

## **Notice & Call Information - ICANN Regular Board Meeting**

**Directors and Liaisons,**

**Attached below please find the Notice of date and time for two Regular Meetings of the ICANN Board of Directors:**

**28 August 2012 – Regular Meeting of the ICANN Board of Directors --  
at 21:00 UTC – This Board meeting is estimated to last 1.5 hours.**

**Some other time zones:**

**28 August 2012 – 2:00 PM PDT Los Angeles**

**28 August 2012 – 11:00 PM CEST Brussels**

**28 August 2012 – 5:00 PM Washington, D.C.**

**29 August 2012 - 7:00 AM Sydney**

**<http://www.timeanddate.com/worldclock/fixetime.html?iso=20120828T21&ah=1&am=30>**

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## 2012-08-28-AgendaTable

## AGENDA – 28 August 2012 BOARD Meeting – 1.5 hours

Time, etc.	Agenda Item	Presenter	Expected Action	Potential Conflict of Interest
<ul style="list-style-type: none"> <li>• 10 mins</li> <li>• Assembly, Roll Call &amp; Consent Agenda</li> </ul>	<b>1. Consent Agenda</b>			
	1.a. Minutes of 23 June 2012 Regular Board Meeting	John Jeffrey	Approval	
	1.b. Report on Written Consent Actions – 2 August 2012	John Jeffrey	Approval	
	1.c. Delegation of مالايسيا ( “Maleesya”) domain representing Malaysia in Arabic	Kuo-Wei Wu, Elise Gerich, Kim Davies	Approval	
	1.d. Redelegation of . rw (Rwanda)	Kuo-Wei Wu, Elise Gerich, Kim Davies	Approval	
	1.e. Location of Africa 2013 Meeting	Sebastien Bachollet, Nick Tomasso	Approval	

## AGENDA – 28 August 2012 BOARD Meeting – 1.5 hours

<ul style="list-style-type: none"> <li>• 45 mins</li> <li>• Approval, Discussion &amp; Decision</li> </ul>	<b>2. Main Agenda</b>			
	Item Removed from Agenda			
	2.b. Reconsideration Request 12-2 – GNSO IPC re .CAT RSEP Request	Bill Graham	Approval	Bruce Tonkin
	2.c. Any Other Business			
	2.d. Executive Session – Confidential and Business Proprietary			

## 2012-08-28-DraftResolutions



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<i>Rationale for Resolution 2012.08.28.xx</i> .....	<i>2</i>
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## 1. Consent Agenda:

### a. Approval of Board Meeting Minutes

Resolved (2012.08.28.xx), the Board approves the minutes of the 23 June 2012 ICANN Board Meeting.

### b. Confirmation of Report on Written Consent Actions

Resolved (2012.08.28.xx) the Board confirms the report on the Written Consent Actions of the August 2012.

### c. Request for Delegation of **ملايسيا** ( “Maleesya”) domain representing Malaysia in Arabic

Whereas, **ملايسيا** (“Maleesya”), encoded as “xn--mgbx4cd0ab”, is a string that has been deemed to appropriately represent Malaysia through the IDN Fast Track process.

Whereas, ICANN has received a request for delegation of **ملايسيا** to MYNIC Berhad.

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

It is hereby resolved (2012.08.28.xx), that the proposed delegation of the **ملايسيا** domain to MYNIC Berhad is approved.

#### ***Rationale for Resolution 2012.08.28.xx***

#### **Why the Board is addressing the issue now?**

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

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

**What is the proposal being considered?**

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

**Which stakeholders or others were consulted?**

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

**What concerns or issues were raised by the community?**

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

**What significant materials did the Board review?**

The Board is involved in assessing requests against a variety of public interest criteria. This criteria includes establishing the country-code is eligible (e.g. listed in the ISO 3166-1 standard); establishing the proposed manager is supported by the local Internet community; establishing the proposed operator is operationally and technically competent; establishing the proposed manager is based locally and bound under local law; establishing the proposed manager operates fairly and equitably; establishing that in cases there is a transfer of operations that an appropriate plan is in place to preserve ongoing stability of the domain; and establishing that the action is compatible

with any applicable local laws and regulations. During the staff compilation process, the applicant is asked to provide a variety of materials in support of these various aspects. Pertinent information from these supplied materials and other staff research is provided to the Board, and published in a public report at the end of implementing an approved request.

**What factors the Board found to be significant?**

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

**Are there positive or negative community impacts?**

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

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

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

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

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

#### **d. Redelegation of .rw**

Whereas, RW is the ISO 3166-1 two-letter country-code designated for Rwanda;

Whereas, ICANN has received a request for the redelegation of .RW to the Rwanda Information Communication and Technology Association;

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

It is hereby resolved (2012.08.28.xx), that the proposed redelegation of the .RW domain to the Rwanda Information Communication and Technology Association is approved.

#### ***Rationale for Resolution 2012.08.28.xx***

##### **Why the Board is addressing the issue now?**

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

##### **What is the proposal being considered?**

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

**Which stakeholders or others were consulted?**

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

**What concerns or issues were raised by the community?**

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

**What significant materials did the Board review?**

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

**What factors the Board found to be significant?**

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

**Are there positive or negative community impacts?**

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

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

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

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

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

**e. Location of Africa 2013 Meeting**

Whereas, ICANN intends to hold its second Meeting for 2013 in the Africa region as per its policy,

Whereas, the .za Domain Name Authority submitted a viable proposal to serve as host for the ICANN 2013 Africa Meeting.

Whereas, staff has completed a thorough review and analysis of the .za Domain Name Authority proposal and finds it acceptable.

Whereas, the Board Finance Committee has approved the budget for the ICANN 2013 Africa Meeting as proposed.

Whereas the Board Public Participation Committee is coordinating the review of the staff proposal and supports the proposition for the location of the ICANN 2013 Africa Meeting.

Resolved (2012.08.28.xx), the Board accepts the proposal of the .za Domain Name Authority, and approves that the ICANN 2013 Africa Meeting shall be held in Durban, South Africa from 14-19 July 2013, with a budget not to exceed US\$2.472M.

***Rationale for Resolution 2012.08.28.xx***

As part of ICANN's public meeting schedule, three times a year ICANN hosts a meeting in a different geographic region (as defined in the ICANN Bylaws) of the world. Meeting Number 47, scheduled for 14-19 July 2013, is to occur in the Africa geographic region. A call for recommendations for the location of the meeting in Africa was posted on 25 April 2011. Proposals were received from numerous parties.

The Staff performed a thorough analysis of all of the proposals and prepared a paper to identify those that met the Meeting Selection Criteria. Based on the proposals and analysis, the Staff has recommended that ICANN 47 be held in Durban, South Africa.

The Board reviewed Staff's recommendation for hosting the meeting in Durban, South Africa and the determination that the proposal met the significant factors of the Meeting Selection Criteria used to guide site selection work. Outside of the call for recommendations, the process for selection of sites does not call for public consultation, as the staff assessment of the feasibility of any site is the primary consideration.

There will be a financial impact on ICANN in hosting the meeting and providing travel support as necessary, as well as on the community in

incurring costs to travel to the meeting. But such impact would be faced regardless of the location of the meeting. There is no impact on the security or the stability of the DNS due to the hosting of the meeting.

## **2. Main Agenda:**

Item Removed from Agenda

Item Removed from Agenda

Item Removed from Agenda

Item Removed from Agenda

**b. BGC Recommendation on Reconsideration Request  
12-2**

Whereas, the Board Governance Committee has reviewed Reconsideration Request 12-1 submitted by the Intellectual Property Concerns Constituency concerning the Board's 6 May 2012 decision on Fundacio puntCAT's RSEP Request regarding the publication of Whois data for certain registrations within the .CAT Registry (<http://www.icann.org/en/groups/board/documents/resolutions-06may12-en.htm#1.2>).

Whereas, the BGC recommends that Reconsideration Request 12-2 should be denied.

Whereas, Reconsideration Request 12-2 and the BGC's recommendation have been posted on the ICANN website at <http://www.icann.org/en/groups/board/governance/reconsideration>

. Resolved (2012.08.28.xx), the Board adopts the recommendation of the BGC that Reconsideration Request 12-2 be denied, as the request did not identify any material information that the Board failed to take into consideration when taking its 6 May 2012 decision.

Resolved (2012.08.28.xx), the Board directs the Secretary to amend the Whereas clause precedent to Resolution 2012.05.06.02 so as to remove the suggestion of a blanket prohibition of publication of Whois data for individual registrants, and to more accurately reflect the scope of the amendment to the .CAT Registry Agreement that was requested and approved.

***Rationale for Resolution 2012.08.28.xx***

ICANN's Bylaws call for the Board Governance Committee to evaluate and make recommendations to the Board with respect to Reconsideration Requests. See Article IV, section 3 of the Bylaws. The Board has reviewed and thoroughly considered the BGC's recommendation with respect to Reconsideration Request 12-2 and finds the analysis sound.

The Board also agrees that it is essential to ICANN's accountability and transparency to assure that the wording within resolutions accurately reflects the scope of the decisions undertaken by the Board. Here, a "whereas" clause within Resolution 2012.05.06.02 was identified as overstating the bounds of the amendment requested and approved by the Board. It is therefore in accordance with ICANN's commitment to accountability to direct a change to the "whereas" clause to better reflect the scope of the amendment sought and granted. The modification of the "whereas" clause does not have any impact on the actual scope of the Board's 6 May 2012 decision.

Having a Reconsideration process whereby the BGC reviews and makes a recommendation to the Board for approval positively affects the transparency and accountability of ICANN. It provides an avenue for the community to ensure that staff and the Board are acting in accordance with ICANN's policies, Bylaws and Articles of Incorporation. Adopting the BGC's recommendation has no financial impact on ICANN and will not negatively impact the systemic security, stability and resiliency of the domain name system.

# 2012-08-28-ProposedConfidentialResolution



**Proposed Board Resolutions – CONFIDENTIAL RESOLUTION**  
28 August 2012  
Special Meeting of the ICANN Board

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Confidential and Business Proprietary

## **2012-08-28-01a-2012-06-23-Board-Minutes**



**A Regular Meeting of the ICANN Board of Directors was held on 23 June 2012 at 5:00 pm local time in Prague, Czech Republic.**

**Chairman Steve Crocker promptly called the meeting to order.**

**In addition to the Chair the following Directors participated in all or part of the meeting: Sébastien Bachollet, Rod Beckstrom (President and CEO), Cherine Chalaby, Bertrand de La Chapelle, Chris Disspain, Bill Graham, Gonzalo Navarro, Ray Plzak, George Sadowsky, Mike Silber, Bruce Tonkin (Vice Chair), Judith Vazquez, and Kuo-Wei Wu.**

**The following Board Liaisons participated in all or part of the meeting: Heather Dryden, GAC Liaison; Thomas Narten (IETF Liaison); Thomas Roessler (TLG Liaison); and Suzanne Woolf (RSSAC Liaison).**

**R. Ramaraj sent apologies.**

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## **1. Consent Agenda**

The Chair introduced the consent agenda items and called for a vote.

The Board then took the following action:

Resolved, the following resolutions in this Consent Agenda are approved:

### **1.1. Approval of Board Minutes:**

Resolved (2012.06.23.01), the Board approves the minutes of the 14 March 2012 ICANN Board Meeting.

Resolved (2012.06.23.02), the Board approves the minutes of the 14 March 2012 ICANN Board Meeting.

Resolved (2012.06.23.03), the Board approves the minutes of the 15 March 2012 ICANN Board Meeting.

Resolved (2012.06.23.04), the Board approves the minutes of the 16 March 2012 ICANN Board Meeting.

Resolved (2012.06.23.05), the Board approves the minutes of the 28 March 2012 ICANN Board Meeting.

Resolved (2012.06.23.06), the Board approves the minutes of the 10 April 2012 ICANN Board Meeting.

## **1.2. Delegation of عمان (Oman)**

Whereas, عمان (“Oman”), encoded as “xn--mgb9awbf”, is a string that has been deemed to appropriately represent Oman through the IDN Fast Track process.

Whereas, ICANN has received a request for delegation of عمان to the Telecommunications Regulatory Authority (TRA).

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

Resolved (2012.06.23.07), the proposed delegation of the عمان domain to the Telecommunications Regulatory Authority (TRA) is approved.

### ***Rationale for Resolution 2012.06.23.07***

#### ***Why the Board is addressing the issue now?***

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

#### ***What is the proposal being considered?***

*The proposal is to approve a request to the IANA function to change or designate the sponsoring organisation (also known as the manager or trustee) of a country-code top-level domain. In line with established practice, the ICANN Board is involved in*

*making the decision to proceed with such requests as one step of this multi-step process.*

***Which stakeholders or others were consulted?***

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

***What concerns or issues were raised by the community?***

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

***What significant materials did the Board review?***

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

***What factors the Board found to be significant?***

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

***Are there positive or negative community impacts?***

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

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

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

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

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

**1.3. SSAC Report on Dotless Domains**

Whereas, the delegation of TLDs in a way that promotes security and a good user experience is a longstanding topic of importance to ICANN's Board and the global Internet community.

Whereas, on 23 February 2012, the ICANN Security and Stability Advisory Committee (SSAC) published SAC 053: SSAC Report on Dotless Domains.

Whereas, the SSAC report concluded that the ways in which domain names are interpreted in different contexts would lead to unpredictable and unexpected dotless domain behaviour.

RESOLVED (2012.06.23.08), the Board hereby acknowledges the receipt the SAC 053, and thanks the members of SSAC and all other contributors for their efforts in the creation of the report.

RESOLVED (2012.06.23.09), the Board directs ICANN staff to consult with the relevant communities regarding implementation of the recommendations in SAC053 and no later than September 1, 2012, to provide a briefing paper for the Board which details the technical, policy and legal issues, if any, which may arise as a result of implementing SAC053 recommendations, listing the options, if any, for mitigating such issues.

***Rationale for Resolution 2012.06.23.08 – 2012.06.23.09***

*SSAC studied the dotless domain issue due to potential user harm and user experience problems due to non-uniform implementations. As this issue is relevant in both nTLD and IDN ccTLDs, both of which are increasing in numbers, the SSAC recommends that the use of certain types of Resource Records (RRs) in the root is considered undesirable.*

*After the publication of SAC 053, the SSAC consulted with ICANN stakeholders (e.g., gNSO) in Costa Rica, as a result, some implementation questions were raised, (e.g., how long the prohibition period should be, what is the necessary and sufficient condition that it could be allowed). As a result, SSAC deemed further technical and community consultations are needed. Undertaking this work now is important due to the potential gTLD decisions/rollouts likely in 2013.*

*The board's receipt of this paper and direction for review of potential implementation issues is in furtherance of ICANN's accountability to the community, as ICANN is responding to the work of one of its advisory committees. This action is not expected to have an impact on ICANN's resources, and directing this work to be done may result in implementation plans that could positively improve the security or stability of the DNS.*

*Section 2.2.3.3 of the Applicant Guidebook states that the only permissible DNS Resource Records for the apex in a TLD zone (i.e., the TLD-string itself) are: SOA, NS, and related DNSSEC records. This effectively prohibits dotless domain names. The same section also states, "An applicant wishing to place any other record types into its TLD zone should describe in detail its proposal in the registry services section of the application. This will be evaluated and could result in an extended evaluation to determine whether the service would create a risk of a meaningful adverse impact on security or stability of the DNS." The process for consideration of new registry services is described in the new registry agreement. This combination would probably serve to bar dotless domain in new gTLDs but this is not fully clear.*

#### **1.4. Ombudsman Regular Meetings with Board**

Whereas, the Accountability and Transparency Review Team's (ATRT) Recommendation 24 related to the assessment of the relationship between the Board and the Ombudsman and to ensure that activities are in compliance with recognized standards.

Whereas, after his appointment in 2011, the ICANN Ombudsman undertook a review of his office and function in accordance with the ATRT Recommendation.

Whereas, while the Office of the Ombudsman reports to the Board as a whole, a formal and regular meeting schedule is not currently in place.

Whereas, the Ombudsman recommended to the Board Governance Committee (BGC) that a regular meeting schedule be established, possibly through a committee of the Board.

Whereas, the BGC recommended that Executive Committee regularly meet with the Ombudsman on current investigation issues and the Compensation Committee regularly meet with the Ombudsman relating to his performance and compensation issues.

Whereas, notwithstanding the Executive and Compensation Committees' liaison roles, the Ombudsman may provide reports to the full Board if consideration or action by the full Board is necessary.

Resolved (2012.06.23.10), the Executive Committee shall regularly meet with the Ombudsman on current investigation issues and the Compensation Committee shall regularly meet with the Ombudsman relating to his performance and compensation. Any Ombudsman reports that require the full Board's attention shall be provided to the Board as a whole, as needed as determined in consultation with the Executive Committee and the Ombudsman.

***Rationale for Resolution 2012.06.23.10***

*The Board's action is in furtherance of its accountability and transparency efforts and continued implementation of the ATRT recommendations. As a result of the Ombudsman's review of the operations of his office and the relationship with the Board, he recommended the implementation of a regular meeting schedule, which is established through this resolution. While establishing this regular meeting structure, this action maintains the Board's relationship with the Ombudsman and makes clear that the Board should continue to review reports that require the full Board's consideration or attention.*

*This action is not anticipated to have any fiscal impact on ICANN, nor is it expected to have an impact on the security, stability or resiliency of the domain name system.*

### **1.5. GNSO Improvements Program Wrap-Up/June 2012**

Whereas, the GNSO Improvements Program was initiated following publication of the Board Governance Committee (BGC) Report on GNSO Improvements in February 2008.

Whereas, the BGC recommended a series of specific and substantial improvements initiatives organized into five major areas: (1) Restructure the GNSO/Council; (2) Adopt a Working Group Model; (3) Revise the Policy Development Process; (4) Enhance & Support Stakeholder Groups and Constituencies; and (5) Improve Communications and Coordination among ICANN Structures.

Whereas, community preparation and planning activities began in May 2008 and, primarily through the work of two Steering Committees, five Work Teams, and over a hundred participants, the Program has substantially developed the structures, policies, procedures, and disciplines designed to achieve long-term improvement in all five target areas.

Resolved (2012.06.23.11), the Board acknowledges the outstanding accomplishments of the GNSO Improvements Program and recognizes the positive effects of the structural, operational, and process improvements successfully implemented within the GNSO over the past four years. The Board thanks the GNSO Council, the Steering Committees, Work Teams, volunteers, and Staff members who invested considerable time, effort, and commitment toward achieving the original vision of the Board Governance Committee. The Board looks forward to continued improvement in the GNSO.

### ***Rationale for Resolution 2012.06.23.11***

*The GNSO is the primary engine in the ICANN community for fashioning, recommending changes, and making modifications to generic top-level domain policies. At its core, the objective of the GNSO review process has been to identify ways to improve the inclusiveness and representativeness of the GNSO's work while increasing its effectiveness and efficiency.*

*The multi-year GNSO review process has been guided by several key objectives, including: maximizing the ability for all interested stakeholders to participate in the GNSO's processes; ensuring recommendations can continue to be developed on gTLD "consensus policies" for Board review, and that the subject matter of "consensus policies" is clearly defined; ensuring policy development processes are based on thoroughly-researched, well-scoped objectives, and are run in a predictable manner that yields results that can be implemented effectively; and improving communications and administrative support for GNSO objectives.*

*The GNSO Improvements approved by the Board, and implemented by the GNSO community and ICANN staff over the past several years have focused on five main areas:*

***Adopting a Working Group Model:*** *A working group model should become the focal point for policy development and enhance the policy development process by making it more inclusive and representative, and – ultimately – more effective and efficient.*

***Revising the PDP:*** *The GNSO's policy development process (PDP) needs to be effective and responsive to ICANN's policy development needs. It should be brought in-line with the time and effort actually required to develop policy, and made consistent with ICANN's existing contracts.*

***Restructuring the GNSO Council:*** *The Council should move away from being a legislative body concerned primarily with voting towards becoming a smaller, more focused strategic entity, composed of four broad stakeholder groups, with strengthened management and oversight of the policy development process.*

***Enhancing Constituencies:*** *Constituency procedures and operations should become more transparent, accountable and accessible.*

***Improving Communication and Coordination with ICANN***

***Structures:*** *There should be more frequent contact and effective communication between the GNSO Council, GNSO constituencies and the members the Council elects to the Board, and among the Chairs of the GNSO, other Supporting Organizations (SOs) and Advisory Committees (ACs)*

*The GNSO Improvements implemented by the GNSO community and ICANN Staff have addressed these key issue areas and merit recognition at this time. The Board understands that “improving” the structures and processes of its various communities is a constant, continuing and ongoing process and that a new independent review process of the GNSO will be initiated in accordance with the ICANN Bylaws.*

**1.6. NOMCOM TRANSPARENCY GUIDELINES**

Whereas, the Accountability and Transparency Review Team has recommended that the Board and Nominating Committee (NomCom) should increase the transparency of the NomCom’s deliberations and decision-making process.

Whereas, the Board Governance Committee (BGC) has developed and shared some suggested Guidelines with the current NomCom.

Whereas, the current NomCom has had the opportunity to review and comment on the Guidelines.

Resolved (2012.06.23.12), the Guidelines to Preserve Transparency of Nominating Committee (NomCom) Activities are approved and all Nominating Committees are required to comply with these Guidelines.

Resolved (2012.06.23.13), the Guidelines to Preserve Transparency of Nominating Committee (NomCom) Activities shall be posted in the appropriate location on the NomCom website.

***Rationale for Resolution 2012.06.23.12 – 2012.06.23.13***

*ICANN is committed to the transparency, to the extent feasible, of all decision-making processes that impact the ICANN community. The Nominating Committee (NomCom) is a key part of the process in that the NomCom selects important leadership positions within ICANN's Supporting Organizations, Advisory Committees and Board. The community is entitled to have a clear and thorough understanding of the NomCom selection process, to the extent providing that information does not violate any rules of privacy or confidentiality.*

*Recognizing the importance of transparency in the NomCom processes, ATRT Recommendation No. 3, which was approved by the Board, stated: "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." The Board assigned this particular ATRT Recommendation to the BGC for managing. Noting that each NomCom is empowered to create its own procedural rules, the BGC deemed that creating a limited and focused set of Guidelines for all NomCom's to follow would be the most effective way to address ATRT Recommendation No. 3.*

*This resolution will have a positive impact on ICANN and the community as it will provide greater transparency into the NomCom activities. There will not be any fiscal impact or any impact on the security, stability or resiliency of the domain name system.*

**1.7. .Post RSEP Request**

Whereas, the Universal Postal Union (UPU) submitted a Request pursuant to ICANN's Registry Services Evaluation Policy to release

and allocate previously-reserved TLD names in second- and higher-level .POST registrations.

Whereas, ICANN evaluated the proposed amendment to the .POST Registry Agreement as a new registry service pursuant to the Registry Services Evaluation Policy, did not identify any security, stability or competition issues, and posted an amendment for public comment and Board consideration (<http://www.icann.org/en/news/public-comment/post-amendment-2012-09apr12-en.htm>).

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

Whereas, the restriction that the UPU seeks to remove from its agreement is not incorporated into the proposed Registry Agreements for the New gTLD Program.

Resolved (2012.06.23.14), the UPU's request to amend the .POST Registry Agreement to release and allocate previously-reserved TLD names to second- and higher-level .POST sTLD registrations is approved, and the President and CEO and General Counsel are authorized to take actions to implement the amendment.

***Rationale for Resolution 2012.06.23.14***

*ICANN's stakeholder relations, legal, and technical teams reviewed the RSEP proposal for competition and DNS stability issues and found none.*

*This restriction does not appear in the draft registry agreement proposed for the New gTLD Program. This is the first time an existing registry has requested to remove the restriction on registering other existing TLD strings at the second level.*

*Lifting the restrictions follows the recommendations of the GNSO Reserved Names Working Group that found the restriction no longer necessary.*

*Several existing registries (i.e. .COM .NET .ORG) already had many of the reserved names registered prior to the implementation of the rules regarding reservation.*

*ICANN held a public comment period from 9 April 2012 to 30 May 2012. UPU addressed concerns raised by ICANN and the community through the public comment period.*

*Approving this amendment is not expected to have an impact on ICANN or community resources, nor are there any expected impacts on the security, stability or resiliency of the domain name system.*

#### **1.8. Thanks to the CEO Search Process Management Work Committee**

Whereas, over the past nine months, the CEO Search Process Management Work Committee has devoted substantial time and effort in identifying a successor to Rod Beckstrom as ICANN's President and CEO.

Whereas, the CEO Search Process Management Work Committee designed a full and thorough process, including seeking community input on criteria for the next President and CEO; creating a candidate profile; engaging a search firm to assist in recruitment; and an extensive interview process.

Whereas, on 22 June 2012, ICANN announced the results of the CEO search process, identifying Fadi Chehadé as the Board's selection as President and CEO of ICANN.

Resolved (2012.06.23.15), the mandate of the CEO Search Process Management Work Committee is now closed.

Resolved (2012.06.23.16), the Board thanks the members of the CEO Search Process Management Work Committee: George Sadowsky (chair), Steve Crocker, Bertrand de La Chapelle, Erika Mann, Chris Disspain, Cherine Chalaby, Ray Plzak and R. Ramaraj for the countless hours of work in completing the search process in a comprehensive, inclusive and timely manner.

***Rationale for Resolutions 2012.06.23.15 – 2012.06.23.16***

*The Board is taking this action to formally close the work of the committee and to acknowledge the work of the committee in operating to further ICANN's accountability through the identification of a new President and CEO meeting the criteria identified by the community. There is no impact to ICANN's resources nor to the security, stability or the resiliency of the domain name system as a result of this action.*

**1.9. Update to Composition of New gTLD Program Committee**

Whereas, on 10 April 2012 the Board created the New gTLD Program Committee, to which it delegated all legal and decision making authority of the Board relating to the New gTLD Program (for the round of the Program, which commenced in January 2012 and for the related Applicant Guidebook that applies to this current round) as set forth in its Charter, which excludes those things that the Board is prohibited from delegating by law, or pursuant to Article XII, Section 2 of the ICANN Bylaws.

Whereas, Judith Vazquez previously had self-declared a conflict in relation to the New gTLD Program. Judith now confirms that the conflict has been removed and the Board Governance

Committee's Subcommittee for Conflicts & Ethics accepts that confirmation.

Whereas, as of 1 July 2012, Akram Atallah will serve as ICANN's interim CEO and as a voting member of the Board during his service as CEO. Akram Atallah does not have a conflict of interest in relation to the New gTLD Program Committee.

Resolved (2012.06.23.17), Judith Vazquez is hereby approved as a member of the New gTLD Program Committee, effective immediately.

Resolved (2012.06.23.18), Akram Atallah is hereby approved as a member of the New gTLD Program Committee, effective on 1 July 2012.

Resolved (2012.06.23.19), all members of the New gTLD Program Committee reinforce their commitment to the 8 December 2011 Resolution of the Board (Resolution 2011.12.08.19) regarding Board member conflicts, and specifying in part: "Any and all Board members who approve any new gTLD application shall not take a contracted or employment position with any company sponsoring or in any way involved with that new gTLD for 12 months after the Board made the decision on the application."

**Rationale for Resolutions 2012.06.23.17 – 2012.06.23.19**

*The Board reaffirms its Rationale for Resolutions 2012.04.10.01-2012.04.10.04, stating in full: In order to have efficient meetings and take appropriate actions with respect to the New gTLD Program for the current round of the Program and as related to the Applicant Guidebook, the Board decided to create the "New gTLD Program Committee" in accordance with Article XII of the Bylaws and has delegated decision making authority to the Committee as it relates to the New gTLD Program for the current round of the Program which commenced in January 2012 and for the related Applicant Guidebook that applies to this current round.*

*Establishing this new Committee without conflicted members, and delegating to it decision making authority, will provide some distinct advantages. First, it will eliminate any uncertainty for conflict Board members with respect to attendance at Board meetings and workshops since the New gTLD Program topics can be dealt with at the Committee level. Second, it will allow for actions to be taken without a meeting by the committee. As the Board is aware, actions without a meeting cannot be taken unless done via electronic submission by unanimous consent; such unanimous consent cannot be achieved if just one Board member is conflicted. Third, it will provide the community with a transparent view into the Board's commitment to dealing with actual, potential or perceived conflicts.*

*This resolution should have a positive impact on the community and ICANN as a whole as the New gTLD Program Committee will be able to take actions relating to the New gTLD Program for the current round of the Program and as related to the Applicant Guidebook without any question of conflict arising.*

*No fiscal impact is anticipated as a result of this action and there will be no impact on the security, stability no resiliency of the domain name system.*

**Resolutions 2012.06.23.01, 2012.06.23.02, 2012.06.23.03, 2012.06.23.04, 2012.06.23.05, 2012.06.23.06, 2012.06.23.07, 2012.06.23.08, 2012.06.23.09, 2012.06.23.10, 2012.06.23.11, 2012.06.23.12, 2012.06.23.13, 2012.06.23.14, 2012.06.23.15, 2012.06.23.16, 2012.06.23.17, 2012.06.23.18, and 2012.06.23.19 were passed in a single vote. Fifteen directors voted in favor of the resolutions. R. Ramaraj was unavailable to vote on the resolutions. The resolutions carried.**

## **Main Agenda**

### **2. .COM Renewal**

Prior to the consideration of this item, Bruce Tonkin and Ram Mohan declared conflicts of interest and left the room.

Kurt Pritz provided the Board with a summary of the process leading to the consideration of the Renewal of the .COM Agreement, starting with the Board's agreement in Costa Rica that the proposed Agreement should be posted for public comment, and the subsequent 30-day comment period and 21-day reply period. Those comments were analyzed and provided to the Board, and the Board had opportunities to discuss these items with Kurt for clarification.

Bertrand de La Chapelle inquired about the renewal provisions in the current and proposed .COM Agreements.

George Sadowsky inquired about why terms that were considered important for inclusion in the New gTLD Registry Agreement would not be included in the .COM Agreement, such as requiring the provision of "thick" Whois.

Kurt noted that while a requirement for a "thick" registry had been a topic of conversation among ICANN and Verisign, the ongoing GNSO Policy Development Process initiated on this same issue rendered this topic somewhat ill-suited for two-party negotiations. In addition, the current .COM registrants entered registration agreements with the understanding of .COM as thin registry, and the resultant change – along with the ongoing policy work – weighed in favor of leaving this issue to policy discussions.

Thomas Narten commented that when discussing the proposed new terms, especially at this point in the negotiations, those within the Board have to be careful about using ideas such as "imposing" new terms. These are very complicated issues.

Bertrand de La Chapelle noted that this was not about ICANN making unilateral changes or re-opening the negotiations. Rather, Bertrand would like to see how ICANN can take lessons learned and not experience the same issues with over 1,000 new registries within the New gTLD Program. Are these contracts, or frameworks for discussion?

Sébastien Bachollet asked for clarification on the corporation with which ICANN would be entering the .COM Agreement.

The General Counsel and Secretary confirmed that the .COM Agreement is with Verisign, a Delaware Corporation with a principal place of business in Reston, Virginia USA.

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

Whereas, the current .COM Registry Agreement is due to expire on 30 November 2012.

Whereas, Section 4.2 of the current .COM Registry Agreement provides that the Agreement shall be renewed upon the expiration of the initial term so long as certain requirements are met, and that upon renewal, in the event that certain terms of this Agreement are not similar to the terms generally in effect in the Registry Agreements of the five largest gTLDs (determined by the number of domain name registrations under management at the time of renewal), renewal shall be upon terms reasonably necessary to render the terms of this Agreement similar to such terms in the Registry Agreements for those other gTLDs.

Whereas, the proposed .com renewal Registry Agreement includes modified provisions to bring the .com Registry Agreement into line with other comparable agreements (e.g., .BIZ, .INFO, .NET, .ORG), including modifications to terms such as functional and performance specifications, Whois, indemnification, and broad audit provisions.

Whereas, ICANN commenced a public comment period on the proposed .com renewal Registry Agreement on 27 March 2012 (see, <<http://www.icann.org/en/news/public-comment/com-renewal-27mar12-en.htm>>) that was closed on 17 May 2012. Whereas, ICANN received 40 comments from 34 different commenters addressing subjects such as rights protection mechanisms, thick Whois, Whois protocol replacement, application of subsequent policies ratified by ICANN, equivalent registry contracts, chief compliance officer, single-character registrations, presumptive renewal and pricing provisions, competitive contract bidding and a summary and analysis of those comments was prepared and provided to the Board.

Whereas, no revisions to the proposed .COM renewal Registry Agreement are necessitated after taking into account the thoughtful and carefully considered comments received.

Whereas, the proposed .COM renewal Registry Agreement includes significant improvements in security and stability as compared to the current .COM Registry Agreement.

Resolved (2012.06.23.20), the proposed renewal .COM Registry Agreement is approved, and the President and CEO and the General Counsel are authorized to take such actions as appropriate to implement the agreement.

**Eleven Directors voted in favor of Resolution 2012.06.23.20. Bertrand de La Chapelle, George Sadowsky and Judith Vazquez abstained from voting. R. Ramaraj and Bruce Tonkin were unavailable to vote. The Resolution carried.**

George provided the following statement regarding his abstention: "I feel very uncomfortable going forward with provisions that will tie our hands, I think, in the long run without an attempt to reach an accommodation at this time."

Bertrand provided the following statement regarding his abstention: “The reason why I abstain is because I cannot exclude in the future approaching Verisign, among other actors, as a potential contributor to the Internet and Jurisdiction Project that I am leading. I have therefore decided, in full transparency, to prevent any future perception of potential conflict of interest by abstaining on the specific resolution.”

Judith Vazquez noted that her abstention was based on Verisign’s role as the proposed registry technical provider within her application to the New gTLD Program that has been withdrawn.

### ***Rationale for Resolution 2012.06.23.20***

#### ***Why the Board is addressing the issue now?***

*The .com Registry Agreement is due to expire on 30 November 2012.*

#### ***What is the proposal being considered?***

*In accordance with the renewal provisions of the current .com Registry Agreement, the proposed .com renewal Registry Agreement includes modified provisions to bring .com into line with other comparable agreements (e.g. .biz, .info, .net, and .org), including modifications to terms such as functional and performance specifications, Whois, indemnification, and broad audit provisions. In addition to the changes to bring .com into conformance with other agreements, Verisign has requested a change to give more flexibility for the registry to take action to prevent the registration of particular domain names when necessary in order to protect the security and stability of the DNS and the Internet – such as the actions that were taken by Verisign and other registries in coordination with ICANN in order to mitigate the threat from the Conficker virus.*

#### ***Which stakeholders or others were consulted?***

*ICANN conducted a public comment period on the proposed .com renewal Registry Agreement from 27 March 2012 through 17 May 2012, following which time the comments were summarized and analyzed for Board review.*

***What concerns or issues were raised by the community?***

*Various members of the community raised the concerns summarized in the aforementioned analysis, including concerns with respect to rights protection mechanisms, thick Whois, Whois protocol replacement, application of subsequent policies ratified by ICANN, equivalent registry contracts, chief compliance officer, single-character registrations, presumptive renewal and pricing provisions, competitive contract bidding.*

***What significant materials did the Board review?***

*The Board reviewed the proposed .com Renewal Registry Agreement and its Appendices, as well as the summary of public comments and Staff's response to those comments.*

***What factors the Board found to be significant?***

*The Board carefully considered the public comments and the Staff recommendation with respect to those comments. The Board considered ICANN's contractual obligations with respect to the current .com Registry Agreement in reaching this decision, specifically that the agreement must be renewed absent certain uncured breaches by the registry operator and that certain terms of the renewal are required to conform to existing comparable gTLD registry agreements.*

***Are there positive or negative community impacts?***

*As part of the renewal process, ICANN conducted a review of Verisign's recent performance under the current .com Registry Agreement. The compliance review covered areas including: DNS availability; equal Registrar access to the SRS; bulk zone file access; payment of required fees; and submission of monthly reports. Verisign was found to have met its contractual requirements (see <http://www.icann.org/en/resources/compliance/reports/operator-verisign-com-27mar12-en.pdf>). Evidence indicates that the community can expect that good performance to continue.*

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

*There is no fiscal impact expected if ICANN approves the proposed .com renewal Registry Agreement. The provisions regarding registry-level fees and pricing constraints are consistent with the new gTLD base agreement and the current major gTLDs.*

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

*There are no expected security, stability, or resiliency issues related to the DNS if ICANN approves the proposed .com renewal Registry Agreement. The proposed agreement in fact includes terms intended to allow for swifter action in the event of certain threats to the security or stability of the DNS.*

**3. Adoption of the FY13 Operating Plan and Budget**

Bruce Tonkin and Ram Mohan returned to join the Board meeting.

The Chair called for discussion on this agenda item. Hearing none, the Chair called for a vote.

The Board took the following action:

Whereas, on 6 May 2012, ICANN's Board approved an update to the Strategic Plan: <http://www.icann.org/en/planning/>.

Whereas, the Framework for the FY13 Operating Plan and Budget was posted on 17 January 2012 for community consultation and was presented during several webinars.

Whereas, community consultations were held to discuss and obtain feedback on the Initial Framework.

Whereas, the draft FY13 Operating Plan and Budget was posted for public comment in accordance with the Bylaws on 1 May 2012

based upon the Framework for the FY13 Operating Plan and Budget, community consultation, and consultations with the Board Finance Committee. <<http://www.icann.org/en/public-comment/#op-budget-fy12>.>

Whereas, ICANN has actively solicited further community feedback and consultation with the ICANN community through online conference calls, meetings in San Jose, and email communication.

Whereas, the ICANN Board Finance Committee has discussed, and guided staff on, the development of the FY13 Operating Plan and Budget at each of its regularly scheduled meetings.

Whereas, the ICANN Board Finance Committee met in Prague on 23 June 2012 to discuss the FY13 Operating Plan and Budget, and recommended that the Board adopt the FY13 Operating Plan and Budget.

Resolved (2012.06.23.21), the Board adopts the FY13 Operating Plan and Budget available at <http://www.icann.org/en/about/financials/adopted-opplan-budget-fy13-24jun12-en.pdf>.

Resolved (2012.06.23.22), the Board recognizes that there are some reply comments that have not been responded to and directs the BFC to consider those reply comments, and recommend changes to the FY13 Budget if, after consideration of those reply comments, the BFC determines changes are warranted.

**Fifteen Directors voted in favor of Resolutions 2012.06.23.21 and 2012.06.23.22. R. Ramaraj was unavailable to vote. The Resolution carried.**

***Rationale for Resolutions 2012.06.23.21 – 2012.06.23.22***

*In accordance with Article XVI, Section 4 of the ICANN Bylaws, the Board is to adopt an annual budget and publish it on the ICANN website. On 1 May 2012, a proposed annual budget was drafted and posted based on discussions with the Executive team, and extensive consultations with ICANN Supporting Organizations, Advisory Committees, and other stakeholder groups throughout the prior several months.*

*In addition to the day-to-day operational requirements, the draft budget includes amounts allocated to various FY13 budget requests received from community leadership. The annual budget discloses the impacts of the new gTLD application process, in direct response to community concerns of the budget framework, which was posted in February 2012. Further, all other comments received on the Framework, have been considered and discussed, and when appropriate and feasible have been adopted. A detailed Operating Plan is included in the budget indicating the major projects and initiatives that staff and community will undertake during the 2012-2013 fiscal year.*

*This budget will have a positive impact in that it provides a proper framework by which the Strategic Plan will be managed and fulfilled. This will have a fiscal impact on ICANN and the community as is intended. This should not have anything but a positive impact on the security, stability and resiliency of the domain name system (DNS) with respect to any funding that is dedicated to those aspects of the DNS.*

**4. Location of April 2013 ICANN Public Meeting**

The Chair introduced this agenda item.

Chris Disspain inquired about the whether the fact that the proposed host is also an applicant within the New gTLD Program causes any issue.

The President and CEO noted that past hosts have been contracted parties with ICANN or have formalized relationships with ICANN, and there was no impact on the decision in those events. The gTLD applicant status here was not taken into account during the site selection process and had no impact on the process.

The General Counsel and Secretary suggested that it may be worth noting this issue in the rationale for the resolution, as it helps explain the items that were considered in the Board's decision.

Kuo-Wei Wu noted that in the past, the host or sponsors have often been ccTLDs and others with relationships with ICANN, and we never see any statement of their relationship with ICANN in those resolutions – they are just identified as hosts or sponsors.

The President and CEO noted that, as this has been raised as an issue, transparency and disclosure should be considered. It's important to make it explicit that it was not a factor in the decision. This situation will likely repeat over the next couple of years.

Thomas Roessler agreed that the recurring nature of this situation is important, and the issue should be reflected. Thomas recommended noting a general principal that these types of relationships are not considered in the meeting selection site decision.

Bill Graham and Bertrand de La Chapelle agreed that a more general statement is preferred, as there has long been a practice to have hosts that are potential applicants, only now we know who they are.

The General Counsel and Secretary agreed that where a general principle can be stated, that is good, but we should be working to make a practice of disclosing specific relationships when we are aware of this.

Mike Silber asked if it would be necessary to set up a broader best practice to identify relationships with all meeting sponsors, and not just the host, though cautioned that such a practice may go too far.

The General Counsel and Secretary noted that there could be a potential concern that those who are writing large checks in the sponsorship process are doing so to gain favor in the application process. Putting some transparency around the fact that the two issues remain separate is a good differentiation to make. There may be value in setting up a process to make statements standard as it applies to these meetings.

The Chair requested that the identification of Verisign's applicant status be noted in reference to the .COM discussion.

Mike noted that he did not think it was necessary to mention in reference to the .COM Agreement, instead requesting that staff prepare a document regarding how to recognize the types of sponsorship or other ad-hoc type financial transactions and how conflict of interest issues are considered.

Bertrand cautioned that this discussion could go very far down a path of questioning the method of funding for all ICANN meetings, and we have to be careful when setting the boundaries.

The General Counsel and Secretary noted that these items have to be considered in perspective. While ICANN has collected nearly \$300 million in application fees, the sponsorship values are usually for \$300,000 or less, the relative values have to figure into the discussion.

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

Whereas, ICANN intends to hold its first Meeting for 2013 in the Asia Pacific region as per its process for rotation of meetings among ICANN's geographic regions.

Whereas, the China Internet Network Information Center (CNNIC), the Internet Society of China (ISC) and the China Organizational Name Administration Center (CONAC), together submitted a viable proposal to serve as co-hosts for the ICANN 2013 Asia Pacific Meeting.

Whereas, staff has completed a thorough review and analysis of the China Internet Network Information Center (CNNIC), the Internet Society of China (ISC) and the China Organizational Name Administration Center (CONAC) proposal and finds it acceptable.

Whereas, the Public Participation Committee and the Board Global Relationships Committee each evaluated the proposal and recommended the Board accept the proposal.

Whereas, the Board Finance Committee has recommended the approval of the budget for the ICANN 2013 Asia Pacific Meeting as proposed.

Resolved (2012.06.23.23), the Board accepts the proposal of the China Internet Network Information Center (CNNIC), the Internet Society of China (ISC) and the China Organizational Name Administration Center (CONAC), and approves that the ICANN 2013 Asia Pacific Meeting shall be held in Beijing, China from 7-12 April 2013, with a budget not to exceed US\$2.23M.

**Fifteen Directors voted in favor of Resolution 2012.06.23.23. R. Ramaraj was unavailable to vote. The Resolution carried.**

***Rationale for Resolution 2012.06.23.23***

*As part of ICANN's public meeting schedule, three times a year ICANN hosts a meeting in a different geographic region (as defined in the ICANN Bylaws) of the world. Meeting Number 46, scheduled for 7-12 April 2013, is to occur in the Asia Pacific geographic region. A call for recommendations for the location of the meeting in Asia Pacific was posted on 25 April 2011. Proposals were received from numerous parties. The Staff performed a thorough analysis of all of the proposals and prepared a paper to identify those that met the Meeting Selection Criteria. Based on the proposals and analysis, the Staff has recommended that ICANN 46 be held in Beijing, China.*

*The Board reviewed Staff's recommendation for hosting the meeting in Beijing, China and the determination that the proposal met the significant factors of the Meeting Selection Criteria used to guide site selection work. Outside of the call for recommendations, the process for selection of sites does not call for public consultation, as the staff assessment of the feasibility of any site is the primary consideration.*

*During the Board's deliberation on this matter, the Board noted that CNNIC and CONAC are each applicants within the New gTLD Program. The Board confirmed that the applicant status did not impact the consideration of the proposal, and further that CNNIC and CONAC's service as hosts will not be a factor in the consideration of their new gTLD applications.*

*There will be a financial impact on ICANN in hosting the meeting and providing travel support as necessary, as well as on the community in incurring costs to travel to the meeting. But such impact would be faced regardless of the location of the meeting. There is no impact on the security or the stability of the DNS due to the hosting of the meeting.*

*The Board thanks all who recommended sites for ICANN Meeting Number 46.*

## **5. WHOIS Policy Review Team Final Report**

Thomas Roessler provided a summary of some of his concerns regarding issues with the report and the need to adequately address those issues. There are errors and misunderstandings in the report which make it not sufficient to stand as a state-of-practice documentation. In addition, the report is largely limited to the gTLD environment, and not the full Whois environment.

The Chair noted that prior to delving into Thomas' concerns, that the Board would first need to receive the report and commission a feasibility study, as

is the practice in receiving these reports. The Board needs to proceed carefully and deliberately.

Bruce Tonkin stated that the Board should be careful to not pick out a single recommendation and perform work on it while the feasibility study is underway.

Ram Mohan requested that the Board include dates for the delivery of the reports identified in its proposed resolution, to provide surety and guidance on when this work is expected to be done. This includes dates for input from the ICANN community as well as the reporting by staff.

The Chair accepted Ram's suggestion of a date for inclusion.

Thomas also agreed with Ram's suggestion. Thomas confirmed that he is looking for a factual overview document as part of the Board's consideration of the feasibility of implementation of the Whois Review Team recommendations.

Ray Plzak noted that the level of attention required to address the report makes it important that the staff's feasibility report address some of the concerns raised by Thomas as part of putting together work plans to address the recommendations.

Denise Michel conferred with the Board on the dates and scope of work to be delivered, for appropriate identification in the resolution.

George Sadowsky moved and Cherine Chalaby seconded the following resolution, and the Board took the following action:

Whereas, the WHOIS Policy Review Team members volunteered their time over the last 18 months to develop their Final Report and Recommendations, as required by the Affirmation of Commitments.

Whereas the WHOIS Final Report and Recommendations has been posted for public comment for two months, closing on 11 July 2012.

Resolved (2012.06.23.24), the Board thanks the members of the WHOIS Policy Review Team for their time and commitment to contributing to improvements to the WHOIS service, and for providing substantive Recommendations for the Board's consideration.

Resolved (2012.06.23.25), the Board receives the Final Report.

Resolved (2012.06.23.26), the Board encourages public input on the Final Report and Recommendations, and requests that the ASO, ccNSO, GNSO, ALAC, GAC, and SSAC provide input to the Board by 31 August 2012.

Resolved (2012.06.23.27), the Board directs the President and CEO to consider the public comment and community input, assess the recommendations and other WHOIS-related proposals under discussion, evaluate the feasibility of and the potential implementation paths for each recommendation, and provide the Board with guidance and advice on the Report. No later than 31 July 2012, staff should identify a date by which this guidance and advice will be provided.

**Fifteen Directors voted in favor of Resolutions 2012.06.23.24, 2012.06.23.25, 2012.06.23.26, and 2012.06.23.27. R. Ramaraj was unavailable to vote. The Resolution carried.**

***Rationale for Resolutions 2012.06.23.24 – 2012.06.23.27***  
*The Affirmation of Commitments (AoC) between ICANN and the U.S. Department of Commerce commits ICANN to enforcing its existing policy relating to WHOIS, subject to applicable laws, and to organize a community 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 AoC further commits ICANN's Board to publish for public comment the report submitted by the review team, and to take action on the report within six months of its submission.*

*The Team's volunteer members were appointed by ICANN's CEO and the GAC Chair, per the AoC requirements, and reflected the broad Internet community's interests in WHOIS. Over the past 18 months, the WHOIS Policy Review Team conducted fact-finding, including meetings with ICANN's relevant Supporting Organizations and Advisory Committees and other interested parties, and issued a draft report for public comment before submitting its Final Report and 16 Recommendations to the Board on 11 May 2012. The Report and Recommendations are posted for two months of public comment and the forum closes on 11 July 2012.*

*Most of the Team's Recommendations address matters relevant to, and/or of interest to, the GNSO, GAC, ALAC and SSAC, as well as Recommendations regarding WHOIS for internationalized domain names, which are relevant to issues under consideration in the ccNSO. The Board is specifically requesting input from these Supporting Organizations and Advisory Committees – along with public comments – to help inform the Board's action on the Report.*

The Chair then called the meeting to a close.

# 2012-08-28-01b-Report-on-Written-Consent-Actions



This is a Report of the Written Consent Actions of the ICANN Board, which were adopted on 2 August 2012 through a unanimous online vote. The ICANN Bylaws allow for written consent actions pursuant to Article VI, Section 19:  
<http://www.icann.org/en/about/governance/bylaws#VI-19>.

Due to the requirement for unanimous consent, all resolutions identified herein were approved by all voting members of the Board, including:

Akram Atallah (Interim CEO), Sébastien Bachollet, Cherine Chalaby, Bertrand de La Chapelle, Steve Crocker (Chair), Chris Disspain, Bill Graham, Erika Mann, Gonzalo Navarro, Ray Plzak, R. Ramaraj, George Sadowsky, Mike Silber, Bruce Tonkin (Vice Chair), Judith Vazquez, and Kuo-Wei Wu.

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## **1. Approval of Board Meeting Minutes**

Resolved (2012.08.02.01), the Board approves the minutes of the 6 May 2012 ICANN Board Meeting.

Resolved (2012.08.02.02), the Board approves the minutes of the 31 May 2012 ICANN Board Meeting.

## **2. Appointment of Ondrej Filip to SSAC**

Whereas, the Security and Stability Advisory Committee (SSAC) does review its membership and make adjustments from time-to- time.

Whereas, the SSAC Membership Committee, on behalf of the SSAC, requests that the Board should appoint Ondrej Filip to the SSAC.

Resolved (2012.08.02.03), the Board appoints Ondrej Filip to the SSAC.

### ***Rationale for Resolution 2012.08.02.03***

The SSAC is a diverse group of individuals whose expertise in specific subject matters enables the SSAC to fulfil its charter and execute its mission. Since its inception, the SSAC has invited individuals with deep knowledge and experience in technical and security areas that are critical to the security and stability of the Internet's domain name system.

The SSAC's continued operation as a competent body is dependent on the accrual of talented subject matter experts who have consented to volunteer their time and energies to the execution of the SSAC mission. Ondrej Filip is the Chief Executive Officer of NIC.CZ, the registry for .CZ in the Czech Republic. He brings to the SSAC broad experience in the security and stability of the Internet relating to registries.

### **3. Acknowledgment of Completion of ALAC Structural Review**

Whereas, the At-Large Advisory Committee, ALAC, and supporting staff have been working to complete the implementation of recommendations arising from the organizational review called for in the Bylaws. The "ALAC/At-Large Improvements Implementation Project Plan" was approved by the Board on 5 August 2010, <http://www.icann.org/en/groups/board/documents/resolutions-05aug10-en.htm>.

Whereas, in coordination with the Structural Improvements Committee (SIC), the At Large Advisory Committee confirms that it has completed the implementation steps called for in the plan.

Resolved (2012.08.02.04), the Board thanks the members of the At Large Advisory Committee and the supporting staff that have brought this work to completion, and recognizes the significant effort and dedication involved.

#### ***Rationale for Resolution 2012.08.02.04***

The proposed actions are intended to note the completion of the ALAC review for the public record. The actions to be taken do not entail any budgetary consequences. It is important to take these actions now to fulfil transparency requirements in a timely manner. This action is not expected to have any impact on the security, stability or resiliency of the domain name system.

### **4. Acknowledgment of Completion of NomCom Structural Review**

Whereas, the Nominating Committee and supporting staff have been working to complete the implementation of recommendations arising from the organizational review called for in the Bylaws. The "Nominating Committee Improvements Implementation Project

Plan" was approved by the Board on 10 December 2010,  
<http://www.icann.org/en/minutes/resolutions-10dec10-en.htm>.

Whereas, in coordination with the Structural Improvements Committee (SIC), the Nominating Committee and supporting staff confirm that the implementation steps called for in the plan have been completed.

Resolved (2012.08.02.05), the Board thanks the members of the Nominating Committee and the supporting staff that have brought this work to completion, and recognizes the significant effort and dedication involved.

***Rationale for Resolution 2012.08.02.05***

The proposed actions are intended to note the completion of the NomCom review for the public record. The actions to be taken do not entail any budgetary consequences. It is important to take these actions now to fulfil transparency requirements in a timely manner. This action is not expected to have any impact on the security, stability or resiliency of the domain name system.

**5. Thank You Resolutions:**

**a. Departing At-Large Community Volunteer**

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

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

Whereas, one (1) member of the At-Large community has left his position since the Costa Rica meeting:

Dev Anand Teelucksingh, LACRALO Secretariat from 3 April 2009 until 4 May 2012.

Resolved (2012.08.02.06), Dev Anand Teelucksingh has earned the deep appreciation of the Board for his term of service, and the Board wishes him well in his future endeavors.

### **b. Rod Beckstrom**

Whereas, Rod A. Beckstrom was elected by the ICANN Board as ICANN's President and Chief Executive Officer effective 1 July 2009.

Whereas, Rod concludes his term as President and Chief Executive Officer and member of the Board of Directors on 1 July 2012.

Whereas, under Rod's leadership ICANN made significant progress on strategic objectives, including DNS stability and security, increased competition, consumer trust and consumer choice, core operations including IANA and a healthy Internet governance ecosystem.

Whereas, this progress included strong growth in DNSSEC adoption and expansion of L-root instances, the launch of the new gTLD program, increased adoption of IDNs, growth in membership in ICANN organizations and increased international outreach.

Whereas, during Rod's term as the Chief Executive Officer, important steps were taken that will enable future innovation and expansion establishing a lasting legacy of contributions to the global unified Internet.

Whereas, Rod during his term as CEO, Rod has served as a member of the ICANN Board as well as a:

Member of the Board Executive Committee

### Member of the New gTLD Program Committee

Resolved (2012.08.02.07), Rod has earned the deep appreciation of the Board for his term of service as President, CEO and member of the Board of Directors, and the Board wishes Rod well in all future endeavors.

### **c. Sponsors of Prague Meeting**

The Board wishes to thank the following sponsors:  
Verisign, Inc., Afiliis Limited, .ORG, The Public Interest Registry, Neustar, China Organizational Name Administration Center, EURid, Iron Mountain, China Network Information Center, UniForum SA dba the .ZA Central Registry, InterNetX, community.asia, Freedom Registry, Inc., KeyDrive S.A., .Club Domains, LLC, Gransy s.r.o, AFNIC, CloudNames, CentralNIC, SX Registry, Uniregistry, Corp. and ICANNWiki, and our local sponsors Dial Telecom.

### **d. Scribes, Interpreters, Staff, Event and Hotel Teams of Prague Meeting**

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

The Board would also like to thank the management and staff of the Hilton Prague Hotel for the wonderful facility to hold this event. Special thanks are given to Daniela Koborova, Group Services Coordinator, and Martin Musil, Group Services Coordinator.

### **e. Local Hosts of Prague Meeting**

The Board wishes to extend its thanks to the local host organizer, CZ.NIC for their support. Special thanks are given to Ondrej Filip,

CEO, Pavel Tuma Director of Marketing and Communications, Michaela Vyternova, Marketing Specialist CZ.NIC. and the entire CZ.NIC staff.

The Board extends thanks to Mr. Martin Kuba, Minister of Industry and Trade, Czech Republic for his support and participation during the meeting.

16 Directors approved of Resolutions 2012.08.02.01, 2012.08.02.02, 2012.08.02.03, 2012.08.02.04, 2012.08.02.05, 2012.08.02.06, and 2012.08.02.07 through the provision of online consent. No Directors were opposed to the Resolutions. No Directors abstained from voting on the Resolutions. All Directors were available to vote.

# **2012-08-28-01c Board Submission-514666-malaysia.**

## ICANN BOARD SUBMISSION NO. 2012-08-28-01c

**TITLE:** Delegation of the **مليسييا**. domain representing Malaysia

**PROPOSED ACTION:** For Board Review and Approval on Consent Agenda

**IANA REFERENCE:** 514666

### EXECUTIVE SUMMARY

The ICANN Board is asked to consider and vote on the request to delegate the domain **مليسييا**.<sup>1</sup> comprised of the eligible IDN ccTLD Fast Track approved string representing Malaysia.

Sensitive Delegation Materials

### PROPOSED RESOLUTION

Whereas, **مليسييا**. (“Maleesya”), encoded as “xn--mgbx4cd0ab”, is a string that has been deemed to appropriately represent Malaysia through the IDN Fast Track process.

Whereas, ICANN has received a request for delegation of **مليسييا**. to MYNIC Berhad.

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

It is hereby resolved (\_\_\_), that the proposed delegation of the **مليسييا**. domain to MYNIC Berhad is approved.

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<sup>1</sup> There are known issues with how this string is displayed in this report. This will be corrected prior to final publication on the IANA website.

## **PROPOSED RATIONALE**

### **Why the Board is addressing the issue now?**

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

### **What is the proposal being considered?**

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

### **Which stakeholders or others were consulted?**

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

### **What concerns or issues were raised by the community?**

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

### **What significant materials did the Board review?**

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

**What factors the Board found to be significant?**

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

**Are there positive or negative community impacts?**

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

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

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

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

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

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Submitted by:	Kim Davies
Position:	Manager, Root Zone Services
Date Noted:	9 August 2012
Email and Phone Number	kim.davies@icann.org; Contact Information

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## **2012-08-28-01c Annex-Malaysia**

**ANNEX TO ICANN BOARD SUBMISSION NO. 2012-08-28-01c**

**TITLE:** Delegation of the **مليسييا**. domain representing Malaysia

**IANA REFERENCE:** 514666

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

Sensitive Delegation Materials

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



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Submitted by: Kim Davies  
Position: Manager, Root Zone Services  
Date Noted: 9 August 2012  
Email and Phone Number kim.davies@icann.org; Contact  
Information

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## **2012-08-28-01c Annex-Malaysia-enclosures**

**Draft Public Report —  
Delegation of the م.ليسيأ (‘‘Maleesya’’) domain representing  
Malaysia in Arabic**

ICANN has received a request to delegate the م.ليسيأ domain, a country-code top-level domain representing Malaysia, to MYNIC Berhad. ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

**FACTUAL INFORMATION**

**Country**

The ‘‘MY’’ ISO 3166-1 code from which the application’s eligibility derives, is designated for use to represent Malaysia.

**String**

The domain under consideration for delegation at the DNS root level is ‘‘م.ليسيأ’’. This is represented in ASCII-compatible encoding according to the IDNA specification as ‘‘xn--mgbx4cd0ab’’. The individual Unicode code points that comprise this string are U+0645 U+0644 U+064A U+0633 U+064A U+0627.

In Malay language, the string has a meaning equivalent to ‘‘malaysia’’ in English. Its pronunciation in English is transliterated as ‘‘Maleesya’’. The string is expressed using the Arabic script.

**Chronology of events**

On 24 May 2006, the MYNIC Berhad (previously a part of the Malaysian government owned research and development organization - MIMOS Berhad) was incorporated as a company limited by guarantee under the Ministry of Science, Technology and Innovation.

On 31 July 2006, pursuant to the section 181 (1) of the Communications and Multimedia Act 1998, the Malaysian Communications and Multimedia Commission (MCMC) appointed MYNIC Berhad ‘‘to manage and maintain an integrated electronic address database.’’ The Malaysian Communications and Multimedia Commission is the regulatory body in the country ‘‘vested with the control, planning, administration, management and assignment of the numbering and electronic addressing of network and applications services’’ in the country.

On 6 July 2011, an application was made to the ‘‘IDN Fast Track’’ process to have the string ‘‘م.ليسيأ’’ recognised as representing Malaysia. The request was supported by

the Ministry of Information, Communications and Culture Malaysia and the Malaysian Communications and Multimedia Commission.

On 22 September 2011, 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 Malaysia was subsequently approved.

On 20 December 2011, MYNIC Berhad commenced a request to ICANN for delegation of "مليسي اء" as a country-code top-level domain for Malaysia. During the next several months ICANN Staff were working with applicants on gathering the necessary information and documentation.

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

The proposed sponsoring organisation is MYNIC Berhad, company limited by guarantee incorporated under the Ministry of Science, Technology and Innovation in 2006, appointed "to manage and maintain an integrated electronic address database" by the country's regulatory authority.

The proposed administrative and technical contact is Tengku Intan Narqiah Tengku Othman, Chief Executive Officer, MYNIC Berhad. The administrative contact is understood to be based in Malaysia.

## **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 Malaysia through the ICANN Fast Track String Selection process, and Malaysia is presently listed in the ISO 3166-1 standard.

### **Public Interest**

Explicit government support for the application was provided in a letter from the Malaysian Communications and Multimedia Commission.

Additional support was provided in letters from the Joint Advanced Research Integrated Networking Project ("JARING") Communications Sdn. Bhd., the first Internet service provider in Malaysia and the Faculty of Information Science and Technology of the National University of Malaysia.

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

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

### **Stability**

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

The application is not known to be contested.

### **Competency**

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

# **2012-08-28-01d Board Submission-536867-Rwanda**

## ICANN BOARD SUBMISSION NO. 2012-08-28-01d

**TITLE:** Redlegation of the .RW domain representing Rwanda to the Rwanda Information Communication and Technology Association ASBL

**PROPOSED ACTION:** For Board Review and Approval on Consent Agenda

**IANA REFERENCE:** 536867

### EXECUTIVE SUMMARY

The ICANN Board is asked to consider and vote on the request to redelegate the domain .RW, comprised of the ISO 3166-1 code representing Rwanda, to the Rwanda Information Communication and Technology Association.

Sensitive Delegation Materials

### PROPOSED RESOLUTION

Whereas, RW is the ISO 3166-1 two-letter country-code designated for Rwanda;

Whereas, ICANN has received a request for the re delegation of .RW to the Rwanda Information Communication and Technology Association;

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

It is hereby resolved (\_\_\_), that the proposed re delegation of the .RW domain to the Rwanda Information Communication and Technology Association is approved.

### PROPOSED RATIONALE

**Why the Board is addressing the issue now?**

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

### **What is the proposal being considered?**

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

### **Which stakeholders or others were consulted?**

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

### **What concerns or issues were raised by the community?**

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

### **What significant materials did the Board review?**

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

### **What factors the Board found to be significant?**

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

### **Are there positive or negative community impacts?**

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

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

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

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

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

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Submitted by:	Kim Davies
Position:	Manager, Root Zone Services
Date Noted:	18 August 2012
Email and Phone Number	kim.davies@icann.org; Contact Information

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## **2012-08-28-01d Annex-Rwanda**

**ANNEX TO ICANN BOARD SUBMISSION NO. 2012-08-28-01d**

**TITLE:** Redefinition of the .RW domain representing Rwanda to the Rwanda Information Communication and Technology Association (RICTA)

**IANA REFERENCE:** 536867

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

Sensitive Delegation Materials

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



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Submitted by: Kim Davies  
Position: Manager, Root Zone Services  
Date Noted: 18 August 2012  
Email and Phone Number kim.davies@icann.org; Contact  
Information

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<sup>2</sup> <http://www.iana.org/reports/2011/cd-report-07jan2011.html>

## **2012-08-28-01d Annex-Rwanda-Enclosures**

**Draft Public Report —  
Redelegation of the .RW domain representing Rwanda to the  
Rwanda Information Communication and Technology  
Association**

ICANN has received a request to redelegate the .RW domain, a country-code top-level domain representing Rwanda, to the Rwanda Information Communication and Technology Association (RICTA). ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

**FACTUAL INFORMATION**

**Country**

The "RW" ISO 3166-1 code is designated for use to represent Rwanda.

**Chronology of events**

The currently designated manager for the .RW domain is "NIC Congo - Interpoint SARL", as described in the IANA Root Zone Database.

In August 2002, the Rwanda Information Technology Authority (RITA), the country's regulator in the technology sector at the time, sent a letter to ICANN seeking that the .RW ccTLD be revoked from the current operator and redelegated to RITA as they believed that the current operator "did not adequately serve the interests of any individual or organisation not connected with our country." This request did not result in a formal redelegation request, and no further action was taken.

In May 2005, Rwanda Information Communication and Technology Association (RICTA) was created as a non-profit organization (A.S.B.L) under Rwandan law. RICTA's objectives, among others, included "to act as trustee" and administer the .RW top-level domain, and to develop and establish a policy framework for the development and administration of the .RW top-level domain.

In 2006, RICTA initiated negotiations about a possibility of the redelegation with the current operator, NIC Congo - Interpoint SARL, however, as applicant stated, there was "local misunderstanding on the way forward which has substantially delayed the process."

On 12 July 2006, RICTA, together with RITA, initiated a request for redelegation of .RW ccTLD. The current operator at the time "strongly opposed the redelegation" as they believed that the applying entity did not have appropriate support from either the local government or community. The current operator was also concerned about

multiple requests for redelegation they were receiving in the span of several years from various different organizations in Rwanda. In the next months, applicants and the current operator initiated negotiations. As discussions and finalisation of the proposed action plan as well as signing an agreement were not progressing and the request was not ready to proceed, the request was closed, without prejudice.

On 1 April 2011, RICTA organized a meeting with ISP/Telecom operators in the country. As a result of the meeting, the Internet Service Advisory Committee was formed to play an advisory role with a focus on the “technical matters of DNS.”

On 3 August 2011, Rwanda Information Communication and Technology Association (RICTA) Ltd. was re-registered as a company limited by guarantee with business activities of “wireless telecommunications activities, computer consultancy and computer facilities management activities” among others. Applicant explained, that this re-registration was due to “internal issues” that came up in the first couple of years of RICTA’s existence which were subsequently resolved and resulted in the need for re-registration.

On 6 October 2011, the Rwanda Utilities Regulatory Agency (RURA) - local regulator for the public utilities, including operations of telecommunications networks and services, - granted a mandate to RICTA Ltd. “to manage Rwanda’s ccTLD, Second Level Domains (registry) and administer all matters relating to the .rw domain...”

On 19 October 2011, RURA and RICTA signed a “Memorandum of Understanding for .rw TLD (Rwanda) redelegation & domain name management” which defined roles and responsibilities of the two parties. The MOU specifically pointed out that RICTA was established with a “clear constitution for it to act as the trustee and administrator for the .rw ccTLD assigned to Rwanda and other associated second level domains.”

On 24 November 2011, a petition for the redelegation of .RW ccTLD to Rwanda Information Communication and Technology Association (RICTA) was signed by various representatives from the local Internet community in Rwanda.

On 10 January 2012, the Rwanda Information Communication and Technology Association (RICTA) commenced a request to ICANN for redelegation of the “.RW” top-level domain. Since then several requests were lodged as applicants provided an updated information and one request was closed by the system as the currently listed operator rejected the requested changes as they were submitted initially. Processing of the changes continued in the request that was lodged on 18 January 2012.

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

The proposed sponsoring organisation is the Rwanda Information Communication and Technology Association (RICTA), a company limited by guarantee with business activities of “wireless telecommunications activities, computer consultancy and computer facilities management activities” among others.

The proposed administrative contact is Geoffrey Kayonga, CEO, RICTA. The administrative contact is understood to be based in Rwanda.

The proposed technical contact is Ghislain Nkeramugaba, ccTLD Coordinator, RICTA.

## **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 Rwanda.

### **Public Interest**

Explicit government support for the application was provided in a letter from the Office of the President, Ministry in Charge of Information and Communications Technology in which Minister, Dr. Ignace Gatware, stated the “Ministry of ICT acknowledges RICTA as the appropriate entity to administer .RW Rwanda ccTLD.”

Government support was also demonstrated through a Memorandum of Understanding agreed by Rwanda Utilities Regulatory Agency (RURA) and RICTA. The MOU defined roles and responsibilities of the two parties, specifically pointing to RICTA as established with a “clear constitution for it to act as the trustee and administrator for the .rw ccTLD assigned to Rwanda and other associated second level domains.”

Additional support for the application was provided in letters from the Private Sector Federation of Rwanda, the Internet Society Rwanda Chapter, Rwandatel Ltd., ISPA Ltd., Augere Rwanda Ltd., Broadband Systems Corporation Ltd., Airtel Rwanda Ltd., and MTN Rwandacell Ltd. A petition in favour of the redelegation was also submitted to demonstrate the local Internet community support in the country.

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

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

### **Stability**

The request is deemed uncontested, with the currently listed sponsoring organisation “not opposing” to the transfer.

The appropriate transfer plan has been provided. Based on the information submitted, ICANN staff evaluated stability aspects relating to registry transfer and has not identified any stability issues given all parties act in accordance with the agreed upon transfer plan.

### **Competency**

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

# **2012-08-28-01e Board-Submission-July-2013-Meeting**

## ICANN BOARD SUBMISSION No. 2012-08-28-01e

**TITLE:** Location of July 2013 ICANN Meeting

**PROPOSED ACTION:** For Board Approval

**EXECUTIVE SUMMARY:**

The location of the ICANN Public Meeting (“Meeting”) to be held from 14-19 July 2013 needs to be confirmed. In the regular rotation, this Meeting is to be held in Africa. The Annex to this paper summarizes the steps taken to locate a site for the Africa 2013 Meeting.

**STAFF RECOMMENDATION:**

Staff recommends accepting the proposal of the .za Domain Name Authority to host the July 2013 Meeting in Durban, South Africa.

**BOARD COMMITTEE RECOMMENDATIONS:**

The Board Finance Committee is expected to recommend the budget for Africa 2013 as reflected in the Annex to this Paper.

The Board Public Participation Committee is coordinating the review of the staff proposal and supports the proposition of the following resolution.

**PROPOSED RESOLUTION:**

Whereas, ICANN intends to hold its second Meeting for 2013 in the Africa region as per its policy,

Whereas, the .za Domain Name Authority submitted a viable proposal to serve as host for the ICANN 2013 Africa Meeting.

Whereas, staff has completed a thorough review and analysis of the .za Domain Name Authority proposal and finds it acceptable.

Whereas, the Board Finance Committee is expected to approve the budget for the ICANN 2013 Africa Meeting as proposed.

Whereas the Board Public Participation Committee is coordinating the review of the staff proposal and supports the proposition for the location of the ICANN 2013 Africa Meeting.

Resolved (2012.08.xx.xx), the Board accepts the proposal of the .za Domain Name Authority, and approves that the ICANN 2013 Africa Meeting shall be held in Durban, South Africa from 14-19 July 2013, with a budget not to exceed US\$2.472M.

**PROPOSED RATIONALE**

As part of ICANN’s public meeting schedule, three times a year ICANN hosts a meeting in a different geographic region (as defined in the ICANN Bylaws) of the world. Meeting Number 47, scheduled for 14-19 July 2013, is to occur in the Africa geographic region. A call for recommendations for the location of the meeting in Africa was posted on 25 April 2011. Proposals were received from numerous parties.

The Staff performed a thorough analysis of all of the proposals and prepared a paper to identify those that met the Meeting Selection Criteria. Based on the proposals and analysis, the Staff has recommended that ICANN 47 be held in Durban, South Africa.

The Board reviewed Staff's recommendation for hosting the meeting in Durban, South Africa and the determination that the proposal met the significant factors of the Meeting Selection Criteria used to guide site selection work. Outside of the call for recommendations, the process for selection of sites does not call for public consultation, as the staff assessment of the feasibility of any site is the primary consideration.

There will be a financial impact on ICANN in hosting the meeting and providing travel support as necessary, as well as on the community in incurring costs to travel to the meeting. But such impact would be faced regardless of the location of the meeting. There is no impact on the security or the stability of the DNS due to the hosting of the meeting.

The Board thanks all who recommended sites for ICANN Meeting Number 47.

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Item Removed from Agenda

**2012-08-28-02b Board-Submission-on-Reconsideration-  
Request-12-2**

**ICANN BOARD SUBMISSION NO. 2012-08-28-02b**

**TITLE:** **BGC Recommendation on Reconsideration  
Request 12-2**

**PROPOSED ACTION:** **For Board Consideration and Approval**

**EXECUTIVE SUMMARY:**

The Intellectual Property Concerns Constituency (IPC) submitted a request for reconsideration of the 6 May 2012 Board decision approving the Fundació PuntCAT's proposed contract amendment changing the Whois output requirement for individual domain name registrants in the .CAT TLD. The Board approved the proposed amendment that was requested via the Registry Services Evaluation Process (RSEP), and authorized the President and CEO to execute the required contractual amendment. The IPC's Reconsideration Request asked the BGC to reconsider the Board's approval of the contract amendment and ultimately reverse the Board's decision.

As detailed in the attached Recommendation, the IPC's Reconsideration Request does not meet the standards for stating a Reconsideration Request. The IPC does not identify any material information that the Board failed to take into consideration at the time of its decision. The Board had access to all of the material cited in the IPC's Request, and the purported new standards provided by the IPC (requiring a contracted party to be in violation of law prior to approving a change to Whois output requirements, and independent due diligence to solicit additional views outside of the public comment processes) do not create grounds for reconsideration.

However, the BGC recognizes that the language used in a "Whereas" clause in the 6 May 2012 resolution may give the appearance that the approval of the RSEP Request has broader effect than the actual amendment authorized. To that extent, the BGC recommends that the language within the relevant whereas clause be clarified so as to avoid the appearance of broader revision.

**BOARD GOVERNANCE COMMITTEE RECOMMENDATION:**

The BGC recommends that no further action be taken on Reconsideration Request 12-1 and the Request be denied. Full detail of the BGC recommendation is discussed in the Annex.

Though reconsideration is not proper in this instance, the BGC notes that the language used in a “Whereas” clause in front of resolution 2012.05.06.02 gives the appearance of a broader scope of the revision to the .CAT Registry Agreement than was actually approved. To that extent, the BGC recommends that the language within the “whereas” clause be tailored to remove the suggestion of prohibition of publication of data in Whois output and instead reflect the “opt-out” provision that individual registrants within the .CAT TLD may be offered as a result of the amendment.

**PROPOSED RESOLUTION:**

Whereas, the Board Governance Committee has reviewed Reconsideration Request 12-1 submitted by the Intellectual Property Concerns Constituency concerning the Board’s 6 May 2012 decision on Fundacio puntCAT’s RSEP Request regarding the publication of Whois data for certain registrations within the .CAT Registry (<http://www.icann.org/en/groups/board/documents/resolutions-06may12-en.htm#1.2>).

Whereas, the BGC recommends that Reconsideration Request 12-2 should be denied.

Whereas, Reconsideration Request 12-2 and the BGC’s recommendation have been posted on the ICANN website at <http://www.icann.org/en/groups/board/governance/reconsideration>.

Resolved (2012.07.xx.xx), the Board adopts the recommendation of the BGC that Reconsideration Request 12-2 be denied, as the request did not identify any material information that the Board failed to take into consideration when taking its 6 May 2012 decision.

Resolved (2012.07.xx.xx), the Board directs the Secretary to amend the Whereas clause precedent to Resolution 2012.05.06.02 so as to remove the suggestion of a blanket prohibition of publication of Whois data for individual registrants, and to more accurately reflect the scope of the amendment to the .CAT Registry Agreement that was requested and approved.

## **PROPOSED RATIONALE:**

ICANN’s Bylaws call for the Board Governance Committee to evaluate and make recommendations to the Board with respect to Reconsideration Requests. See Article IV, section 3 of the Bylaws. The Board has reviewed and thoroughly considered the BGC’s recommendation with respect to Reconsideration Request 12-2 and finds the analysis sound.

The Board also agrees that it is essential to ICANN’s accountability and transparency to assure that the wording within resolutions accurately reflects the scope of the decisions undertaken by the Board. Here, a “whereas” clause within Resolution 2012.05.06.02 was identified as overstating the bounds of the amendment requested and approved by the Board. It is therefore in accordance with ICANN’s commitment to accountability to direct a change to the “whereas” clause to better reflect the scope of the amendment sought and granted. The modification of the “whereas” clause does not have any impact on the actual scope of the Board’s 6 May 2012 decision.

Having a Reconsideration process whereby the BGC reviews and makes a recommendation to the Board for approval positively affects the transparency and accountability of ICANN. It provides an avenue for the community to ensure that staff and the Board are acting in accordance with ICANN’s policies, Bylaws and Articles of Incorporation. Adopting the BGC’s recommendation has no financial impact on ICANN and will not negatively impact the systemic security, stability and resiliency of the domain name system.

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