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AGENDA – 7 FEBRUARY 2014 BOARD Meeting – 1.0 hour – last updated 28 Jan

Time, etc.	Agenda Item	Shepherd	Expected Action	Potential Conflict of Interest
<ul style="list-style-type: none"> • Assembly, Roll Call & Consent Agenda Vote <p align="center">15 min</p>	1. Consent Agenda			
	1.a. Minutes: <ul style="list-style-type: none"> • November 8, 16, 17, 20 and 21 2013 Meetings of the ICANN Board 	John Jeffrey	Approval	
	1.b. Appointment of Joe Abley to the Security & Stability Advisory Committee	Ram Mohan	Approval	
	1.c. Technical Liaison Group Bylaws Revisions	Steve Crocker	Approval	
<ul style="list-style-type: none"> • Discussion & Decision <p align="center">45 min</p>	2. Main Agenda			
	2.a. Protection of IGO-INGO Identifiers in All gTLDs Policy Development Process	Chris Disspain	Approval	

AGENDA – 7 FEBRUARY 2014 BOARD Meeting – 1.0 hour – last updated 28 Jan

Time, etc.	Agenda Item	Shepherd	Expected Action	Potential Conflict of Interest
	2.b. Formation of Board Working Group on Nominating Committee Recruitment & Selection Process and Size & Composition	Ray Plzak	Approval	
	2.c. GNSO Thick Whois PDP Recommendations	Bill Graham	Approval	
	2.d. AOB			

ICANN BOARD SUBMISSION NO. 2014.02.07.1b

TITLE: **Appointment of Joe Abley to the Security & Stability Advisory Committee**

PROPOSED ACTION: **For Approval**

EXECUTIVE SUMMARY:

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

COMMITTEE RECOMMENDATION:

The Committee desires the appointment of Joe Abley to the Security and Stability Advisory Committee.

PROPOSED RESOLUTION:

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 Joe Abley to the SSAC.

Resolved (2014.02.07.xx), the Board appoints Joe Abley to the SSAC.

PROPOSED RATIONALE:

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. Joe Abley has been participating in the SSAC as part of his role as Director of DNS Operations at ICANN. He now has joined Dyn as a Principal Architect. Joe Abley brings experience regarding DNS operations and significant technical depth of understanding with respect to the DNS and DNS-related issues of the SSAC.

Submitted by:	Ram Mohan, SSAC Liaison to the Board
Position:	Liaison to the ICANN Board from the Security & Stability Advisory Committee
Date Noted:	07 January 2014
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ICANN BOARD SUBMISSION NO. 2014.02.07.1c

TITLE: **Technical Liaison Group Bylaws Revisions**

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

EXECUTIVE SUMMARY:

The Board is being asked to approve the proposed Bylaws revisions relating to the Technical Liaison Group (“TLG”). The revisions are meant to help streamline the efforts of the component entities of the TLG in providing the ICANN Board with technical advice. The proposed revisions should help increase availability of technical advice to the Board as well as the effectiveness of the TLG. Instead of focusing their efforts on the appointment of a Board Liaison or a Nominating Committee (NomCom) delegate, the primary task remaining with the TLG entities will be to focus on the appointment of the experts that the Board can call upon for advice. The Liaison role does not offer more global access to expertise, as the TLG Liaison role rotates on an annual basis, and no one Liaison is able to deliver a coordinated position representing all of the TLG entities.

The Bylaws revisions do not change the role of the TLG, which is to “channel technical information and guidance to the Board and other ICANN entities.” Nor is there any change to four entities that make up the TLG. This proposed change is directed towards simplifying how the TLG operates and delivers technical advice to the Board.

The proposed Bylaws revisions were put out for public comment from 30 October 2013 to 20 December 2013. ICANN received one comment. The commenter supports the intent of the proposed revisions to increase the availability of technical advice to the Board and the effectiveness of the TLG. The commenter recommended that the elimination of the TLG Liaison not occur until, at least, a mechanism to seek regular advice from the TLG is in place. The commenter opposed the removal of the TLG NomCom delegate, suggesting that it is likely to hinder the NomCom’s outreach to technical communities. A summary and analysis of the public comment received is attached as Attachment B to the Reference Materials.

PROPOSED RESOLUTION:

Whereas, the ICANN Bylaws currently call for the Technical Liaison Group (TLG) to appoint a non-voting liaison to the ICANN Board as well as a voting delegate to the Nominating Committee (NomCom).

Whereas, the Bylaws set out areas of responsibility for the entities comprising the TLG, including the appointment of experts from whom the ICANN Board can seek advice on relevant matters; these experts have never been appointed.

Whereas, in 2011, ICANN commissioned a review of the TLG which identified that focus was needed to establish effective mechanisms to provide the Board with the technical advice that it may need, noting that the current form of operation of the TLG has not achieved this goal.

Whereas, the proposed Bylaws revisions are intended to allow the component entities of the TLG to focus their energies on their advisory functions.

Whereas, in resolution 2013.09.28.15, the Board directed the Chair of the ICANN Board, in coordination with the President and CEO, to initiate communications with the component entities of the TLG to facilitate their identification of experts in fulfillment of [Article XI-A, Section 2](#), Paragraph 6 of the ICANN Bylaws and the resulting strengthening of the TLG advisory mechanism.

Whereas, in resolution 2013.09.28.16 the Board directed the President and CEO to publish for public comment proposed Bylaws revisions relating to the TLG liaison to the Board and the appointment of a voting member of the Nominating Committee.

Whereas, the proposed amendments were posted for public comment on 30 October 2013.

Whereas, staff provided the Board with a summary and analysis of the public comment received.

Whereas, the Board has reviewed and considered the summary and analysis of the public comment and has determined that the Bylaws revisions attached to the Reference Materials at Attachment A, address the issues discussed above.

Resolved (2013.02.07.XX), the Board approves the Bylaws revisions as they were posted for public comment at <http://www.icann.org/en/news/public-comment/bylaws-amend-tlg-30oct13-en.htm>, subject to two non-substantive changes made solely for clarification.

PROPOSED RATIONALE:

Background on the TLG

The Technical Liaison Group (TLG) is one of the advisory mechanisms set out in the ICANN Bylaws. One of the key functions that the TLG entities are supposed to perform include identifying and appointing experts to whom ICANN can direct technical questions. To date, these experts have not been appointed. The TLG is comprised of four organizations: (i) the European Telecommunications Standards Institute (ETSI); (ii) the International Telecommunications Union's Telecommunication Standardization Sector (ITU-T); (iii) the World Wide Web Consortium (W3C); and (iv) the Internet Architecture Board (IAB). The TLG has primarily focused its efforts on the annual appointment of a Liaison to the ICANN Board and a voting delegate to ICANN's Nominating Committee (NomCom). The need for the focus of the TLG to change has been an ongoing conversation within ICANN, as noted in the organizational review of the TLG that was commissioned by ICANN in 2010 (available at <http://www.icann.org/en/groups/reviews/tlg>), which resulted in recommendations to change the structure of the TLG.

Why is the Board addressing the issue now?

The ICANN Board has recently been reviewing the fundamental question of how it can obtain the advice that it needs. One core of that work is addressing how the Board receives the advice that it needs, and how the advice arising out of ICANN's advisory mechanisms is better tracked. Advice on technical matters is one of those key areas where the existing advisory mechanism of the TLG is not meeting the Board's needs or the mission as stated in the Bylaws. The Board's action today, addressing how to improve the advisory function of the TLG, is part of the Board's renewed focus on organizing and strengthening its activities.

What is the proposal being considered?

The action being considered today is to adopt the Bylaws revisions relating to the TLG that were posted for public comment. The effect of these revisions is the discontinuation of the TLG's appointment of a Liaison to the Board, as well the TLG's appointment of a voting delegate to the ICANN NomCom. The discontinuation of these appointment obligations should allow the TLG entities to focus their attention on the provision of advice to ICANN, as opposed to the appointment of individuals who are not authorized to represent the panoply of views of the entities within the TLG. Instead of focusing their efforts on the appointment of a Board Liaison or a NomCom delegate, the primary task remaining with each TLG entity will be to focus on the appointment of experts that the Board can call upon for advice.

The Liaison role does not offer this more global access to expertise, as the TLG Liaison role rotates on an annual basis, and no one Liaison is able to deliver a coordinated position representing all of the TLG entities.

The Bylaws revisions do not represent any change to the role of the TLG, which is to "channel technical information and guidance to the Board and other ICANN entities." Nor is there any change to four entities of the TLG. This proposed change is directed towards simplifying the role of the TLG entities in anticipation of the evolution and enhancement of how those entities provide technical advice to the Board.

Which stakeholders or others were consulted?

On 30 October 2013, ICANN initiated a public comment on the proposed Bylaws revisions. (See <http://www.icann.org/en/news/public-comment/bylaws-amend-tlg-30oct13-en.htm>.) The public comment forum closed on 20 December 2013. The Board has considered the one comment received in adopting this Resolution.

What concerns or issues were raised by the community?

ICANN received one substantive response during the course of the public comment forum. The commenter expressed support for the intent to increase the availability of technical advice to the Board and the effectiveness of the TLG. The commenter recommended that the elimination of the TLG Liaison not occur until, at least, a mechanism to seek regular advice from the TLG is in place. The commenter opposed the

removal of the NomCom TLG delegate on the basis that the removal is likely to hinder the NomCom's community outreach to technical communities. (*See* <http://forum.icann.org/lists/comments-bylaws-amend-tlg-30oct13/msg00002.html>.)

With respect to the strengthening of TLG advisory mechanism, the Board notes that this issue has already been addressed by the Board on 28 September 2013 in resolution 2013.09.28.15.

With respect to the concern regarding outreach to the technical communities, the Board notes that each of the four organizations that make up the TLG are already engaged in ongoing community outreach efforts. The removal of the NomCom TLG delegate does not prevent these organizations from continuing with their outreach efforts.

This action is anticipated to have a positive fiscal impact on ICANN. The removal of the Liaison to the Board and the NomCom will provide a financial savings to ICANN.

Further, the anticipated evolution and enhancement of how ICANN receives advice on technical matters could have a positive impact on how ICANN addresses matters relating to the security, stability or resiliency of the DNS.

The proposed Bylaws revisions were posted for public comment at <http://www.icann.org/en/news/public-comment/bylaws-amend-tlg-30oct13-en.htm> from 30 October 2013 to 20 December 2013. The Bylaws adopted do contain two non-substantive changes in Article XI, section 2.5 that were made for clarification purposes for which further public comment is not required.

Submitted By: Amy A. Stathos, Deputy General Counsel
Date Noted: 21 January 2014
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ICANN BOARD PAPER NO. 2014.02.07.2c-REV1

TITLE: GNSO Thick Whois PDP Recommendations
PROPOSED ACTION: Board Action to Approve

EXECUTIVE SUMMARY:

The Generic Names Supporting Organization (GNSO) unanimously approved at its meeting on 10 October 2013 the recommendations of the Thick Whois Policy Development Process (PDP), namely:

- The provision of thick Whois services, with a consistent labeling and display as per the model outlined in specification 3 of the 2013 RAA¹, should become a requirement for all gTLD registries, both existing and future.

For the full details, please see Section A of the GNSO Council Recommendations Report to the ICANN Board (Annex A).

The GNSO Council's unanimous vote in favor of these items exceeds the voting threshold required by Article X, Section 3.9.f of the ICANN Bylaws regarding the formation of consensus policies. Under the ICANN Bylaws, the Council's unanimous (supermajority) support for the motion obligates the Board to adopt the recommendation unless by a vote of more than two-thirds, the Board determines that the policy is not in the best interests of the ICANN community or ICANN.

The policy recommendations above, if approved by the Board, will impose new Consensus Policies on certain contracted parties.

The Annex to this submission provides the background and further details with regard to these recommendations.

STAFF RECOMMENDATION:

Staff recommends that the Board adopts the Thick Whois Policy Development Process recommendation. The recommendations, if implemented, would bring numerous

benefits in relation to issues such as stability, accessibility, response consistency and data escrow as also outlined in the Thick Whois PDP Final Report. Recognizing that the transition of the current thin gTLD registries will affect over 120 million domain name registrations, Staff believes that this new Consensus Policy should be carefully prepared for and implemented. In this regard, the GNSO Council has provided specific guidance with respect to the implementation of the new policy, namely, that an Implementation Review Team be convened to consult with Staff, and that Staff seek a legal review of law applicable to the transition of data from a thin to a thick model. Staff agrees with and plans to follow this GNSO guidance should the Board adopt these recommendations.

PROPOSED RESOLUTION:

Whereas, on 14 March 2012, the GNSO Council launched a Policy Development Process (PDP) on the use of ‘thick’ Whois by all gTLD Registries, both existing and future (see PDP WG Charter, set forth at <https://community.icann.org/x/vIg3Ag>);

Whereas the PDP followed the prescribed PDP procedures as stated in the Bylaws and due process resulting in a Final Report delivered on 21 October 2013;

Whereas the Thick Whois PDP Working Group (WG) reached full consensus on the recommendations in relation to the issues outlined in the Charter;

Whereas the GNSO Council reviewed and discussed the recommendations of the Thick Whois PDP WG, and adopted the Recommendations on 31 October 2013 by a Supermajority and unanimous vote (see <http://gns0.icann.org/en/council/resolutions#20131031-1>);

Whereas the GNSO Council vote exceeded the required voting threshold set forth in the ICANN Bylaws to impose new Consensus Policies on ICANN contracted parties;

Whereas the GNSO Council resolved to convene a Thick Whois Implementation Review Team to assist ICANN Staff in developing the implementation details for the new policy should it be approved by the ICANN Board;

Whereas after the GNSO Council vote, a public comment period was held on the approved recommendations, and the comments received strongly supported the recommendations (<http://www.icann.org/en/news/public-comment/thick-whois-recommendations-06nov13-en.htm>).

Resolved (2014.02.07.xx), the Board adopts the GNSO Council Policy Recommendations for a new Consensus Policy on Thick Whois as set forth in section 7.1 of the Final Report (see <http://gns0.icann.org/en/issues/whois/thick-final-21oct13-en.pdf>).

Resolved (2014.02.07.xx), the Board directs the President and CEO to develop and execute on an implementation plan for the Thick Whois Policy consistent with the guidance provided by the GNSO Council. The President and CEO is authorized and directed to work with the Implementation Review Team in developing the implementation details for the policy, and to continue communication with the community on such work.

PROPOSED RATIONALE:

Why is the Board addressing this issue now?

ICANN specifies Whois service requirements for generic top-level domain (gTLD) registries through the Registry Agreement (RA) and the Registrar Accreditation Agreement (RAA). Registries and registrars satisfy their Whois obligations using different service models. The two common models are often characterized as “thin” and “thick” Whois registries. This distinction is based on how two distinct sets of data are managed. One set of data is associated with the domain name, and a second set of data is associated with the registrant of the domain name.

- A thin registry only stores and manages the information associated with the domain name. This set includes data sufficient to identify the sponsoring registrar, status of the registration, creation and expiration dates for each registration, name server data, the last time the record was updated in its Whois data store, and the URL for the registrar’s Whois service.

- With thin registries, registrars manage the second set of data associated with the registrant of the domain and provide it via their own Whois services, as required by Section 3.3 of the RAA for those domains they sponsor. COM and NET are examples of thin registries.
- Thick registries maintain and provide both sets of data (domain name and registrant) via Whois. INFO and BIZ are examples of thick registries.

To explore the possible benefits of requiring all gTLD registries to provide thick Whois, the GNSO Council initiated a Policy Development Process on 14 March 2012. The PDP Working Group was formed and was tasked to consider the following topics as part of its deliberations:

- Response consistency
- Stability
- Access to Whois data
- Impact on privacy and data protection
- Cost implications
- Synchronization / migration
- Authoritativeness
- Competition in registry services
- Existing Whois applications
- Data escrow
- Registrar Port 43 Whois requirements

The Working Group published its Initial Report for public comment on 21 June 2013, followed by its Final Report on 21 October 2013, which received the unanimous consensus support from the PDP WG as well as the GNSO Council. A public comment period followed the GNSO Council vote, as specified in the ICANN Bylaws. The comments reflected strong support for the GNSO recommendations, with no opposition or concerns raised by any stakeholder group or constituency. As a result, this issue and the GNSO recommendations are ripe for consideration by the ICANN Board.

What is the proposal being considered?

The following recommendations are being considered:

#1: The provision of thick Whois services, with a consistent labelling and display as per the model outlined in specification 3 of the 2013 RAA¹, should become a requirement for all gTLD registries, both existing and future.

Furthermore, the GNSO Council recommended that:

#2: Following the adoption of the Final Report and recommendations by the GNSO Council, the subsequent public comment forum (prior to Board consideration) and the notification by the ICANN Board to the GAC, specifically request input on any considerations related to the transition from thin to thick Whois that would need to be taken into account as part of the implementation process

#3: As part of the implementation process a legal review of law applicable to the transition of data from a thin to thick model that has not already been considered in the Expert Working Group (EWG) memo² is undertaken and due consideration is given to potential privacy issues that may arise from the discussions on the transition from thin to thick Whois, including, for example, guidance on how the long-standing contractual requirement that registrars give notice to, and obtain consent, from each registrant for uses of any personally identifiable data submitted by the registrant should apply to registrations involved in the transition. Should any privacy issues emerge from these transition discussions that were not anticipated by the WG and which would require additional policy consideration, the Implementation Review Team is expected to notify the GNSO Council of these so that appropriate action can be taken.

Which stakeholders or others were consulted?

In addition to regular updates to the GNSO Council, workshops were organized to inform and solicit the input from the ICANN Community at ICANN meetings (see for

¹ <http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm#whois>

² See <http://forum.icann.org/lists/gns-thickwhoispdp-wg/pdfLtpFBYQqAT.pdf>

example <http://durban47.icann.org/node/39777> and <http://beijing46.icann.org/node/37029>).

Constituency / Stakeholder Group Statements were requested as well as input from other ICANN Supporting Organizations and Advisory Committees at an early stage of the process. Almost all GNSO Stakeholder Groups and Constituencies provided input, in addition to the At-Large Advisory Committee (see <https://community.icann.org/x/WIRZAg>).

The WG also opened a [public comment forum](#) on the Initial Report on 21 June 2013.

All comments received on the Initial Report have been reviewed and considered by the Thick Whois PDP Working Group (see section 6 of the Final Report).

Furthermore, comments were solicited on the Final Report following GNSO Council approval and prior to consideration by the ICANN Board (see <http://www.icann.org/en/news/public-comment/thick-whois-recommendations-06nov13-en.htm>).

In addition, the Board [notified](#) the GAC of its upcoming consideration of this issue and at the request of the GNSO Council the GAC was specifically encouraged to provide any considerations related to the transition from thin to thick Whois that would need to be taken into account as part of the implementation process (no input has been received at the time of the submission of this paper).

What concerns or issues were raised by the community?

No community concerns have been raised in relation to the Final Report and its recommendations. All other comments received prior to the publication of the Final Report were reviewed and addressed by the PDP WG as outlined in section 6 of the Final Report and reflected in the WG's final recommendations.

What significant materials did the Board review?

The Board reviewed the GNSO Council Recommendations Report to the Board, as well

as the summary of public comments. The Board also observed that although the Whois Review Team did not make any specific recommendations at the time of their [Final Report](#) as no specific thick Whois policy existed to be reviewed, it did recommend that ‘the Internic Service is overhauled to provide enhanced usability for consumers, including the display of full registrant data for all gTLD domain names’ which would essentially be achieved by requiring all gTLDs to operate under a thick Whois model.

What factors the Board found to be significant?

The recommendations were developed following the GNSO Policy Development Process as outlined in Annex A of the ICANN Bylaws and have received the unanimous support from the GNSO Council. As outlined in the ICANN Bylaws, the Council’s unanimous (supermajority) support for the motion obligates the Board to adopt the recommendation unless by a vote of more than two-thirds, the Board determines that the policy is not in the best interests of the ICANN community or ICANN.

Are there positive or negative community impacts?

Numerous benefits are expected as a result of requiring thick Whois for all gTLD registries, as outlined in the Thick Whois PDP Final Report (see <http://gnso.icann.org/en/issues/whois/thick-final-21oct13-en.pdf>). Nevertheless, it should be recognized that a transition of the current thin gTLD registries will affect over 120 million domain name registrations. As a result, Staff intends to proceed carefully in the preparation and implementation of the recommended transition from thin to thick Whois. Staff expects there to be modest financial impacts associated with the transition as covered in section 5.6 of the Final Report- cost implications. Specifically, there will be a one-off cost involved in the actual transition from thin to thick, but Staff believes this can be managed in a way to minimize such costs. Moreover, recognizing that most registrars already transact registrations through thick TLDs and the only registry currently operating thin gTLDs (Verisign) also operates thick gTLDs, the affected contracted parties should not require a significant learning curve or new software systems in order to proceed with the transition.

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

In addition to those changes required in process for registrars and gTLD registries as outlined in the previous section, there will likely be fiscal impacts related to implementation of the policy for example in relation to the requested legal review of potential privacy issues that may arise from the discussions on the transition from thin to thick Whois; updating of compliance complaint forms, FAQs and supporting documents, but these costs are anticipated to be within the current budget and/or will be anticipated for the next fiscal year starting in July 2014.

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

There are no security, stability, or resiliency issues related to the DNS if the Board approves the proposed recommendations, since thick Whois has already been implemented in other gTLD registries, and is a requirement for new gTLDs. Moreover, ICANN has experience in managing similar transitions such as when the .org registry was transitioned from a thin to a thick registry in 2004.

Signature Block:

Submitted by: Marika Konings

Position: Senior Policy Director
and Team Leader for the GNSO

Date Noted: 29 January 2014

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