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## AGENDA – 25 June 2015 BOARD Meeting – 1.0 hour – last updated 10 June

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<td>1.a. Approval of Minutes</td>
<td>John Jeffrey</td>
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<td>1.b. Appointment of B-Root Server Operator Representative to the RSSAC</td>
<td>Suzanne Woolf</td>
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<td>1.c. SSAC Advisory on the Use of Static TLD / Suffix Lists</td>
<td>Ram Mohan</td>
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<td>1.d. Adoption of the Framework of Interpretation for ccTLD Delegations and Redelegations</td>
<td>Chris Disspain</td>
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<td>1.h. Thank you to Departing Community Members</td>
<td>Steve Crocker</td>
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<td>1.i. Thank You to Sponsors of ICANN 53 Meeting</td>
<td>Steve Crocker</td>
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<td>Steve Crocker</td>
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<td>Steve Crocker</td>
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<td><strong>Discussion &amp; Decision</strong></td>
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<td>2.a. Refinement of second similarity review for the evaluation of the IDN ccTLD applications</td>
<td>Chris Disspain</td>
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<td>Move - Second - Speak –</td>
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<td>2.b. FY16 Operating Plan and Budget</td>
<td>Cherine Chalaby</td>
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TITLE: Appointment of B-Root Server Operator Representative to the RSSAC

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

Per ICANN Bylaws (Article XI, Section 2.3), the Root Server System Advisory Committee (RSSAC) is submitting the following members for appointment to the RSSAC:

RSO-B: USC—Information Sciences Institute, Wes Hardaker

This individual has been selected by his root server operator organization to serve on the RSSAC.

RSSAC RECOMMENDATION:

The RSSAC Chairs recommend the Board appoint Wes Hardaker as the appointee for B-root server operator.

PROPOSED RESOLUTION:

Whereas, the ICANN Bylaws call for the establishment of a Root Server System Advisory Committee (RSSAC) with the role to advise the ICANN community and Board on matters relating to the operation, administration, security, and integrity of the Internet’s Root Server System.

Whereas, the ICANN Bylaws call for Board appointment of RSSAC members based on recommendations from the RSSAC Chairs.

Whereas, the RSSAC Chairs recommended for Board consideration the appointment of Wes Hardaker to the RSSAC to represent the B-root server operator.

Resolved (2015.06.25.xx), the Board appoints Wes Hardaker as the representative for B-root server operator through 31 December 2017 to the Root Server System Advisory Committee.
PROPOSED RATIONALE:

In May 2013, the Root Server Operators (RSOs) agreed to an initial membership of RSO representatives for RSSAC, and each RSO nominated an individual. The Board approved the initial membership of RSSAC in July 2013 with staggered terms.

USC-ISI has named a new representative on behalf of B-root, and the RSSAC Co-Chairs have recommended this representative be formally appointed to the RSSAC. The representative will serve the remaining time of the three-year term, which began on 1 January 2015.

The appointment of these RSSAC members is not anticipated to have any fiscal impact on ICANN, though there are budgeted resources necessary for ongoing support of the RSSAC.

This resolution is an organizational administrative function for which no public comment is required. The appointment of RSSAC members contributes to ICANN’s commitment to strengthening the security, stability and resiliency of the DNS.

Signature Block:

Submitted by: Steve Sheng

Position: Director of RSSAC and RSSAC Advisories Development Support

Date: 20 May 2015

E-mail: steve.sheng@icann.org
TITLE: SSAC Advisory on the Use of Static TLD / Suffix Lists

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

On 28 May 2015 the SSAC published SAC070: SSAC Advisory on the use of Static TLD / Suffix Lists. In this advisory, the SSAC investigates the security and stability needs surrounding the growing use of Public Suffix Lists (PSLs) on the Internet. The advisory contains a host of recommendations and suggested actions for ICANN and other Internet organizations.

The Board directs ICANN staff to perform the following steps to assist the Board in its response to the advisory:

- Produce a recommendation to the Board regarding acceptance of the advice
- Evaluate the feasibility, cost and implementation steps for any advice recommended for adoption.

RECOMMENDATION:

We recommend that the Board:

1) Request staff to evaluate the advice and produce a recommendation to the Board regarding acceptance of the advice, no later than 90 days from the adoption of this resolution.

2) In the instances where staff recommends that the advice should be accepted, request staff to evaluate the feasibility and cost, and to create an implementation plan with timelines and high-level milestones for review by the Board, no later than 120 days from the adoption of this resolution.
PROPOSED RESOLUTION:

Whereas, on 28 May 2015, the ICANN Security and Stability Advisory Committee (SSAC) published SAC070: SSAC Advisory on the Use of Static TLD / Suffix Lists.

Whereas, in SAC 070, the advice investigates the security and stability needs surrounding the growing use of Public Suffix Lists (PSLs) on the Internet, and proposes a set of near term and long-term actions to address the fundamental design compromises of Public Suffix Lists.

Whereas, while in some instances these recommendations reflect actions not under ICANN’s control and actors not necessarily within ICANN’s usual community, they are meant to address the overall responsibilities of the multi-stakeholder community and encourage ICANN to take action where it is relevant to do so.

Whereas, ensuring the stable and secure operation of the Internet’s system of unique identifiers is the mission and strategic priority for ICANN; preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet is a core value for ICANN; improving the acceptance of TLDs is a strategic objective for the gTLD programme.

Resolved (2015.06.25.xx), the Board acknowledges the receipt of SAC070: SSAC Advisory on the Use of Static TLD / Suffix Lists.

Resolved (2015.06.25.xx), the Board directs the President and CEO, or his designee(s), to evaluate the advice provided in SAC070 and produce a recommendation to the Board regarding the acceptance of the advice, no later than 90 days from the adoption of this resolution.

Resolved (2015.06.25.xx), in the instances where it is recommended that the SSAC advice be accepted, the Board directs the President and CEO, or his designee(s), to evaluate the feasibility and cost of implementing the advice, and provide an implementation plan with timelines and high-level milestones for review by the Board, no later than 120 days from the adoption of this resolution.
Resolved (2015.06.25.xx), the Board encourages registries, registrars, the Universal Acceptance Initiative, and other entities such as the IETF, to consider the recommendations in SAC070 and work collaboratively to improve the situation with the growing use of Public Suffix Lists.

PROPOSED RATIONALE:

A public suffix is defined as “a domain under which multiple parties that are unaffiliated with the owner of the Public Suffix domain may register subdomains.” Examples of Public Suffix domains include "org", "co.uk", "k12.wa.us" and "uk.com".

There is no programmatic way to determine the boundary where a DNS label changes stewardship from a public suffix, yet tracking the boundary accurately is critically important for security, privacy, and usability issues in many modern systems and applications, such as web browsers.

On 28 May 2014 the SSAC published SAC070: SSAC Advisory on the use of Static TLD / Suffix Lists. In this Advisory, the SSAC investigates the security and stability needs surrounding the growing use of Public Suffix Lists (PSLs) on the Internet. Using Mozilla's PSL as an archetype to study the current landscape, the SSAC finds varied uses of PSLs. From the case study the SSAC also derives various potential difficulties with the contents of a PSL, as well as operational and administrative challenges surrounding the use and maintenance of a PSL.

In this advice, the SSAC first calls on the IETF and application community to directly address these fundamental design compromises by designing, standardizing and adopting alternative solutions. Second, because use of PSLs today are prevalent, and noting the time it takes for the IETF to standardize alternative solutions and the community to deploy them, the SSAC recommends a set of near-term measures to alleviate some of the higher risk issues with the current maintenance and use of PSLs.

The Board’s consideration of recommendations from Supporting Organizations and Advisory Committees in general, and for SAC070 in specific, needs to be informed by
an analysis of both the substance of the advice as well as the feasibility and cost of implementing such advice that is deemed acceptable.

**Signature Block:**

Submitted by: Ram Mohan  
Position: SSAC Board Liaison  
Date Noted: 8 June 2015  
Email: ram.mohan@icann.org
TITLE: Adoption of the Framework of Interpretation for ccTLD Delegations and Redelegations

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

The ccNSO and GAC have jointly developed a “Framework of Interpretation” (FOI) to guide ICANN on implementation aspects of how delegations and redelegations of ccTLDs are conducted. The final report of the Framework of Interpretation Working Group was approved by the ccNSO Council at its meeting on 11 February 2015\(^1\). In its ICANN 52 Communiqué issued on 11 February 2015, the GAC recognized the Working Group’s efforts to interpret RFC 1591 and the FOI Working Group’s recognition of principles that are consistent with the GAC’s Principles issued in 2005. While not approved by the GAC, the GAC has not informed the Working Group that it does not support any of the recommendations from the Working Group, which is required under the Charter. As a result, the FOI recommendations were formally communicated to the ICANN Board on 18 March 2015, seeking adoption and implementation by ICANN.

The ccNSO Council, in its resolution adopting the FOI, has recommended that some ICANN and GAC documents should be archived and rendered redundant\(^2\).

Implementing the FOI will involve a number of changes to how ICANN performs its processes. In conjunction with this, the relevant documentation, registries, tools and systems associated with the procedures will need to be updated to reflect terminology changes.

STAFF RECOMMENDATION:

Staff recommends to the ICANN Board that the recommendations in the Framework of Interpretation be adopted.

Based on an initial impact analysis Staff does not believe there to be significant areas of misunderstanding that would fundamentally impact the ability to implement the FOI

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\(^2\) “considered no longer used” being the term used.
outcomes. However, the FOI recommendations do raise some specific questions about the implementation techniques to be used and staff does not have a clear view on how these might be expected to be performed.

The Board is recommended to provide a mandate for staff to form an implementation plan for the FOI recommendations, explaining how each recommendation would be practically applied and implemented. As appropriate, staff should liaise with a ccNSO-appointed advisory team where questions arise on implementation details. This implementation plan will be subject to a formal round of public consultation, and revised, in consultation with the ccNSO-appointed advisory team, on the basis of the feedback received.

The recommendation from the ccNSO concerning rendering specific documents redundant also needs clarification, which ICANN will pursue though this engagement with the advisory team. To the extent this impacts GAC documentation, the appropriate engagement with the GAC will be factored into the implementation planning.

In the event there is a substantial problem with the FOI that cannot be satisfactorily implemented, which comes to light during the development of the implementation plan, ICANN staff will return the issue to the ICANN Board for further consideration.

PROPOSED RESOLUTION:

Whereas, the ccNSO Council established the Framework of Interpretation Working Group in March 2011 with the Governmental Advisory Committee (GAC) to develop guidance to ICANN on how to implement existing policies and guidelines applicable to the delegation and re-delegation of ccTLDs.

Whereas, in accordance with the charter, and after a long and intense consultation process of the working group, community and others, the Framework of Interpretation recommendations were finalized in June 2014 at the London ICANN Meeting and submitted to the ccNSO and GAC to seek their acceptance of the recommendations.

Whereas, the Framework of Interpretation was approved by the ccNSO Council at its meeting on 11 February 2015.
Whereas, while the GAC has not formally approved the document, it considered the Working Group efforts as demonstrated in its 11 February 2015 Communiqué, and has not identified any recommendations that it does not support.

Whereas, implementation of the recommendations will benefit from community input, including the ccNSO as well as consultation on an implementation plan.

Resolved (2015.06.25.xx), the CEO (or his designee) is directed to develop an implementation plan for the recommendations for community consideration through a public comment, and to implement the plan when finalized.

Resolved (2015.06.25.xx), the Board requests the ccNSO to appoint as soon as possible a small advisory team of subject matter experts to remain available to assist ICANN staff on implementation questions that arise during the development of the implementation plan, and inform ICANN of the appointments.

**PROPOSED RATIONALE:**

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

Based on its mandate the Framework of Interpretation Working Group developed a so-called framework of interpretation of current policy, to provide “a clear guide to IANA and the ICANN Board” on how ICANN is expected to interpret the current policies in its day-to-day operations. The work of the FOIWG resulted in a set of recommendations determined by the working group to be needed to provide clarity to ICANN’s processes. The Board is asked to ratify these recommendations now, following adoption of the recommendations by the ccNSO Council and non-objection from the Governmental Advisory Committee, and the formal communication of the recommendations to the Board in March 2015.

**What is the proposal being considered?**

The ccNSO recommends that the ICANN adopt the Framework of Interpretation and adopt the document as the specific guidance on the interpretation of the existing, applicable

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policies, in particular relating to areas such as obtaining and documenting consent, from significantly interested parties, and procedures for unconsented redelegations

In addition the ccNSO Council recommended the ICANN Board that certain documents including the GAC Principles 2000 (which the GAC superseded in 2005), ICANN’s ICP1 (https://www.icann.org/resources/pages/delegation-2012-02-25-en) and News Memo 1 (http://www.iana.org/reports/1997/cctld-news-oct1997.html) should be archived and considered no longer used by ICANN staff.

Which stakeholders or others were consulted?
The FOIWG developed its initial recommendations in December 2011. As required by its charter, this interim report and recommendations were published and subject to public comment from the ICANN community. The overview of publication of main documents and public consultations is included in the Final Report of the FOIWG (Annex F).

In order to keep the community abreast of the progress made, the FOIWG regularly published progress reports, and provided updates and presented its findings to the ccTLD community and GAC during successive ICANN meetings since March 2011.

Finally, according to the charter of the FOIWG, the ccNSO and GAC would be requested to endorse or support each of the Recommendations of Interpretations Reports (on Consent, Significantly Interested Parties, and Revocation). As such the Recommendations for Interpretations on “Consent” was submitted to the ICANN Board of Directors in March 2012. However, taking into account the duration of the process and the need to ensure consistency across the sets of Recommendations of Interpretations, the ccNSO and GAC reached an understanding that endorsement or support would only be sought for the full set of Recommendations (http://ccnso.icann.org/workinggroups/foi-progress-report-02oct12-en.pdf). In October 2014 the ccNSO Council expressed its interim support of the FOIWG work, until such time the GAC made its position clear. The chairs of the ccNSO and FOIWG were requested to work with the Chair of the GAC and interested GAC members, to actively

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4 Quotations from the Final report of the FOIWG.
6 The progress report are available at: http://ccnso.icann.org/workinggroups/foiwg.htm
seek GAC support for the FOI (http://ccnso.icann.org/workinggroups/foi-adoptio...20oct14-en.pdf). In February 2015 the ccNSO and GAC had a final, constructive exchange of views on issues raised by the FOIWG and the GAC noted the work of the ccNSO FOIWG, and its efforts to provide interpretive clarity to RFC 1591 and did not express it did not support the recommendations. (https://www.icann.org/en/system/files/correspondence/gac-to-board-11feb15-en.pdf) The ICANN Board of directors was informed accordingly.

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

The Board reviewed the following reports (see Annex A):

- GAC Singapore Communiqué February 2015: https://gacweb.icann.org/download/attachments/27132037/GAC_SINGAPORE52_COMMUNIQUE_FINAL2.pdf?version=1&modificationDate=1423724031000&api=v2

**What factors did the Board find to be significant?**

The Board noted that according to the IANA Functions Contract between the US Government and ICANN, contract implementation issues or procedures relating to the contract were, been outside the scope of the working group. It is further noted that the recommendations do not amend, update or change current policies.

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

The recommendations are expected to have a positive community impact through implementing desired clarifications to the relevant procedures as the result of thoughtful analysis by the working group. In particular, the recommendations provide specific detail on aspects of processing that are expected to provide clarity to those involved in delegation and redelegation processes.
Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public?

Implementing the Framework of Interpretation would be lead by the IANA Department. Initially it will require development of an implementation plan. Following agreement on the process, the implementation itself will require development of enhancements to existing systems, updated internal documentation, and the training and testing of that documentation and revised systems among the staff involved in processing such requests. It will also require staff resources to liaise with the community to clarify specific implementation details of the FOI recommendations; staff to develop enhanced software, tools, and programs for report generation; and support from the Communications department to assist in the communication plan. Aspects of the recommendations pertain to legal matters (such as obtaining valid consent that is properly documented) and therefore the IANA department will require dialogue with ICANN’s legal team and possibly other experts to properly capture appropriate implementation details.

It is noted that some aspects of the recommendations may be informed by developments in the overall stewardship of the IANA functions. While the intention is to develop an implementation that suits the current oversight environment by the NTIA, the implementation may need reconsideration in light of changes beyond a transition.

Submitted by: Bart Boswinkel
Position: Senior Director, ccNSO Policy Development Support
Date Noted: 11 June 2015
Email: bart.boswinkel@icann.org
TITLE: March 2016 ICANN Meeting Venue Contracting

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

The Board is being asked to authorize staff to take all steps necessary to complete contracting for the host venue in Marrakech, Morocco for the March 2016 ICANN Public Meeting, which requires Board approval as it will exceed US$500,000. The Reference Materials for this paper outlines the venue costs.

STAFF RECOMMENDATION:

Staff recommends that the Board delegate to the President and CEO, or his designee(s), the authority to take all actions necessary to enter into a contract, and make expense disbursements pursuant to that contract, for the host venue in Marrakech, Morocco, where ICANN will hold the March 2016 Public Meeting.

BOARD FINANCE COMMITTEE (BFC) RECOMMENDATION (Subject to BFC approval):

The BFC recommends that the Board delegate to the President and CEO, or his designee(s), the authority to take all actions necessary to enter into a contract, and make expense disbursements pursuant to that contract, for the host venue in Marrakech, Morocco, where ICANN will hold its March 2016 Public Meeting.

PROPOSED RESOLUTION:

Whereas, ICANN intends to hold its first Public Meeting of 2016 in the Africa region.

Whereas, Marrakech, Morocco has already been selected for the site for the March 2016 ICANN Meeting.

Resolved (2015.06.25.xx), the Board authorizes the President and CEO, or his designee(s), to engage in and facilitate all necessary contracting and disbursements for the host venue for the March 2016 ICANN Public Meeting in Marrakech, Morocco, in an amount not to exceed Confidential Negotiation Information
Resolved (2014.06.25.xx), specific items within this resolution shall remain confidential for negotiation purposes pursuant to Article III, section 5.2 of the ICANN Bylaws until the President and CEO determines that the confidential information may be released.

PROPOSED RATIONALE:
As part of ICANN’s Public Meeting schedule, presently three times a year ICANN hosts a meeting in a different geographic region (as defined in the ICANN Bylaws). ICANN 55, scheduled for 5-10 March 2016, is to occur in the Africa geographic region. Since the February 2015 ICANN Public Meeting originally scheduled to be held in Marrakech, Morocco was moved to Singapore, ICANN determined to hold the March 2016 ICANN Public Meeting in Marrakech, Morocco.

The staff performed a thorough analysis of the venue to ensure that it met the major elements in the Meeting Selection Criteria (see http://meetings.icann.org/location-selection-criteria). Based on that analysis, ICANN has identified the venue for ICANN 55.

The Board reviewed staff’s briefing for hosting the meeting in Marrakech, Morocco and that the proposal met the significant factors of the Meeting Selection Criteria, as well as the related costs for selected venue, for the March 2016 ICANN Public Meeting.

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 and venue of the meeting. This action will have no impact on the security or the stability of the DNS.

This is an Organizational Administrative function that does not require public comment.

Submitted by: Nick Tomasso - VP, Meetings
Date Noted: 8 June 2015
Email: nick.tomasso@icann.org
TITLE: October 2016 ICANN Meeting Venue Contracting

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

The Board is being asked to authorize staff to take all steps necessary to complete contracting for the host hotel in San Juan, Puerto Rico for the October 2016 ICANN Public Meeting, which requires Board approval as it will exceed US$500,000. The Reference Materials for this paper summarizes the steps taken to locate a site for the October 2016 Public Meeting, and outlines the facilities’ costs.¹

STAFF RECOMMENDATION:

Staff recommends that the Board delegate to the President and CEO, or his designee(s), the authority to take all actions necessary to enter into a contract, and make expense disbursements pursuant to that contract, for the host hotel in San Juan, Puerto Rico, where ICANN will hold the October 2016 Public Meeting.

BOARD FINANCE COMMITTEE (BFC) RECOMMENDATION (Subject to BFC approval):

The BFC recommends that the Board delegate to the President and CEO, or his designee(s), the authority to take all actions necessary to enter into a contract, and make expense disbursements pursuant to that contract, for the host hotel in San Juan, Puerto Rico, where ICANN will hold its October 2016 Public Meeting.

PROPOSED RESOLUTION:

Whereas, ICANN intends to hold its third Public Meeting of 2016 in the North America region.

Whereas, staff has completed a thorough review of the proposed venues in North America and finds the one in San Juan, Puerto Rico to be the most suitable.

¹ This paper is being submitted for approval now, out of the normal rotation, to ensure that we can secure the conference venue and supporting hotels.
Resolved (2015.06.25.xx), the Board authorizes the President and CEO, or his
designee(s), to engage in and facilitate all necessary contracting and disbursements for
the host hotel for the October 2016 ICANN Public Meeting in San Juan, Puerto Rico, in
an amount not to exceed $3.5M, and that the October 2016 ICANN Public
Meeting be designated as the 2016 Annual Meeting.

Resolved (2014.06.25.xx), specific items within this resolution shall remain
confidential for negotiation purposes pursuant to Article III, section 5.2 of the ICANN
Bylaws until the President and CEO determines that the confidential information may
be released.

**PROPOSED RATIONALE:**
As part of ICANN’s Public Meeting schedule, presently three times a year ICANN
hosts a meeting in a different geographic region (as defined in the ICANN Bylaws).
ICANN 57, scheduled for 29 October 2016 - 4 November 2016, is to occur in the North
America geographic region. A call for recommendations for the location of the meeting
in North America was posted on 23 March 2015. Various parties sent a proposal to
ICANN.

The staff performed a thorough analysis of the proposals, as well as other venues, and
prepared a paper to identify those that met the Meeting Selection Criteria (see
http://meetings.icann.org/location-selection-criteria). Based on the proposals and
analysis, ICANN has identified San Juan, Puerto Rico as the location for ICANN 57.

The Board reviewed staff’s briefing for hosting the meeting in San Juan, Puerto Rico
and the determination that the proposal met the significant factors of the Meeting
Selection Criteria, as well as the related costs for facilities selected, for the October
2016 ICANN Public Meeting.

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 and venue of the
meeting. This action will have no impact on the security or the stability of the DNS.

The Board thanks all who recommended sites for the ICANN 57.
This is an Organizational Administrative function that does not require public comment.

Submitted by: Nick Tomasso
Position: VP, Meetings
Date Noted: 6 June 2015
Email: nick.tomasso@icann.org
TITLE: Refinement of second similarity review for the evaluation of the IDN ccTLD applications

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

The Board is being asked to solicit assessment of the second string similarity review conducted by the Extended Process Similarity Review Panel (EPSRP) from the Country Code Names Supporting Organization (ccNSO), based on the methodology followed, results reported and the public comments received. The appraisal should refine the second string similarity review process based on current experience, also taking into account the sustainability of such a process. The ccNSO should be asked to consult with Governmental Advisory Committee (GAC), Security and Stability Advisory Committee (SSAC) and other relevant stakeholders in this process.

The ccNSO developed and passed the recommendations for the Internationalized Domain Name (IDN) Country Code Top-Level Domain (ccTLD) string selection policy and the ccNSO Council requested the Board to include a two-panel process for string similarity evaluation. The Board resolved to update the IDN ccTLD Fast Track process to include the two-panel review process with the rationale to experiment with this new methodology for the selection of IDN ccTLD strings, thereby, informing the ccNSO Policy Development Process (PDP) while meeting the near-term demand for the introduction of IDN ccTLDs. On 5 November 2013, ICANN published an updated Final Implementation Plan for the IDN ccTLD Fast Track Process to allow for two phases of the string similarity review process, and subsequently formulated an independent Extended Process Similarity Review Panel (EPSRP) to undertake the second string similarity review following the guidelines developed. Three requesters for IDN ccTLD strings under the Fast Track process, who were eligible for review by the EPSRP, proceeded with the second string similarity review. The EPSRP completed the evaluation for each and submitted the corresponding reports to ICANN, which were also made public. For the three applications, the EPSRP conducted separate experiments for the applied-for string and what they determined as its upper case form.
According to the EPSRP, from a purely visual point of view, upper and lower case characters are different elements. Based on the results of the experiments the EPSRP provided a split recommendation: the lower-case string was not found to be confusingly similar, whereas the upper case was found to be confusingly similar to the strings being compared with. The Panel considered that the final decision on such cases, where only one of upper or lower case form of a given string was judged to be visually confusing, to be a policy matter. There is no guidance available on converting the split recommendation into a decision for the applied-for string.

The IDN ccTLD Fast Track process is currently undergoing its annual review. As part of this review, ICANN has received public comments which provide feedback on the methodology undertaken by EPSRP, the results reported by the Panel and how the split results should be interpreted.

The review of the process being solicited will be used to address pending cases undergoing evaluation in the IDN ccTLD Fast Track process for which final recommendation cannot be determined due to the split results provided by EPSRP and for any subsequent cases in the IDN ccTLD Fast Track process. The revised process from the ccNSO will also be used to inform the proposed policy for the selection of the IDN ccTLD strings.

**STAFF RECOMMENDATION:**

Staff recommends that the Board asks the ccNSO to review the Extended Process Similarity Review methodology and results based on the evaluation reports published by EPSRP and the public comments received during the annual review of the IDN ccTLD Fast Track process. The ccNSO should provide refined second similarity review process, which stipulates any changes in methodology and clear direction on how to manage split results reported by EPSRP. The refinement should be applied to the relevant pending and subsequent cases in the IDN ccTLD Fast Track process as well as inform the proposed IDN ccTLD policy. The ccNSO should finalize the refinements in consultation with other stakeholders, in particular the GAC and the SSAC. To accommodate the changes proposed by the ccNSO, these changes should be used to update the IDN ccTLD Fast Track process and applied to the proposed policy for the selection of IDN ccTLD strings.
PROPOSED RESOLUTION:

Whereas, the ICANN Board of Directors approved the Fast Track Implementation Plan on 30 October 2009 (http://www.icann.org/en/minutes/resolutions-30oct09-en.htm#2).

Whereas, the ccNSO developed and the ccNSO Council passed the recommendations for the IDN ccTLD String Selection Policy to include a two-panel process for string similarity evaluation (http://ccnso.icann.org/node/38787 [PDF, 119 KB]).

Whereas, ICANN has received multiple inputs and advice from the community calling for additional transparency and consistency of the string similarity evaluation, including Advice from the Governmental Advisory Committee.

Whereas, the ccNSO chairperson sent a request to the ICANN Board of Directors to implement the two-panel process for string similarity review in the IDN ccTLD Fast Track process.

Whereas, the ICANN Board of Directors approved the Update to IDN ccTLD Fast Track Implementation to implement the two-panel process for string similarity review in the IDN ccTLD Fast Track process on 27 June 2013 (https://www.icann.org/resources/board-material/resolutions-2013-06-27-en#2.a).

Whereas, the ICANN Board of Directors approved to allow for all pending requests for IDN ccTLD strings under the Fast Track process to have the option to request evaluation by the Extended Process Similarity Review Panel (EPSRP), if applicable.

Whereas, upon the request of the relevant applicants, the pending IDN ccTLD strings under the Fast Track process were evaluated by the EPSRP, and the EPSRP reports for the three applications were published with evaluation results on the ICANN website on 14 October 2014 (https://www.icann.org/resources/pages/epsrp-reports-2014-10-14-en).

Whereas, public feedback was received during the third annual review of the IDN ccTLD Fast Track process on issues related to the experimental methodology and results reported by the EPSRP on 17 March 2015 (https://www.icann.org/public-comments/idn-cctld-fast-track-2015-01-15-en).
Resolved (2015.06.25.xx), the Board asks the ccNSO, in consultation with other stakeholders, including GAC and SSAC, to provide further guidance on and refinement of the methodology of second string similarity review process, including the interpretation of its split recommendations, to be applied to the relevant current and subsequent cases in the IDN ccTLD Fast Track process as well as to inform the proposed policy for the selection of the IDN ccTLD strings.

PROPOSED RATIONALE:

Why the Board is addressing the issue?

On 5 November 2013, ICANN published an updated Final Implementation Plan for the IDN ccTLD Fast Track process (the Implementation Plan) with the changes required for the implementation of the two-panel string similarity review process, as resolved by the ICANN Board of Directors on 27 June 2013, in conjunction with Guidelines for the Extended Process Similarity Review Panel (the Guidelines) developed as per the Board resolution.

Based on the revision, three eligible IDN ccTLD Fast Track applicants exercised their option within the 90 day stipulated period, and requested second similarity review by the new Extended Process Similarity Review Panel (EPSRP). These included IDN ccTLD requests for Bulgaria (in Cyrillic), European Union (in Greek) and Greece (in Greek).

The second string similarity review by EPSRP, based on the Guidelines, has been completed and the Panel has submitted the corresponding reports to ICANN, which were shared with the applicants and published on the ICANN website on 14 October 2014, in accordance with the Implementation Plan and the Guidelines. For each application, the corresponding report includes a detailed description of the methodology and separate experimental results for confusion with the applied-for string and upper case form of the string as determined by the Panel, without an aggregated recommendation on acceptance or rejection of the string in the IDN ccTLD Fast Track application context, as the panel considers that, from a purely visual point of view, upper and lower case characters are different elements. Where the recommendations
by the panel are split, there are no explicit guidelines on how to deduce the aggregated recommendation, as the Panel considered the final decision to be a policy matter on cases where only one of upper or lower case for a given string was judged to be visually confusing.

Further, during the annual review of the IDN ccTLD Fast Track process, ICANN has received public comments which raise issues with the methodology followed by EPSRP and feedback on how to address split results.

The detailed methodology and the results published in the reports and the public comments provide the community an opportunity to refine the methodology for the second similarity review for the IDN ccTLD Fast Track process and for the proposed IDN ccTLD Policy, as intended by the resolution. This will also allow ICANN to determine how to close the one pending IDN ccTLD Fast Track application with split results reported by EPSRP.

**What is the proposal being considered?**

The Board’s action today asks the ccNSO, in consultation other with relevant stakeholders, including GAC and SSAC, to review and refine the second similarity review based on the methodology and results reported by the EPSRP and the public comments received. The refinement process needs to take into consideration, among other factors, both the GAC advice for a transparent process which is not “too conservative” as well as the security and stability concerns related to string similarity evaluation.

This will refine the current implementation of the IDN ccTLD Fast Track process and also inform the proposed IDN ccTLD policy, currently under consideration.

**Which stakeholders or others were consulted? What concerns or issues were raised by the community?**

The updated Final Implementation Plan for the IDN ccTLD Fast Track process and the subsequent Guidelines for the Extended Process Similarity Review Panel were developed at the request of the ccNSO. The revision has taken into account the experiences and reviews of the IDN ccTLD Fast Track process as well as the GAC.
Advice which suggested introducing a second transparent similarity review process for current and future IDN ccTLD applicants.

The annual review of the IDN ccTLD Fast Track process is open for the community, including the parties directly impacted by the second review by EPSRP. The public comments have been received by EURid, which is one of the affected parties.

What significant materials did the Board review?
The board has reviewed various materials and factors in its deliberations and in taking its action today. The relevant and significant materials include, but are not limited to, the following:

- **GAC Communique** – 28 Jun 2012
- **Final Report IDN ccNSO Policy Development Process** - 29 Mar 2013
- **ccNSO Council Meeting Beijing** - 10 Apr 2013
- **Final Implementation Plan for IDN ccTLD Fast Track Process** - 5 Nov. 2013
- **Guidelines for the Extended Process Similarity Review Panel (EPSRP) for the IDN ccTLD Fast Track Process** - 4 Dec. 2013
- **EPSRP-EvaluationReport-Bulgaria-Cyrillic** – 14 October 2014
- **EPSRP-EvaluationReport-EU-Greek** – 14 October 2014
- **EPSRP-EvaluationReport-Greece-Greek** – 14 October 2014
- **Public comments on the annual review of the IDN ccTLD Fast Track process** – 17 March 2015

What factors did the Board find to be significant?
The ccNSO IDN ccTLD Policy Development Process (PDP) has been submitted to the ICANN Board. One of the proposals under the expected policy recommendation is to introduce a two–panel mechanism for the confusing similarity review of requested IDN ccTLD strings. One of the objectives for the introduction of the IDN ccTLD Fast Track process is to experiment with the methodology for the selection of IDN ccTLD strings, amongst others, to inform the ccNSO PDP while meeting near-term demand for the introduction of IDN ccTLDs. The two-panel string similarity process, including the EPSRP as the second panel, was introduced within the Fast Track process to allow for testing and refining the second string similarity review process, if needed.
Further, though the Guidelines suggest that the independent EPSRP will provide an aggregated recommendation, the Panel has provided separate results for similarity of the applied-for string and its upper case form as determined by the Panel. The Panel did not aggregate these results into a single recommendation because based on their expert opinion upper and lower case characters are different visual elements. The Panel considered the final decision on split decision to be a policy matter.

Finally, the public comments received raise issues with the methodology followed by EPSRP and the scope of string similarity review.

Are there positive or negative community impacts? Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public?
The Board action has positive impact as it allows ccNSO to deliberate between the options, in consultation with other stakeholders, including GAC and SSAC, to refine the second string similarity review process. This discussion will also inform the proposed IDN ccTLD policy. There is no additional fiscal impact beyond what is already budgeted, if the eventual refinement can be implemented internally by ICANN.

Are there any security, stability or resiliency issues relating to the DNS?
The string similarity evaluation originates from the IDNC WG and the original Fast Track Implementation Plan. It was introduced to minimize the risk of end-user confusion due to similarity of a string with existing Top Level Domains, two letter country codes in ISO 3166-1 and other labels which have been applied for or reserved for the Root zone, as discussed in Section 5.5 of the Implementation Plan. Final Report - IDN ccNSO Policy Development Process proposes the following about the Confusing similarity of IDN ccTLD Strings:

A selected IDN ccTLD string should not be confusingly similar with:

1. Any combination of two ISO 646 Basic Version (ISO 646-BV) characters (letter [a-z] codes), nor
2. Existing TLDs or Reserved Names as referenced in the new gTLD Applicant Guidebook

The following supplemental rules provide the thresholds to solve any contention issues between the IDN ccTLD selection process and new gTLD process:
• A gTLD application that is approved by the ICANN Board will be considered an existing TLD unless it is withdrawn.
• A validated request for an IDN ccTLD will be considered an existing TLD unless it is withdrawn.

Minimizing the risk of end-user confusion has at least two distinct functions: (i) provide a predictable user experience, where user can unambiguously use a domain name “in common fonts, in small sizes at typical screen resolutions”, and (ii) contribute to a secure user experience, where user is protected from the possible spoofing and phishing threats.

**Is this either a defined policy process within ICANN’s Supporting Organizations or ICANN’s Organizational Administrative Function decision requiring public comment or not requiring public comment?**

The EPSRP process is introduced in the Fast Track process at the request of the ccNSO and following GAC Advice, pre-empting the adoption of the overall policy for selection of IDN ccTLD strings. Any changes proposed in the EPSRP mechanisms are subject to same public comment policy as its introduction within the Fast Track process.

**Signature Block:**

Submitted by: Cyrus Namazi
Position: Vice President, Domain Name Services & Industry Engagement, Global Domains Division
Date Noted: 9 June 2015
Email: cyrus.namazi@icann.org
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1. Consent Agenda:

a. Approval of Board Meeting Minutes

Resolved (2015.06.25.xx), the Board approves the minutes of the 26 April 2015 Meeting of the ICANN Board.

b. Appointment of B-Root Server Operator Representative to the RSSAC

Whereas, the ICANN Bylaws call for the establishment of a Root Server System Advisory Committee (RSSAC) with the role to advise the ICANN community and Board on matters relating to the operation, administration, security, and integrity of the Internet’s Root Server System.

Whereas, the ICANN Bylaws call for Board appointment of RSSAC members based on recommendations from the RSSAC Chairs. Whereas, the RSSAC Chairs recommended for Board consideration the appointment of Wes Hardaker to the RSSAC to represent the B-root server operator.

Resolved (2015.06.25.xx), the Board appoints Wes Hardaker as the representative for B-root server operator through 31 December 2017 to the Root Server System Advisory Committee.

Rationale for Resolution 2015.06.25.xx

In May 2013, the Root Server Operators (RSOs) agreed to an initial membership of RSO representatives for RSSAC, and each RSO nominated an individual. The Board approved the initial membership of RSSAC in July 2013 with staggered terms.

USC-ISI has named a new representative on behalf of B-root, and the RSSAC Co-Chairs have recommended this representative be formally
appointed to the RSSAC. The representative will serve the remaining time of the three-year term, which began on 1 January 2015.

The appointment of these RSSAC members is not anticipated to have any fiscal impact on ICANN, though there are budgeted resources necessary for ongoing support of the RSSAC.

This resolution is an organizational administrative function for which no public comment is required. The appointment of RSSAC members contributes to ICANN’s commitment to strengthening the security, stability and resiliency of the DNS.

c. SSAC Advisory on the Use of Static TLD / Suffix Lists

Whereas, on 28 May 2015, the ICANN Security and Stability Advisory Committee (SSAC) published SAC070: SSAC Advisory on the Use of Static TLD / Suffix Lists.

Whereas, in SAC 070, the advice investigates the security and stability needs surrounding the growing use of Public Suffix Lists (PSLs) on the Internet, and proposes a set of near term and long-term actions to address the fundamental design compromises of Public Suffix Lists.

Whereas, while in some instances these recommendations reflect actions not under ICANN’s control and actors not necessarily within ICANN’s usual community, they are meant to address the overall responsibilities of the multi-stakeholder community and encourage ICANN to take action where it is relevant to do so.

Whereas, ensuring the stable and secure operation of the Internet’s system of unique identifiers is the mission and strategic priority for ICANN; preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet is a core value for ICANN; improving the acceptance of TLDs is a strategic objective for the gTLD programme.
Resolved (2015.06.25.xx), the Board acknowledges the receipt of SAC070: SSAC Advisory on the Use of Static TLD / Suffix Lists.

Resolved (2015.06.25.xx), the Board directs the President and CEO, or his designee(s), to evaluate the advice provided in SAC070 and produce a recommendation to the Board regarding the acceptance of the advice, no later than 90 days from the adoption of this resolution.

Resolved (2015.06.25.xx), in the instances where it is recommended that the SSAC advice be accepted, the Board directs the President and CEO, or his designee(s), to evaluate the feasibility and cost of implementing the advice, and provide an implementation plan with timelines and high-level milestones for review by the Board, no later than 120 days from the adoption of this resolution.

Resolved (2015.06.25.xx), the Board encourages registries, registrars, the Universal Acceptance Initiative, and other entities such as the IETF, to consider the recommendations in SAC070 and work collaboratively to improve the situation with the growing use of Public Suffix Lists.

**Rationale for Resolutions 2015.06.25.xx-2015.06.25.xx**

A public suffix is defined as “a domain under which multiple parties that are unaffiliated with the owner of the Public Suffix domain may register subdomains.” Examples of Public Suffix domains include "org", "co.uk", "k12.wa.us" and "uk.com".

There is no programmatic way to determine the boundary where a DNS label changes stewardship from a public suffix, yet tracking the boundary accurately is critically important for security, privacy, and usability issues in many modern systems and applications, such as web browsers.

On 28 May 2014 the SSAC published SAC070: SSAC Advisory on the use of Static TLD / Suffix Lists. In this Advisory, the SSAC investigates
the security and stability needs surrounding the growing use of Public Suffix Lists (PSLs) on the Internet. Using Mozilla's PSL as an archetype to study the current landscape, the SSAC finds varied uses of PSLs. From the case study the SSAC also derives various potential difficulties with the contents of a PSL, as well as operational and administrative challenges surrounding the use and maintenance of a PSL.

In this advice, the SSAC first calls on the IETF and application community to directly address these fundamental design compromises by designing, standardizing and adopting alternative solutions. Second, because use of PSLs today are prevalent, and noting the time it takes for the IETF to standardize alternative solutions and the community to deploy them, the SSAC recommends a set of near-term measures to alleviate some of the higher risk issues with the current maintenance and use of PSLs.

The Board’s consideration of recommendations from Supporting Organizations and Advisory Committees in general, and for SAC070 in specific, needs to be informed by an analysis of both the substance of the advice as well as the feasibility and cost of implementing such advice that is deemed acceptable.

d. Adoption of the Framework of Interpretation for ccTLD Delegations and Redelegations

Whereas, the ccNSO Council established the Framework of Interpretation Working Group in March 2011 with the Governmental Advisory Committee (GAC) to develop guidance to ICANN on how to implement existing policies and guidelines applicable to the delegation and re-delegation of ccTLDs.

Whereas, in accordance with the charter, and after a long and intense consultation process of the working group, community and others, the Framework of Interpretation recommendations were finalized in
June 2014 at the London ICANN Meeting and submitted to the ccNSO and GAC to seek their acceptance of the recommendations.

Whereas, the Framework of Interpretation was approved by the ccNSO Council at its meeting on 11 February 2015.

Whereas, while the GAC has not formally approved the document, it considered the Working Group efforts as demonstrated in its 11 February 2015 Communiqué, and has not identified any recommendations that it does not support.

Whereas, implementation of the recommendations will benefit from community input, including the ccNSO as well as consultation on an implementation plan.

Resolved (2015.06.25.xx), the CEO (or his designee) is directed to develop an implementation plan for the recommendations for community consideration through a public comment, and to implement the plan when finalized.

Resolved (2015.06.25.xx), the Board requests the ccNSO to appoint as soon as possible a small advisory team of subject matter experts to remain available to assist ICANN staff on implementation questions that arise during the development of the implementation plan, and inform ICANN of the appointments.

**Rationale for Resolutions 2015.06.25.xx-2015.06.25.xx**

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

Based on its mandate the Framework of Interpretation Working Group developed a so-called framework of interpretation of current policy, to provide “a clear guide to IANA and the ICANN Board” on how ICANN is expected to interpret the current policies in its day-to-

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day operations. The work of the FOIWG resulted in a set of recommendations determined by the working group to be needed to provide clarity to ICANN’s processes. The Board is asked to ratify these recommendations now, following adoption of the recommendations by the ccNSO Council and non-objection from the Governmental Advisory Committee, and the formal communication of the recommendations to the Board in March 2015.

**What is the proposal being considered?**

The ccNSO recommends that the ICANN adopt the Framework of Interpretation and adopt the document as the specific guidance on the interpretation of the existing, applicable policies, in particular relating to areas such as obtaining and documenting consent, from significantly interested parties, and procedures for unconsented redelegations.²

In addition the ccNSO Council recommended the ICANN Board that certain documents including the GAC Principles 2000 (which the GAC superseded in 2005), ICANN’s ICP1 ([https://www.icann.org/resources/pages/delegation-2012-02-25-en](https://www.icann.org/resources/pages/delegation-2012-02-25-en)) and News Memo 1 ([http://www.iana.org/reports/1997/cctld-news-oct1997.html](http://www.iana.org/reports/1997/cctld-news-oct1997.html)) should be archived and considered no longer used by ICANN staff.³

**Which stakeholders or others were consulted?**

The FOIWG developed its initial recommendations in December 2011. As required by its charter, this interim report and recommendations were published and subject to public comment from the ICANN community. The overview of publication of main documents and

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² Quotations from the Final report of the FOIWG.
public consultations is included in the Final Report of the FOIWG (Annex F).

In order to keep the community abreast of the progress made, the FOIWG regularly published progress reports⁴, and provided updates and presented its findings to the ccTLD community and GAC during successive ICANN meetings since March 2011.

Finally, according to the charter of the FOIWG, the ccNSO and GAC would be requested to endorse or support each of the Recommendations of Interpretations Reports (on Consent, Significantly Interested Parties, and Revocation). As such the Recommendations for Interpretations on “Consent” was submitted to the ICANN Board of Directors in March 2012. However, taking into account the duration of the process and the need to ensure consistency across the sets of Recommendations of Interpretations, the ccNSO and GAC reached an understanding that endorsement or support would only be sought for the full set of Recommendations (http://ccnso.icann.org/workinggroups/foi-progress-report-02oct12-en.pdf). In October 2014 the ccNSO Council expressed its interim support of the FOIWG work, until such time the GAC made its position clear. The chairs of the ccNSO and FOIWG were requested to work with the Chair of the GAC and interested GAC members, to actively seek GAC support for the FOI (http://ccnso.icann.org/workinggroups/foi-adoption-final-20oct14-en.pdf). In February 2015 the ccNSO and GAC had a final, constructive exchange of views on issues raised by the FOIWG and the GAC noted the work of the ccNSO FOIWG, and its efforts to provide interpretive clarity to RFC 1591 and did not express it did not support the recommendations. (https://www.icann.org/en/system/files/correspondence/gac-to-board-11feb15-en.pdf) The ICANN Board of directors was informed accordingly.

⁴ The progress report are available at: http://ccnso.icann.org/workinggroups/foiwg.htm
What significant materials did the Board review?

The Board reviewed the following reports (see Annex A):


GAC Singapore Communiqué February 2015: [https://gacweb.icann.org/download/attachments/27132037/GAC_SINGAPORE52_COMMUNIQUE_FINAL2.pdf?version=1&modificationDate=1423724031000&api=v2](https://gacweb.icann.org/download/attachments/27132037/GAC_SINGAPORE52_COMMUNIQUE_FINAL2.pdf?version=1&modificationDate=1423724031000&api=v2)

What factors did the Board find to be significant?

The Board noted that according to the IANA Functions Contract between the US Government and ICANN, contract implementation issues or procedures relating to the contract were, been outside the scope of the working group. It is further noted that the recommendations do not amend, update or change current policies.

Are there positive or negative community impacts?

The recommendations are expected to have a positive community impact through implementing desired clarifications to the relevant procedures as the result of thoughtful analysis by the working group. In particular, the recommendations provide specific detail on aspects of processing that are expected to provide clarity to those involved in delegation and redelegation processes.

Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public?
Implementing the Framework of Interpretation would be lead by the IANA Department. Initially it will require development of an implementation plan. Following agreement on the process, the implementation itself will require development of enhancements to existing systems, updated internal documentation, and the training and testing of that documentation and revised systems among the staff involved in processing such requests. It will also require staff resources to liaise with the community to clarify specific implementation details of the FOI recommendations; staff to develop enhanced software, tools, and programs for report generation; and support from the Communications department to assist in the communication plan. Aspects of the recommendations pertain to legal matters (such as obtaining valid consent that is properly documented) and therefore the IANA department will require dialogue with ICANN’s legal team and possibly other experts to properly capture appropriate implementation details.

It is noted that some aspects of the recommendations may be informed by developments in the overall stewardship of the IANA functions. While the intention is to develop an implementation that suits the current oversight environment by the NTIA, the implementation may need reconsideration in light of changes beyond a transition.

e. March 2016 ICANN Meeting Venue Contracting

Whereas, ICANN intends to hold its first Public Meeting of 2016 in the Africa region.

Whereas, Marrakech, Morocco has already been selected for the site for the March 2016 ICANN Meeting.

Resolved (2015.06.25.xx), the Board authorizes the President and CEO, or his designee(s), to engage in and facilitate all necessary contracting and disbursements for the host venue for the March 2016
ICANN Public Meeting in Marrakech, Morocco, in an amount not to exceed Confidential Negotiation Information

Resolved (2014.06.25.xx), specific items within this resolution shall remain confidential for negotiation purposes pursuant to Article III, section 5.2 of the ICANN Bylaws until the President and CEO determines that the confidential information may be released.

Rationale for Resolutions 2015.06.25.xx-2015.06.25.xx

As part of ICANN’s Public Meeting schedule, presently three times a year ICANN hosts a meeting in a different geographic region (as defined in the ICANN Bylaws). ICANN 55, scheduled for 5-10 March 2016, is to occur in the Africa geographic region. Since the February 2015 ICANN Public Meeting originally scheduled to be held in Marrakech, Morocco was moved to Singapore, ICANN determined to hold the March 2016 ICANN Public Meeting in Marrakech, Morocco.

The staff performed a thorough analysis of the venue to ensure that it met the major elements in the Meeting Selection Criteria (see http://meetings.icann.org/location-selection-criteria). Based on that analysis, ICANN has identified the venue for ICANN 55.

The Board reviewed staff’s briefing for hosting the meeting in Marrakech, Morocco and that the proposal met the significant factors of the Meeting Selection Criteria, as well as the related costs for selected venue, for the March 2016 ICANN Public Meeting.

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 and venue of the meeting. This action will have no impact on the security or the stability of the DNS.

This is an Organizational Administrative function that does not require public comment.
f. October 2016 ICANN Meeting Venue Contracting

Whereas, ICANN intends to hold its third Public Meeting of 2016 in the North America region.

Whereas, staff has completed a thorough review of the proposed venues in North America and finds the one in San Juan, Puerto Rico to be the most suitable.

Resolved (2015.06.25.xx), the Board authorizes the President and CEO, or his designee(s), to engage in and facilitate all necessary contracting and disbursements for the host hotel for the October 2016 ICANN Public Meeting in San Juan, Puerto Rico, in an amount not to exceed Confidential Negotiation Information, and that the October 2016 ICANN Public Meeting be designated as the 2016 Annual Meeting.

Resolved (2014.06.25.xx), specific items within this resolution shall remain confidential for negotiation purposes pursuant to Article III, section 5.2 of the ICANN Bylaws until the President and CEO determines that the confidential information may be released.

Rationale for Resolutions 2015.06.25.xx – 2015.06.25.xx

As part of ICANN’s Public Meeting schedule, presently three times a year ICANN hosts a meeting in a different geographic region (as defined in the ICANN Bylaws). ICANN 57, scheduled for 29 October 2016 - 4 November 2016, is to occur in the North America geographic region. A call for recommendations for the location of the meeting in North America was posted on 23 March 2015. Various parties sent a proposal to ICANN.

The staff performed a thorough analysis of the proposals, as well as other venues, and prepared a paper to identify those that met the Meeting Selection Criteria (see http://meetings.icann.org/location-
Based on the proposals and analysis, ICANN has identified San Juan, Puerto Rico as the location for ICANN 57.

The Board reviewed staff’s briefing for hosting the meeting in San Juan, Puerto Rico and the determination that the proposal met the significant factors of the Meeting Selection Criteria, as well as the related costs for facilities selected, for the October 2016 ICANN Public Meeting.

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 and venue of the meeting. This action will have no impact on the security or the stability of the DNS.

The Board thanks all who recommended sites for the ICANN 57.

This is an Organizational Administrative function that does not require public comment.

**g. Approval of Payment of Certain CWG-Stewardship Related Legal Costs**

Whereas, the Cross Community Working Group to Develop an IANA Stewardship Transition Proposal on Naming Related Functions (CWG) identified that it required external legal advice to develop its proposal in support of the IANA Stewardship Transition Work, and after a detailed selection process, in March 2015 Sidley Austin LLP was retained to provide that advice.

Whereas, ICANN is responsible for the payment of fees for Sidley Austin LLP’s advice to the CWG as called for within the engagement.

Whereas, ICANN is in receipt of an invoice for $508,624.98 from Sidley Austin LLP for professional services rendered and expenses incurred through March 31, 2015 for the CWG-Stewardship.
Whereas, the Board Finance Committee recommends that funds be disbursed to Sidley Austin LLP in payment of that invoice.

Whereas, the Board remains committed to supporting the community in obtaining the advice it needs in developing recommendations in support of the transition process, and also notes the importance of making sure that the funds entrusted to ICANN by the community are used in responsible and efficient ways. Assuring the continuation of cost-control measures over the future work of the independent counsel is encouraged.

Resolved (2015.06.25.xx) the Board approves the payment of $508,624.98 to Sidley Austin LLP for professional services rendered and expenses incurred through March 31, 2015 for the CWG-Stewardship and directs ICANN to take all steps necessary to make the appropriate payments.

Rationale for Resolution 2015.06.25.xx

As part of the work towards developing a proposal for the transition of the stewardship of the IANA Functions, the Cross Community Working Group Develop an IANA Stewardship Transition Proposal on Naming Related Functions (CWG) identified that it required external counsel to advise on aspects of its proposal. ICANN, in support of the transition proposal process, agreed to provide the CWG with external counsel. Members of the CWG, together with members of ICANN legal, identified the appropriate skill set needed for the CWG needs, and then identified a shortlist of firms that retained the requisite corporate governance and corporate structuring skill set. A group of approximately 7 firms was identified, and after availability and conflict considerations, CWG and ICANN then agreed to conduct jointly conduct interviews with three firms with national reputations in the U.S., as well as presence abroad. After those interviews, the CWG and ICANN agreed upon the retention of Sidley Austin LLP to provide advice and consult exclusively with the CWG regarding governance
and the development of structures and/or solutions for enhancing accountability of the performance of the IANA functions relations relating to the IANA Stewardship Transition. Sidley agreed to discount its fees by 15% for this work. Sidley was retained at the beginning of March 2015, and has participated in the CWG work since.

The invoice for professional services rendered through March 31, 2015 and expenses incurred is of a level that must be approved by the Board for disbursement, in keeping with ICANN’s Contracting and Disbursement Policy. As a result, the Board’s taking this action today is in support of the ICANN community and processes, as well as in compliance with the Contracting and Disbursement Policy.

This invoice will be funded through the budget allocated for the IANA Stewardship Transition work, as previously approved by the Board. While this represents a significant amount of funds, the payment of this bill supports the hours of community work that were reliant upon receiving the counsel input, and also is in furtherance of ICANN’s support of the community work towards to the transition process. The attorneys’ work is still ongoing, more invoices will be forthcoming, and it remains important for ICANN to support the community in getting the advice it needs as the transition-related recommendations are developed. As the funds that ICANN is spending are funds entrusted to it by the public, the Board notes how important it is for all involved in the oversight of the attorney work to make sure that the future work of counsel be continue to monitored closely to make sure that community funds are used responsibly and efficiently. There are no anticipated impacts to the security, stability or resiliency of the Internet DNS as a result of this action.

h. Thank You to Departing Community Members

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, the following member of the At-Large Community is concluding his terms of service:

- Evan Leibovich – NARALO Secretary, At-Large New gTLD Working Group Chair and At-Large Future Challenges Working Group Co-Chair

Resolved (2015.06.25.xx), Evan Leibovich has earned the deep appreciation of the Board for his term of service, and the Board wishes him well in his future endeavors within the ICANN community and beyond.

Whereas, the following member of the Public Safety Working Group (PSWG), a sub-group under the Governmental Advisory Committee (GAC) is concluding his term of service:

- Richard “Dick” Leaning – Public Safety Working Group

Resolved (2015.06.25.xx), Dick Leaning has earned the deep appreciation of the Board for his term of service, and the Board wishes him well in his future endeavors within the ICANN community and beyond.

Whereas, the following member of the Registrars Stakeholder Group is recognized for his service:

- Robert Connelly – in Memoriam – Founder of CORE
Resolved (2015.06.25.xx), Robert Connelly has earned the deep appreciation of the Board for his term of service.

i. Thank You to Sponsors of ICANN 53 Meeting

The Board wishes to thank the following sponsors: (Need to fill in once final)

j. Thank You to Interpreters, Staff, Event and Hotel Teams of ICANN 53 Meeting

The Board expresses its deepest appreciation to the scribes, interpreters, audiovisual team, technical teams, and 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 Sheraton Buenos Aires Hotel & Convention Center for providing a wonderful facility to hold this event. Special thanks are extended to George Handley, Director of Sales, Federico Scoffano, Banquet Sales Manager, Mariana Cordiano, Banquet Coordinator, Javier González Alemán, Executive Chef, Loreley Ciardonei, Banquet Coordinator and Pablo Rago, Group Coordinator. The Board would also like to thank the management and staff of the Plaza Hotel. Special thanks are extended to María Verónica Rimolo, Event Manager, and Florencia Picca, International Sales Manager. Lastly, the Board would like to thank the management and staff of the Melia Hotel. Special thanks are given to Estefania Bonofiglio, Supervisor of Reservations, and Julieta Giusti, Insider Sales Executive.

k. Thank You to Local Hosts of ICANN 53 Meeting

The Board wishes to extend its thanks to the local host organizer, NIC.AR, for its support. Special thanks are extended to Gabriel Brenta, National Director, Carlos Liuzzi, Chief, International Liaison Unit, Lucila
Abate, Unit of International Liaison, and the entire NIC Argentina staff.

The Board also extends thanks to Mr. Anibal Fernandez, Chief of the Cabinet of Ministers of Argentina, for his support of and participation in the meeting.

2. **Main Agenda:**

   a. **Refinement of second similarity review for the evaluation of the IDN ccTLD applications**

   Whereas, the ICANN Board of Directors approved the Fast Track Implementation Plan on 30 October 2009 ([http://www.icann.org/en/minutes/resolutions-30oct09-en.htm#2](http://www.icann.org/en/minutes/resolutions-30oct09-en.htm#2)).

   Whereas, the ccNSO developed and the ccNSO Council passed the recommendations for the IDN ccTLD String Selection Policy to include a two-panel process for string similarity evaluation ([http://ccnso.icann.org/node/38787](http://ccnso.icann.org/node/38787) [PDF, 119 KB]).

   Whereas, ICANN has received multiple inputs and advice from the community calling for additional transparency and consistency of the string similarity evaluation, including Advice from the Governmental Advisory Committee.

   Whereas, the ccNSO chairperson sent a request to the ICANN Board of Directors to implement the two-panel process for string similarity review in the IDN ccTLD Fast Track process.

   Whereas, the ICANN Board of Directors approved the Update to IDN ccTLD Fast Track Implementation to implement the two-panel process for string similarity review in the IDN ccTLD Fast Track process on 27
June 2013 ([https://www.icann.org/resources/board-material/resolutions-2013-06-27-en#2.a](https://www.icann.org/resources/board-material/resolutions-2013-06-27-en#2.a)).

Whereas, the ICANN Board of Directors approved to allow for all pending requests for IDN ccTLD strings under the Fast Track process to have the option to request evaluation by the Extended Process Similarity Review Panel (EPSRP), if applicable.

Whereas, upon the request of the relevant applicants, the pending IDN ccTLD strings under the Fast Track process were evaluated by the EPSRP, and the EPSRP reports for the three applications were published with evaluation results on the ICANN website on 14 October 2014 ([https://www.icann.org/resources/pages/epsrp-reports-2014-10-14-en](https://www.icann.org/resources/pages/epsrp-reports-2014-10-14-en)).

Whereas, public feedback was received during the third annual review of the IDN ccTLD Fast Track process on issues related to the experimental methodology and results reported by the EPSRP on 17 March 2015 ([https://www.icann.org/public-comments/idn-cctld-fast-track-2015-01-15-en](https://www.icann.org/public-comments/idn-cctld-fast-track-2015-01-15-en)).

Resolved (2015.06.25.xx), the Board asks the ccNSO, in consultation with other stakeholders, including GAC and SSAC, to provide further guidance on and refinement of the methodology of second string similarity review process, including the interpretation of its split recommendations, to be applied to the relevant current and subsequent cases in the IDN ccTLD Fast Track process as well as to inform the proposed policy for the selection of the IDN ccTLD strings.

**Rationale for Resolution 2015.06.25.xx**

**Why the Board is addressing the issue?**
On 5 November 2013, ICANN published an updated Final Implementation Plan for the IDN ccTLD Fast Track process (the Implementation Plan) with the changes required for the implementation of the two-panel string similarity review process, as resolved by the ICANN Board of Directors on 27 June 2013, in conjunction with Guidelines for the Extended Process Similarity Review Panel (the Guidelines) developed as per the Board resolution. Based on the revision, three eligible IDN ccTLD Fast Track applicants exercised their option within the 90 day stipulated period, and requested second similarity review by the new Extended Process Similarity Review Panel (EPSRP). These included IDN ccTLD requests for Bulgaria (in Cyrillic), European Union (in Greek) and Greece (in Greek).

The second string similarity review by EPSRP, based on the Guidelines, has been completed and the Panel has submitted the corresponding reports to ICANN, which were shared with the applicants and published on the ICANN website on 14 October 2014, in accordance with the Implementation Plan and the Guidelines. For each application, the corresponding report includes a detailed description of the methodology and separate experimental results for confusion with the applied-for string and upper case form of the string as determined by the Panel, without an aggregated recommendation on acceptance or rejection of the string in the IDN ccTLD Fast Track application context, as the panel considers that, from a purely visual point of view, upper and lower case characters are different elements. Where the recommendations by the panel are split, there are no explicit guidelines on how to deduce the aggregated recommendation, as the Panel considered the final decision to be a policy matter on cases where only one of upper or lower case for a given string was judged to be visually confusing.

Further, during the annual review of the IDN ccTLD Fast Track process, ICANN has received public comments, which raise issues with the
methodology followed by EPSRP and feedback on how to address split results.

The detailed methodology and the results published in the reports and the public comments provide the community an opportunity to refine the methodology for the second similarity review for the IDN ccTLD Fast Track process and for the proposed IDN ccTLD Policy, as intended by the resolution. This will also allow ICANN to determine how to close the one pending IDN ccTLD Fast Track application with split results reported by EPSRP.

**What is the proposal being considered?**

The Board’s action today asks the ccNSO, in consultation other with relevant stakeholders, including GAC and SSAC, to review and refine the second similarity review based on the methodology and results reported by the EPSRP and the public comments received. The refinement process needs to take into consideration, among other factors, both the GAC advice for a transparent process which is not “too conservative” as well as the security and stability concerns related to string similarity evaluation.

This will refine the current implementation of the IDN ccTLD Fast Track process and also inform the proposed IDN ccTLD policy, currently under consideration.

**Which stakeholders or others were consulted? What concerns or issues were raised by the community?**

The updated Final Implementation Plan for the IDN ccTLD Fast Track process and the subsequent Guidelines for the Extended Process Similarity Review Panel were developed at the request of the ccNSO. The revision has taken into account the experiences and reviews of the IDN ccTLD Fast Track process as well as the GAC Advice which
suggested introducing a second transparent similarity review process for current and future IDN ccTLD applicants.

The annual review of the IDN ccTLD Fast Track process is open for the community, including the parties directly impacted by the second review by EPSRP. The public comments have been received by EURid, which is one of the affected parties.

What significant materials did the Board review?

The board has reviewed various materials and factors in its deliberations and in taking its action today. The relevant and significant materials include, but are not limited to, the following:

- GAC Communiqué – 28 Jun 2012
- Final Report IDN ccNSO Policy Development Process - 29 Mar 2013
- ccNSO Council Meeting Beijing - 10 Apr 2013
- Final Implementation Plan for IDN ccTLD Fast Track Process - 5 Nov. 2013
- EPSRP-EvaluationReport-EU-Greek – 14 October 2014
- EPSRP-EvaluationReport-Greece-Greek – 14 October 2014
- Public comments on the annual review of the IDN ccTLD Fast Track process – 17 March 2015

What factors did the Board find to be significant?

The ccNSO IDN ccTLD Policy Development Process (PDP) has been submitted to the ICANN Board. One of the proposals under the expected policy recommendation is to introduce a two–panel mechanism for the confusing similarity review of requested IDN ccTLD
strings. One of the objectives for the introduction of the IDN ccTLD Fast Track process is to experiment with the methodology for the selection of IDN ccTLD strings, amongst others, to inform the ccNSO PDP while meeting near-term demand for the introduction of IDN ccTLDs. The two-panel string similarity process, including the EPSRP as the second panel, was introduced within the Fast Track process to allow for testing and refining the second string similarity review process, if needed.

Further, though the Guidelines suggest that the independent EPSRP will provide an aggregated recommendation, the Panel has provided separate results for similarity of the applied-for string and its upper case form as determined by the Panel. The Panel did not aggregate these results into a single recommendation because based on their expert opinion upper and lower case characters are different visual elements. The Panel considered the final decision on split decision to be a policy matter.

Finally, the public comments received raise issues with the methodology followed by EPSRP and the scope of string similarity review.

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

The Board action has positive impact as it allows ccNSO to deliberate between the options, in consultation with other stakeholders, including GAC and SSAC, to refine the second string similarity review process. This discussion will also inform the proposed IDN ccTLD policy. There is no additional fiscal impact beyond what is already budgeted, if the eventual refinement can be implemented internally by ICANN.
Are there any security, stability or resiliency issues relating to the DNS?

The string similarity evaluation originates from the IDNC WG and the original Fast Track Implementation Plan. It was introduced to minimize the risk of end-user confusion due to similarity of a string with existing Top Level Domains, two letter country codes in ISO 3166-1 and other labels which have been applied for or reserved for the Root zone, as discussed in Section 5.5 of the Implementation Plan. Final Report - IDN ccNSO Policy Development Process proposes the following about the Confusing similarity of IDN ccTLD Strings:

A selected IDN ccTLD string should not be confusingly similar with:

1. Any combination of two ISO 646 Basic Version (ISO 646-BV) characters (letter [a-z] codes), nor
2. Existing TLDs or Reserved Names as referenced in the new gTLD Applicant Guidebook

The following supplemental rules provide the thresholds to solve any contention issues between the IDN ccTLD selection process and new gTLD process:

• A gTLD application that is approved by the ICANN Board will be considered an existing TLD unless it is withdrawn.
• A validated request for an IDN ccTLD will be considered an existing TLD unless it is withdrawn.

Minimizing the risk of end-user confusion has at least two distinct functions: (i) provide a predictable user experience, where user can unambiguously use a domain name “in common fonts, in small sizes at typical screen resolutions”, and (ii) contribute to a secure user
experience, where user is protected from the possible spoofing and phishing threats.

**Is this either a defined policy process within ICANN’s Supporting Organizations or ICANN’s Organizational Administrative Function decision requiring public comment or not requiring public comment?**

The EPSRP process is introduced in the Fast Track process at the request of the ccNSO and following GAC Advice, pre-empting the adoption of the overall policy for selection of IDN ccTLD strings. Any changes proposed in the EPSRP mechanisms are subject to same public comment policy as its introduction within the Fast Track process.

**b. FY16 Budget Approval**

Whereas, the draft FY16 Operating Plan and Budget was posted for public comment in accordance with the Bylaws on 18 March 2015, which was based upon community consultations, and consultations throughout ICANN staff and the Board Finance Committee, during the current fiscal year.

Whereas, public comments received from the public comment forum were discussed during several calls with the representatives of the ICANN bodies that submitted them to help ensure an adequate understanding was obtained and appropriate consideration was given to them.

Whereas, the public comments received were taken into account to determine required revisions to the draft FY16 Operating Plan and Budget.

Whereas, in addition to the public comment forum, ICANN actively solicited community feedback and consultation with the ICANN
Community by other means, including conference calls, meetings in Singapore and email communications.

Whereas, the Board Finance Committee (BFC) has discussed, and guided staff on, the development of the FY16 Operating Plan and Budget at each of its recent regularly scheduled meetings.

Whereas, the BFC met on 12 June 2015 to review and discuss the suggested changes resulting from public comment, and the final FY16 Operating Plan and Budget, and recommended that the Board adopts the FY16 Operating Plan and Budget.

Whereas, per section 3.9 of the 2001, 2009 and 2013 Registrar Accreditation Agreements, respectively, the Board is to establish the Registrar Variable Accreditation Fees, which must be established in order to develop the annual budget.

Whereas, the description of the Registrar fees, including the recommended Registrar Variable Accreditation Fees, for FY16 has been included in the FY16 Operating Plan and Budget.

Resolved (2015.06.25.xx), the Board adopts the FY16 Operating Plan and Budget (Upon adoption, INSERT URL HERE) and in doing so establishes the Variable Accreditation Fees (per registrar and transaction) as set forth in the FY16 Operating Plan and Budget.

**Rationale for Resolution 2015.06.25.xx**

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 18 March 2015, a draft of the FY16 Operating Plan and Budget was posted for public comment. This version was based on numerous discussions with members of the senior ICANN Management, and extensive consultations with ICANN Supporting
Organizations, Advisory Committees, and other stakeholder groups throughout the prior several months. Intervening activities, and comments received from the public comment forum resulted in some revisions to the 18 March 2015 draft FY16 Operating Plan and Budget.

All comments received in all manners were considered in developing the final version of the FY16 Operating Plan and Budget, and where feasible and appropriate have been adopted.

In addition to the day-to-day operational requirements, the FY16 Operating Plan and Budget includes the FY16 new gTLD budget items and amounts allocated to various FY16 budget requests received from community leadership. The annual budget also discloses the impacts of the New gTLD Program. Further, because the Registrar Variable Accreditation Fee is key to the development of the budget, the FY16 Operating Plan and Budget sets out and establishes those fees, which are consistent with recent years, and will be reviewed for approval by the Registrars.

This FY16 Operating Plan and Budget will have a positive impact in that it provides a proper framework by which ICANN will be managed and operated. It also provides the basis for the organization to be held accountable in a transparent manner. 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.

This is an Organizational Administrative Function that has already been subject to public comment as noted above.

c. AOB
Directors and Liaisons,

Attached below please find Notice of date and time for a Regular Meeting of the ICANN Board of Directors:

25 June 2015 – Regular Meeting of the ICANN Board of Directors - at 20:30 UTC (5:30pm – 6:30pm in Buenos Aires). This Board meeting is estimated to last approximately 60 minutes (if needed) following the conclusion of the ICANN Public Forum.

http://www.timeanddate.com/worldclock/fixedtime.html?msg=Regular+Meeting+of+the+ICANN+Board&iso=20150625T1730&p1=51&ah=1

Some other time zones:
25 June 2015 – 1:30pm Los Angeles, CA PDT
25 June 2015 – 4:30pm Washington, D.C. EDT
25 June 2015 – 9:30pm London BST
25 June 2015 – 10:30pm Brussels CEST
26 June 2015 – 4:30am Taipei CST

Consent Agenda:

- Approval of Minutes from 26 April 2015
- Appointment of B-Root Server Operator Representative to the RSSAC
- SSAC Advisory on the Use of Static TLD / Suffix Lists
- Adoption of the Framework of Interpretation (FoI) for ccTLD Delegations and Redelegations
- March 2016 ICANN Meeting Venue Contracting
- October 2016 ICANN Meeting Venue Contracting
- Approval of Payment of Certain CWG-Stewardship Related Legal Costs
- Thank you to Departing Community Members
- Thank You to Sponsors of ICANN 53 Meeting
- Thank You to Interpreters, Staff, Event & Hotel Teams of ICANN 53 Meeting
- Thank You to Local Hosts of ICANN 53 Meeting

Main Agenda
• Refinement of second similarity review for the evaluation of the IDN ccTLD applications
• FY16 Operating Plan and Budget
• AOB

MATERIALS –

If you have trouble with access, please let us know and we will work with you to assure that you can use the BoardVantage Portal for this meeting.

If call information is required, it will be distributed separately.

If you have any questions, or we can be of assistance to you, please let us know.

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