ICANN76 | CF – ICANN Board Meeting
Thursday, March 16, 2023 – 15:00 to 16:00 CUN

TRIPTI SINHA: Thank you. I'd like to call the meeting to order. This is the Board meeting on 16 March 2023, at ICANN76 in Cancún. Welcome, everyone. I'd like to start by welcoming our new Board liaison, Nico Caballero. Let's start with a role call. Wes, let's start with you. Introduce yourself, say you're present, and let's move in this direction and end with Avri.

WES HARDAKER: Wes Hardaker, RSSAC liaison to the ICANN Board, present.

HARALD ALVESTRAND: Harald Alvestrand, IETF liaison to the ICANN Board, present.

NICO CABALLERO: Nico Caballero, GAC liaison, present.

JIM GALVIN: Jim Galvin, SSAC liaison to the ICANN Board, present.

MAARTEN BOTTERMAN: Maarten Botterman, present, ICANN Board.

CHRIS CHAPMAN: Chris Chapman, NomCom appointee, present.

SAJID RAHMAN: Sajid Rahman, NomCom appointee, present.

LEON SANCHEZ: Leon Sanchez, appointed by the ALAC, present.

BECKY BURR: Becky Burr, Seat 13, contracted parties house, present.

SALLY COSTERTON: Sally Costerton, interim CEO and president of ICANN, present.

DANKO JEVTOVIC: Danko Jevtovic, ICANN Board vice chair, present.

TRIPTI SINHA: Tripti Sinha, ICANN Board chair, present.

SARAH DEUTSCH: Sarah Deutsch, Board governance chair, present.

PATRICIO POBLETE: Patricio Poblete, appointed by the ccNSO, present.

MATTHEW SHEARS: Matthew Shears, ICANN Board, present.

KATRINA SATAKI: Katrina Sataki, ccNSO appointed Board member, present.

CHRISTIAN KAUFMANN: Christian Kaufmann, ASO appointed Board member, present.

EDMON CHUNG: Edmon Chung, ICANN Board, present.

ALAN BARRETT: Alan Barrett, Board member appointed by the ASO, present.

AVRI DORIA: Avri Doria, NomCom appointee, present.

TRIPTI SINHA: Thank you. Board secretary, can you confirm that we have a quorum?

JOHN JEFFREY: Yes, we do. Thank you.

TRIPTI SINHA: Thank you, John. We'll start with the consent agenda. We have two items on the consent agenda. For the first one, the appointment of the root server operator organization representative to the RSSAC, I'm going to turn it over to Wes for a brief introduction.

WES HARDAKER: Thank you very much, Tripti. Yes, we have a resolution today on the consent agenda that is for appointing John Augenstein as the RSSAC representative from the DISA root server operator and Hans Petter Holen as the RSSAC representative from the RIPE root server operator.

TRIPTI SINHA: Thank you, Wes. For the second, I'd like to turn it over to Danko for a SAN equipment replacement.

DANKO JEVTOVIC: Thank you, Tripti. This item is on the consent agenda, and it was proposed by ICANN Org and supported by the Board Finance Committee. It's the purchase of the equipment and the services for the storage-area network. And the numbers are redacted for the confidential negotiation information. Thank you.

TRIPTI SINHA: Thank you. Do I have a motion on the floor to pass the consent agenda? Thank you, Danko. Do I have a second? Thank you, Sarah. The consent agenda passes.

Let's move on to the main agenda. This particular item has been a long time coming. It's the final report on the New gTLD Subsequent Procedures Policy Development. This has been a high priority for the Board, and we are delighted to be at this key step in the process. As we have worked this week with the community we have reached a new stage of the next round of the new gTLD program. Thanks to the entire ICANN community to help us reach this proposed Board action on this major policy development process. All of us across ICANN will have to continue to collaborate to ensure that we get to our implementation phase. I would like to now turn it over to Becky and then to Avri as Board shepherds for this resolution. Becky?

BECKY BURR: Thank you, Tripti, and good afternoon. It is indeed an important milestone that we've reached on this long, strange trip we're on. So I would like to just recommend that all of you read the full resolution including the whereas clauses.

This started quite a while ago long before March 2021 when the GNSO transmitted recommendations regarding SubPro. There were several public comment periods. We received input from the GAC, from ALAC, and from SSAC. And we recognized subsequently that we needed some additional help in the form of an operational design phase and an operation design assessment which we received in December 2022.

After a significant amount of consideration and work the Board has determined to adopt most of the recommendations from the GNSO Council that we received. We are deferring on some of them, and we have established a work plan to move through four pieces of work that we need to get to in order to determine a timeline for moving forward with the program itself. We have socialized this with the community, and we have actually already started working with the community on our to-do list.

So the issues that need to be resolved, we need a plan and a timeline for consideration of the deferred output, the deferred recommendations. We need to resolve work that is necessary to move forward with the Applicant Guidebook in connection with the IDN EPDP. Also, we have some work streams such as the closed generics work streams that are out there.

And in order to get all of this to come together we have come together as a community to acknowledge that we have significant work together. That we have to be rowing in the same direction but that we are indeed ready to move ahead. So with that, I will turn to Avri for the resolution itself.

AVRI DORIA: Thank you, Becky. I'm actually going to read the resolution. "Resolved, the ICANN Board adopts the Scorecard in full. Section A of the Scorecard identifies the outputs that the Board adopts. Section B identifies the outputs that the Board designates as pending. Section Cancún identifies dependencies which the Board is committed to resolving in a timely manner.

"Resolved, the Board directs the ICANN interim president and CEO or her designees to proceed with the implementation of all outputs in Section A of the Scorecard, to start work on all four implementation streams, and to make available resources required for the successful and timely opening of the next round of new gTLDs.

"Resolved, the Board directs the ICANN interim president and CEO or her designees to issue as soon as practicable a call for volunteers for membership of the IRT to assist ICANN Org during the policy implementation stream.

"Resolved, the Board directs the ICANN interim president and CEO or her designees to provide by the last day of the ICANN77 public meeting (15 June 2023) relevant information regarding the work necessary to complete the program design, infrastructure development, and operationalization streams.

"Resolved, the Board directs the ICANN interim president and CEO or her designees to del the implementation plan to the Board no later than 1 August 2023. The timely delivery of the implementation plan requires the satisfactory completion of the following four deliverables by the last day of the ICANN77 public meeting (15 June 2023):

"1. A plan and timeline as agreed upon by the ICANN Board and the GNSO Council for consideration and resolution of all outputs contained in Section B of the Scorecard;

"2. A working methodology and IRT work plan and timeline as agreed upon by the ICANN Org and the GNSO Council;

"3. A GNSO Council project plan and timeline for policy work or an alternate path on how to handle closed generics for the next round of the new gTLDs; and

"4. A project plan from the GNSO Internationalized Domain Names (IDNs) Expedited Policy Development Process (EPDP) Working Group (WORKING) identifying all charter questions that will impact the next Applicant Guidebook along with considerations to ensure a consistent solution on IDN Variant TLDs with the ccPDP4 on IDN ccTLDs (in accordance with prior Board Resolution 2019.03.14.09), and a timeline by when the IDNs EPDP WG will deliver relevant recommendations to the GNSO Council.

“Resolved, the Board requests that the GNSO Council deliver the plans referenced in the preceding paragraph by the last day of the ICANN77 public meeting (15 June 2023).

“Resolved, the Board emphasizes that successful completion of all four implementation streams to open the next round of new gTLDs will require the collective commitment, considerable resources, and effort of the ICANN Board, the ICANN community, and ICANN Org. The Board encourages all parties to work together efficiently and constructively to meet relevant timelines.

“Resolved, the Board authorizes the ICANN interim president and CEO or her designees to spend up to US$9 million to fund the implementation work through 31 October 2023. The source for this funding is the remaining funds of the 2012 new gTLD round.

“Resolved, the Board directs the ICANN interim president and CEO or her designees to prepare any request for implementation funding beyond 31 October 2023 to be submitted to the BFC (Board Finance Committee) in a timely manner so that the committee can make a recommendation to the Board for its consideration at the ICANN78 public meeting.

“Resolved, the Board directs the ICANN interim president and CEO or her designees to continue ICANN Org’s outreach and communication strategy to promote the new gTLD program to prospective applicants with emphasis on encouraging uptake from potential applicants in currently 'underserved or underrepresented regions' to enable the introduction of new gTLDs (including both ACSII and IDN) into the domain name space as noted in the final report.

"Resolved, the Board directs the ICANN interim president and CEO or her designees to publish a report on the progress and status of implementation until the opening of the next application round of the new gTLD program at least two weeks prior to the start of each ICANN public meeting start with the ICANN77 public meeting.

"Resolved, the Board extends its great appreciation to the community which has invested considerable time and resources developing the recommendations that are being acted upon today. The Board especially extends its appreciation to the community leadership and members of the New gTLD Subsequent Procedures Policy Development Process Working Group (SubPro PDP WG) and Org staff who supported the SubPro PDP WG as well as the impressive effort that resulted in the ODA. Thanks to this effort the Board is taking this significant step today. The Board further notes that it is critical that this collective commitment carries through the implementation phase."

As for the rationale I recommend you all read that. Chair, that's the end of reading the motion.

TRIPTI SINHA: Thank you, Becky and Avri. I open the floor now for any discussions and comments. All right, it looks like we have none. So I'm going to call….

AVRI DORIA: We have to make the motion.

TRIPTI SINHA: Pardon me?

AVRI DORIA: Somebody has to make the motion.

TRIPTI SINHA: Yes, I was going to do that. I'm calling for a motion.

AVRI DORIA: I would like to move that we accept all of these wonderful resolutions.

TRIPTI SINHA: Thank you, Avri. Thank you, Becky. Avri puts the motion on the floor, Becky seconds it. All those in favor please say, "Aye."

GROUP: Aye.

TRIPTI SINHA: Any nays? Any abstentions? The motion passes. I'd like to thank the community. Tremendous. I'd really like to acknowledge the community for the many, many hours of work that has gone into this to bring us to this point. I'd also like to thank Org, Sally, Theresa's team, Karen, and Lars. And I don't want to miss any names, but I know you have an entire army of people behind them. And, John, your legal team has worked late into the night until this minute or a few minutes before this meeting. And I'd also like to thank the energy that Avri and Becky who have been the Board shepherds brought to this initiative. So thank you again to all your efforts.

Let's move on to the next agenda item. This is the Board's action toward completion of the implementation a very lengthy process within the ICANN community. This is the Second Organizational Review of the Nominating Committee. Today we're closing out the work of the Nominating Committee Review Implementation Working Group and initiating the process to amend a few sections of ICANN's bylaws to update the NomCom's role within ICANN. I will now turn to Katrina, the chair of the Board's Organizational Effectiveness Committee, to introduce this item.

KATRINA SATAKI: Thank you very much, Tripti. Difficult to continue after this emotional moment, but we must approve the final implementation report and initiate changes in the bylaws. So with great appreciation for the work done by the NomCom Review Implementation Working Group, let me read our resolutions.

"Resolved, the ICANN Board acknowledges the implementation work of the NomCom Review Implementation Working Group aimed at improving the effectiveness, transparency, and accountability of the NomCom in line with the findings and recommendations from the independent examiner and the subsequent detailed implementation plan and accepts the status of implementation of recommendations from NomCom 2 Review as reported by the NomCom Review Implementation Working Group.

“Resolved, the ICANN Board directs the ICANN interim president and CEO or her designees to initiate both a fundamental and a standard ICANN bylaws amendment process on Articles 7, 8, and 27 of the ICANN bylaws by opening a public comment proceeding on the proposed bylaws amendments for the implementation of four NomCom 2 Review recommendations relating to composition of the ICANN Board of Directors, composition and terms of the NomCom, and implementation of the NomCom Standing Committee. The ICANN Board also directs the ICANN interim president and CEO or her designees to initiate a standard ICANN bylaws amendment process on amendments to Article 12 of the bylaws relating to the RSSAC.

“Resolved, considering the important implications of ICANN's governance the ICANN Board directs the ICANN interim president and CEO or her designees to publish the draft NomCom Standing Committee charter and the draft statement defining unaffiliated directors as part of the public comment proceeding to provide an opportunity for the ICANN community to express their views prior to Board approval.

“Resolved, the Board acknowledges the NomCom Review Implementation Working Group’s position that Recommendation 10 of NomCom 2 Review stating, “Representation on the NomCom should be rebalanced immediately and then be reviewed every five years,” is not feasible for implementation at this time and has been withdrawn. Recognizing that the ICANN community has an important responsibility to address NomCom rebalancing along with the ICANN Board and Org the Board directs the ICANN interim and president and CEO or her designees to facilitate and support Board's engagement with the Supporting Organizations and Advisory Committees to understand community views on how the NomCom should be rebalanced, who should conduct this work, and the level of priority that the SO/ACs would assign to this work within their planning efforts. The Board requests that ICANN Org provide an update on the results of the Board's engagement with the SO/ACs within six months of this Board action."

Thank you, Tripti. Back to you.

TRIPTI SINHA: Thank you, Katrina. I open the floor for a discussion, if any. I don't see any hands going up. Do I have a motion?

KATRINA SATAKI: I'd like to move.

TRIPTI SINHA: Do I have a second? Thank you, Leon. Katrina forwards the motion, Leon seconds it. All those in favor please say, "Aye."

GROUP: Aye.

TRIPTI SINHA: Any nays? Any abstention? The motion passes. Thank you, Katrina.

Now let's move on to our thank yous. This is the thank you portion of our meeting. The Board recognizes the commitment of all our participants that our participants bring to the community and to ICANN. While we have a full community recognition program at the AGM, we have some thank yous to share today.

First, we would like to acknowledge a community member who is leaving the SSAC. For this, I will turn to Jim. Jim?

JIM GALVIN: Thank you, Tripti. As a reminder, folks should know that SSAC does have its own internal membership committee. But ultimately it is the Board that reviews and approves all SSAC members. And so with that, it is my great honor and sincere pleasure to recognize and acknowledge Jonathan Spring. He is an example of a success story in ICANN's general mode of recognizing interesting Fellows, important Fellows that come to us. He was an ICANN research Fellow for SSAC prior to joining SSAC. And he has at this time moved on to other things. So with that I'll read the last "whereas" clause and then the "resolved."

"Whereas, ICANN wishes to acknowledge and thank Jonathan Spring for his service to the community by his membership on the Security and Stability Advisory Committee.

"Resolved, Jonathan Spring has earned the deep appreciation of the Board for his term of service to ICANN. The ICANN Board of Directors wishes him well in all future endeavors."

With that, I yield to Tripti.

TRIPTI SINHA: Thank you, Jim. I would like to call the Board to move and second this resolution by acclamation. [applause] Thank you.

So next today the Board is saying goodbye to Manal Ismail who is leaving the Board at the end of this meeting. We've already had an opportunity to privately share our thoughts and thanks with Manal, and we will miss her contributions. So, Manal,

"Whereas Manal Ismail was appointed by the Governmental Advisory Committee to serve as a liaison to the ICANN Board on 2 November 2017.

"Whereas, Manal Ismail concludes her term on the ICANN Board on 16 March 2023.

"Whereas, Manal served as a member of the following Board working groups and caucuses:

- Board Anti-Harassment Working Group
- Board Internationalized Domain Names-Universal Acceptance Working Group
- Board Caucus on Accountability and Transparency Review 3 (ATRT3)
- Board Caucus on CCWG-Accountability Work Stream (WS2)
- Board Caucus on New gTLD Subsequent Procedures Policy Development Process (SubPro)
- General Data Protection Regulation (GDPR)/Expedited Policy Development Process (EPDP) Caucus

"Resolved, Manal Ismail has earned the deep appreciation of the Board for her term of service, and the Board wishes her well in her future endeavors within the ICANN community and beyond."

I'd like my colleagues to approve this resolution via acclamation. [applause]

Next I would like to wish thanks to all our hosts, sponsors, and staff that helped [make] ICANN76 a success.

"The Board wishes to extend its thanks to Rogelio Jimenez Pons Gomez, Undersecretary of Transportation for the Secretariat of Infrastructure, Communications, and Transportation of Mexico and his team for their great support. The Board also extends its thanks to ICANN76 local host committee members, NIC Mexico, the Mexican Internet Industry Association, the Internet Society Chapter Mexico, Punto 2012, and Neubox for their great support.

"The Board wishes to thank the following sponsors: Telefonos de Mexico, S.A.B. de C.V. (Telmex), Sia Intis Telecom (.IT), Verisign, Inc., Public Interest Registry, CentralNic Group PLC, and ICANNWiki."

Colleagues, can we resolve this through acclamation? [applause]

We'd like to now thank our interpreters, staff, event, and hotel teams of the ICANN76 meeting team.

"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

Cancún Convention Center for providing a wonderful facility to hold this event. Special thanks are extended to the Cancún Convention Center team as well as Wilson Alers from Media Stages Productions for helping to make ICANN76 a success."

Can we resolve this through acclamation, please? [applause]

Would any of my colleagues like to bring any other item to the agenda? Hearing none, do I have a motion to adjourn? Thank you, Leon. Do I have a second? Thank you, Danko. This meeting is adjourned.

[END OF TRANSCRIPTION]