide procedural assistance to groups unfamiliar with ICANN or its processes that wish to register an objection; | |
| | | 2. Receive, register and publish all objections submitted to it by bona fide communities and governments of all levels (which can demonstrate direct impact by the proposed application); | |
| | | 3. Perform a “Quick look” evaluation on objections against a specific set of criteria of what is globally objectionable, to determine which ones are to be forwarded to the Board for consideration as legitimate challenges to applications; | |

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| | | 4. Be given standing for objections which survive “Quick Look” evaluation, but whose backers lack the financial resources and/or administrative skills necessary to process their objections; | <p>performed by the panel of experts and may result in a final determination dismissing the objection. For the IO to make such a determination would be incompatible with his/her mandate to file objections.</p> <ul style="list-style-type: none"> ▪ Objections are not, in any case, to be forwarded to the Board. The existing process provides for objections to be submitted to the DRSP and then heard by an expert panel, which renders a determination that either upholds the objection or rejects it. <p>Accordingly, the AGB will not be revised in accordance with this recommendation.</p> |
| | | The scope of the Independent Objector -- limited to filing objections based only on Community and Public Policy grounds -- is unchanged from the current AGB. Applications processed by/through ALAC or the GAC are not required to use this process. Organizations using this process will be expected to pay a fee to register objections, though this may be waived for small groups without sufficient financial means. | See comments above. |
| | | As the potential exists for the position of Independent Objector to be misused to harass or impede a legitimate applicant, special attention must be given to the transparency of the Independent Objector’s actions. All correspondence is by default open and public unless required otherwise to protect privacy or other rights. | In the existing process, the IO is accountable before the Expert Panel. If the IO submits an objection that is manifestly unfounded or an abuse of the right to object, the objection will be dismissed in the “Quick Look” procedure. An objection |

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| | | | filed by the IO that passes the “Quick Look” test is still subject to the same scrutiny by the experts as any other objection. So the IO would not have a privileged position, wielding unchecked power. |
| | | The “independence” of the Independent Objector relates to the role’s unaffiliation with any applicant or contracted party. The Independent Objector role remains accountable to ICANN with regards to its integrity and fairness. | Agreed. No revision of the AGB is necessary to implement this recommendation. |
| 10.2 Consensus | Requests by GAC or ALAC | If requested in writing by the GAC or ALAC the Independent Objector will prepare and submit a relevant Objection. The Independent Objector will liaise with the GAC or ALAC in drafting such an Objection. Any Objection initiated from a GAC or ALAC request will go through exactly the same process as an Objection from any other source and must meet the same standard for success as an Objection from any other source. | The GAC and ALAC are encouraged to express concerns with applications through the existing public comment forum process, which the IO will review. But allowing the IO’s should not serve at the pleasure of the GAC or ALAC, as this would infringe on his/her independence and mandate to act in the public interest. The IO does not act as the agent of any other person or entity. No revision of the AGB is necessary to implement this recommendation. |

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| 11. Timing of Rec6 Dispute Resolution | | | |
| 11.1 No Consensus-Strong Support | Early Resolutions | Applicants should be encouraged to identify possible sensitivities before applying and where possible try to consult with interested parties that might be concerned about those sensitivities to see how serious the concerns are and to possibly mitigate them in advance. | The AGB will be revised to incorporate this recommendation regarding identification of possible sensitivities. |
| 11.2 Full Consensus | | The dispute resolution process for Rec. 6 objections should be resolved sooner in the process to minimize costs. | <p>The opportunity to file an objection – and thereby to set in motion the dispute resolution process – follows the initial evaluation stage, which comprises string reviews and applicant reviews. The initial evaluation thus involves only the applicant; no third party (such as an objector) incurs any costs. Reversing that sequence would be more likely to generate increased, wasted costs.</p> <p>Accordingly, the AGB will not be revised in accordance with the rationale behind this recommendation.</p> |
| 11.3 Full Consensus | | Applicants should be informed of Rec6 complaints as early as possible to allow applicants to decide whether they want to pursue the string. | Agreed. The objector is required to send a copy of its objection to the applicant simultaneously with its submission to the DRSP. See New gTLD Dispute Resolution Procedure, Article 7(b). Further, the DRSP is required to post at least a weekly notice |

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| | | | of filed objections. Hence, no revision of the AGB is necessary to implement this recommendation. |
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| 12. Use of the Community Objections. | | | |
| 12.1 Full Consensus | Available to At-Large and GAC | The CWG notes that ICANN GAC and At-Large Advisory Committees or their individual governments in the case of the GAC have the possibility to use the ‘Community Objection’ procedure. A “Community Objection” can be filed if there is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted. | The objector, whatever the entity, satisfies the existing Community Objection criteria. Governments are contemplated in the existing Community Objection criteria. No revision of the AGB is necessary to implement this recommendation. |
| 12.2 Full Consensus | Fees for ALAC and GAC | The CWG recommends that the fees for such objections by the GAC or the At-Large Advisory Committees be lowered or removed. | The rationale for this recommendation and the manner of implementing it have not been explained. Currently, ICANN does not see the need to establish lower fees or any form of discrimination in the treatment of objections depending on the identity of the objector or the type of objection. Every objector would like to have its fees lowered or removed, but the fees and expenses of the experts and the DRSP must still be paid, so this recommendation would require some other entity – not identified – to pay those fees. |

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| | | | Accordingly, the AGB will not be revised in accordance with this recommendation. |
| 12.3 Divergence | | ICANN should consider looking into a slight lowering of this threshold for Objections from the GAC or At-Large Advisory Committees. Staff should explore ways to reasonably lower the required standard for a successful At-Large or GAC Advisory Committee objection in the areas of standing (3.1.2.4), level of community opposition (3.4.4) or likelihood of detriment (3.4.4). | Specific details of the proposed modifications, with their rationale, would need to be presented for consideration. Currently, ICANN does not see the need to establish lower thresholds or any form of discrimination in the treatment of objections depending on the origin of the objection. For the present, therefore, the AGB cannot be revised in accordance with this recommendation. |
| Rec. No. and Level of Support | Issue | Working Group Recommendation | ICANN Response and Rationale |
| 13. Guidebook Criterion 4 | | | |
| 13.1 Full Consensus | Revision to Criterion 4 | The current language from the forth criterion of AGv4 reads: <ul style="list-style-type: none"> “A determination that an applied-for gTLD string would be contrary to equally generally accepted identified legal norms relating to morality and public order that are recognized under general principles of international law.” However, the current language should be revised to read: <ul style="list-style-type: none"> “A determination that an applied-for gTLD string | Agree that the fourth standard can be revised to reflect the revisions to the language of Recommendation 6 upon completion. |

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| | | would be contrary to specific principles of international law as reflected in relevant international instruments of law.” | |
| Rec. No. and Level of Support | Issue | Working Group Recommendation | ICANN Response and Rationale |
| 14 | Next Steps for Rec6. | | |
| No Consensus-Strong Support | | The Rec6 CWG recommends that the ICANN New gTLD Implementation Team form a Recommendation 6 Community Implementation Support Team (Rec6 CIST) to provide input to ICANN Implementation Staff as they further refine implementation details for Recommendation 6. | The formation of a new “formal” team with a specific mandate does not appear to be possible or desirable, given the current timeline and budget. Furthermore, the community, including members of the New gTLD Recommendation #6 Cross-Community Working Group, will have an opportunity to comment upon ICANN’s response to the Rec6 CWG Report and to the final AGB. |

2011-01-25-23 Annex-Attachement-2-Board-Submission- Rec6-CWG

7 January 2011

Mr. Peter Dengate-Thrush
Chairman
ICANN Board of Directors
cc: John Jeffrey, ICANN Secretary

Re: Rec6 CWG Revised Recommendations and Clarifications

Dear Peter:

This correspondence is a formal response to the ICANN Board's Cartagena Resolution (2010.12.10.21) requesting that the Rec6 CWG provides its final written proposal with regard to three specific issues by 7 January 2011.

The Rec6 CWG hereby submits the following clarifications for the Board's consideration. Note that the three areas for which clarification was requested in the Board motion are shown in **bold font** followed by the CWG responses in normal font. In addition, the CWG added a fourth area of comments at the end that also has a header in **bold font** and is submitted for possible Board consideration.

(1) The Roles of the Board, GAC, and ALAC in the Objection Process

With regard to the first issue (the roles of the Board, GAC, and ALAC in the objection process), we need to provide clarification regarding the circumstances under which the CWG suggests that the Board would vote regarding an application that is subject to a Rec6 Objection:

- clarify the circumstances under which the Board would vote with regard to an Rec6 objection and/or with gTLD applications generally,

Based on the written responses to the pre-Cartagena questions from the ICANN staff, as well as the various discussions during the Cartagena meeting, the CWG has recommended that the Board would have to specifically approve any recommendations from third party experts to reject a TLD application based on a Recommendation 6 objection. The CWG has not suggested, however, that the Board be required to take a vote on specific Recommendation 6 objections where the third party experts reject such an objection. Nor did the CWG suggest that the Board be required to approve every new gTLD string.

and

- if there is consensus on it, clarify the intended role of the expert panel (i.e., dispute resolution provider, mediator, advisor or other).

A consensus of the CWG recommended that the ICANN Board may "contract appropriate expert resources capable of providing objective advice." The CWG did not recommend that the Board should be a trier of fact or should hear in the first instance every Rec6 objection with a requirement that it should make a determination on the merits in every case.

The CWG did not reach consensus over the actual form or weight of the expert advice (e.g., whether the expert panel should be a dispute resolution provider, mediator or advisor). Some members of the CWG take a broader definition of dispute resolution panel than others. Some members think that the experts should not hear from the objector and the applicant at all – whether in a trial setting or written advocacy – others disagree and support an adversarial process.

There was Strong Support, but not Consensus, that the experts should be able to look at the context of the application or applicant in evaluating a Recommendation 6 objection – others disagree and believe that the experts should conduct their analysis on the basis of only the string.

While the CWG did not reach consensus on these issues, it did explicitly remove all reference to the specific term "dispute resolution" in its recommendations, and made no requirement that the experts engage in an adversarial process between applicant and objector.

Furthermore, the CWG did achieve Strong Support (though not Consensus) for not calling the evaluation process one of "dispute resolution," and requiring that the experts' skills be in legal interpretation of instruments of international law.

(2) The Incitement to Discrimination Criterion

With regard to the incitement to discrimination criterion, we need to confirm the specific language revisions the CWG requests with regard to the “incitement to or promotion of” portion of the criterion. After the discussion in Cartagena, does the CWG continue to request that the standard be “incitement and instigation” or is some other language preferable? In addition, the CWG could also state whether it still believes that the standard should be expanded to include the list of additional discrimination grounds that were referenced in the CWG Report:-

· CWG to confirm the specific language requested with regard to the “incitement to or promotion of” term in the original standard. After the discussion in Cartagena, does the CWG continue to request that the term be “incitement and instigation” or is some other language preferable?

In its report dated 21 September, 2010, the CWG recommended that "incitement and instigation" be used in the criteria for discrimination. In ICANN's explanatory memorandum on this issue dated 12 November 2010, it provided a rationale of why "incitement to or promotion of" is a more appropriate standard. Based on the ICANN response, the discussions in Cartagena during which several CWG members stated

that they no longer agree with the recommendation, and some admitted confusion over the legal impact of the word choice; we recognize that these terms may have well-defined, but possibly varied meanings in different courts. Overall, however, these are terms that are widely used in the international law and international criminal law context. The substantive difference between 'incitement to and promotion of' and 'incitement and instigation' concerns the bar that we wish to set; in the first instance this bar is lower, whilst in the second the bar is substantially higher. The CWG may no longer have a consensus on this issue. As such, expert clarification should be made to the Board on the varying interpretations of the different criteria.

With that said, many members of the CWG still argue that a higher standard than "incitement to or promotion of" would be appropriate.

· the CWG needs to reiterate consensus on the standard including an expanded list of additional discrimination grounds that were referenced in the CWG Report.

Two consensus recommendations of the CWG were to extend the list of potential discriminations also to include discrimination based on age, disability, actual or perceived sexual orientation or gender identity, or political or other opinion. The CWG also suggested by a full consensus that such discriminations must rise to the level of violating generally accepted legal norms recognized under "principles of international law." As such, any additional discriminations listed in the second prong still must be found to be in violation of principles of international law.

We do not believe that recognizing additional discriminations would significantly broaden the types of objections brought. The CWG does not believe that any additional research needs to be conducted on whether such additional classes are protected under international law today. It has been brought to the CWG's attention that these additional discriminations have some protection under international law. If they are recognized today, then the Board and the experts would rely on them. If they are not at that level yet, then they won't. Importantly, such additional discriminations might become more recognized at some future date and the process should be fluid enough to take them into account at such time. The suggestion in Cartagena of a catch-all discrimination criteria – such as "any other discriminations that are generally recognized under international law" – seems to be acceptable to many of the CWG members. Other CWG members prefer listing all of the discriminations suggested by the CWG, or only the catch-all criteria, thereby avoiding a sense of prioritization among discriminations.

(3) The Fees for GAC and ALAC-instigated Objections

With regard to the fees for GAC and ALAC-instigated objections, we need to identify what (if any) fees should be charged and where the funds should come from, and any other restrictions or additional steps that the CWG suggests for dealing with GAC and ALAC-instigated objection:-

- ***what fees should be paid by ALAC and GAC (if filing and dispute resolution fees are waived, are the number of free objections limited)***
- ***by what process is an ALAC and GAC objection formed and approved?***

A full consensus of the CWG recommended that fees be lowered or removed for objections from the GAC or ALAC. It is the CWG's sentiment that ICANN should provide the ACs appropriate funding for such objections if there is a cost to object. In the CWG clarifying document filed just prior to the Cartagena meeting, the CWG felt that it was outside its scope to comment on the process for the GAC or ALAC to lodge objections. The CWG assumed that any Rec6 objections put forth by the GAC or ALAC would be approved according to their own internal processes, taking into account accountability and transparency principles and consensus-based decision making.

In addition to the above use of the "Community Objection" process by the ALAC and GAC and assuming that the Independent Objector (IO) function is maintained in the processing of new gTLD Applications, then an alternate pathway for AC objections to be considered would be for the IO to take up such formally prepared objections from the ALAC and/or GAC and subject them to the same standards of check and balances, and transparency and accountability criteria, as any other IO instigated objection process as if they were self instigated by an AC.

(4) Other CWG Recommendations Not Specified by the Board

The CWG would like to make another recommendation related to the IO mentioned above, although the support of which has not been subject to a formal call of its members. It is a key principle that the IO should operate in a transparent and accountable manner, and that appropriate safeguards are in place to ensure that it operates in the public interest. For example, the IO should facilitate legitimate Recommendation 6 objections, and neither trigger nor create objections entirely on its own that cannot be traced back to any party. At a minimum, there should be at least one party that has claimed publicly that it would be harmed by the creation of a TLD before the IO can object to it in an effort to reject such an application. The IO is not meant to facilitate secret objections, but should operate with transparency. The IO should be a tool for those who cannot maneuver the difficult objection procedures or for those who are not in a position to fund such objections, rather than an opaque means to kill a proposed-TLD that otherwise isn't subject to public objection.

Finally, CWG Recommendation 1.2 suggested that ICANN change the name of a Recommendation 6 objection from "Morality and Public Order." While the CWG did not achieve a consensus on an alternative name, we do note that the name selected in the Proposed Final Applicant Guidebook – "Limited Public Interest Objection" was not polled by the CWG and "Public Interest Objections" was ranked only third of five names polled.

Sincerely,

Rec6 Community Working Group

Privileged and Confidential

2011-01-25-25 Annex-AoC Status and ATRT final report

ANNEX TO BOARD SUBMISSION NO. 2011-01-25-25

TITLE: Status Report on Affirmation of Commitments’ Reviews, Including Next Steps on ATRT Recommendations

SUMMARY OF AFFIRMATION REVIEW ACTION:

Accountability & Transparency Review

The first review under the Affirmation of Commitments (Affirmation) requires a community team appointed by the Chairs of the Board and Governmental Advisory Committee (GAC) to evaluate ICANN’s execution of commitments to “maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making will reflect the public interest and be accountable to all stakeholders.” Specifically, the review was to examine ICANN’s ability to continually assess and improve specific aspects that support these objectives (see Affirmation Section 9.1, below). After engaging in a 9-month process that included multiple face-to-face meetings, public discussions, engagement of an expert consultant, and a draft report (PDF) issued for public comment, the Accountability and Transparency Review Team (ATRT) issued 27 recommendations focused on improving the Board (and Nominating Committee processes), the GAC, public input and policy development, and review mechanisms for Board decisions (PDF). These are summarized below. Recommendations that ATRT deemed a “high priority” are designated as such. Exhibit A provides a summary grid highlighting the ATRT’s proposed due dates and responsible entities.

Security, Stability and Resiliency of the DNS Review

On 30 September 2010, ICANN’s President & CEO and the GAC Chair appointed the members of the Security, Stability and Resiliency of the DNS (SSR) Review Team. They met for the first time in Cartagena and plan to hold meetings and public discussions at ICANN’s Silicon Valley meeting. The SSR Review Team’s mandate is set forth in paragraph 9.2 of the Affirmation¹ and it will focus on

¹ Affirmation of Commitments 9.2 Preserving security, stability and resiliency: ICANN has developed a plan to enhance the operational stability, reliability, resiliency, security, and global interoperability of the DNS, which will be regularly updated by ICANN to reflect emerging threats to the DNS. ICANN will organize a review of its execution of the above commitments no less frequently than every three years. The first such review shall commence one year from the effective date of this



ICANN's execution of its plan to enhance the operational stability, reliability, resiliency, security and global interoperability of the DNS. To support these efforts, Denise Michel is coordinating substantive staff support for the Team, Patrick Jones is providing subject-matter support as requested, and Olof Nordling and Alice Jansen are providing operational and administrative support.

Whois Policy Review

On 30 September 2010, ICANN's President & CEO and the GAC Chair also appointed the members of the Whois Policy Review (WHOIS) Team. They are holding their first face-to-face meeting in the London area on 19 and 20 January 2010, and also are expected to hold public meetings at ICANN's March meeting. The Review Team's mandate is set forth in paragraph 9.3.1 of the Affirmation² and it will

Affirmation. Particular attention will be paid to: (a) security, stability and resiliency matters, both physical and network, relating to the secure and stable coordination of the Internet DNS; (b) ensuring appropriate contingency planning; and (c) maintaining clear processes. Each of the reviews conducted under this section will assess the extent to which ICANN has successfully implemented the security plan, the effectiveness of the plan to deal with actual and potential challenges and threats, and the extent to which the security plan is sufficiently robust to meet future challenges and threats to the security, stability and resiliency of the Internet DNS, consistent with ICANN's limited technical mission. The review will be performed by volunteer community members and the review team will be constituted and published for public comment, and will include the following (or their designated nominees): the Chair of the GAC, the CEO of ICANN, representatives of the relevant Advisory Committees and Supporting Organizations, and independent experts. Composition of the review team will be agreed jointly by the Chair of the GAC (in consultation with GAC members) and the CEO of ICANN. Resulting recommendations of the reviews will be provided to the Board and posted for public comment. The Board will take action within six months of receipt of the recommendations.

² Affirmation of Commitments 9.3.1 ICANN additionally commits to enforcing its existing policy relating to WHOIS, subject to applicable laws. Such existing policy requires that ICANN implement measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information, including registrant, technical, billing, and administrative contact information. One year from the effective date of this document and then no less frequently than every three years thereafter, ICANN will organize a review of WHOIS policy and its implementation to assess the extent to which WHOIS policy is effective and its implementation meets the legitimate needs of law enforcement and promotes consumer trust. The review will be performed by volunteer community members and the review team will be constituted and published for public comment, and will include the following (or their designated nominees): the Chair of the GAC, the CEO of ICANN, representatives of the relevant Advisory Committees and Supporting Organizations, as well as experts, and representatives of the global law enforcement community, and global privacy experts. Composition of

assess ICANN's enforcement of its existing policy on Whois, subject to applicable laws. To support these efforts, Denise Michel is coordinating substantive interactions with the Team, Liz Gasster and Stacy Burnette are providing subject-matter support as requested, and Olof Nordling and Alice Jansen are providing operational and administrative support.

Promoting Competition, Consumer Trust, and Consumer Choice Review

The Affirmation's fourth review — promoting competition, consumer trust, and consumer choice — will start one year after new gTLDs are in operation and available to registry businesses. This review's mandate is set forth in paragraph 9.3 of the Affirmation and it will examine the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice, as well as effectiveness of the application and evaluation process, and safeguards.

SUMMARY OF ATRT REPORT RECOMMENDATIONS:

A. BOARD GOVERNANCE, PERFORMANCE & COMPOSITION

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).
3. Board and NomCom should increase transparency of NomCom's deliberations and decision-making process; e.g. explain timeline, skill-set criteria before process

the review team will be agreed jointly by the Chair of the GAC (in consultation with GAC members) and the CEO of ICANN. Resulting recommendations of the reviews will be provided to the Board and posted for public comment. The Board will take action within six months of receipt of the recommendations.

starts, and explain choices made at the end (ASAP but starting no later than next NomCom – late 2011).

4. Building on BGC work, Board should continue to enhance Board performance and work practices.
5. Board should expeditiously implement compensation scheme for voting Board Directors.
6. Board should clarify the distinction between issues that are subject to ICANN’s policy development processes and those matters that are within the executive functions performed by staff and Board (ASAP but no later than June 2011), and (as soon as practicable) develop complementary mechanisms for consultation in appropriate circumstances with the relevant SOs and ACs on administrative and executive issues that will be addressed at Board level.
7. [High priority]Board should:
 - 7.1 Promptly publish all appropriate materials related to decision-making processes – including preliminary announcements, briefing materials provided by staff and others, detailed Minutes, and individual Directors’ statements relating to significant decisions (commencing immediately);
 - 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 and 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 (ASAP but no later than the start of the March 2011 ICANN meeting). 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.
9. [High priority]Board, acting through the GAC-Board joint working group (JWG), should clarify what constitutes GAC public policy “advice” under the Bylaws (by March 2011).

GAC ROLE & EFFECTIVENESS AND ITS INTERACTION WITH BOARD

10. [High priority]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 (by March 2011); ICANN should develop an on-line record of each request to, and advice received from, the GAC along with the Board's consideration of and response to each advice.
11. [High priority]Board and GAC should work together to have the GAC advice provided and considered on a more timely basis; Board, acting through the JWG, should establish (by March 2011) a formal, documented process by which the Board responds to GAC advice. This process should set forth how and when the Board will inform the GAC, on a timely basis, whether it agrees or disagrees with the advice and 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 and Board will then "try in good faith and in a timely efficient manner, to find a mutually acceptable solution." Consider establishing other mechanisms by which Board and GAC can satisfy the Bylaw provisions relating to GAC advice.
12. Board, acting through the JWG, should develop and implement a process to engage the GAC earlier in the policy development process.
13. Board and GAC should jointly develop and implement actions to ensure that GAC is fully informed of ICANN policy agenda and policy staff is aware of/sensitive to GAC concerns; may wish to consider changes to role of ICANN staff support relating to communication with and support to GAC, and whether Board and GAC would benefit from more frequent joint meetings.
14. Board should endeavor to increase the level of support and commitment of governments to the GAC process; encourage member countries and organizations to participation in GAC and place particular focus on engaging nations in developing world and need for multilingual access to ICANN records; Board also should work with GAC to establish a process to determine when and how ICANN engages senior government officials on public policy issues on a regular and collective basis to complement existing GAC process.

PUBLIC INPUT & PUBLIC POLICY PROCESSES

15. [High priority]Board should direct the adoption of, and specify a timeline for the implementation of, public Notice and Comment processes that are stratified (e.g. Notice of Inquiry, Notice of Policy Making) and prioritized (ASAP but no later

than June 2011); prioritization and stratification should be established based on coordinated community input and consultation with Staff.

16. [High priority] Public notice and comment processes should provide for both distinct “Comment” cycle and a “Reply Comment” comment cycle that allows community respondents to address and rebut arguments raised in opposing parties’ comments.
17. [High priority] 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.
18. Board should ensure access to, documentation within, policy development processes and multi-lingual access to maximum extent feasible.
19. Board should publish its translations (including rationale) within 21 days of take a decision (in languages called for in ICANN Translation Policy).
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 (ASAP) adopt and post a mechanism (eg. checklist or decision template) that certifies what inputs have been received and are included for Board consideration.
21. Board should request staff to work on process for developing annual work plan that forecasts matters that will require public input.
22. Board should ensure that senior staffing arrangements are appropriately multi-lingual, delivering optimal levels of transparency and accountability to community.

REVIEW MECHANISM(S) FOR BOARD DECISIONS

23. [High priority] Board should implement Recommendation 2.7 of the 2009 Draft Implementation Plan for Improving Institutional Confidence (IIC)³ that calls on ICANN to seek input from a committee of independent experts on the restructuring of the three review mechanisms – IRP, Reconsideration, Ombudsman – (ASAP but no later than June 2011); detailed guidance is provided for the review, including looking at mechanisms in Recommendations 2.8 and 2.9

³ **RECOMMENDATION 2.7:** Seek advice from a committee of independent experts on the restructuring of the review mechanisms to provide a set of mechanisms that will provide for improved accountability in relation to individual rights and having regard to the two proposed further mechanisms in *RECOMMENDATIONS 2.8 and 2.9* immediately below.

of the IIC.⁴; upon receipt of experts' final report, Board should take actions on the recommendations (as soon as practicable).

24. Assess Ombudsman operations and relationship between Board and Ombudsman, and if needed, bring into compliance with internationally recognized standards for Ombudsman function and Board supporting the function (ASAP but no later than March 2011).
25. Clarify standard for Reconsideration requests with respect to how it is applied and whether the standard covers all appropriate grounds for using the Reconsideration mechanism (ASAP but no later than October 2011).
26. Board should adopt a standard timeline and format for Reconsideration Requests and Board reconsideration outcomes that clearly identifies the status of deliberations and then, once decisions are made, articulates the rationale used to form those decisions (ASAP but no later than October 2011).

OVERARCHING RECOMMENDATION

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

Additional items of note:

- ATRT expects the above recommendations will be adopted and implemented by the Board; if Board determines implementation of a recommendation would impose unreasonable costs or impose prohibitive resource constraints, the Board should provide a thorough and detailed explanation of why the recommendation will not be implemented.
- Immediate implementation is recommended for some recommendations “that, in the view of the ATRT, should have already been undertaken by ICANN.”
- Those recommendations deemed to be of high priority are labeled as such and have a start and/or completion date prior to June 2011.

⁴ **RECOMMENDATION 2.8:** Establish an additional mechanism for the community to require the Board to re-examine a Board decision, invoked by a two-thirds majority vote of two-thirds of the Councils of all the Supporting Organizations and two-thirds of members of all the Advisory Committees. For the Governmental Advisory Committee, a consensus statement from all the members present at a physical meeting shall suffice.
RECOMMENDATION 2.9: Establish an extraordinary mechanism for the community to remove and replace the Board in special circumstances.

- ATRT asks the Board to provide a status report on all recommendations at the March 2011 ICANN meeting (21 Feb. is posting deadline) and a more formal report at the June 2011 ICANN meeting detailing:
 - Which recommendations have been fully implemented;
 - The status and schedule for implementing the remaining recommendations; and
 - The recommendations which the Board has concluded it cannot implement including a detailed explanation as to why the recommendations cannot be implemented.

BACKGROUND ON ATRT

The Affirmation calls for a Transparency and Accountability Review to be done every three years with the first review to be completed by the end of 2010.

Section 9.1 of the Affirmation states:

Ensuring accountability, transparency and the interests of global Internet users: ICANN commits to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making will reflect the public interest and be accountable to all stakeholders by: (a) continually assessing and improving ICANN Board of Directors (Board) governance which shall include an ongoing evaluation of Board performance, the Board selection process, the extent to which Board composition meets ICANN's present and future needs, and the consideration of an appeal mechanism for Board decisions; (b) assessing the role and effectiveness of the GAC and its interaction with the Board and making recommendations for improvement to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS; (c) continually assessing and improving the processes by which ICANN receives public input (including adequate explanation of decisions taken and the rationale thereof); (d) continually assessing the extent to which ICANN's decisions are embraced, supported and accepted by the public and the Internet community; and (e) assessing the policy development process to facilitate enhanced cross community deliberations, and effective and timely policy development. ICANN will

organize a review of its execution of the above commitments no less frequently than every three years, with the first such review concluding no later than December 31, 2010. The review will be performed by volunteer community members and the review team will be constituted and published for public comment, and will include the following (or their designated nominees): the Chair of the GAC, the Chair of the Board of ICANN, the Assistant Secretary for Communications and Information of the DOC, representatives of the relevant ICANN Advisory Committees and Supporting Organizations and independent experts. Composition of the review team will be agreed jointly by the Chair of the GAC (in consultation with GAC members) and the Chair of the Board of ICANN. Resulting recommendations of the reviews will be provided to the Board and posted for public comment. The Board will take action within six months of receipt of the recommendations. Each of the foregoing reviews shall consider the extent to which the assessments and actions undertaken by ICANN have been successful in ensuring that ICANN is acting transparently, is accountable for its decision-making, and acts in the public interest. Integral to the foregoing reviews will be assessments of the extent to which the Board and staff have implemented the recommendations arising out of the other commitment reviews enumerated below.

The ATRT members were selected by Board Chair, Peter Dengate-Thrush, and (then) GAC Chair, Janis Karklins, in March 2010. The ATRT and the Board agreed to a budget of approximately \$372,000 (increased from the original budget of \$191,500). Team members advanced their work through conference calls, emails, and in-person meetings in Marina del Rey, Brussels, Beijing, Boston and Cartagena. They divided into the following four working groups to examine assigned issues and develop recommendations:

- WG 1 -- Board performance, selection, composition, accessibility, decision-making, and dispute resolution/complaint handling;
- WG 2 -- GAC role, quality and actionability of GAC input, and ICANN's responsiveness to that input;
- WG 3 -- Community/stakeholder engagement, the quality of PDP output, the level and quality of public input into the ICANN process, and the extent to which such input is reflected in ICANN decision-making; and



- WG 4 -- Independent Review of ICANN Board.

In August 2010, the ATRT announced the selection of the Berkman Center for Internet & Society at Harvard Law School as paid "Independent Experts" to assist the ATRT in its review. The Berkman Center staff were tasked with conducting an analysis of three case studies chosen by the ATRT: the introduction of new gTLDs – the Expression of Interest proposal, the Implementation Recommendation Team, the role of the Governmental Advisory Committee (GAC), and vertical integration; the .xxx top-level domain application process; and the DNS-CERT proposal. The ATRT said it considered the recommendations in the Berkman Center's final report as it developed its draft and final report.

ATRT activities are publicly documented on ICANN's website and wiki. In addition to its discussions with ICANN community groups and the Board at the June and November 2010 ICANN meetings, the ATRT encouraged input via direct email and public comment forums. Staff has responded to numerous ATRT and working group requests for information.

| | | | |
|---------------|--------------------------------|------------------------|---------------------------------------------|
| Submitted by: | Denise Michel | Date Noted: | 14 January 2010 |
| Position: | Advisor to the President & CEO | Email and Phone Number | denise.michel@icann.org +1-310- 301-8632 |

**2011-01-25-25 Annex-Exhibit A - AoC Status and ATRT
final report-ATRT Recommendations Summary Grid**

Exhibit A for Board Paper “Status Report on Affirmation of Commitments’ Reviews, Including Next Steps on ATRT Recommendations”

| ATRT Recommendation | ATRT Proposed Deadline | Entity Responsible |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------|
| 1. Board should establish formal mechanisms for identifying collective skill-set required by Board . | Late 2011 (for next NomCom) | Board |
| 1.a. Benchmarking Board skill-sets against similar corporate & other governance structures. | Late 2011 (for next NomCom) | Board |
| 1.b Tailoring required skills to suit ICANN’s unique structure & mission through open consultation process, including with SOs & ACs. | Late 2011 (for next NomCom) | Board |
| 1.c. Reviewing these requirements annually, & provide as formal starting point for each NomCom . | Late 2011 (for next NomCom) | Board |
| 1.d. Publishing outcomes & requirements as part of NomCom’s call-for-nominations. | Late 2011 (for next NomCom) | Board, NomCom |
| 2. Board should regularly reinforce & review training & skills building programs. | At least every 3 years | Board |
| 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 | ASAP but Starting no later than next Nom Com – late 2011 | Board, NomCom |
| 4. Board should continue to enhance Board performance & work practices. | None listed | Board |
| 5. Board should implement compensation scheme for voting Board Directors | Expediently | Board |
| 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 | ASAP but no later than June 2011 | Board |

| ATRT Recommendation | ATRT Proposed Deadline | Entity Responsible |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------|
| <p>circumstances with the relevant SOs & ACs on administrative & executive issues that will be addressed at Board level.</p> | <p>as soon as practicable</p> | |
| <p>7. *Board should: 7.1 Promptly publish all appropriate materials related to decision-making processes – including preliminary announce-ments, briefing materials provided by staff & others, detailed Minutes, & individual Directors’ statements relating to significant decisions</p> | <p>Starting immediately</p> | <p>Board</p> |
| <p>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].”</p> | <p>Starting immediately</p> | <p>Board</p> |
| <p>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 redacted & cited when such a decision is taken.</p> | <p>ASAP but no later than the start of the March 2011 ICANN meeting</p> | <p>Board</p> |
| <p>9. *Board, acting through the GAC-Board joint working group (JWG), should clarify what constitutes GAC public policy “advice” under the Bylaws</p> | <p>By March 2011</p> | <p>Board, GAC (JWG)</p> |
| <p>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.</p> | <p>By March 2011</p> | <p>Board, GAC (JWG)</p> |

* Indicated by ATRT to a “high priority.”

| ATRT Recommendation | ATRT Proposed Deadline | Entity Responsible |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------|
| <p>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 can satisfy the Bylaw provisions relating to GAC advice.</p> | <p>By March 2011</p> | <p>Board GAC (JWG)</p> |
| <p>12. Board, acting through the JWG, should develop & implement a process to engage the GAC earlier in the policy development process.</p> | | <p>Board GAC (JWG)</p> |
| <p>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.</p> | | <p>Board, GAC</p> |
| <p>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</p> | | <p>Board, GAC</p> |

* Indicated by ATRT to a “high priority.”

| ATRT Recommendation | ATRT Proposed Deadline | Entity Responsible |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|
| basis to complement existing GAC process. | | |
| 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 input & consultation with Staff. | ASAP but no later than June 2011 | Board |
| 16. *Public notice & comment processes should provide for both distinct “Comment” cycle & a “Reply Comment” comment cycle that allows community respondents to address & rebut arguments raised in opposing parties’ comments. | ASAP but no later than June 2011 | Board |
| 17. *Timelines for public Notice & Comment should be reviewed & adjusted to provide adequate opportunity for meaningful & timely comment; Comment & Reply Comment periods should be of a fixed duration. | ASAP but no later than June 2011 | Board |
| 18. Board should ensure access to, documentation within, policy development processes & multi-lingual access to maximum extent feasible. | None listed | Board |
| 19. Board should publish its translations (including rationale) within 21 days of take a decision (in languages called for in ICANN Translation Policy). | None listed | Board |
| 20. Board should ensure that all necessary inputs that have been received in policy making processes are accounted for & 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. | ASAP | Board |
| 21. Board should request staff to work on process for developing annual work plan that forecasts matters that will require public input. | None listed | Board |
| 22. Board should ensure that senior staffing arrangements are | None listed | Board |

* Indicated by ATRT to a “high priority.”

| ATRT Recommendation | ATRT Proposed Deadline | Entity Responsible |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------|
| appropriately multi-lingual, delivering optimal levels of transparency & accountability to community. | | |
| 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 . | ASAP but no later than June 2011 | Board |
| 24. Assess Ombudsman operations & relationship between Board & Ombudsman, & if needed, bring into compliance with internationally recognized standards for Ombudsman function & Board supporting the function | As soon as practicable ASAP but no later than March 2011 | Board |
| 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. | ASAP but no later than Oct. 2011 | Board |
| 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. | ASAP but no later than October 2011 | Board |
| 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. | Annually | Board |
| • Reporting - ATRT asks the Board to provide a status report on all | 21 Feb 2011 | Board |

* Indicated by ATRT to a “high priority.”

| ATRT Recommendation | ATRT Proposed Deadline | Entity Responsible |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------|
| <p>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"> ○ Which recommendations have been fully implemented; ○ The status and schedule for implementing the remaining recommendations; and ○ The recommendations which the Board has concluded it cannot implement including a detailed explanation as to why the recommendations cannot be implemented. | 3 June 2011 | |

* Indicated by ATRT to a “high priority.”

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2011-01-25 News Clips for Board Book



A Sampling of ICANN News Media Clips

1 December, 2010 – 5 January 2011



Icann boosts capacity ahead of big gTLD meeting

1 December 2010

Internet oversight body Icann has had to increase the capacity of its back end infrastructure to ensure that it can accommodate all the journalists set to attend its Cartagena meeting next week, as the big build up to what could be one of the internet's defining moments continues.

The meeting could see the final go ahead from the Icann board for new gTLDs, one of the biggest shake-ups ever to hit the domain name industry.

The new rules will allow the creation of any TLD with up to 64 characters, including regional suffixes, generic words and brand names, effectively allowing large brand owners with sufficient cash to become TLD registries.

The oversight body will now be live streaming all of its news conferences and briefings as well as some sessions, for those not fortunate enough to be at the event in person.

"This particular meeting is so important that we have upped our game to make certain that journalists have access, no matter where on the planet they are," said Icann director of global media affairs, Brad White.

"We've increased our capacity to accommodate the growing interest of global news organisations."

Interesting that the notoriously cautious Icann has proactively sought to big-up the potential significance of the event, even before a final decision has been made on the current draft Applicant Guidebook.

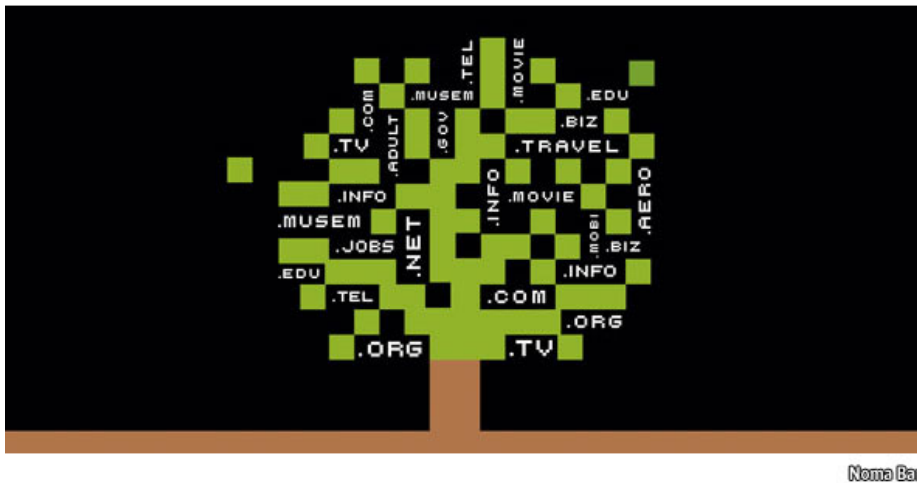
It emerged this week that the IOC, for one, is not happy with the new proposals, demanding that its trademarks be protected by Icann or else it will sue. It will be interesting to see if any other organisations raise similar concerns as the meeting draws nearer.

Routing it right

The survival of the internet's governing body has come at a price

Dec 2nd 2010
from PRINT EDITION

PETER DENGATE THRUSH knows a lot about names. A scientist by training, he has much respect for Carl Linnaeus, the 18th-century classifier of plants and animals. But these days Mr Thrush is busy looking after a different taxonomy: internet addresses, or more precisely their suffixes such as “.com” or “.net”. He chairs the board of the Internet Corporation for Assigned Names and Numbers (ICANN), the closest thing the web has to a governing body. New addresses are more than names, he explains, they are creations.



ICANN is set to create many new such digital beasts. When the organisation meets for its triannual shindig between December 5th and 10th in Cartagena, Colombia, its board intends to finalise plans to introduce many more “top-level domains”, as these suffixes are called. This follows the worldwide introduction of internet addresses with non-roman characters earlier this year. If the new plans go ahead, ICANN can argue that it has accomplished its main mission:

making the domain-name system (DNS) more competitive and international. For an organisation that seemed doomed from the day it was founded in 1998 because of squabbles over its legitimacy, that is quite a feat.

To grasp why all this matters, imagine an internet not with one, but several competing address systems: different websites, for instance, could have the same address; and e-mails could get lost. Forestalling such confusion—and thus making sure that the internet remains a universal network—is ICANN's main job. It oversees the DNS, essentially an address book that maps website names to the long numbers (“IP addresses”) that identify computers on the network. After somebody types, say, www.economist.com into a browser, the DNS reveals the IP address of the computers that host *The Economist's* website.

Life would be much easier for ICANN if it had only to keep this system running. But since there can be just one such address book, the organisation has become the focal point of all kinds of interests. Registering domain names has become a big business; hundreds of firms offer such services. Trademark holders want to be able to defend their brands online. And governments want a say over what internet addresses can be used. In August, for instance, ICANN's Governmental Advisory Committee sent a letter to the organisation's board requesting a way to flag domains that could “raise national, cultural,

geographic, religious and/or linguistic sensitivities or objections.” So much, then, for “.uighur” and “.muhammad”.

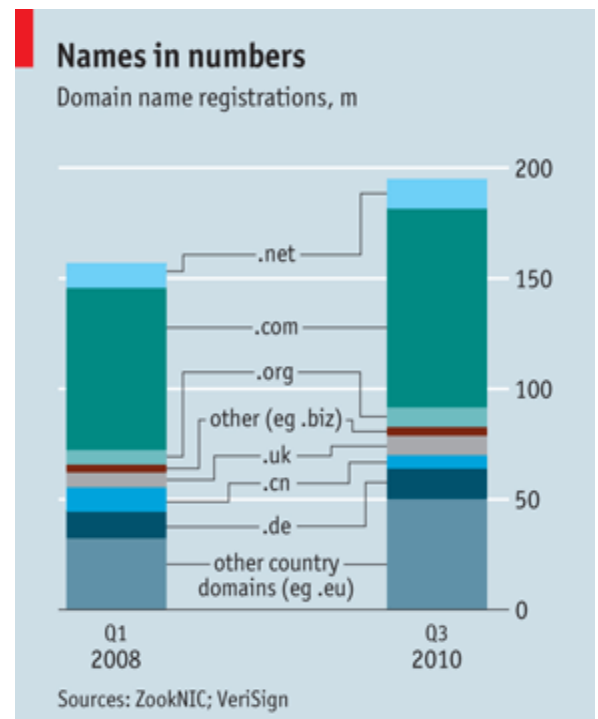
ICANN’s tricky birth has not helped either. It had to be created from scratch—under unfavourable circumstances. After the late 1960s the DNS was essentially run by one man: Jon Postel, an American engineer, whom techies called “God”. Yet this form of governance became harder to justify as the internet became more commercial. In 1998 America’s Department of Commerce created ICANN, a non-profit corporation to be headed by Mr Postel, to run the DNS, but he died soon after.

If the group has found its footing, despite many crises in the ensuing years, it is mainly for two reasons. One is that those toying with the idea of starting their own DNS have realised that they would be worse off. A few years ago, China and Russia left ICANN’s Governmental Advisory Committee, protesting that the body was too American and failed to defer to national interests. Last year both returned.

More important, ICANN has adapted, albeit slowly. For much of its life, it was ultimately controlled by the American government. This made sense, given the internet’s history and the fact that most users were American. But as the number of netizens in other countries and particularly in China has grown, the set-up became outdated. Successive reforms have pushed the organisation farther away from direct American control, granting more power to other countries.

What is more, ICANN has slowly widened the internet’s name space (see chart). It first introduced a dozen new top-level domains, such as “.info” and “.biz”. After much foot-dragging, it earlier this year allowed web addresses in Arabic, Chinese and Cyrillic and plans to do the same with nine other non-roman scripts. And now it intends to accept new top-level domain names at a clip of up to 1,000 annually.

But giving governments more power has come at a price. For now, websites can purchase addresses in local languages only from national governments. For a site with the word “Tiananmen” in Chinese, one needs to get approval from authorities in China, Taiwan, Singapore or Hong Kong. For “Chechnya” in Cyrillic, check with the Kremlin. Rebecca MacKinnon, a fellow at the New America Foundation and an expert on China’s internet, reports that Chinese bloggers are already wary of buying domains through China’s state-controlled registrar because they fear censorship.



Some also think that ICANN’s board still lacks accountability. It is selected by a nominating committee, which is in turn made up of representatives from trade and regional groups. It takes its decisions regardless of what consensus the extensive process for public comment has produced. And Lauren Weinstein, a longtime ICANN critic, says that the plan to introduce thousands of new top-level domains is nothing but a “protection racket” by the “domain-industrial complex”, because firms need to buy addresses for their brands in every new domain. And launching new suffixes will not come cheap. The organisation intends to charge \$185,000 a time, which could more than treble its budget.

But for those who have grown tired of such disputes, there is hope. Web addresses should increasingly fade from public view. More and more people now use domain-name shortening services such as bit.ly and econ.st (*The Economist’s* such offering). And the naming systems of Facebook and other social networks are becoming more important. Such alternatives may never make ICANN and the DNS obsolete, but they could reduce both to what they ought to be: a mere technicality.



US government shouts Stop! at ICANN over new gTLD program

by GIBC on 3 December 2010

An aggressive letter sent by the US government to ICANN's Board has warned the organisation not to approve the final rules for new Internet extensions at its public meeting next week.

The [letter](#) [pdf] from Commerce Secretary, Larry Strickling, pulls no punches, with its first sentence claiming that ICANN has failed to meet its obligations under the Affirmation of Commitments that the two organisations share.

The letter then states three reasons why the ICANN Board should not approve the "Applicant Guidebook" at its Cartagena meeting on 10 December: that it has not published sufficient economic analyses; that it did not adequately explain its [decision last month](#) to do away with market separation of registries and registrars; and it has not given sufficient time for the community to review the most recent version of the guidebook.

It then surmises that it would be "unrealistic" for ICANN to approve the gTLD rules in Cartagena, and carefully suggests that the Board's credibility may be on the line.

There had been rumours of a letter from the US government asking for ICANN to not approve the new gTLDs rules for several days but the aggressive tone is unusual and has clearly been calculated to match an equally forthright stance by the Board in recent weeks.

Most recently, the Board sent a [long letter](#) [pdf] to the Governmental Advisory Committee (GAC) in which it boldly stated that it simply disagreed with the GAC on a number of points. That approach was a marked departure from previous interactions in which the ICANN Board has been quietly deferential to governments' wishes.

To add even more to the simmering pot, the Board has pointedly asked the GAC to conclude a discussion over its concerns with the controversial application for dot-xxx, a top-level domain intended solely for adult material, before Cartagena.



INTERNATIONAL – US Government pours cold water over ICANN's gTLD plans

Date: December 3rd, 2010

Journalist: Adam Smith

The US government has delivered the strongest blow yet to [ICANN's](#) new generic top-level domain (gTLD) expansion. A [Department of Commerce letter sent to ICANN](#) signals to trademark owners that their dreams of stalling the launch are still alive. The news comes as ICANN prepares to approve the gTLD programme at the end of a week-long public meeting, set to open in Cartagena, Colombia tomorrow.

In a stern letter to ICANN President Rod Beckstrom, [Lawrence Strickling](#), assistant secretary for communications and information at the US Department of Commerce (DoC), has said that "the suggestion that the ICANN board could make an informed decision regarding the timing of the launch of the new gTLD programme in Cartagena is unrealistic". Strickling refers to the shortness of the comment period attached to the [proposed final applicant guidebook](#), published last month, which ends after only 20 working days and on the day of the board's expected decision to launch the programme.

Strickling also expresses his "concern regarding the apparent failure of ICANN to carry out its obligations as specified in the [Affirmation of Commitments \(AoC\)](#)", [which ICANN and the DoC entered into last year](#).

Central to Strickling's criticism is ICANN's "failure" to conduct a robust economic analysis of the proposed gTLD expansion. ICANN's attempt at this was a report published in June amid heavy criticism for its timing, deemed too close to the Brussels meeting to facilitate progressive debate. Strickling argues that this report shows how "the requisite economic analysis remains, at best, incomplete".

Meanwhile, members of the trademark lobby who have been involved in developing the policy will be arriving in [Cartagena for the latest ICANN meeting](#). Important sessions take place on Monday 6 December (overarching issues, including trademarks), Tuesday 7 December (IP Constituency) and Friday 10 December. This latter date is that of the board meeting, at which ICANN's governing body is set to consider whether to pass the resolution that launches the new gTLD programme.

Strickling's concerns signal that serious difficulties remain - and that the government is alive to this fact. His letter will be welcomed by those trademark owners and their representatives who have opposed new gTLDs for several years. Just last month, Josh Bourne, president of the [Coalition Against Domain Name Abuse](#), told *WTR* that [the trademark lobby is still hoping to destabilise ICANN's efforts](#). "When ICANN was formed, it was a mistake to align the corporation

with the ICANN community," Bourne argued. "Everyone thought that it was a great idea for ICANN to be a self-funded non-profit by raising income of 20 cents on every domain name sold - but the only way for the corporation to continue growing is to grow the domain name system."

Today's news from the DoC will certainly place ICANN under greater scrutiny. Beckstrom has acknowledged the letter, releasing this statement: "As with all contributions, ICANN will give DoC's comments careful consideration".



Internet body meets on domain names, IP addresses

(AFP) – 6 December 2010

CARTAGENA, Colombia — ICANN, the international regulatory body for Web architecture, met here Monday to discuss expanding the list of top level domain names and a new generation of Internet protocol addresses.

"We are a thousand individuals from all over the world convening in Cartagena to adopt fundamental decisions on the biggest issues facing the Internet industry on a global scale," said ICANN chairman Peter Thrusch.

A California-based non-profit corporation, the Internet Corporation for Assigned Names and Numbers manages the Domain Name System and Internet Protocol addresses that form the technical backbone of the Web.

Every device connecting to the Internet needs an IP address and Thrusch said ICANN's board meeting was to help prepare the transition from IPv4 (Internet Protocol version 4) to IPv6, which already exists but is rarely used.

Less than 150 million IPv4 addresses are still available, and "will come to an end by mid-2011, which necessitates an urgent adoption of a new generation of the respective protocols," he said.

During its meeting here, ICANN is also expected to discuss expanding the list of what are known as generic top level domains such as .com, .net and .org.

Thrusch said an expansion of domain names would herald "the beginning of a new era of change for completion of the map of the Internet."

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Beckstrom: ICANN accountable to world, not just US

Kevin Murphy,
December 6, 2010, 16:02:35 (UTC),
Domain Policy

ICANN chief Rod Beckstrom opened the organization's 39th public meeting in Cartagena, Colombia, with a speech that touched on many of the organization's recent controversies and appeared to take a strong stance against US government interference.

Everything from its [political tangles](#) with the International Telecommunications Union, to the [recent calls](#) for high-security top-level domains for financial services, to Beckstrom's own [controversial pet project](#), the proposed DNS-CERT, got a mention.

But probably Beckstrom's strongest statement was the one which indirectly addressed recent moves by the US government to slam the brakes on ICANN's new top-level domains program: We are accountable to the world, not to any one country, and everything we do must reflect that. Beckstrom acknowledged the controversies in the new TLDs policy, given last week's strongly worded letter from the US Department of Commerce, which was [highly critical of the program](#). Commerce assistant secretary Lawrence Strickling has called on ICANN to delay the program until it has justified its decision under the Affirmation of Commitments.

But this morning, Beckstrom echoed sentiments expressed on the [ICANN blog](#) last week (my emphasis):

As is often the case with policy decisions in that multi-stakeholder model, not everyone is pleased, and this diversity of opinion contributes to the policy process. For example, last week we received a critical letter from the US Department of Commerce. **As with all contributions, ICANN will give these comments careful consideration** as part of the implementation of the GNSO policy. We welcome the transparent way that Commerce provided their comments through the public comment process.

How ICANN chooses to deal with the demands of its former master, the US government, is one of the Cartagena meeting's Big Questions.

Another such question is how ICANN plans to deal with ongoing threats to its legitimacy from international bodies such as the International Telecommunications Union.

Addressing ITU secretary general Hamadoun Toure directly, Beckstrom said: We have always sought to build our relationships based on mutual respect and integrity, taking into account the unique and distinct mandates entrusted to our organizations. The strengthening of communication between us is a personal priority for me.

Security

Security is one of ICANN's watchwords, and Beckstrom is a security guy by trade. His speeches typically address the topic to a greater or lesser extent and Cartagena was no exception.

Security policies inherently create tensions. Take, for example, controversies about the strength and enforceability of Whois policies, or [Beckstrom's own call](#) for a DNS-CERT to oversee DNS risk.

This morning, he said: The staff under my leadership is willing to go as far on security as the community is willing. And whatever security effort this community decides, we will do our utmost to implement and support, given sufficient resources. Because when it comes to security, how can we ever say we've done enough?

And now you need to tell us: where do you want us to go?

Of course, I am sure we can agree that when it comes to security, the question is not what do we want to do? Or what is popular or easy? It's what do we owe the world? Because all of us care about the global public interest.

He took, in my view, a subtle swing at the Governmental Advisory Committee for putting security at the heart of its ongoing policy demands, while largely failing to cooperate with ICANN's requests for information on security issues in their own jurisdictions. Beckstrom said: We have asked GAC members to provide information about security activities in their countries. We appreciate the information some have shared but there have been few responses. As governments urge us to remain committed to security efforts, we in turn request that they help us by responding and working with the ICANN community on this vital mission.

I know there are some European ccTLD registries a bit miffed that ICANN has in recent months gone over their heads, direct to their governments, for this information, highlighting what a tricky political situation it is.

The speech also touched on internationalized domain names, with a shout-out to the recent launch of Russia's Cyrillic ccTLD, and general global inclusion activities. I expect the text and audio to be published on the ICANN web site to be published shortly.



ICANN LEADERS DOWNPLAY NTIA LETTER ON gTLD ISSUE BUT SAY VOTE MAY BE DELAYED

6 December 2010

The board of the Internet Corporation for Assigned Names and Numbers is expected to consider whether and when to allow the creation of new generic top-level domains (gTLDs) this week at the organization's meeting in Cartagena, Colombia, but the recent release of an independent study of the economic implications of such an action could delay a final decision, given that comments are being accepted on the report until the end of the week, ICANN Chairman Peter Dengate Thrush told reporters today.

However, Mr. Thrush and ICANN President and Rod Beckstrom downplayed the impact of a letter sent by the U.S. Commerce Department late last week that suggested that ICANN is not carrying out its obligations under its 2009 "Affirmation of Commitments" agreement with Commerce.

In the Dec. 2 letter, Commerce Assistant Secretary-communications and information Lawrence E. Strickling, who heads the National Telecommunications and Information Administration, noted that the Affirmation includes a commitment by ICANN to "provide a thorough and reasoned explanation of decisions taken, the rationale thereof, and the sources of data and information on which ICANN relied." This commitment was not fulfilled in the ICANN board's recent decision to allow cross-ownership or vertical integration of registrars and registries in new gTLDs (TRDaily, Nov. 10).

Mr. Strickling also cited concerns that both he and his predecessor, current FCC Commissioner Meredith A. Baker, had expressed to ICANN about gTLD changes absent "an economic study evaluating the potential consumer benefits prior to implementation."

While ICANN released a report on an economic "framework" for analyzing gTLD expansion last June, the "Phase II" report, written by Greg Rosston of Stanford University and Michael Katz of the University of California Berkeley, was not released until the day after Mr. Strickling sent his letter.

Mr. Strickling also pointed to the release of the lengthy Final Applicant Guidebook for gTLDs just last month. "While I am aware of the desire by some to move forward, the suggestion that the ICANN Board could make an informed decision regarding the timing of the launch of the new gTLD program in Cartagena is unrealistic."

Speaking to reporters in Cartagena and over the Internet, Mr. Thrush emphasized ICANN's appreciation that the letter from the Commerce Department was submitted through the normal

channels of the ICANN comment system, so that the process was open and transparent. Mr. Beckstrom said that “like other comments we receive, we will duly consider it.”

Mr. Beckstrom said that “almost a decade of work” has gone into developing policy for new gTLDs, and that ICANN is “focused on getting it right.”

Mr. Thrush said he was “not sure” how the ICANN board will handle the issue of gTLDs given the release of the new report and comments on it. He said he was “pretty sure” there were a number of issues related to gTLDs that could be voted on, but that “the crucial one that the community is waiting for is the start date” for new gTLDs.

Mr. Beckstrom objected to reporters’ questions that suggested the Commerce Department had accused ICAAN of “breaching” the Affirmation. Mr. Thrush added, “I would like to push back on the idea that ICANN derives its legitimacy from a single document.” Rather, he said, “we get our legitimacy from doing our job and doing it well” and from the stakeholders who participate in the organization. However, he said, the Affirmation is “a very powerful document because [in it] ICANN declares to the world its commitments.”

In response to a question regarding the recent WikiLeaks revelation of U.S. diplomatic documents, Mr. Beckstrom said that ICANN has “neither the authority . . . nor the operational capacity to take down domain names” and that it has “had no communication with any governments on this issue.” - Lynn Stanton, lynn.stanton@wolterskluwer.com



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With Vote on New gTLDs Possible Soon, NTIA, Others Say ICANN's Plan Remains Flawed

6 December 2010

ICANN has failed to live up to its commitments to the U.S. government in preparing to launch new generic top-level domain names, NTIA said in a scathing letter Thursday to the Internet body. As the ICANN board prepares to discuss once more -- and possibly approve -- what could be thousands of new domains, the latest public comments on the proposed final applicants' guidebook show strong opposition as well from the World Intellectual Property Organization and the International Olympic Committee (IOC). ICANN will give the Department of Commerce comments "careful consideration," President Rod Beckstrom said.

ICANN has apparently not complied with obligations in its Affirmation of Commitments, NTIA Administrator Lawrence Strickling wrote. One requirement was that ICANN complete an economic study on the potential consumer benefits of expansion versus potential costs, for review by stakeholders before approval of the plan, he said. But any such analysis "remains, at best, incomplete," he said.

Another problem is that while ICANN agreed to explain thoroughly the information and reasoning supporting any decisions it makes, it hasn't done that with the new gTLD program, Strickling said. The board voted in November, without much explanation, to allow full cross-ownership or vertical integration of registries and registrars, after shifting positions on the issue several times this year, he said.

Another NTIA concern is that ICANN is required before acting to address adequately issues such as competition, consumer protection, sovereignty, malicious abuse and other issues connected to the new domain spaces, Strickling said. But the ICANN community was given only 20 days to wade through hundreds of pages of the latest draft and comment before a meeting in Cartagena, Colombia that started Sunday and runs through Friday, he said. "I urge you to carefully consider the next steps of the new gTLD program" before putting it in place, he said.

The WIPO Arbitration and Media Center accused ICANN driving "toward conclusion without more meaningful dialogue." ICANN's policy-building process relies on an institutionalized framework of committees and processes claimed to cover the views of broader communities but appear synchronized with domain registration purposes, it said. Substituting process for substantive discussion can't be reconciled with the Affirmation of Commitments, it said.

Another WIPO concern is ICANN's attempt to design an appropriate rights protection mechanism for its "unprecedented" expansion of the domain name system. Among other

issues, WIPO said, is the need for added clarity on how the proposed trademark "clearinghouse" will work and how much burden it will place on bona fide mark owners. Moreover, the draft guidebook continues to offer an "overburdened" process for dealing with temporary suspensions of domain names found to be abusive registration, the organization said. Among these are letting cybersquatting panels consider possible defenses in default cases the possibility of appeals within two years from default and a higher standard of proof, it said.

The IOC wants its trademarks put on a reserved names list, a request ICANN hasn't responded to, it said. The committee also wants adequate rights protections to quell the expected enormous level of cybersquatting and trademark infringements, it said. But that concern has been "relegated" to the Generic Names Supporting Organization (GNSO), made up mostly of registries, registrars and registrants that have no reason to support effective trademark protection and that aim to reduce accountability for intermediaries and legitimize cybersquatting, it said.

If ICANN ignores these concerns, the IOC said, it's ready to take all available legislative, regulatory, administrative and judicial actions to hold the Internet organization accountable for damages to the Olympic Movement.

Beckstrom defended the policy process behind the new gTLD effort, saying it was approved by the GNSO in 2007 and adopted by the board in 2008. The affirmation of commitments confirms ICANN's promise to seek public comment and "to hear all voices," he said. As with all other responses, ICANN will consider NTIA's views carefully, he said.

ICANN has scheduled several press briefings during the meeting, including one on the new gTLDs, which it said is likely to be the hottest topic there. It's rumored that directors will vote on the proposal Friday. The comment period on the draft applicant guidebook is open until that day.

NTIA's letter may have more to do with the change in Congress than with ICANN or gTLDs, said longtime ICANN-watcher Harold Feld. Strickling knows from experience at the Clinton FCC while the Republicans ran Congress that the GOP will "seize any opportunity, no matter how trivial," to accuse the Obama administration of failing to perform its duties, including oversight of ICANN, he said. Strickling knows that whoever opposes introduction of new gTLDs will find a ready ear in the House for accusations that NTIA has failed to hold ICANN accountable for its promises, and he needs to be able to prove to a "hostile inquisition" that his agency takes its responsibilities seriously, Feld said.-- Dugie Standeford

EL TIEMPO

December 7, 2010

Internet se queda sin direcciones

Esta semana se lleva a cabo en Cartagena el encuentro de los miembros del Iann.

Agencia. La cantidad de direcciones de Internet en el mundo se agotará en enero, por lo que urge que operadores y gobiernos adopten una nueva versión del protocolo de Internet, advirtió Ernesto Majo, gerente de comunicaciones del Registro de Direcciones de Internet para América Latina y el Caribe (Lacnic). En la región aún hay direcciones disponibles para tres años más. Los dominios de Internet se agrupan en conjuntos, que son distribuidos por el Iann (Internet corporation for assigned names and numbers) a las cinco organizaciones que se ocupan de cada región del mundo.

"El 'pool' central de direcciones se va a terminar en enero", dijo Majo.

"Esta semana se asignaron cuatro bloques de direcciones, quedaron sólo siete. Y cuando queden cinco ya está acordado que se van a distribuir a cada uno de los registros regionales de Internet", explicó.

El sistema actual -Internet Protocol versión 4 (IPv4)- que se está agotando tiene un tope de unos 4 mil millones de direcciones, para una demanda cada vez más alta, indicó Majo.

"Al principio las direcciones IPv4 eran para conectar las redes entre sí, eran servicios académicos, redes gubernamentales, era algo muy limitado. No se previó que esto iba a tener un desarrollo comercial y que cada vez habría más dispositivos y personas en la red. Las necesidades in-

Reunión de la agencia que asigna dominios

Iann realiza durante esta semana en Cartagena su trigésimo reunión anual, donde se discute la urgencia de que los países aceleren la adopción del protocolo IPv6. Uno de los arribos del evento es: D3 Internet S.A.S., la empresa que administra el dominio colombiano que se ha hecho muy popular en el mundo pues grandes empresas de distintos países lo han acogido. Están presentes en Cartagena 1.200 personas representando a 150 países

divididos en cada vez mayores", añadió.

Si bien consideró que "no es grave", ya que se ha desarrollado un protocolo alternativo (el IPv6) que permite otorgar miles de billones de nuevas direcciones, a Lacnic le preocupa la demora de los gobiernos y operadores en adaptarse a este nuevo protocolo.

Las redes que ya funcionan con el nuevo protocolo IPv6 representan apenas el uno por ciento del tráfico global en Internet.

En efecto, el Ministerio de Tecnologías de la Información y las Comunicaciones presentó el viernes pasado una resolución mediante la cual se establece el régimen de adopción del protocolo Internet IPv6 en el país.

El sistema actual -Internet Protocol versión 4 (IPv4)- que se está agotando tiene un tope de unos 4 mil millones de direcciones y la demanda es cada vez mayor.



1

POR CIENTO
del tráfico global funciona con el protocolo IPv6, mientras que el resto está en el IPv4 que se está quedando corto. Colombia ya trabaja para moverse al nuevo sistema cuanto antes.

2

POR CIENTO
de las direcciones en IPv6 quedan disponibles y en dos meses se acabarán, aseguran expertos de la Comisión Europea y entidades como Iann y Lacnic.

Description: This article was published on the second day of the meeting and is titled "The Internet is Running Out of Addresses." It focuses solely on the issue of IPv4 depletion and quotes Ernesto Majo, Communications Manager for the LATAM RIR extensively.

December 7, 2010



Internet se agota

Expertos internacionales reunidos en Cartagena trazarán el inicio de una “nueva era” para internet con miras a una expansión histórica de su plataforma, en momentos en que la cantidad de direcciones a nivel mundial está próxima a agotarse.

“Más de un millar de personas de todo el mundo nos congregamos en Cartagena para adoptar decisiones fundamentales en torno al desarrollo y crecimiento de la industria de Internet en el contexto mundial, dijo Peter Dengate, presidente de la corporación Icann, responsable a nivel mundial de coordinar los nombres de dominio de Internet.

“Actualmente, menos de 150 millones de direcciones IPv4 no han sido asignadas aún y es probable que para mediados de 2011 ya estén situadas en su totalidad, así que la necesidad de adoptar la nueva generación de protocolos es más que urgente”, enfatizó.

El ministro de Tecnologías de la Información, Diego Molano, dijo que Colombia pasará de 2,2 millones de conexiones de banda ancha en 2010 a 8,8 millones en 2011 y por eso sostiene la reforma.

“Colombia avanza de manera expedita en la conformación de un marco regulatorio y una política de adopción del protocolo IPv6”, dijo.

Durante su intervención en la instalación del evento, Molano prometió a nombre del Gobierno eliminar un impuesto al servicio de internet para facilitar el acceso de la población más vulnerable a su uso.

“La reunión de Cartagena es histórica porque marca la expansión de Internet.

Hace más de tres décadas se creó una plataforma que creímos suficiente para abastecer el mercado y hoy vemos que se agota, entonces llegó la hora de adoptar esta nueva posibilidad que nos brinda la tecnología”, opinó Juan Diego Calle, gerente de “Co Internet”, compañía que maneja el dominio “.co”, es decir el de Colombia.

Las direcciones de Internet se agrupan en conjuntos, que son distribuidos por la corporación Icann a las cinco organizaciones que se ocupan de cada región del mundo.

Colombia pasará de 2,2 millones de conexiones de banda ancha en 2010 a 8,8 millones en 2011.

Diego Molano, ministro de Tecnologías de la Información y las Comunicaciones.

Description: This article was published at the commencement of the meeting. It covers the week’s agenda and makes reference to a possible decision on new gTLDs. The main focus of the article however is the depletion of IPv4 addresses and the urgent need to adopt IPv6.

The article also has a local focus, with the Colombian information minister highlighting the issue of broadband connectivity in Colombia.

ICANN Skirts Criticism To Announce Domain Changes

December 7, 2010

by [Eric Doyle](#)

Spiking the guns of its critics, ICANN launches a gTLD system that may add .microsoft and .oracle to .com

ICANN, the body that manages the Internet address space, is proposing to expand the generic top-level domains (gTLD) system of categorising web sites (.com, .org, .net, .gov) to allow companies to register their names as domains.



ICANN chief executive Rod Beckstrom (pictured) announced the timetable for the changes at the ICANN 39 conference but would not comment on a letter, published by the organisation, from an angry US Department Of Commerce.

The high cost of exclusivity

There are currently 21 gTLDs constraining the world's websites to a narrow band of designations, but under the planned regulations [this could expand astronomically](#) – in cost as well as number.

At the moment, registering a domain name costs relatively little compared to the registration fee of \$185,000 (£117,000) for a [company name gTLD](#). Some companies have already expressed concern that this will favour the larger companies. Some of the larger companies are worried that it will increase their costs in protecting their trademarks on the Internet.

At this week's [ICANN 39](#) conference in Cartagena, Colombia, the company outlined its plans. It also published, without initial comment, a letter from Lawrence Strickling, assistant secretary for communications and information at the Department of Commerce.

In the [strongly-worded letter](#), Strickling expressed concern that the organisation had failed to comply with obligations it agreed with the US Government in an Affirmation of Commitments signed over a year ago.

Under the commitment, ICANN promised to complete an economic study evaluating the potential consumer benefits of expansion balanced against potential costs prior to implementation.

Strickling wrote: "You and I have discussed the importance of performing this comprehensive economic analysis on more than one occasion since we signed the Affirmation. Nonetheless, it appears that ICANN has not completed this important analysis."

“While ‘An Economic Framework for the Analysis of the Expansion of Generic Top-Level Domain Names’ was posted on June 16, 2010, this report confirms that the requisite economic analysis remains, at best, incomplete. This fact is reinforced by the ‘to be posted’ reference to the *Economic Study Phase II Report* on the ICANN website,” he continued.

The Art Of Brinkmanship

Shortly after the posting of Strickling’s letter, in a fine display of brinkmanship, the missing [New gTLD Economic Study Phase II Report](#) appeared on the ICANN website as promised, though somewhat belated. Though the promise to discuss the report before taking action has yet to be fulfilled.

The changes have been in the air since 2008 and were originally planned to be active in 2009, but got [enmeshed in trademark issues](#). The new schedule, announced at the conference, means that implementation will take place in spring next year.

Already [Iron Mountain and Afilias](#), two major domain name registry and Domain Name System (DNS) services, have announced a co-referral programme to [vet applicants for new gTLDs](#). Under the terms of the programme, Iron Mountain will refer prospective gTLD registry operators to Afilias for registry services, and Afilias will, in turn, refer the prospective registry operators to Iron Mountain for data escrow services.

The cost of registration is a hurdle in a world concerned about returns on constrained investments. The [Metropolitan Corporate Counsel](#), a legal advisory organisation, said, “Clients need to formulate a strategy for their business, be it a defence against infringement of trademark rights or the creation of, or participation in, a custom domain for select constituencies. In either circumstance, clients considering applying for a new gTLD should consider whether the anticipated return on such investment is acceptable.”

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NUEVOS DOMINIOS

La Junta Directiva de ICANN analiza en Cartagena la posibilidad de extender las extensiones de dominios de Internet.



DURANTE LA REUNIÓN DE ICANN

En Cartagena, votan por sufijo .xxx para sitios pornográficos

En la reunión que realizó la semana pasada en Cartagena, la ICANN decidió consultar en primer lugar a una comisión de asesores conformada por funcionarios gubernamentales de todo el mundo.



■ Plenaria de la reunión de ICANN en el Centro de Convenciones de Cartagena.

JOELLE TESSIER
ASSOCIATED PRESS

Los sitios pornográficos están a punto de tener sus propias direcciones con un sufijo muy sugerente en Internet: el ".xxx", que los distinguirá de las páginas que usan terminaciones como ".com", ".net" o ".org".

Tras una década de batallas legales, la Corporación de Internet para Nombres y Números Asignados (ICANN en inglés) decidió en una votación el viernes pasado en Cartagena de Indias, avanzar con un contrato con la firma ICM Registry P.L.C., que permitirá la venta de nombres de dominio que terminen en ".xxx". ICANN decidió en junio iniciar las negociaciones del contrato.

Sin embargo, el nuevo sufijo aún tiene algunos obstáculos que librar. En la reunión que realizó la semana pasada en Cartagena, la ICANN decidió consultar en primer lugar a una comisión de asesores conformada por funcionarios gubernamentales de todo el mundo.

Algunos miembros de la Comisión habían presentado sus dudas en torno a la creación de un sufijo dedicado únicamente a portales con contenido para adultos. No quedó claro sobre cómo podrían afectar esas objeciones la utilización del sufijo.

Stuart Lawley, el presidente ejecutivo de ICM, indicó que el nuevo sufijo beneficiaría a los sitios de entretenimiento para adultos al facilitarle a sus clientes su localización. Los clientes también se beneficiarían porque los sitios con el sufijo ".xxx" se comprometerían a proteger a los consumidores del robo de identidad y del fraude con tarjetas bancarias y a no permitir el tráfico de imágenes de abuso infantil. Sin embargo, el uso del ".xxx" sería voluntario y algunos escépticos consideran que pocos portales de adultos estarían dispuestos a renunciar a sus direcciones de Internet actuales, con sufijos ".com".

Además, algunos grupos religiosos conservadores temen que el sufijo ".xxx" ayude a legitimar a la pornografía.

ICM Registry, con sede en Palm Beach, Florida, presentó una solicitud para comenzar a distribuir los sufijos ".xxx" en el 2000 y nuevamente en el 2004. Pese a que la ICANN le dio una aprobación preliminar en el 2005, más tarde rechazó la propuesta. La compañía apeló la decisión y una revisión independiente descubrió que la ICANN no tenía una razón válida para ese cambio de decisión, lo que abrió camino a la votación del viernes.

La industria de la pornografía no apoya totalmente al sufijo ".xxx", porque algunos lo ven como una manera de crear un barrio aparte para contenidos adultos y fijar reglas donde no desean ninguna.

Sin embargo, Lawley afirmó que ICM ya tiene 189.000 registros preliminares para sitios ".xxx" y espera contar con el registro de 500.000 nuevos portales cuando se lance oficialmente el registro del sufijo en el segundo trimestre del 2011.

Description: This was a significant news article published on the second day of the meeting o one of Colombia's main national newspapers. It focuses heavily on the possible introduction of new gTLDs and .XXX.

EL UNIVERSAL

December 7, 2010

ECONÓMICAS

REUNIÓN DE ICANN EN CARTAGENA

Analizan nuevas extensiones en direcciones de Internet

La posibilidad que los dominios de las direcciones de Internet se amplíen con una variedad de palabras o caracteres, se analiza desde ayer en Cartagena en la reunión de la Junta Directiva de ICANN (Corporación para la Asignación de Números y Nombres de Internet).

El encuentro se desarrolla en el Centro de Convenciones Cartage-

na de Indias, donde .Co Internet S.A.S. (www.CoInternet.com.co), administrador de los dominios .CO actúa como anfitrión.

La lista actual de dominios es de 21 y se pretende ampliarla. "Ahora Colombia se convierte en un jugador relevante en el desarrollo global de Internet, señaló Juan Diego Calle, director y

presidente ejecutivo de .CO Internet S.A.S.

Durante la apertura de la reunión el ministro de Tecnologías de la Información y las Comunicaciones de Colombia, Diego Molano Vega, anunció que el Gobierno Nacional propondrá la exención de IVA a los servicios de Internet.

Description: This brief article is an overview of new gTLDs, what they are and the opportunities they represent.

National Journal

ICANN's Proposal To Add New Domains Comes Under Fire

By Juliana Gruenwald
December 7, 2010 | 10:47 AM

The group that manages the Internet's domain name system is meeting this week in Cartagena, Colombia where its board is expected to take up a controversial proposal that could dramatically increase the number of generic Internet domain names available to users.

The Commerce Department has raised several concerns with the proposal, which would expand the number of generic top-level domains, such as .com and .info, from the current 21 to perhaps hundreds or more.

In a [letter](#) Thursday to ICANN, National Telecommunications and Information Administration Secretary **Lawrence Strickling** voiced concern that ICANN had yet complete a comprehensive study on the economic benefits to consumers of expanding the number of general top-level domain names compared with the potential costs. He also questioned whether ICANN has met the goal it agreed to meet to provide a "thorough and reasoned explanation" of its decisions, particular when it comes to launching new domain names.



"While I am aware of the desire by some to move forward, the suggestion that the ICANN board could make an informed decision regarding the timing of the launch of the new gTLD program in Cartagena is unrealistic," Strickling wrote.

ICANN agreed to a set of performance goals, such as providing greater transparency and fact-based policy development, as part of an "affirmation of commitments" it struck with Commerce last year. ICANN was chosen in 1998 to take over the Internet's domain name system by the Commerce Department and still operates under the oversight of the U.S. government despite steps taken in recent years to loosen the United States' control over the nonprofit corporation.

"As a signatory to the affirmation, my expectation was that ICANN would make significant improvements in its operations to meet the obligations identified in the affirmation," Strickling wrote. "Over a year later, I am concerned that those improvements have yet to be seen."

Perhaps, to underscore his concern, Strickling is in Cartagena this week to attend the ICANN meetings.

ICANN did release the economic study Strickling called for one day after he sent his letter. During a press conference in Cartagena on Monday, ICANN CEO **Rod Beckstrom** and ICANN Board Chairman **Peter Dengate Thrush** noted that ICANN has spent more than \$1 million on

two economic studies. They said despite this, it is difficult to predict whether new gTLDs will be successful.

It's "extremely difficult to value or estimate the potential value of innovation," Beckstrom said.

While ICANN has argued that expanding the number of new gTLDs will provide for greater innovation and choice, Beckstrom said in a blog post last week that "ICANN will give DoC's comments careful consideration as part of the implementation of the GNSO policy." He added on Monday that he can not predict what the ICANN board will do when it takes up the proposal at its meeting on Friday, although it generally approves staff recommendations.

Intellectual property groups have voiced strong concerns with ICANN's proposal to allow for the introduction of new gTLDs, saying the proposal does not provide for adequate protection of trademarked names.

In a November letter to ICANN, the American Intellectual Property Law Association said it "does not believe that the business or public interest case for any decision by ICANN to move forward with the roll-out of new gTLDs has yet been made." The group noted that ICANN's proposal would require businesses to pay for defensive registrations of domain names in "perhaps hundreds of new gTLDs, at prices that are unrestrained by ICANN or other regulatory bodies."



Internet group calls for '.xxx' porn domain name

(AFP) – December 9, 2010

CARTAGENA, Colombia — Internet specialists gathered in Colombia Thursday called for the creation of an ".xxx" domain for pornographic websites, saying it would make it easier to police them.

"Since we cannot fight the pornographic industry on the Internet, a thousand-headed monster... we are demanding that they be socially responsible and adopt a code of ethics," said Carmen Sanchez, from the non-government group, Internet Commitment for Social Responsibility (ICSR), based in Spain.

The group, which works to ensure the quality of web content, hopes that the California-based Internet Corporation for Assigned Names and Numbers (ICANN) will approve the creation of the domain name Friday during its convention in the Colombian city of Cartagena.

"We should have a sort of red zone on the web where, under the name '.xxx.' we can clearly identify pages we do not want children to see and block them," Sanchez said.

ICM Registry, a company sponsored by the International Foundation for Online Responsibility (IFFOR), owns the domain name and has been trying to get the green light from ICANN since 2004.

Should ICANN finalize a deal reached earlier this year to launch the domain name, ICM Registry would sell .xxx addresses for 60 dollars each to an estimated 500,000 adult entertainment providers starting next year.

"An exclusive domain for adult entertainment has the advantage of allowing for greater control over their content and, in addition, for each web page added to the domain we will donate 10 dollars to finance initiatives to protect children, ICM Registry chief Stuart Lawley told the conference.

If approved, the .xxx would join other so-called Top-Level Domains, or TLDs, including .com, .edu, .mil, .gov and a host of country code TLDs.

Sanchez said the process had been held up by conservative and religious groups in the United States, who feared that creating the domain name would further normalize the industry.

But ICANN, a private non-profit tasked by the US government with managing the domain name system, has remained neutral in the debate.

"Opening up the name space to new generic top level domains is intended to promote competition, innovation and consumer choice in a safe and stable manner," ICANN head Rod Beckstrom told the conference this week.

Global Internet pornography generates around 3,000 dollars a second and the keyword "sex" appears in a fourth of all online searches, according to the ICSR.

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Colombia Hosts 39th ICANN Public Meeting

Posted by Alan Webber
Dec 9th, 2010

As the host of ICANN's 39th International public meeting, taking place in Cartagena de Indias from December 5th through the 10th, .CO Internet S.A.S., the registry operator of the .CO domain, will begin welcoming ICANN delegates to Colombia over the course of the coming weekend.

The 39th ICANN public meeting is expected to attract between 800-1000 delegates from around the world, who will participate in the important work of further enhancing the security, stability and global reach of the Domain Name System.

The public meeting will take place in the state-of-the-art Cartagena de Indias Julio César Turbay Ayala Exhibition and Convention Center. While a variety of working groups, supporting organizations and committees will meet over the weekend, the public meeting will officially kick off on Monday, December 6th at 9:00am, with a formal Welcome Ceremony.

On Wednesday evening, .CO Internet cordially invites all ICANN guests (and their spouses) to attend an authentically Colombian Gala celebration, which is being sponsored by Neustar. The Gala event will commence at 7:00pm in the renowned Plaza de las Banderas, which is conveniently located just next door to the Convention Center. Guests in attendance should expect to enjoy typical Colombian food, music, dancing and fun – along with spectacular views of the Bay of Cartagena and the old city.

According to Juan Diego Calle, CEO of .CO Internet S.A.S., "Neustar has stood right beside us through every stage of our company's growth and development, seamlessly powering our back-end technology and helping to turn .CO into the world's next premier web address. For this reason, we couldn't be more proud to have the Neustar team standing beside us on Wednesday evening as the Sponsor of 39th ICANN Gala."

Invitations to the Gala will be distributed in the welcome bags dispensed at the ICANN registration desk. If you lose your invitation or you should need an extra one for your spouse, please visit the .CO or Neustar booths. Badges will need to be worn or invitations collected to gain entry to the Plaza de las Banderas.

Please note that the Gala is being held in an outdoor venue, and the climate is typically quite hot. Guests are reminded to wear light, cool attire for maximum comfort and fun. Also, please visit the official ICANN website for a detailed guide of the event, meeting schedules and other important details. <http://cartagena39.icann.org/>.

MarketingWeek

Thursday, 9 December 2010

What will generic Top Level Domains (TLDs) mean for marketers and how can you prepare for their arrival? Neil Barton, director at Hostway discusses the options.

With new generic Top Level Domains (TLDs) being introduced next year, we could see a fresh rush for brands registering domain names. As many marketers will be only too aware, domain portfolios are a very important element of brand protection in today's Internet age.

With thousands if not millions of pounds being spent on brand building, marketers need to ensure that they are managing and protecting their domain portfolio. Businesses can spend lots of money on branding only for them to miss a domain renewal or fail to obtain a certain domain, leaving them vulnerable to cybersquatting. This can potentially cost brands a great deal in lost sales and damage to reputation. With even greater choice over domain names coming, what will be the impact on businesses and online marketing in general?

Biggest change

According to ICANN, the organisation which coordinates the Internet's naming system, "the possible expansion in the last portion of an Internet address from its current 21 generic names to an infinite number of new ones could mark one of the biggest changes in the history of the Internet." ICANN's own predictions tell an important story about the hefty costs trademark owners will face due to an influx of 400 generic TLDs being planned, including: .ECO, .SPORT, .FOOD, .NYC, .HOTEL and .MUSIC. The organisation estimates that TLDs could cost each brand owner about \$500,000 (£316,000), with a total cost of \$746 million (£472 million) to brands worldwide.

One of the big questions that marketers should be asking themselves when mulling over TLDs is: what impact will they have on how products and services are marketed on the internet? At one extreme, it might mean that we see a part 'closure' of the Internet, as people avoid going to search engines to look up websites. Brands will encourage consumers to go directly to their websites by marketing a specific domain name. For example, if Nike were to buy the '.trainer' domain and promote this in its marketing materials, customers may buy into the unique name and neglect other brands as the domain directly links to their desired product, which makes it easy for them to remember.

However, this could also prove to be a headache for brand protection. Brands will again be faced with having to increase the number of 'defensive' registrations they have to make, so they might lose some traffic in the short-term. Equally, with so many domain names out there, many consumers might not remember which is which and as such abandon the process altogether and return to the search engine. As a result, the likes of Nike's .trainer may be forgotten and

poses the question as to whether TLDs really hold any value. In this case, consumer behaviour could well dictate the future for TLDs.

Opportunity for mobile

However, we should also consider the fact that many consumers already go to specific brands directly or use dedicated applications on smartphones or laptops. This rise in consumers using mobile applications for shopping could create a great opportunity for mobile operators to partner with firms and direct consumers to those specific brands. Once again, this combination may mean consumers will rely on search engines and price comparison sites less, which will have a significant impact on current SEO strategies.

How these domain name changes will ultimately affect brands and marketers is yet to be seen. During this transition stage, marketers would do well to assess the value of domain names to their particular brand and to build a relevant strategy around it. It's likely that the Nikes, Coca Colas and Apples of the world will snap up the expensive domain names relating to their products, whilst smaller brands must think about whether they want to fight for a slice of the market. Domain names are undoubtedly important but only time will tell whether they will make or break a brand's online marketing strategies next year.



International - Trademarks can don protection in '.xxx' domain name space

By Adam Smith
December 09 2010

The registry behind the '.xxx' top-level domain (TLD) will allow trademark owners to block their key terms in the controversial space. The news is a breakthrough not only for the IP lobby, but in the development of the domain name system in general.

The groundbreaking rights protection mechanism has been designed by [ICM Registry](#) in partnership with [Valideus](#), the new gTLD spin-off of Com Laude. Announcing the initiative to [IP Constituency \(IPC\) at the ICANN Cartagena meeting on Tuesday](#), Valideus' Jonathan Robinson said: "This is a deliberate and specific move away from the traditional method of defensive registrations and all they entail in terms of cost and maintenance. It is a recognition and acceptance that many rights holders wouldn't want to participate in the TLD in the traditional sense, but would simply like to procure one or more terms to ensure that they're not active domain names in the TLD."

Trademark owners from the adult entertainment sector would follow a conventional sunrise process that results in an active registration. In parallel, rights holders from other industries would submit a trademark term for validation which, if passed, would result in a non-resolving domain name. In effect, it is a way for brand owners to block use of their brand terms in ICM's new '.xxx' TLD. The fee for this procedure was not announced, but ICM expects it to be a low, one-time cost. "ICM does not envisage charging any additional fees for blocking this string over the term of their contract to run the '.xxx' registry," states a leaflet handed out at the meeting. J Scott Evans, IPC president and senior legal director at Yahoo!, suggested that the registry write into its contract with registrants that no further fees would be charged if ownership of the '.xxx' registry changed.

The IPC broadly welcomed the development as a new approach to IP in community-sponsored TLDs. ICM will welcome the news that at least one group is comfortable with this element of its proposed plans to introduce the '.xxx' TLD, since the company has come [under intense pressure from the adult industry and morality groups](#) alike. Sources in the meeting report that Robinson was "mobbed" by rights owners who support an indefinite block. Questions and suggestions were forthcoming, specifically regarding the validation process.

"Validation will be done by the ICANN-accredited registrars that you typically deal with as owners of IP and existing domain name portfolios," said Robinson. "There will be an opportunity to make solo applications or batch applications for owners and representatives of larger portfolios."

Hogan Lovells partner David Taylor drilled down into the validation process. He asked from which jurisdictions trademark registrations would be required for validation. "That's a good question and something we need to clarify," said Robinson. "It will include obvious jurisdictions like the United States and European Union. Two key considerations are date and jurisdiction of registration. We envisage the trademark registration criteria to be pretty wide."

Taylor stressed that this question is very important. "Around 180 trademark applications were filed for SEX just before the '.eu' launch," he said, referring to the practice of rushed trademark registration in order to participate in a sunrise. "So this issue is key," said Taylor.

More details of the mechanism will be forthcoming. Suggestions and questions can be directed to Robinson on jonathan.robinson@valideus.com.

The ICANN meeting continues with further discussion on the new generic TLD programme. More news to follow.



Porn sites closer to getting '.xxx' Web address

by The Associated Press
WASHINGTON

December 10, 2010, 05:55 pm ET

The online red-light district would be in the form of an ".xxx" domain name suffix alongside longstanding ones such as ".com" and ".org."

Following a decade-long battle, the Internet Corporation for Assigned Names and Numbers, or ICANN, voted Friday to proceed with a contract with ICM Registry LLC to sell domain names ending in ".xxx." ICANN voted in June to start negotiating the contract.

The new suffix still has other hurdles to clear, however. At a meeting in Cartagena, Colombia, ICANN decided to first consult with an advisory committee comprised of government officials worldwide. Some committee members have raised concerns about a suffix dedicated solely to sites with adult content. It's not clear whether and how their objections would affect the suffix.

Stuart Lawley, ICM's chief executive, said the new suffix would benefit adult entertainment sites by making it easier for customers to find them. Customers, too, would benefit, he said, because sites with an ".xxx" address would commit to protect consumers from identity theft and credit card fraud and not to traffic in child abuse images.

Use of ".xxx" would be voluntary, though, and skeptics argue that few adult-only sites would give up their existing ".com" addresses.

And conservative religious groups worry that an ".xxx" suffix would legitimize Internet porn.

ICM Registry, which is based in Palm Beach, Fla., applied to set up an ".xxx" suffix in 2000 and again in 2004. Although ICANN gave it preliminary approval in 2005, it later rejected the proposal. ICM Registry appealed, and an independent review found that ICANN did not have a valid reason for changing its mind — paving the way for Friday's vote.

The porn industry isn't completely behind ".xxx," because some see the site as creating a ghetto for adult content and setting rules where they don't want any. But Lawley said ICM already has 189,000 "pre-registrations" for ".xxx" sites and expects to register roughly 500,000 new sites when it launches the registry in the second quarter of 2011.

ICANN Delays TLD Expansion Approval

Dec 10, 2010 11:50 AM

By Juan Carlos Perez, IDG News

Internet regulatory body ICANN postponed approval of a mechanism to let groups apply for and manage new Internet domain extensions called generic Top Level Domains (gTLDs), such as the existing .com and .net.

More time is needed to work through some remaining issues, the board of the Internet Corporation for Assigned Names and Numbers board said in a resolution approved at a meeting in Cartagena, Colombia, on Friday.

Specifically, ICANN wants to give its Governmental Advisory Committee (GAC) a chance to weigh in on key issues such as trademark protection, malicious conduct, root-zone scaling, economic impact, geographic names and morality-based objections. The ICANN board expects to meet with the GAC in February of next year.

However, finalization of this mechanism, known formally at the Applicant Guidebook, is now closer than ever, said Peter Dengate Thrush, ICANN board chairman. "I think we have reached a turning point in relation to that program and hopefully the resolution captures that," he said during the board meeting, which was webcast.

"There are some intense and difficult problems ahead of us, but the number of them have shrunk dramatically from when we started this," he added.

There are currently 21 gTLDs but if and when the Applicant Guidebook is finalized and approved, interested groups will be able to propose new extensions and apply for permission to manage them. There are also more than 270 country-based TLDs.

The program under consideration is expected to significantly increase the number of gTLDs, giving users more choice, boosting innovation and generating business opportunities, according to ICANN.

The development of a program to increase the number of gTLDs has been in the works for years. A set of policy recommendations was approved in October 2007. The latest draft of the [Applicant Guidebook](#) was published last month.

At the Cartagena meeting, ICANN also postponed final approval of a deal with ICM Registry to launch the .XXX TLD for pornographic websites but said that, "subject to GAC consultation and advice," it intends to enter into a registry agreement with ICM.

Icann delays web domain expansion plan

By Joseph Menn in San Francisco
Published: December 11 2010

The global body that controls website addresses has put off plans to enable the creation of hundreds of top-level domain names to compete with .com and .net in the wake of objections from the US that the group had not fully examined the economic implications of the move.

The Internet Corporation for Assigned Names and Numbers voted at the close of its meeting in Cartagena, Colombia on Friday to seek more information from an advisory committee with representatives of 100 national governments before implementing the plan to allow [anyone to apply for a new top-level domain](#) to add to the existing 20-odd generic web suffixes.

The delay by Icann will give at least a temporary reprieve for owners of valuable brands, who fear that they will have to register many more domain names that echo their trademarks to prevent opportunistic “squatters” from registering them first or spend money on legal claims to oust them after the fact.

The new domain names at issue are known as generic top level domains, as opposed to those dedicated to countries, such as .uk for the UK and .cn for China.

An arm of the US Commerce Department, which contracted with Icann for the internet oversight role before the web agency became independent, wrote to Icann last week that the “requisite economic analysis remains, at best, incomplete”. The [letter cited Icann's written pledges](#), as it ended the contract with the US, for thorough and transparent decision-making.

In an interview, Peter Dengate Thrush, Icann chairman, said the board had not put off the domain-name expansion because of US concerns, but agreed that the former sponsor had raised valid issues.

Icann has commissioned five studies of the economic benefits and costs but has yet to finish reviewing those studies, Mr Thrush said. “What we need to do is analyse what the studies tell us. We need to incorporate the comments” from governments and private industry.

Icann also delayed implementation until a February meeting with the government advisory committee of its agreed plan to create a new [top-level domain for the adult entertainment industry .xxx](#).

Mr Thrush said that estimates of expenses likely to accrue to trademark holders were “speculative” while the gains for sellers of domain names, web hosting services and other internet companies from the creation of new address endings such as .hotel and .model were obvious.

Businesses are expected to apply to Icann and pay large fees for the right to administer the new endings.

Icann is also [expanding website addresses beyond Roman characters](#), giving more weight to the desires of non-western countries.

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ICANN Delays .XXX and gTLDs

By Sean Michael Kerner
December 13, 2010

After years of debate, observers expected the Internet Corporation for Assigned Names and Numbers ([ICANN](#)) to approve a new system of generic Top Level Domains (gTLDs) for the Internet. The new gTLD approval would have opened up the door to a new world of Internet addresses and change the way that people around the world access the Internet. Instead of approving gTLDs during an event in Cartagena, Columbia held last week, ICANN instead voted to delay the decision until 2011, pending further review.

The delay on gTLDs was accompanied by another deferral by ICANN on the .XXX top level domain, a topic [ICANN has been grappling with for a decade](#).

"Progress in this field takes time, and we have work left to do," Rod Beckstrom, president and chief executive officer of ICANN said in a statement.

The reason for the delay of the new gTLD approvals is rooted in concerns that were raised by world governments -- including the U.S. -- about the new domains. In a [letter](#) sent by Lawrence Strickling, the assistant secretary for communications and information at the U.S. Department of Commerce, the U.S. government criticized ICANN's gTLD plans. The U.S. government has concerns about the economic impact of gTLDs. Additionally, Strickling raised concerns about the transparency and accountability of ICANN and its processes.

ICANN [was set free](#) from the direct oversight of the U.S. Department of Commerce in September of 2009 with an agreement called the 'Affirmation of Commitments.'

"As a signatory to the Affirmation, my expectation was that ICANN would make significant improvements in its operations to meet the obligations identified in the Affirmation (e.g., transparency, accountability, fact-based policy development)," Strickling wrote. "Over a year later, I am concerned that those improvements have yet to be seen. As such, I urge you to carefully consider the next steps of the new gTLD programs and ensure that ICANN meets its obligations as contained in the Affirmation prior to implementation."

The U.S. is now part of the Governmental Advisory Committee (GAC) at ICANN, which includes representatives from over 100 governments around the world. According to ICANN's adopted [resolutions](#) from the Cartagena meeting, board minutes, the GAC will provide a list of issues that they believe are still outstanding and require additional discussion between the ICANN Board and the GAC.

There are multiple stakeholders in the gTLDs ecosystem; among them is TLD operator Afiliias.

"Afiliias is eager for the new TLD process to move forward," Roland LaPlante, chief marketing officer at Afiliias told *InternetNews.com*. "However, ICANN feels that there are still a few issues to resolve and has elected to take a little more time."

ICANN delays .xxx porn domain

7:49 AM Monday Dec 13, 2010

BOGOTA - The global body responsible for regulating internet domain names has again delayed launching an '.xxx' domain for pornographic websites.

During their convention in the Colombian port city of Cartagena, leaders of the California-based Internet Corporation for Assigned Names and Numbers (ICANN) agreed to delay the decision to an unspecified date, the group's CEO and president said.

ICM Registry, a company sponsored by the International Foundation for Online Responsibility (IFFOR), owns the domain name and has been trying to get the green light from ICANN since 2004.

Should ICANN finalise a deal reached earlier this year to launch the domain name, ICM Registry would sell .xxx addresses for \$60 each to an estimated 500,000 adult entertainment providers starting next year.

"An exclusive domain for adult entertainment has the advantage of allowing for greater control over their content and, in addition, for each web page added to the domain we will donate 10 dollars to finance initiatives to protect children," ICM Registry chief Stuart Lawley told the conference.

If approved, .xxx would join other so-called Top-Level Domains, or TLDs, including .com, .edu, .mil, .gov and a host of country code TLDs.

Global internet pornography generates around US\$3000 dollars a second and the keyword "sex" appears in a fourth of all online searches, according to the Spain-based internet Commitment for Social Responsibility (ICSR) non-government group.

ICANN spokespeople insisted any delay in launching a .xxx domain name was not the result of pressure from US religious and conservative groups that have campaigned against the move, saying it trivialises pornography.

13 December 2010

Full interview: Peter Dengate Thrush

Fionn O'Raghallaigh, Cartagena

Fionn O'Raghallaigh spoke to Icann Board chairman Peter Dengate Thrush at the end of the meeting in Cartagena about new gTLDs, trade mark protection, the Olympics and a lot more

Could you explain the resolution, which appeared to say the Icann Board is happy with the trade mark protections, but it will still take advice?

The point is that we have created special processes to take into account - to kind of collect - trade mark opinion. We have done two rounds: the first thing we had is a policy development process inside the generic names support organization (GNSO), which is the organ of Icann that is responsible for making generic domain name policy.

The IP constituency is a powerful voice inside that constituency; it's a well run constituency. It's got well respected leadership from the IP community and is connected to all of the major IP organisations like INTA and the voice of the recording industries and the film industries, and the copyright industry. They are there. They took part in that process, and so the policy when it came out took into account the views of IP community. So, that's the first really important point to make: they have been part of this from the beginning. There is a sense that trade mark lawyers that found out about this more recently [think] that somehow trade mark interests were being severed or had not been properly consulted. The truth is that they have been there right from the beginning. And we needed them there, and we were grateful that they were there.

Once we made the decision to start implementing the policy and actually turn it into a working programme to turn it into a process for applicants to apply for new gTLDs we started focusing on how we would carry out, if you like, the generic high level policy, which said that we wouldn't infringe the rights of others and we wouldn't infringe trade mark rights. To do that, we did two things with the IP community. We formed a thing called the IRT and said look, you are the experts, tell us what the IP protection mechanisms in a new generic TLD process, what would they look like? And recognise when you come back that you are going to have to sell those as mechanisms to the rest of the internet community. Because if you can't design them no one can, if you can't sell them to the rest of the



Peter Dengate Thrush

internet community the Board is going to have to make the decisions.

So that's actually what happened, a very high-level bunch of IP lawyers formed themselves into the IRT and worked extremely hard to come up with a number of mechanisms, which they brought back to the public comment process. Now remember that is how it gets done in the Icaann stakeholder model. The community has to buy it, and so in another round consensus-building occurred. Another step was the Special Trade mark Issues team was formed, and this was very recursive, measured process, done in the usual Icaann way. Completely transparently, everybody knows what is going on, all the papers are available in public, lots of meetings in public, and boiled down over a considerable period really since the Mexico meeting at the beginning of last year, we get to the point where we have three mechanisms recorded in the resolution: the trade mark clearinghouse, the Uniform Rapid Suspension, for which we have recently shortened the periods so that it is more rapid, and then a later development, which didn't come out of the IRT or STI, is the concept of this post-delegation dispute resolution process. That is designed to be a situation where a TLD is being setup, based on contractual assertions made by the party, particularly in relation to protecting IP rights. If we find they are breaching those rules this is a dispute resolution mechanism, which may result in either taking the TLD down or requiring it to change its ways.

So what we have said in this resolution is we have put a lot of time throughout the entire process and paid a lot of attention to protecting the rights of IP holders. We think that the community consensus, this is not so much about what the Board thinks, this is about our sense of what the community thinks, remember we have Board of 21 appointed by reps from all over the community, and we have heard submissions from all over the community, and the Board senses that this is a workable compromise in relation to IP protection. So what that means, is we don't think [we need] to start another campaign like the IRT and try and develop another set of mechanisms. However, in relation to the mechanisms we have got the door is still open. We are still to get public comment, which will include on those mechanisms, and we are still to review that.

So are you saying there is still potential to tweak the mechanisms that are there?

It may be possible to substantially improve them in regards to the public comment process.

So the GAC has made noises about concerns over Community trade marks, and others, being excluded from the trade mark clearinghouse. Is that something you might try to fix?

Yes. I am not saying that we will, I am saying that is exactly what we are now going to do, look at public comment period and review. And we have had letters from the IOC and letters from the US Chamber of Commerce; we are getting a lot of input from people providing us with advice on how to approve these mechanisms. And we are absolutely committed to doing the best we can within the confines of the community development process.

There have been a lot of complaints this week that there wasn't enough time to make comments on the Applicant Guidebook. Given the wording of the resolution, did you consider submissions that were made this week by various groups?

This is the fifth Applicant Guidebook we have published over a number of years. There has been a lot of comment relating to that and synthesis and reporting back. And we have

received considerable praise for that synthesis. Some people are always unhappy about that they think their view hasn't been as well expressed as others. In the main Icann has received a great deal of praise, in this sense, on how the public comments have been handled. So this is the fifth Guidebook, but if you look at the redline version, we always publish a redline, I think there are 27 pages of new material. It's all very well to say there are 400 pages, and I guess if you are coming to this new then that is a lot. But the reality is that because we have been doing this for four years, the parties that we have mostly negotiated with and the communities that we have mostly negotiated with are relatively familiar with the material, including the government advisory, that make long detailed submissions over the years - I think they have sent in 11 letters to us. They are very familiar with this. So for members of the Government Advisory Committee, most of those pages are very familiar to them and we are looking at a small number of pages that are familiar to those members.

Now some of that additional material is substantive, and it would have required time to think. So what we did in this case we have published this Guidebook 24 days before the meeting started and we had the public comment period closing today. That is a fairly extensive period, we think, for filing. And what we are saying is we are going to take account of that material. In the next month or so we are going to be digesting that public comment and using to give the best balance of community interest on this issue.

The members of the IRT sent a letter last night to you and others expressing unhappiness with how the acceptance of some IRT proposals suggests brand owners' happiness with the Applicant Guidebook. What is your reaction to it?

Well firstly, we are very grateful for the work they do, they are the experts in this areas. We gave them a very short short time and they came up trumps and they are passionate about their cause and they see the world in terms of the interests of their clients and the interests of the brand owners they represent and they want to do well by the programme. So the first reaction is that we need them in the process and we are very grateful they are in the process. And so I see a submission like that, even a complaining letter, is still good in that we are still engaging. As for the content itself, we can look at the suggestions they make and if we can incorporate them without cost to some other value well then the process is open to public comment.

From your point of view and the Board's, what are the main issues to be discussed with the GAC?

Well there are two different views about that. We just got the view from the GAC, there are a large number of items. Our view is that we can express that more restrictively. Just by the way of example. A couple of weeks ago, we had risk of total failure because some governments were taking the view that we were calling in those days morality and public order objection. So in fabulous Icann fashion a cross-community working group, including members of the GAC, members of the GNSO, members of the At-Large, got together in the working group and worked through that. They gave us recommendations on how to solve, and we were delighted and published the resolution in Trondheim, which we clarified because we hadn't expressed how pleased we were. We have taken many of those recommendations and as a result, the whole gambit is limited dramatically. We are not calling it morality and public order and we are now arguing much more about very restrictive issues if the At-Large of Government Committee want to file an objection, should they have to pay a fee? And even, here in Cartagena we have been exploring that. And my personal view that I

have expressed is that if one of the organs of Iann - such as the At-Large Advisory Committee or the GAC - has an internal process that comes up with a coherent view that they want to oppose a string in the public interest, well then they are doing us a favour. That's exactly the role those organisations should be making. I could see we could work out a way they would not have to pay, in those circumstances.

There was a lot of talk about the economic study this week. How do you view the economic study? Could there be another one?

Well no, as where we tried to express in the resolution, that is another one of the processes that we think is closed. We have actually had five economic studies, there have been others done by other parties. We have done these five studies. And the advice we have had from the economists and the lawyers is that further economic studies are unlikely to provide any truly useful information. What we have to do is process the information that we have now got, from this last study. And again that is still open for public comment and again we are going to work through that and come up with consensus. The issue here is quite interesting. This is an important issue for the IP guys. One of the expressions from the governments is that in terms of our evaluators [there are] the cost benefit issues. So what seems to be emerging from some of these parties is that is slightly unusual in that the costs of the new gTLD programme, in economic terms, may fall on some brand holders, if they are forced to apply for defensive registrations or other measures. So that is where the costs will fall. The benefits are going to another section of the community, a lot of jobs are going to be created: existing staff of registries, registrars, back end providers, everybody that's providing infrastructure or legal advice to possibly hundreds or thousands of new businesses.

And so there will be a lot of economic activity and benefit around those, so the analysis for us and the public comment is how do we attempt to estimate those various things. It is quite clear that while it might be a negative to look at the costs, it is actually a positive element for the benefits and so we have mentioned this before about the complete inability to predict that in regards to innovation and economics, there is no science really of economics and innovation that allows you to predict before an invention, before a product is going to market what is likely to be predicted. If there was, then we would all be rich.

IOC has threatened legal action if rights protection mechanisms don't change. How do you view that?

I don't mind the expression of passion, that is part of it. That is an expression to us of how valuable their rights are, and I go back to basically agreeing that is our policy. We will not allow the applications of others that infringe the rights.

And the DOC letter?

There are a couple of aspects to that. First, that is largely in relation to our performance under the Affirmation of Commitments. It is using the new gTLDs programme as a couple of examples of the point they are making. The point they are making is that we have signed up to a number of commitments and the question is are we performing against them? In part they are saying let's wait to see what the review of the AoC says: the accountability and transparency review team has been reporting here in Cartagena and will be giving us a report and recommendations by December 31. To a certain extent that needs to be read. I think the Board's view is we need that input from our contracting party very seriously. It's been a long-

standing issue with Iann, as to whether or not we explain our decisions clearly enough. I think most feel we can do better at that.

Will there finally be new gTLD approval in San Francisco?

We hope that we can work through remaining issues. There is always an incentive on people on whom this might be costly, or enjoy the privilege of incumbency - change always hurts someone. The sort of analogy we use is if you were to now ask the telcos should we introduce the internet, what would they say?

EL UNIVERSAL

December 14, 2010

Expertos postergan anuncios sobre políticas de expansión de internet

Publicado: 11 Diciembre 2010

BOGOTÁ, AFP

El organismo que asigna los dominios de internet en el mundo cerró el viernes su reunión en Cartagena sin tomar decisiones en torno a una expansión histórica de su plataforma, objetivo central de las deliberaciones.

"Dentro del espíritu de la organización se requiere que todas las voces sean tenidas en cuenta, y por ello las discusiones continuarán y muy seguramente los anuncios (sobre la expansión de internet) se darán en la próxima reunión de febrero en San Francisco (Estados Unidos)", dijo a la AFP un funcionario de Icanm (Internet corporation for assigned names and numbers).

Al inicio de la reunión que se extendió toda la semana, Peter Dengate, presidente de la junta directiva de Icanm, había previsto que se adoptarían decisiones en torno a la introducción de nuevas extensiones de dominio.

Icanm enfrenta el reto de pasar del uso del protocolo original de internet (IPv4 -internet Protocol Version 4) adoptado en la década de los 80 y con capacidad para 4.000 millones de direcciones a una nueva generación de protocolos (IPv6) con billones de direcciones de nuevas direcciones.

Recientemente, el registro para América Latina y el Caribe "Lacnic" alertó que la cantidad de direcciones de internet mundiales se agotará en enero próximo, por lo que urgía a operadores y gobiernos a adoptar una nueva versión del protocolo de internet (IPv6).

Las direcciones de internet se agrupan en conjuntos, que son distribuidos por la corporación Icanm a las cinco organizaciones que se ocupan de cada región del mundo.

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Description:

Headline: "Experts postpone announcements regarding policies around extensions of the Internet"

This article, published at the end of the week, was a review of the meeting's proceedings, focusing on gTLDs and IPv4/IPv6.

It contains the following quote from an unattributed ICANN spokesperson: "The spirit of the organization is such that all voices are heard and taken into account.....It is very likely we will see announcements on this (gTLDs) at the next meeting in San Francisco.

In A Video Interview ICANN's CEO & Chairman Says .XXX Extension Approval "Is Little More Than A Formality"

2010 December 13
by MHB

ICANN Chairman Peter Dengate Thrush and CEO Rod Beckstrom indicated in a videotaped interview today ICANN will proceed with the registry contract over the GAC's objections, if necessary

[The Video interview appears on the top of the ICANN site.](#)

Both the Chairman and the CEO indicated that Consultation with the GAC which is scheduled for February "is little more than a formality"

Thrush went on to say:

"We have to take the advice from governments very seriously"

Under ICANN's bylaws, when disagreements between the board and the GAC erupt, "we must have a good-faith and timely consultation with the GAC to try and bridge the gap."

In the case of .XXX, "it looks like we are about to depart from GAC advice." he said.

There is also a discussion on the 12+ Minutes video posted on the from of ICANN's site, more details about the new gTLD's which will also be discussed at the GAC meeting in February

They also indicated that the meeting with the GAC will be opened to the public.

UrbanBrain

ICANN Cartagena: Interview with ICANN CEO and Chairman of the ICANN Board

ICANN held an in-house interview with ICANN CEO, Rod Beckstrom and Chairman of the ICANN Board, Peter Dengate Thrush just after the conclusion of the Meeting of the ICANN Board held in Cartagena on December 10th. The interview solicited responses concerning the likely delay of the New gTLD application round, and the delay in executing the .XXX Registry Agreement.

Great interview, and definitely worth a watch.





ICANN CEO and Chairman answer new gTLD and dot-xxx questions

by Kieren McCarthy on 20 December 2010

In an in-house interview carried out on the last day of its recent conference in Cartagena, ICANN's chairman and CEO have answered questions over the Board's decisions on the new gTLD program and the application for a dot-xxx Internet extension.

Unusually for an in-house video, the interviewer (ICANN's media director) asks direct questions and so elicits some useful, unprepared responses. You can view the full video in the top-right of this webpage.

New gTLD process

Despite three Board meetings in the past month and a series of recent resolutions that pointed to the Board approving the "applicant guidebook" setting out the rules for new Internet extensions, on the last day of the meeting the Board read out a very long series of resolutions effectively delaying the decision until an unspecified future date.

Chairman Peter Dengate Thrush was asked why this was the case and said the process was "something we are going to do right rather than fast" and said that further delaying approval was the "only responsible thing to do" following "concern from members of community and governments of the world."

Nevertheless, Dengate Thrush claimed that "most people" were pleased with the progress that had been made, in particular that the Board has "signaled closing off of subjects" that had been the subject of significant debate for years.

The trademark issue

The largest dispute has been over the issue of trademarks and how to protect them when the Internet is opened to potentially hundreds of new top-level domains. The decision by the Board to bring this discussion to a close led to a small group of intellectual property lawyers storming out of the public Board meeting exclaiming "unbelievable".

However, Dengate Thrush said he felt ICANN had done a lot of work to protect trademark holders and that the issue was now closed – or at least would not be reopened. "We have three new independent mechanisms for protecting trademarks," he said. "And the Board thinks they are probably sufficient – although we may look at how we can tweak or improve those processes."

While both chairman and CEO are keen to point to progress, a great deal of uncertainty remains over the final rules as well as the possible approval of the dot-xxx top-level domain following a

hastily agreed-to special meeting between the Board and the Governmental Advisory Committee (GAC), scheduled for February.

CEO Beckstrom said that the organisation is ready to implement the new gTLD process but felt obliged to add that that was “as long as there is not a major restructure”, leaving open the possibility that the Board will feel obliged to do precisely that following the Board-GAC meeting.

Dengate Thrush’s comments on trademarks also leave the way open for governments to insist on additional changes in that area as well (the trademark issue was raised as one of two main concerns that governments had over the programme at the official Board-GAC meeting in Cartagena). [[See all 12 points raised by governments.](#)]

US government anger

Dengate Thrush tried to make light of a [very strong letter](#) from the US government, sent to ICANN just days before the recent meeting, in the interview, saying that it was “one of the comments that came in”.

However, he also noted that it will “have to be taken very seriously” and later on acknowledged one of the main criticisms in the letter when he said the Board “could do a better job of explaining our decisions”.

ICANN Board and staff privately told key community members at Cartagena that the letter from the US government did not come as a surprise. However, that claim does not tally with numerous other reports that the relationship between the ICANN Board and US government is at a low point and that the strength of wording was not at all expected.

Cordial relations between Commerce Secretary Strickling and ICANN Chairman Dengate Thrush suffered during an independent review into the organisation’s accountability and transparency in which both men took part. They did not schedule a traditional pre-meeting phonecall and rumour has it that there was an angry private meeting between Strickling and the ICANN Board during the Cartagena meeting itself.

Those tensions will be present at the special Board-GAC meeting, expected some time in February. The meeting would probably be open, said Dengate Thrush: “The standard position of all organisations in ICANN is that they are open – it is part of our commitment to transparency.”

Nonetheless, even on this point, he was unsure, adding, “but if one party thinks it would be best to discuss things in private, we will consider that.”

ICANN and governments

Dengate Thrush sought to explain the complex relationship between ICANN and governments. “One of the rules of ICANN is that we have to take the advice of governments very seriously. They give us advice on matters of public policy – they are experts in that area.”

In respect to the contentious issue of the possible approval of a dot-xxx top-level domain specifically for adult material, the Board and GAC have been slowly but determinedly moving toward a head-on crash.

“We may be about to depart from GAC advice,” Dengate Thrush characterised the decision by the Board to say that it intended to sign a contract with the ICM Registry, the company behind dot-xxx, despite clear GAC reservations. “Maybe we can resolve the issues and maybe having gone through the process we can’t,” Dengate Thrush surmised. “Which is fine, provided we provide reasons as to why we do not follow the advice.”

Rather than see this as a dangerous turn of events however, Dengate Thrush sees it move as a “sign of maturation of ICANN: where we can have disagreement and then move on”.

With just two days scheduled for the GAC-Board meeting and no details likely to emerge until the new year, ICANN’s Board will be hoping that governments, and particularly the US government, will have soaked up a lot of Xmas cheer before they meet.

ICANN sets date for GAC showdown

Kevin Murphy,
December 23, 2010
Domain Policy

ICANN and its Governmental Advisory Committee will meet for two days of talks on the new top-level domains program in Geneva from February 28, according to GNSO chair Stephane Van Gelder.

As well as the Applicant Guidebook (AGB) for new TLDs, the meeting is also expected to address the GAC's outstanding concerns with the .xxx TLD application.

While I'd heard Geneva touted as a possible location, this is the first time I've heard a firm date put to it. As well as Van Gelder, other sources have heard the same date.

Talks ending March 1 would give ICANN less than two weeks before its public meeting in San Francisco kicks off to get the AGB into GAC-compatible shape before the board votes to approve it.

Is that a realistic timeframe? I guess that will depend on how the GAC meeting goes, the depths of the concessions ICANN decides to make, how receptive the GAC is to compromise, and whether it is felt that more public comment is needed.

Also, as I speculated last week, ICANN may have to officially invoke the part of its bylaws that deals with GAC conflicts, which it does not yet appear to have done, if it wants to approve the Guidebook at the end of the San Francisco meeting in March.

If the program is approved in March, that would likely lead to applications opening in August. There's likely to be one ICANN board meeting between now and Geneva – its first meeting of the year is usually held in late January or early February – so there's still time for ICANN to make changes to AGB based on public comment, and to get its process ducks in a row. There's also plenty of time for the GAC to provide its official wish-list or "scorecard" of AGB concerns, which I believe it has not yet done.

Van Gelder also wonders on his blog whether the Geneva meeting will take place in the open or behind closed doors.

ICANN's director of media affairs, Brad White, put this question to ICANN chair Peter Dengate Thrush during a [post-Cartagena interview](#). This was his answer:

We haven't actually resolved the rules of engagement with the GAC on this particular meeting but the standard position for all organizations within ICANN is that they are open... On the other hand if at any point think we the negotiation could be assisted by a period of discussing things in private I guess we could consider that.

That looks like a "maybe" to me.