

ICANN BOARD PAPER NO. 2018-02-04-1b

TITLE: **Appointment of Barry Leiba and Chris Roosenraad to the Security and Stability Advisory Committee**

PROPOSED ACTION: **Resolution For Consent Agenda**

EXECUTIVE SUMMARY:

The Chair of the Security and Stability Advisory Committee (SSAC) respectfully requests the appointment of Barry Leiba and Chris Roosenraad as new Committee members.

COMMITTEE RECOMMENDATION:

The Committee desires the appointment of Barry Leiba and Chris Roosenraad to the SSAC.

PROPOSED RESOLUTION:

Whereas, the Security and Stability Advisory Committee (SSAC) reviews its membership and makes adjustments from time-to-time.

Whereas, the SSAC Membership Committee, on behalf of the SSAC, requests that the Board appoint Barry Leiba and Chris Roosenraad to the SSAC for three-year terms beginning immediately upon approval of the Board and ending on 31 December 2020.

Resolved (2018.02.04.xx), the Board appoints Barry Leiba and Chris Roosenraad to the SSAC for three-year terms beginning immediately upon approval of the Board and ending on 31 December 2020.

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 naming and address allocation systems.

The SSAC's continued operation as a competent body is dependent on the accumulation of talented subject matter experts who have consented to volunteer their time and energies to the execution of the SSAC mission.

Many of the SSAC members have known Barry Leiba from his extensive work in the IETF, including being working group chair, being Applications Area Director, serving on the Internet Architecture Board. He brings significant expertise in Internet messaging and messaging-related standards, more broadly application layer protocols and the security and privacy aspects of them. He has a strong background in internationalization issues. Chris Roosenraad has participated extensively in the Messaging, Malware and Mobile Anti-Abuse Working Group (MAAWG). He has been active with the Technology Coalition and advising the US Government through the Federal Communications Commission (FCC) Communications Security, Reliability and Interoperability Council (CSRIC) process. He has extensive experience managing some of the largest Internet infrastructure services, including DNS, DHCP, email, and identity management.

The SSAC believes Barry Leiba and Chris Roosenraad would be significant contributing members of the SSAC.

This resolution is an organizational administrative function for which no public comment is required. The appointment of SSAC members is in the public interest and in furtherance of ICANN's mission as it contributes to the commitment of the ICANN to strengthen the security, stability, and resiliency of the DNS.

Submitted by: Ram Mohan
Position: Liaison to the ICANN Board from the Security & Stability
Advisory Committee
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ICANN BOARD OF DIRECTORS

SUBMISSION NO. 2018-02-04-1c

TITLE: **RSSAC Co-Chair Appointment**

PROPOSED ACTION: **For Consent Agenda**

EXECUTIVE SUMMARY:

According to Article 12, Section 2, Subsection C (ii) of the ICANN Bylaws, the ICANN Board of Directors shall appoint the co-chairs and the members of the Root Server System Advisory Committee (RSSAC). On 5 December 2017, the RSSAC conducted an election for one co-chair position and re-elected Brad Verd of Verisign, (A/J-root server operator organization) to a final two-year term as co-chair. Tripti Sinha of the University of Maryland (D-root server operator organization) will continue to serve as the other co-chair for the second year of her final two-year term.

RSSAC RECOMMENDATION:

The RSSAC recommends the Board of Directors appoint Brad Verd as co-chair of RSSAC.

PROPOSED RESOLUTION:

Whereas, Article 12, Section 2, Subsection C (ii) of the Bylaws states that the Board of Directors shall appoint the co-chairs and members of the RSSAC.

Whereas, on 5 December 2017, the RSSAC conducted an election for one co-chair position and re-elected Brad Verd of Verisign (A/J-root server operator organization) to a final two-year term as co-chair.

Whereas, the RSSAC requests Board of Directors action with respect to the appointment of its co-chair.

Resolved (2018.02.04.XX) the Board of Directors accepts the recommendation of the RSSAC and appoints Brad Verd as co-chair of RSSAC and extends its best wishes on this important role.

RATIONALE FOR RESOLUTION:

The ICANN Bylaws call for the ICANN Board to appoint the RSSAC Co-Chairs as selected by the membership of the RSSAC. The appointment of RSSAC Co-Chairs will allow the RSSAC to be properly composed to serve its function as an advisory committee.

The appointment of the RSSAC Co-Chairs is not anticipated to have any fiscal impact on the ICANN organization that has not already been accounted for in the budgeted resources necessary for ongoing support of the RSSAC.

This is an organizational administrative function for which no public comment is required.

Submitted by:	Kaveh Ranjbar
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ICANN BOARD PAPER No. 2018-01-02-04-1d

TITLE: **Contracting and Disbursement Authorization for Lease Renewal in Singapore**

PROPOSED ACTION: **For Board Approval**

EXECUTIVE SUMMARY:

ICANN has established a Regional Office in Singapore. To support ICANN's globalization goal and continue the accommodation of the current and projected number of personnel in the Singapore office, it is necessary to renew the lease of the current facility for an additional three years. Since the obligations under the lease renewal will exceed ^{Confidential Negotiation Information} this action requires Board approval (see <https://www.icann.org/resources/pages/signing-authority-2012-02-25-en>). Reference Materials to this paper summarize the steps taken to identify and evaluate the estimated renewal cost of the ICANN Singapore Regional Office.

ORGANIZATION AND BOARD FINANCE COMMITTEE (BFC)

RECOMMENDATION (*Subject to BFC approval*):

ICANN Org recommends that the Board authorizes the President and CEO, or his designee(s), to take all necessary actions to execute the lease renewal for the current office facility in Singapore, as reflected in the Reference Materials to this Paper, and make all necessary disbursements pursuant to that lease. The BFC has recommended that the amount of the Singapore lease renewal is reasonable and properly captured in the draft FY19 Budget.

PROPOSED RESOLUTION:

Whereas, ICANN has maintained a Regional Office in Singapore, since 2013; the lease for the current office space expires in 2018,

Whereas, ICANN org has evaluated the options to renew the existing lease, or to move to another suitable location,

Whereas, during its meeting on 12 January 2018, the Board Finance Committee (BFC) reviewed the financial implications of the options evaluated for the ICANN Regional Office in Singapore.

Whereas, ICANN Org has recommended that the Board authorize the President and CEO, or his designee(s), to take all actions necessary to execute the lease renewal for the current office facility in Singapore, as reflected in the Reference Materials to this Paper, and make all necessary disbursements pursuant to that lease.

Whereas, the BFC has determined that the proposal for renewing the lease of the existing Singapore Regional Office is reasonable and properly reflected in the draft FY19 budget.

Resolved (2018.02.xx.xx), the Board authorizes the President and CEO, or his designee(s), to take all necessary actions to execute the lease renewal for the current office facility in Singapore, as reflected in the Reference Materials to this Paper, and make all necessary disbursements pursuant to that lease.

Resolved (2018.02.xx.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:

To support its globalization strategy, ICANN established a Regional Office in Singapore to better service its stakeholders. To further show ICANN's commitment to its globalization strategy, and meet the demand for increased space to accommodate the projected growth of ICANN Org in Singapore, a three-year lease beginning October 2015 with South Beach Tower was signed. The Singapore office was moved from a serviced office to a more permanent facility. The current lease expires on 30 September 2018, and ICANN Org and the Board Finance Committee (BFC) propose that ICANN Org renew the lease for an additional three years.

ICANN Org has conducted a market review and performed a cost analysis of renewing the lease versus relocating to another location, and finds lease renewal to be a more viable and cost-effective solution.

The Board reviewed ICANN Org's and the Board Finance Committee's recommendations for renewing the current lease for an additional three years and the determination that the proposal met the financial and business requirements of the organization.

Taking this decision is both consistent with ICANN's Mission and in the public interest as having a Regional Office in the Asia Pacific region helps serve ICANN's stakeholders in a more efficient and effective manner.

There will be a financial impact on ICANN to renew the current lease for an addition three years. This impact is currently included in the FY19 Draft Operating Plan and Budget that is pending Board approval.

This decision will have no direct impact on the security or the stability of the domain name system.

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

Submitted by: Jia-Rong Low
Position: Vice President, Stakeholder Engagement & Managing
Director – Asia Pacific
Date Noted: 2 January 2018
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ICANN BOARD PAPER No. 2018-02-04-1e

TITLE: **Contracting and Disbursement Authorization for an Updated Lease in Brussels**

PROPOSED ACTION: **For Board Approval**

EXECUTIVE SUMMARY:

ICANN has established a Regional Office in Brussels. To support ICANN's globalization goal and continue the accommodation of the current and projected activities and personnel in the Brussels office, we have an opportunity to obtain a reduced rate for lease of the office, subject to commitment to the current facility for a further three years compared to the current lease terms. Since the obligations under the updated lease will exceed ^{Confidential Negotiation Information} over the period, this action requires Board approval (see <https://www.icann.org/resources/pages/signing-authority-2012-02-25-en>). Reference Materials to this paper summarize the steps taken to identify and evaluate the estimated renewal cost of the ICANN Brussels Regional Office.

ORGANIZATION AND BOARD FINANCE COMMITTEE (BFC)

RECOMMENDATION (*Subject to BFC approval*):

ICANN Org recommends that the Board authorizes the President and CEO, or his designee(s), to take all necessary actions to execute the lease renewal for the current office facility in Singapore, as reflected in the Reference Materials to this Paper, and make all necessary disbursements pursuant to that lease. The BFC has recommended that the amount of the updated Brussels lease is reasonable and properly captured in the draft FY19 Budget.

PROPOSED RESOLUTION:

Whereas, ICANN has maintained a Regional Office in Brussels, for more than a decade; the lease for the current office space expires in 2021,

Whereas, ICANN org has evaluated the options to negotiate a reduced rate for the existing lease subject to committing to three more years, or to move to another suitable location.

Whereas, during its meeting on 12 January 2018, the Board Finance Committee (BFC) reviewed the financial implications of the options evaluated for the ICANN Regional Office in Brussels.

Whereas, ICANN Org has recommended that the Board authorize the President and CEO, or his designee(s), to take all actions necessary to execute the updated lease for the current office facility in Brussels, as reflected in the Reference Materials to this Paper, and make all necessary disbursements pursuant to that lease.

Whereas, the BFC has determined that the proposal for updating the lease of for the existing Brussels Regional Office is reasonable and properly reflected in the draft FY19 budget.

Resolved (2018.02.xx.xx), the Board authorizes the President and CEO, or his designee(s), to take all necessary actions to execute the updated lease for the current office facility in Brussels, as reflected in the Reference Materials to this Paper, and make all necessary disbursements pursuant to that lease.

Resolved (2018.02.xx.xx), specific items within this resolution shall remain confidential for negotiation purposes pursuant to Resolution Text Superseded ICANN Bylaws until the President and CEO determines that the confidential information may be released.

PROPOSED RATIONALE:

To support its globalization strategy, ICANN established an office in Brussels early on in its history to better service its stakeholders. To further show ICANN's commitment to its globalization strategy, and meet the demand for increased focus on serving European stakeholders through the Brussels Regional Office, ICANN Org undertook to evaluate the cost-effectiveness of the current lease for the Brussels office. ICANN Org conducted a market review and an analysis of updating the current lease versus relocating

to several other locations, and finds updating the lease for the current facilities to be a more viable and cost-effective solution.

In November 2017, ICANN Org invoked an option for early termination of the Brussels Regional Office lease, which led to a discussion with the landlord about the current lease terms. The landlord eventually offered to reduce lease payments from annual payments of Confidential Negotiation Information subject to entry into an updated lease with early termination option in six years (2024) and a final termination date of ^{Resolution ext Superseded}

In total, once property tax and other charges are included, the annual commitment (incentives included) would amount to Confidential Negotiation Information compared to the current arrangement at Confidential Negotiation Information, or an overall saving of just over 12%.

In addition, the landlord has pledged a contribution of Confidential Negotiation Information for the potential costs of renovating the office, which would enable ICANN Org to consider functional improvements to the office, such as creating a larger meeting room space, better suited to being used to host ICANN workshops, or policy working groups, for example.

The Board reviewed ICANN Org's and the Board Finance Committee's recommendations for renewing the current lease for an additional three years at a reduced rate as offered by the landlord and the determination that the proposal met the financial and business requirements of the organization.

Taking this decision is both consistent with ICANN's Mission and in the public interest as having a Regional Office in the Brussels region helps serve ICANN's stakeholders in a more efficient and effective manner.

There will be a financial impact on ICANN to renew the current lease for an additional three years. This impact is currently included in the FY19 Draft Operating Plan and Budget that is pending Board approval.

This decision will have no direct impact on the security or the stability of the domain name system.

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

Submitted by:	Jean-Jacques Sahel
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Date Noted:	8 January 2018
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ICANN BOARD PAPER NO. 2018.02.04.1f

TITLE: **Board Consideration of SSAC Recommendations from SAC074, SSAC Advisory on Registrant Protection: Best Practices for Preserving Security and Stability in the Credential Management Lifecycle**

PROPOSED ACTION: **For Resolution**

EXECUTIVE SUMMARY:

The Security and Stability Advisory Committee (SSAC) publishes advisories with recommendations to the ICANN Board relating to matters of security and stability. The ICANN organization has evaluated the SSAC’s four recommendations in the SAC074 Advisory and has made recommendations regarding implementation in the accompanying scorecard “Implementation Recommendations for SSAC Advice Document SAC074 (January 2018).”

This scorecard specifically addresses each of the four recommendations in the SAC074 Advisory, including a proposed implementation plan and assessment of impact to the operating budget.

The Board is being asked to consider and adopt the ICANN organization’s recommendations within the scorecard “Implementation Recommendations for SSAC Advice Document SAC074 (January 2018).” The draft scorecard is attached to this briefing paper. The scorecard includes: the text of the SSAC advice; the ICANN organization’s confirmed understanding of the advice item, the ICANN organization’s recommendation for implementation, background on the advice, and the ICANN organization’s proposed solution to address the advice.

STAFF RECOMMENDATION:

Staff recommends that the Board adopt the scorecard “Implementation Recommendations for SSAC Advice Document SAC074 (January 2018).” to address the SSAC’s advice.

PROPOSED RESOLUTION:

Whereas, the Security and Stability Advisory Committee (SSAC) submitted four recommendations in SAC Document: SAC074, SSAC Advisory on Registrant Protection: Best Practices for Preserving Security and Stability in the Credential Management Lifecycle.

Whereas, the ICANN organization has evaluated the feasibility of the SSAC’s advice and developed implementation recommendations for each.

Whereas, the Board has considered the SSAC Advice and the ICANN organization’s implementation recommendations relating to this advice.

Resolved (2018.xx.xx.xx), the Board adopts the scorecard titled Resolution Text
Superseded

[INSERT LINK TO FINAL SSAC ADVICE SCORECARD ADOPTED BY BOARD], and directs the CEO to implement the advice as described in the scorecard.

PROPOSED RATIONALE:

The Action Request Register is a framework intended to improve the process for the Board’s consideration of recommendations to the ICANN Board, including advice from its Advisory Committees. This framework has been under development since 2015, and as part of the initial effort, the ICANN organization reviewed SSAC Advice issued between 2010 and 2015 to identify items that had not yet received Board consideration. The results of this initial review were communicated to the SSAC Chair in a letter from the Chair of the ICANN Board on 19 October 2016 (see <https://www.icann.org/en/system/files/correspondence/crocker-to-faltstrom-19oct16-en.pdf>). This Advisory was identified as part of the open advice inventory assessment done in 2016 to launch the Action Request Register. This resolution is intended to address one of the SSAC Advisories that were identified as open at that time.

As part of the Action Request Register process, for each advice item presented with this resolution, the ICANN organization has reviewed the request, confirmed its understanding of the SSAC's request with the SSAC, and evaluated the feasibility of the request. As part of the ICANN org's assessment of feasibility to implement the advice, the Organization considered if the advice could be implemented within the existing FY19 operating budget request, and that is noted within each recommendation on the scorecard. The ICANN organization is presenting its recommendations to the Board in the scorecard **[INSERT LINK TO FINAL SCORECARD]** so that the Board may formally consider the advice and direct the CEO to address the advice appropriately.

Signature Block:

Submitted by: Akram Atallah

Position: President, Global Domains Division

Date Noted: 24 January 2018

Email: Akram.Atallah@icann.org

ICANN BOARD PAPER NO. 2018-02-04-1g

TITLE: **Renewal of .MUSEUM Registry Agreement**

PROPOSED ACTION: **For Resolution**

EXECUTIVE SUMMARY:

The Board is being asked to approve the proposed Renewal Registry Agreement with Museum Domain Management Association (the Registry Operator or MuseDoma), for [.MUSEUM](#), which is set to expire on 2 March 2018. This [proposed renewal registry agreement](#) is based on the current .MUSEUM Registry Agreement with modifications agreed upon by the ICANN organization and MuseDoma as well as certain provisions from the base [New gTLD Registry Agreement](#). Like other registry agreements, the .MUSEUM Registry Agreement gives the registry operator the right to renew the agreement at its expiration, provided that the registry operator is in good standing at the time of renewal and subject to negotiating renewal terms acceptable to ICANN.

The proposed renewal agreement for .MUSEUM includes revised covenants and obligations related to security and stability to more closely align to the terms of the New gTLD Registry Agreement, including the following provisions and specifications: (1) consensus and temporary specifications and policies, (2) data escrow requirements and procedures, (3) monthly reporting, (4) publication of registration data, (5) reservation of domain names, (6) definition of Registry Services and requirements to offer additional services, (7) performance specifications for the operation of the TLD, (8) registry interoperability and continuity, (9) rights protection mechanisms, (10) incorporation of the Registry Code of Conduct and Public Interest Commitments and (11) the emergency transition process.

The proposed renewal agreement also includes the set of standard public interest commitments applicable to all new gTLDs and the inclusion of the Community Specification that outlines Eligibility Criteria and describes the community the TLD represents (Specification 12). Legacy TLDs have been categorized as either [“Generic” TLDs](#) or [“Sponsored” TLDs](#) and the concept of

a “Community” TLD was introduced via Specification 12 in the New gTLD Registry Agreement. As such, legacy TLDs such as .TEL, .CAT and .TRAVEL have transitioned from “Sponsored” TLDs to “Community” TLDs when those TLDs renewed their registry agreement.

As a “Sponsored” TLD, .MUSEUM follows a charter defining the purpose for which the sponsored TLD is managed and operated. The proposed renewal agreement for .MUSEUM includes Specification 12 which will replace the existing Registration Restrictions in the current registry agreement Appendix S and .MUSEUM will be recategorized from a “Sponsored” TLD to a “Community” TLD. As part of this reclassification to a “Community” TLD, the eligibility requirements for .MUSEUM will expand to include a more broadly defined community of museums, professional associations of museums, and individuals with an interest or a link with the museum profession and/or activity. With these changes incorporated, the .MUSEUM proposed registry agreement will change the category of the TLD from “Sponsored” to “Community TLD”.

From 24 August 2017 through 3 October 2017, ICANN posted the proposed renewal of the .MUSEUM Registry Agreement for [public comment](#). At the time this report was drafted, five (5) comments were added to the forum, following which time the comments were summarized, [analyzed and posted to the public comment page](#).

ICANN ORGANIZATION RECOMMENDATION:

ICANN organization recommends that the Board approve the proposed Renewal Registry Agreement with MuseDoma for the continued operation of the .MUSEUM TLD.

PROPOSED RESOLUTION:

Resolution Text Superseded

Whereas, the .MUSEUM Renewal Registry Agreement includes new provisions consistent with the comparable terms of the New gTLD Registry Agreement.

Whereas, the Board has determined that no revisions to the proposed .MUSEUM Renewal Registry Agreement are necessary after taking the comments into account.

Resolved (2018.xx.xx), the proposed .MUSEUM Renewal Registry Agreement is approved and the President and CEO, or his designee(s), is authorized to take such actions as appropriate to finalize and execute the Agreement.

PROPOSED RATIONALE:

Why is the Board addressing the issue now?

ICANN and MuseDoma entered into a [Registry Agreement](#) on 17 October 2001 for operation of the .MUSEUM top-level domain. The current .MUSEUM Registry Agreement expires on 2 March 2018. The proposed Renewal Registry Agreement was posted for public comment between 24 August 2017 and 3 October 2017. At this time, the Board is approving the proposed .MUSEUM Renewal Registry Agreement for the continued operation of the .MUSEUM TLD by MuseDoma.

What is the proposal being considered?

The proposed .MUSEUM Renewal Registry Agreement, approved by the Board, is based on the current .MUSEUM Registry Agreement with modifications agreed upon by ICANN and MuseDoma and includes certain provisions from the base New gTLD Registry Agreement.

Which stakeholders or others were consulted?

ICANN organization conducted a public comment period on the proposed .MUSEUM Renewal Registry Agreement from 24 August 2017 through 3 October 2017. Additionally, ICANN engaged in negotiations with the Registry Operator to agree to the terms to be included in the proposed .MUSEUM Renewal Registry Agreement that was posted for public comment.

What concerns or issues were raised by the community?

The public comment forum on the proposed .MUSEUM Renewal Registry Agreement closed on 3 October 2017, with ICANN organization receiving five (5) comments. The comments can be summarized in the three main categories listed below.

1. Inclusion of new gTLD rights protection mechanisms and safeguards in legacy gTLDs:
Two commenters expressed support for the inclusion of certain rights protection mechanisms, such as Uniform Rapid Suspension and Trademark Post-Delegation Dispute Resolution Procedure, and the inclusion of the Public Interest Commitments (i.e., safeguards) contained in the New gTLD Registry Agreement such as the requirement to use registrars under the 2013 Registrar Accreditation Agreement. Conversely, two commenters expressed concern over the inclusion of New gTLD rights protection mechanisms in legacy agreements. They suggested that these provisions should not be added as a result of contract negotiations, but should be addressed through the policy development process (“PDP”). Further, the recommendation is for the Board to “declare a moratorium on the imposition of new gTLD RPMs on legacy TLDs until the above referenced PDP has been concluded, the GNSO Council has acted upon its recommendations, and any implementation and transition issues have been addressed”.
2. The transition of .MUSEUM from a “Sponsored” TLD to a “Community” TLD: Two commenters expressed concern regarding the updated eligibility requirements for .MUSEUM as outlined in Specification 12 versus the requirements new gTLD community applicants are required to have in their registration policies. To these commenters, there is an alleged lack of consistency with regard to the concept of a “community” TLD and how it is applied.
3. Negotiation process for the proposed renewal of the .MUSEUM Registry Agreement and legacy gTLD registry agreement negotiations in general: Two commenters questioned whether the negotiation process for renewing and amending legacy registry agreements is sufficiently transparent and how the renewal agreement was arrived at.

In response to the comments expressed about .MUSEUM transitioning from a “sponsored” TLD to a “community” TLD, MuseDoma, the registry operator for .MUSEUM, issued a written

posted response, stating the Registry Operator will “implement mechanisms for enforcement” of their registration policies. Further, MuseDoma explained in its response:

“The Registry will proceed to post-validation on the basis of eligibility criteria, through a targeted random validation process or upon request of a third party. Validation will include checks about the registered domain name actual use. Documentation or proof will be required from the registrant; eligibility will often most easily be demonstrated by membership in ICOM or another professional museum association.

The purpose of the enforcement mechanisms is to protect the credibility of the .museum TLD for its worldwide public. In particular, to uphold the community-based purpose of the .museum TLD and help prevent misuse or malicious behavior.”

What significant materials did the Board review?

As part of its deliberations, the Board reviewed various materials, including, but not limited to, the following materials and documents:

- [Proposed .MUSEUM Renewal Registry Agreement](#)
- [Redline showing changes compared to the current .MUSEUM Registry Agreement](#)
- [Current .MUSEUM Registry Agreement](#)
- [New gTLD Agreement – 31 July 2017](#)
- [Public Comment Summary and Analysis](#)

What factors has the Board found to be significant?

The Board carefully considered the public comments received for the .MUSEUM Renewal Registry Agreement, along with the summary and analysis of those comments. The Board also considered the terms agreed upon by the Registry Operator as part of the bilateral negotiations with ICANN organization.

While the Board acknowledges the concerns expressed by some community members regarding the inclusion of the URS in the Renewal Registry Agreement, the Board notes that the inclusion of the URS in the Renewal Registry Agreement is based on the negotiations between ICANN

and the Registry Operator, where Registry Operator expressed their interest to renew their registry agreement based on the new gTLD Registry Agreement.

The Board notes that the URS was recommended by the Implementation Recommendation Team (IRT) as a mandatory rights protection mechanism (RPM) for all new gTLDs. The GNSO was asked to provide its view on whether certain proposed rights protection mechanisms (which included the URS) were consistent with the GNSO's proposed policy on the introduction of New gTLDs and were the appropriate and effective option for achieving the GNSO's stated principles and objectives. The Special Trademark Issues Review Team (STI) considered this matter and concluded that "Use of the URS should be a required RPM for all New gTLDs." That is, the GNSO stated that the URS was not inconsistent with any of its existing policy recommendations.

Although the URS was developed and refined through the process described here, including public review and discussion in the GNSO, it has not been adopted as a consensus policy and ICANN has no ability to make it mandatory for any TLDs other than new gTLD applicants who applied during the 2012 New gTLD round.

Accordingly, the Board's approval of the Renewal Registry Agreement is not a move to make the URS mandatory for any legacy TLDs, and it would be inappropriate to do so. In the case of .MUSEUM, inclusion of the URS was developed as part of the proposal in negotiations between the Registry Operator and ICANN.

Additionally, the Board considered the comments regarding the eligibility requirements for .MUSEUM as outlined in Specification 12 versus the requirements new community gTLD applicants are required to have in their registration policies. The Board notes that the registry is taking the required steps to ensure the registration policies are consistent with the other "Community" TLDs by implementing restrictions on what persons or entities may register .MUSEUM domain names, restrictions on how .MUSEUM domain names may be used, and mechanisms to enforce eligibility and instituting post-validation procedures to protect the credibility of the .MUSEUM TLD. While the Board acknowledges the concern raised regarding ICANN org's position to permit .MUSEUM to update the registration eligibility requirements while moving from a "sponsored" TLD to a "community" TLD, the Board recognizes the

opportunity for .MUSEUM to define the eligibility requirements during the registry agreement renewal process as other community TLDs did during the application process. As such, the registry operator is committed to maintaining the eligibility requirements as other community TLDs must do or until a reconsideration of Specification 12 and the eligibility requirements are agreed to by the community.

Are there positive or negative community impacts?

The Board's approval of the .MUSEUM Renewal Registry Agreement offers positive technical and operational benefits. For example, the .MUSEUM Renewal Registry Agreement mandates the use of accredited registrars that are subject to the 2013 Registrar Accreditation Agreement which provides numerous benefits to registrars and registrants, and also includes other enhancements from the New gTLD Registry Agreement. Taking this action is in the public interest as it contributes to the commitment of ICANN organization to strengthen the security, stability, and resiliency of the DNS.

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

There is no significant fiscal impact expected from the .MUSEUM Renewal Registry Agreement.

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

The .MUSEUM Renewal Registry Agreement is not expected to create any security, stability, or resiliency issues related to the DNS. The .MUSEUM Renewal Registry Agreement includes terms intended to allow for swifter action in the event of certain threats to the security or stability of the DNS, as well as other technical benefits expected to provide consistency across all registries leading to a more predictable environment for end-users.

Signature Block:

Submitted by: Akram Atallah

Position: President, Global Domains Division

Date Noted: xx January 2018

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ICANN BOARD PAPER NO. 2018.02.04.2a

TITLE: Reserve Fund – Updated Rationale and Target Level

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

After the Board carried out an analysis of the rationale for maintaining the Reserve Fund and of its target level as set forth in ICANN’s Investment Policy, a public comment process was carried out to solicit public input on the analysis performed and the resulting proposed rationale and target level. After consideration was given to all comments received, it is suggested to the Board that the rationale for maintaining the Reserve Fund is expanded and that the target level is confirmed at a minimum of 12 months of operating expenses. The expanded rationale represents a significant evolution of the section of the Investment Policy relative to the Reserve Fund. In addition, the target level of the Reserve Fund represents a critical component of ICANN’s financial sustainability. As a result, a Board decision is required to approve the changes to the Investment Policy.

BOARD FINANCE COMMITTEE (BFC) RECOMMENDATION:

The BFC has recommended, after careful consideration of the public comments received and the corresponding responses, that the Board approve the revised ICANN Investment Policy as reflect in the Reference materials to this paper, which reflect an updated rationale for the Reserve Fund, and confirms the Reserve Fund target level of 12 months of operating expenses.

PROPOSED RESOLUTION:

Whereas, the Board and ICANN Org posted for public comment an updated rationale and target level for the ICANN Reserve Fund.

Whereas, the BFC has reviewed the comments submitted through the public comment process, the responses provided by ICANN org, and the changes to the rationale for the Reserve Fund suggested as a result of public comments.

Whereas, certain comments received require further analysis to determine the extent by which they should lead to additional changes, including submitted comments relative to PTI/IANA and comments relative to a separate policy for the Reserve Fund.

Whereas, further work has been planned to develop governance provisions for the Reserve Fund and actions to replenish the Reserve Fund to the target level.

Resolved (2018.02.02.xx), the Board adopts the recommended changes to the ICANN Investment Policy that include an updated rationale for the Reserve Fund and confirms the target level of the Reserve Fund at a minimum of 12 months of operating expenses.

Resolved (2018.02.02.xx), the Board instructs the President and CEO, or his designee(s) to further analyze certain comments received and determine the extent by which additional changes to the Investment Policy should be considered.

PROPOSED RATIONALE:

Based on its fiduciary duties, and considering the significant evolution that ICANN has seen since the creation of its Reserve Fund, the Board determined that the Reserve Fund required to be reviewed. It therefore created a working group, supported by ICANN Org, that evaluated the Reserve Fund. This evaluation led to define an updated rationale and target level for the Reserve Fund. Considering the importance of the Reserve Fund to ICANN's financial stability and sustainability, the Board determined that public input was necessary and requested ICANN Org to post the analysis performed on the rationale and target level for public comment.

The Board also determined that, once the rationale and target level have been updated, after taking into account public comments, further work would be required to define governance mechanisms for the Reserve Fund, and to define a strategy to replenish the Reserve Fund from its current level to the target level.

This action of the Board further substantiates a fundamental mechanism supporting ICANN's financial stability and sustainability, which contributes to the ability of ICANN to carry out its mission in the public interest.

The update of the rationale and target level for the Reserve Fund, as reflected in the ICANN Investment Policy, will have a positive impact on ICANN in that it contributes to improving ICANN's financial stability and sustainability, and 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 have a positive impact on the security, stability and resiliency of the domain name system (DNS) as ICANN's financial stability and sustainability contributes to ICANN's ability to help ensure to the security, stability and resiliency of the DNS.

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

Submitted By: Xavier Calvez, Chief Financial Officer
Date Noted: 17 January 2018
Email: xavier.calvez@icann.org

ICANN BOARD PAPER NO. 2018.02.04.2b

TITLE: **FY19 IANA Operating Plan and Budget**

PROPOSED ACTION: **For Board Approval**

EXECUTIVE SUMMARY:

As required by the ICANN Bylaws, the draft FY19 IANA Operating Plan and Budget (OP&B) was developed and posted for public comment and discussion on 09 October 2017. The Board of Public Technical Identifiers (PTI) adopted the FY19 PTI OP&B on 9 January 2018. The FY19 PTI OP&B then was provided to ICANN as input into the FY19 IANA OP&B. Since the initial posting, changes have been made to the draft FY19 IANA OP&B resulting from analysis. All public comments have been taken into consideration, and where appropriate and feasible, have been incorporated into a final FY19 IANA OP&B. Per the Bylaws, the IANA OP&B is to be adopted by the Board and then posted on the ICANN website.

BOARD FINANCE COMMITTEE (BFC) RECOMMENDATION:

The BFC has recommended, after careful consideration of the public comments received and the corresponding responses, that the Board approve the FY19 IANA Operating Plan and Budget.

PROPOSED RESOLUTION:

The draft FY19 IANA OP&B was posted for public comment in accordance with the Bylaws on 09 October 2017.

Whereas, comments received through the public comment process were reviewed and responded to and provided to the BFC members for review and comment.

All public comments have been taken into consideration, and where appropriate and feasible, have been incorporated and a final FY19 IANA OP&B. Per the Bylaws, the IANA OP&B is to be adopted by the Board and then posted on the ICANN website.

Whereas, in addition to the public comment process, ICANN actively solicited feedback and consultation with the ICANN Community by other means, including conference calls, meetings at ICANN 60 in Abu Dhabi and email communications.

Resolved (2018.02.02.xx), the Board adopts the FY19 IANA Operating Plan and Budget, including the FY19 IANA Budget Caretaker Budget.

PROPOSED RATIONALE:

In accordance with Section 22.4 of the ICANN Bylaws, the Board is to adopt an annual budget and publish it on the ICANN website. On 9 October 2017 drafts of the FY19 PTI O&B and the FY19 IANA OP&B were posted for public comment. The PTI Board approved the PTI Budget on 09 January 2018, and the PTI Budget was received as input into the FY19 IANA Budget.

The published draft FY19 PTI OP&B and the draft FY19 IANA OP&B were based on numerous discussions with members of ICANN org and the ICANN Community, including extensive consultations with ICANN Supporting Organizations, Advisory Committees, and other stakeholder groups throughout the prior several months.

All comments received in all manners were considered in developing the FY19 IANA OP&B. Where feasible and appropriate these inputs have been incorporated into the final FY19 IANA OP&B proposed for adoption.

The FY19 IANA OP&B will have a positive impact on ICANN in that it provides a proper framework by which the IANA services will be performed, which also provides the basis for the organization to be held accountable in a transparent manner.

This decision is in the public interest and within ICANN's mission, as it is fully consistent with ICANN's strategic and operational plans, and the results of which in fact allow ICANN to satisfy its mission.

This decision will have a fiscal impact on ICANN and the Community as is intended. This should have 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.

Submitted By: Xavier Calvez, Chief Financial Officer
Date Noted: 23 January 2018
Email: xavier.calvez@icann.org

ICANN BOARD PAPER NO. 2018-02-04-2c

TITLE: Addressing the New gTLD Program Applications for
.CORP, .HOME, and .MAIL

PROPOSED ACTION: For Resolution

EXECUTIVE SUMMARY:

At its 13 December 2017 meeting, the Board considered potential options to address the New gTLD Program applications for .CORP, .HOME, and .MAIL, which remain “on hold” in the New gTLD Program. .CORP, .HOME, and .MAIL were designated as “high risk” for delegation in various name collision studies, and the Board New gTLD Program Committee adopted a “Name Collision Framework” in 2014, which called for ICANN to “defer delegating [these] string[s] indefinitely.” In the intervening years since the adoption of the Framework, there has been no further information on name collisions or the potential risks of delegating these strings to prompt the Board to revisit their indefinite deferral. Moreover, the findings and recommendations regarding these strings are expected to continue to be applicable in the near term. In this light, the Board considered options to address .CORP, .HOME, and .MAIL, which ranged from providing the remaining applicants a full refund of the New gTLD Program application fee, to providing priority in subsequent rounds of the New gTLD Program if the applicants were to reapply for the same strings.

After discussing the relative merits and disadvantages of the various options, including discussions about fairness and the unique and unanticipated circumstances presented by these strings, the Board requested that the ICANN org prepare draft resolutions to direct the President and CEO to proceed with providing the remaining applications for .CORP, .HOME, and .MAIL with a full refund of the 2012 New gTLD Program application fee of \$185,000.

BACKGROUND:

In March 2013, the SSAC issued SAC057: SSAC Advisory on Internal Name Certificates, wherein the SSAC referred to the issue of “name collision” and provided the ICANN Board with steps for mitigating the issue.¹ On 18 May 2013, the ICANN Board took a resolution on 18 May 2013 regarding SAC057:

¹ See <https://www.icann.org/en/system/files/files/sac-057-en.pdf>

Resolved (2013.05.18.08), the Board directs the President and CEO, in consultation with the SSAC, to commission a study on the use of TLDs that are not currently delegated at the root level of the public DNS in enterprises. The study should consider the potential security impacts of applied-for new-gTLD strings in relation to this usage.²

ICANN enlisted Interisle Consulting Group to conduct the study, and Interisle released a report in August 2013.³ The report, which looked at historical query traffic, found that .HOME and .CORP were the top two most frequently appearing TLDs in queries. In conjunction with the study, ICANN sought broad community participation in the development of a solution, and a draft mitigation plan was published for public comment along with the report by Interisle in early August 2013.⁴ The draft mitigation plan cited .HOME and .CORP as high-risk strings, proposing not to delegate these two strings.

On 7 October 2013, the ICANN Board New gTLD Program Committee (NGPC) took a resolution to implement the mitigation plan for managing name collision occurrences as proposed in the “New gTLD Name Collision Occurrence Management Plan,” which stated, “Based on the analysis of frequency of occurrence and the perceived severity of impact, ICANN will defer delegating home and corp indefinitely.”^{5,6}

On 30 July 2014, the ICANN Board New gTLD Program Committee (NGPC) adopted the Name Collision Occurrence Management Framework, which stated, “Following the recommendation from SSAC to identify strings that should be reserved for private use and the proposal in the JAS report, ICANN will treat mail the same as home and corp, i.e., defer delegating this string indefinitely.”^{7,8} This action was the result of extensive work performed by the ICANN community to develop a mitigation plan.

Since implementation of the Framework there has been no further information on name collisions or the potential risks of delegating these strings to prompt the Board to revisit their indefinite deferral. Twenty New gTLD applications for .CORP, .HOME, and .MAIL have been on-hold within the New gTLD Program since 2014.

² See <https://www.icann.org/resources/board-material/resolutions-2013-05-18-en#2.a>

³ See <https://www.icann.org/en/system/files/files/name-collision-02aug13-en.pdf>

⁴ See <https://www.icann.org/en/system/files/files/new-gtld-collision-mitigation-05aug13-en.pdf>

⁵ See <https://www.icann.org/resources/board-material/resolutions-new-gtld-2013-10-07-en#1.a>

⁶ See <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-07oct13-en.pdf>

⁷ See <https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-07-30-en#1.a>

⁸ See <https://www.icann.org/en/system/files/files/name-collision-framework-30jul14-en.pdf>

On 2 November 2017, the ICANN Board adopted a resolution on .CORP, .HOME, and .MAIL and other collision strings⁹ which states that “the ICANN Board wishes to provide additional clarity to these applicants and the ICANN community on the issue of name collision and high-risk strings”. This resolution requested the SSAC to conduct a study and present risks posed by the delegation of .CORP, .HOME and .MAIL to the root and to provide options as how to mitigate such risks. Additionally, the Board requested the SSAC to study other possible reasons for name collision, and to suggest potential methods to mitigate those risks.

The 2 November 2017 resolution also directed the President and CEO to “provide options for the Board to consider to address the New gTLD Program applications for .CORP, .HOME, and .MAIL.” Pursuant to this resolution, at the Board meeting of 13 December 2017, the ICANN org presented options to the Board to address the outstanding applications for .CORP, .HOME, and .MAIL.¹⁰ The options ranged from providing a full refund of the New gTLD Program application fee to the remaining .CORP, .HOME, and .MAIL applicants, to providing priority in subsequent rounds of the New gTLD Program if the applicants were to reapply for the same strings.

PROPOSED RESOLUTION:

Whereas, in March 2013, the SSAC issued SAC057: SSAC Advisory on Internal Name Certificates, wherein the SSAC referred to the issue of “name collision” and provided the ICANN Board with steps for mitigating the issue.

Whereas, on 18 May 2013, the ICANN Board adopted a resolution regarding SAC057, commissioning a study on the use of TLDs that are not currently delegated at the root level of the public DNS in enterprises.

Whereas, in August 2013, Interisle Consulting Group released a report which looked at historical query traffic and found that .HOME and .CORP were the top two most frequently appearing TLDs in queries.

Whereas, in August 2013, the ICANN organization, in conjunction with the study, sought broad community participation in the development of a solution, and a draft mitigation plan was published for public comment along with the report by Interisle. The draft mitigation

⁹ See <https://www.icann.org/resources/board-material/resolutions-2017-11-02-en#2.a>

¹⁰ See <https://www.icann.org/resources/board-material/prelim-report-2017-12-13-en#2.a>

plan cited .HOME and .CORP as high-risk strings, proposing not to delegate these two strings.

Whereas, on 7 October 2013, the ICANN Board New gTLD Program Committee (NGPC) took a resolution to implement the mitigation plan for managing name collision occurrences as proposed in the “New gTLD Name Collision Occurrence Management Plan.”

Whereas, on 30 July 2014, the ICANN Board New gTLD Program Committee adopted the Name Collision Management Framework. In the Framework, .CORP, .HOME, and .MAIL were noted as high-risk strings whose delegation should be deferred indefinitely.

Whereas, on 28 October 2015, JAS Global Advisors issued the “Mitigating the Risk of DNS Namespace Collisions (Final Report).” The recommendations in the final report were consistent with the recommendations made in the Phase One report.

Whereas, in 2015, individuals in the IETF DNSOP working group wrote an Internet Draft, the first step in developing an RFC that reserved the CORP, HOME, and MAIL labels from delegation into the top level of the DNS, but the working group and the authors of that draft were unable to reach consensus on the criteria by which labels would be reserved and the effort to create an RFC on the topic was abandoned.

Whereas, on 24 August 2016, applicants for .CORP, .HOME, and .MAIL sent correspondence to the ICANN Board requesting that “the Board commission a timely examination of mitigation measures that will enable the release of .HOME, .CORP, and .MAIL.”

Whereas, on 2 November 2017, the ICANN Board took a resolution requesting the ICANN Security and Stability Advisory Committee to conduct a study in a thorough and inclusive manner that includes technical experts (such as members of IETF working groups, technical members of the GNSO, and other technologists), to present data, analysis and points of view, and provide advice to the Board regarding the risks posed to users and end systems if .CORP, .HOME, .MAIL strings were to be delegated in the root, as well as possible courses of action that might mitigate the identified risks.

Whereas, on 2 November 2017, the ICANN Board took a resolution directing the President and CEO, or his designee(s), to provide options for the Board to consider to address the New gTLD Program applications for .CORP, .HOME, and .MAIL by the first available meeting of the Board following the ICANN60 meeting in Abu Dhabi.

Whereas, on 13 December 2017, the ICANN org presented options to the Board for addressing the New gTLD Program applications for .CORP, .HOME, and .MAIL.

Whereas, the Board engaged in a discussion of the relative merits and disadvantages of the various options presented to address the applications. The Board's discussion focused on issues of fairness, whether the applicants expressed a preference for any of the options, and how to address applications for .CORP, .HOME, and .MAIL that had been withdrawn. Also, the Board discussed budget implications of the options presented.

Whereas, the ICANN Board does not intend to delegate the strings .CORP, .HOME, and .MAIL in the 2012 round of the New gTLD Program.

Whereas, the Board considered that the applicants were not aware before the application window that the strings .CORP, .HOME, and .MAIL would be identified as high-risk, and that the delegations of such high-risk strings would be deferred indefinitely.

Resolved (2018.01.XX), the Board directs the President and CEO that the applications for .CORP, .HOME, and .MAIL should not proceed and, to account for the unforeseen impact to application processing, the Board directs the President and CEO to, upon withdrawal of the the remaining applications for .CORP, .HOME, and .MAIL, provide the applicants a full refund of the New gTLD Program application fee of \$185,000.

PROPOSED RATIONALE:

Why is the Board addressing the issue now?

Previously, the Board has considered the applications for .CORP, .HOME and .MAIL and determined to defer delegation of these names indefinitely because of name collisions. A name collision occurs when an attempt to resolve a name used in a private name space (e.g., under a non-delegated TLD, or a short, unqualified name) results in a query to the public Domain Name System (DNS). When the administrative boundaries of private and public namespaces overlap, name resolution may yield unintended or harmful results. The introduction of any new domain name into the DNS at any level creates the potential for name collision. However, the New gTLD Program has brought renewed attention to this issue of queries for undelegated TLDs at the root level of the DNS because certain applied-for new TLD strings could be identical to name labels used in private networks (i.e., .HOME, .CORP, and .MAIL). A secure, stable, and resilient Internet is ICANN's number one priority. To support this, the ICANN Board has made a commitment to the Internet community to

mitigate and manage name collision occurrence. As part of this commitment, the ICANN organization published in July 2014 the Name Collision Occurrence Management Framework. Guided by recommendations in reports from the SSAC and JAS Global Advisors, the Framework recommended that the delegation of the strings .HOME, .CORP, and .MAIL be deferred indefinitely. These strings were identified as “high-risk.”

These findings and recommendations prompting the Board’s previous action on .CORP, .HOME, and .MAIL have not changed and are expected to continue to be applicable in the near term. In the Board resolution of 2 November 2017, the Board directed the ICANN org to provide options to the Board for addressing the applications for .CORP, .HOME, and .MAIL. The ICANN org presented options to the Board at the Board meeting of 13 December 2017. The Board discussed the merits and disadvantages of the options presented and is taking action at this time to address the applications.

What are the options being considered? What factors did the Board find significant?

Contemplating that the Board does not intend to delegate the .CORP, HOME and .MAIL strings before the end of the 2012 round of the New gTLD program, the options presented to the Board took into account two key questions: What type of refund should be provided to the applicants? Should the applicants receive priority over other applications for these strings in any subsequent round of the New gTLD Program? The Board considered a range of options and arrangements resulting from these questions: from a standard refund and no priority, to a full refund and priority.

In discussing the options regarding the refund amount, the Board considered that a standard refund would most closely adhere to the terms that all applicants agreed to in the AGB. Applicants acknowledged the Terms and Conditions in the AGB establishing that “ICANN has the right to determine not to proceed with any and all applications for new gTLDs, and that there is no assurance that any additional gTLDs will be created. The decision to review, consider and approve an application to establish one or more gTLDs and to delegate new gTLDs after such approval is entirely at ICANN’s discretion.”

However, the Board also considered issues of fairness and acknowledged that—although the issue of name collision was described in AGB Section 2.2.1.3—applicants were not aware before the application window that the strings .CORP, .HOME, and .MAIL would be identified as high-risk. Additionally, in light of the recommendations made in the JAS

Report, SAC062, SAC066, and the Name Collision Management Framework adopted by the NGPC on 30 July 2014, delegation of these strings was deferred indefinitely.

The Board found that this situation was unique within the New gTLD Program. Other applications within the New gTLD Program were not delegated or allowed to proceed based on established New gTLD Program processes. For example, the AGB contemplated that not all applications would pass evaluation (Initial or Extended Evaluation), and all applicants were thus aware of the possibility that there was a potential for not passing the string reviews and not being eligible for delegation. The applicants for .CORP, .HOME, and .MAIL were not aware of the forthcoming years of study on the issue of name collision and that they ultimately would be ineligible to proceed in the New gTLD Program.

As such, the Board has determined it would be appropriate in this case to account for the unforeseen impact to application processing and to provide the remaining applications for .CORP, .HOME, and .MAIL a full refund of the New gTLD Program application fee of \$185,000, upon withdrawal of the application by the applicant.

Regarding priority in a subsequent round, the Board considered several different factors. The Board considered that there is currently no indication that the strings .CORP, .HOME, and .MAIL will be able to be delegated at any time in the future. While the Board has taken a resolution requesting the ICANN Security and Stability Advisory Committee to conduct a study and provide advice to the Board regarding the risks and possible mitigation of the risks associated with delegating the .CORP, .HOME, .MAIL strings in the root, the outcome of this study will not be available in the near term. The Board also considered the potential complexity associated with establishing procedures and rules for granting priority and that this may be an issue to be handled via the policy development process and not Board action. Based on these reasons, the Board has determined not to grant priority in a subsequent round to the applicants for .CORP, .HOME, and .MAIL who might reapply.

What significant materials did the Board review?

In adopting this resolution, the Board has reviewed, in addition to the options provided by the ICANN org, various materials, including, but not limited to:

- SAC045: Invalid Top Level Domain Queries at the Root Level of the Domain Name System (<https://www.icann.org/en/committees/security/sac045.pdf>)

- SAC057: SSAC Advisory on Internal Name Certificates (<https://www.icann.org/en/system/files/files/sac-057-en.pdf>)
- SAC062: SSAC Advisory Concerning the Mitigation of Name Collision Risk (<https://www.icann.org/en/groups/ssac/documents/sac-062-en.pdf>)
- SAC064: SSAC Advisory on Search List Process (<https://www.icann.org/en/groups/ssac/documents/sac-064-en.pdf>)
- SAC066: SSAC Comment Concerning JAS Phase One Report on Mitigating the Risk of DNS Namespace Collisions (<https://www.icann.org/en/system/files/files/sac-066-en.pdf>)
- Name Collision in the DNS (<https://www.icann.org/en/system/files/files/name-collision-02aug13-en.pdf>)
- New gTLD Collision Risk Mitigation (<https://www.icann.org/en/system/files/files/new-gtld-collision-mitigation-05aug13-en.pdf>)
- 26 February 2014 Report from JAS Global Advisors on “Mitigating the Risk of DNS Namespace Collisions” (<https://www.icann.org/en/system/files/files/name-collision-mitigation-26feb14-en.pdf>)
- 10 June 2014 Report of Public Comments on “Mitigating the Risk of DNS Namespace Collisions” (<https://www.icann.org/en/system/files/files/report-comments-name-collision-10jun14-en.pdf>)
- Name Collision Occurrence Management Framework (<https://www.icann.org/en/system/files/files/name-collision-framework-30jul14-en.pdf>)
- 24 August 2016 letter from applicants for .CORP, .HOME, and .MAIL (<https://www.icann.org/en/system/files/correspondence/home-registry-inc-et-al-to-icann-board-24aug16-en.pdf>)

- 6 March 2017 letter from Akram Atallah to the applicants for .CORP, .HOME, and .MAIL (<https://www.icann.org/en/system/files/correspondence/atallah-to-home-registry-inc-et-al-06mar17-en.pdf>)
- Applicant Guidebook, Sections 1.5 and 2.2.1.3 (<https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf>)

Are there fiscal impacts or ramifications on ICANN?

The Board's action will have a fiscal impact on ICANN. In reviewing the options described above, the Board considered the impact of providing a standard versus a full refund. The total estimated cost of providing all remaining 20 applicants the standard refund is \$1,300,000, whereas the cost associated with a full refund is \$3,700,000. The funds for a full refund would come from the New gTLD Program funds, which are made up of the application fees collected in the 2012 round (from all applicants). While the full refund amount differs from the standard refund amounts provided for in the AGB, the ICANN org anticipated that significant refunds might be issued for the remaining program applicants. As such, the financial impact to ICANN has been accounted for in the Operating Plan and Budget. The remaining funds as of the publication of the FY18 Operating Plan and Budget were \$95,800,000.

Are there positive or negative community impacts?

Taking this action will help support ICANN's mission to ensure the stable and secure operation of the Internet's unique identifier systems. This action benefits the ICANN community as it provides transparency and predictability to the applicants for .CORP, .HOME, and .MAIL.

Signature Block:

Submitted by: Akram Atallah

Position: President, Global Domains Division

Date Noted: XX January 2018

Email: akram.atallah@icann.org

ICANN BOARD PAPER NO. 2018.02.04.2d

TITLE: GAC Advice: Abu Dhabi Communiqué (November 2017)

PROPOSED ACTION: For Board Resolution

EXECUTIVE SUMMARY:

The Governmental Advisory Committee (GAC) delivered advice to the ICANN Board in its [Abu Dhabi Communiqué](#) issued 1 November 2017. The advice concerns: protection of names and acronyms of Intergovernmental Organizations (IGOs) in gTLDs; enabling inclusive, informed and meaningful participation in ICANN; General Data Protection Regulation (GDPR) and WHOIS; and, applications for .AMAZON and related strings.

The Abu Dhabi Communiqué was the subject of such an exchange between the Board and the GAC on 14 December 2017. The purpose of the exchange was to ensure common understanding of GAC advice provided in the communiqué. A transcript of the call is available here: <https://gac.icann.org/sessions/gac-and-icann-board-conference-call-regarding-icann60-communiqué>.

The Board is being asked to approve an iteration of the GAC-Board Scorecard to address the GAC's advice in the Abu Dhabi Communiqué. The draft Scorecard is attached to this briefing paper. The Scorecard includes: the text of the GAC advice; the Board's understanding of the GAC advice following the December 2017 dialogue with the GAC; the GNSO Council's review of the advice in the Abu Dhabi Communiqué as presented in a 6 December 2017 [letter](#) to the Board; and the Board's proposed response to the GAC advice.

ICANN ORG RECOMMENDATION:

The ICANN org recommends that the Board adopt the attached scorecard to address the GAC's advice in the November 2017 Abu Dhabi Communiqué.

PROPOSED RESOLUTION:

Whereas, the Governmental Advisory Committee (GAC) met during the ICANN60 meeting in Abu Dhabi, United Arab Emirates (UAE) and issued advice to the ICANN Board in a [communiqué](#) on 1 November 2017 (“Abu Dhabi Communiqué”).

Whereas, the Abu Dhabi Communiqué was the subject of an [exchange](#) between the Board and the GAC on 14 December 2017.

Whereas, in a 6 December 2017 [letter](#), the GNSO Council provided its feedback to the Board concerning advice in the Abu Dhabi Communiqué relevant to generic top-level domains to inform the Board and the community of gTLD policy activities that may relate to advice provided by the GAC.

Whereas, the Board developed an iteration of the scorecard to respond to the GAC’s advice in the Abu Dhabi Communiqué, taking into account the exchange between the Board and the GAC and the information provided by the GNSO Council.

Resolved (2018.xx.xx.xx), the Board adopts the scorecard titled “GAC Advice – Abu Dhabi Communiqué: Actions and Updates Resolution Text Superseded” in response to items of GAC advice in the Abu Dhabi Communiqué.

PROPOSED RATIONALE:

Article 12, Section 12.2(a)(ix) of the ICANN Bylaws permits the GAC to “put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies.” In its Abu Dhabi Communiqué (1 November 2017), the GAC issued advice to the Board on: protection of names and acronyms of Intergovernmental Organizations (IGOs) in gTLDs; enabling inclusive, informed and meaningful participation in ICANN; General Data Protection Regulation (GDPR) and WHOIS; and, applications for .AMAZON and related strings. The ICANN Bylaws require the Board to take into account the GAC’s advice on public policy matters in the formulation and adoption of the policies. If the Board decides to take an action that is not consistent with the GAC advice, it must inform the GAC and state the reasons why it decided not to follow the advice. Any GAC advice approved by a

full consensus of the GAC (as defined in the Bylaws) may only be rejected by a vote of no less than 60% of the Board, and the GAC and the Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.

At this time, the Board is taking action to address the advice from the GAC in the Abu Dhabi Communiqué. The Board's actions are described in scorecard dated Rationale
Text
Superseded

In adopting its response to the GAC advice in the Abu Dhabi Communiqué, the Board reviewed various materials, including, but not limited to, the following materials and documents:

- Abu Dhabi Communiqué (1 November 2017):
<https://www.icann.org/en/system/files/correspondence/gac-to-icann-01nov17-en.pdf>
- The GNSO Council's review of the advice in the Abu Dhabi Communiqué as presented in the 6 December 2017 letter to the Board:
<https://www.icann.org/en/system/files/correspondence/forrest-et-al-to-chalaby-06dec17-en.pdf>

The adoption of the GAC advice as provided in the scorecard will have a positive impact on the community because it will assist with resolving the advice from the GAC concerning gTLDs and other matters. There are no foreseen fiscal impacts associated with the adoption of this resolution. Approval of the resolution will not impact security, stability or resiliency issues relating to the DNS. This is an Organizational Administrative function that does not require public comment.

Signature Block:

Submitted by: Christine Willett/ David Olive

Position: Vice President, gTLD Operations

Senior Vice President, Policy Development Support

Date Noted: XX January 2018

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