
BEIJING – ICANN BOARD Meeting
Thursday, April 11, 2013 – 18:00 to 19:00
ICANN – Beijing, People’s Republic of China

STEVE CROCKER: While we're reassembling here, let me add a comment on this last point about the detailed -- Erika's request for detailed response to each item on the GAC communique.

There has been very active work developing a process for doing exactly that. Board/GAC working group, development of the register process, development of all of the pieces of that. And so this will give us, everybody involved, the next test of all of this. So I'm eager to see that process go to work, and we should be able to watch the pieces of that very cleanly. It's a public so-called GAC registry, and the pieces of the GAC communique should show up. You should be able to compare what's in the GAC communique to what is in the register and what that process is.

Have I got that correct, Heather? Yes, she says.

So we are formally reconvened as the full Board.

This is a meeting of the ICANN Board, and the agenda for the meeting is now put on the screen here for you to see.

It consists of a consent agenda with six, seven -- let's say, eight -- keep going down. Actually I, J, K -- what happened to J?

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

So 11 items, I think. Plus a main agenda that has a small number of things in it, 2 particular.

Our procedure is that we make an initial assessment of whether or not an item, a resolution, is likely to be quickly agreed to unanimously. We put things on the consent agenda and we have a rule that anybody, any board member, can ask for something to be removed from the consent agenda, moved to the main agenda without justifications. Just a -- the barrier is very, very low.

So here's the agenda as you see it.

Bruce will give a quick summary of the several items on the consent agenda, and then we will act on that.

BRUCE TONKIN:

Thank you, Steve. And I'm just running through the agenda items very quickly just to get the summary.

Obviously the first one is just approval of the board minutes.

The second item is approving the bylaws amendment for the Root Server System Advisory Committee. That was an outcome of the recent review of the RSSAC processes.

The third one, C, is the basic resolution that allows the chief executive to set up an office in Istanbul, Turkey.

The next one is relating to the accountability structures. One of the accountability structures we have is basically an independent review process or IRP.

We had an external review of our accountability mechanisms, and one of the outcomes of that review was the setting up of a standing panel for that Independent Review Panel.

We pulled that out as a proposed bylaw amendment, and one of the pieces of feedback was that there should be an ability to add expertise for change expertise on the panel depending on the case being heard. So in this resolution we're basically approving a change to the bylaws that incorporates establishing a standing panel and having the ability to add expertise to the panel if that's required.

We have another request here for the removal of cross-ownership restrictions for the dot cat gTLD. The process for that, we have a defined process. Part of that process is a review by ICANN of any competition issues, and it's also been through a public comment period and based on the outcome of that process the Board is being asked to approve the removal of cross-ownership restrictions for dot cat.

Agenda item F relates to the redelegation of the dot ga domain name representing Gabon. Again, the Board's role here is really just overseeing the process, making sure that the IANA function has properly followed the process with respect to reviewing that request, and the Board is being asked to approve the change, the redelegation of the dot ga domain name.

Item G, Public Participation Committee name. That committee requested to change its name to the Public and Stakeholder Engagement Committee. This aligns with it with some of the other terminology used within Fadi's management team around stakeholder engagement.

The final item here, item H relates to the SO/AC fast-track budget request. This is a process where we can identify some early budget requests from supporting organizations and advisory committees that would be put into effect at the beginning of the financial year, starting, I guess, 1st of July. So this relates to approving 12 requests representing \$279,000.

At that point, I'm finished going through those resolutions.

STEVE CROCKER:

We have -- we have the thank yous to the departing community members. We thanked them previously, but it's worth reading their names again.

Marilyn Cade and Fernando Espana, Paulos Nyirenda, and Rolando Toledo from Peru.

Next, a thank you to the sponsors. We have an extended list of sponsors here. I'm going to not read all of them, but the sponsors, as we all know, are very important and deserve our thanks.

And then scribes, interpreters, staff, event and hotel teams. This is a big operation. Everyone here knows that it's not for -- it's not easy to put

on an event like this. An awful lot of moving parts and a huge amount of preparation and cooperation. It's a big deal.

And then finally, thanks to our local hosts, the CNIC, CONAC, Internet Society of China, and ministers in several offices in the government. Cooperation and support is also extremely important, and one does not bring an operation like this into China or any other place without the cooperation and active knowledgeable support of the local community.

It's visible to everybody that we have everybody on the board is here, all 16 voting members and five nonvoting liaisons, but for the record and for the -- in order to keep our general counsel from losing it, I'm going to ask for a quick roll call starting with you, Ram.

RAM MOHAN: Ram Mohan.

ERIKA MANN: Sorry. This was the wrong one. Erika Mann.

GONZALO NAVARRO: Gonzalo Navarro.

BILL GRAHAM: Bill Graham.

FRANCISCO DA SILVA: Francisco Da Silva.

KUO-WEI WU: Kuo-Wei Wu.

RAY PLZAK: Ray Plzak.

SEBASTIEN BACHOLLET: Sebastien Bachollet.

CHERINE CHALABY: Cherine Chalaby.

CHRIS DISSPAIN: Chris Disspain.

STEVE CROCKER: Steve Crocker.

BRUCE TONKIN: Bruce Tonkin.

FADI CHEHADE: Fadi Chehade.

JUDITH VAZQUEZ: Judith Vazquez.

SUZANNE WOOLF: Suzanne Woolf.

OLGA MADRUGA-FORTI: Olga Madruga-Forti.

BERTRAND DE LA CHAPELLE: Bertrand de la Chapelle.

GEORGE SADOWSKY: George Sadowsky.

MIKE SILBER: Mike Silber.

THOMAS NARTEN: Thomas Narten.

HEATHER DRYDEN: Heather Dryden.

STEVE CROCKER: Thank you. And with that, I ask for consent -- approval of the consent agenda. All in favor?

[Show of hands]

Any -- any opposed?

Any abstentions?

The consent agenda is passed. Thank you all.

We move now to the individual items on the main agenda. We have a process of asking that each item on the agenda is overseen or shepherded, in our terminology, by a particular board member for each one, and now I'm caught. Ram? Is this yours?

RAM MOHAN: You want me to go, Steve?

STEVE CROCKER: Please introduce and take us through this.

RAM MOHAN: Thank you very much.

For a few years now, ICANN has been focused on work in the IDN area and in engaging with the community in ensuring that IDNs at the top level can get delegated.

One of the interesting issues that comes up in this area of IDNs are what are called variants, and in order to ensure that variants gets done properly, ICANN started up a project called the IDN variant project, and had tasked staff to create a set of specific projects inside of that program.

This resolution is about two specific actions that are coming about as a result of work in the IDN variant program.

So I'll read the -- the agenda item and the resolution.

IDN variant TLD root LGR procedure and user experience study recommendations.

Whereas, IDNs have been a board priority for several years to enable Internet users to access domain names in their own language and the board recognizes that IDN variants are an important component for some IDN TLD strings;

Whereas, the board previously resolved that IDN variant gTLDs and IDN variant ccTLDs will not be delegated until relevant work is completed;

Whereas, since December 2010 ICANN has been working to find solutions to ensure a secure and stable delegation of IDN variant TLDs and the IDN variant TLD program benefited from significant community participation in developing the procedure to develop and maintain the label generation rules -- or LGR rules -- for the root zone in respect of IDNA labels and the report on user experience implications of active variant TLDs.

Resolved, the board directs staff to implement the procedure to develop and maintain the label generation rules for the root zone in respect of IDNA labels including updating the gTLD applicant guidebook and the IDN ccTLD process to incorporate the label generation rules for the root zone in respect of IDNA labels in the respective evaluation processes.

Resolved, the board requests that by 1st July 2013, interested supporting organizations and advisory committees provide staff with any input and guidance they may have to be factored into implementation of the recommendations from the report on user experience implications of active variant TLDs.

STEVE CROCKER: Thank you very much. Is there any discussion?

Ray seconds the motion. Thank you.

Any further discussion?

Ram?

RAM MOHAN: Thank you, Steve.

One of the things that I wanted to point out is that although the language here in the board resolution says that the work has to be done to implement and delegate IDN variant TLDs, it is important to understand that this is a complex topic and the likely result is that some IDN variant TLDs may eventually get delegated, but some will never be.

And so I want to make sure that we understand that this is not a carte blanche that ensures that all IDN variant TLDs will get delegated.

There are a specific set of criteria that have to be developed in the LGR procedure. There are also recommendations from the user experience project. But this is not something where simply going through a set of

algorithms and having a mechanistic procedure is sufficient to ensure that IDN variant TLDs will get delegated. It is entirely likely that there has to be some level of analysis on specific cases that goes beyond just the LGR procedure and the variant TLD.

So I just want to make sure, Steve, that our community as well as our board understands that doing these strings doesn't automatically provide a license for all IDN variant TLDs to be delegated.

STEVE CROCKER:

Thank you. I think that caution is extremely important. I'm very glad that you've articulated it. I have a feeling that it won't be the last time that it's necessary to articulate that.

Any further comment or discussion?

Thank you.

Let me call the question.

All of those in favor?

[Show of hands]

Are there any opposed?

Any abstentions?

The motion carries unanimously. Thank you very much.

The next item on the agenda is an action that comes to us through the structural improvements committee.

I want to ask Ray, who chairs the structural improvements committee, to take us through this resolution and introduce it.

RAY PLZAK:

Thank you, Steve.

By the bylaws, the board is responsible for the recognition of new GNSO constituencies. In June of 2011, the board adopted a process to fulfill that requirement, and that process includes eligibility criteria, it encourages collaboration, and most importantly, it puts the decision regarding the applications in the first part, or first instance, in the hands of the community groups that are in the best position to evaluate the request.

The resolution that is before the board today is a part of that process.

By this resolution, the board will be ratifying the decision of the NCSG to reject the application by the PIA-CC.

This will be done without prejudice. This means that the PIA-CC can resubmit a new application or it can pursue participation by other venues.

Lastly, while not a part of this resolution, the community should know that the new gTLD community could result in more applications from new constituencies and these new constituencies could have an impact on ICANN processes and structures. I will now read the recitals and the resolution as the proposal.

Whereas, the ICANN board wants to encourage participation by a broad spectrum of existing and potential community groupings in ICANN processes and activities.

Whereas, the ICANN board has established a process for the recognition of new GNSO constituencies that includes objective eligibility criteria, encourages collaboration and puts the decisions regarding applications in the first instance in the hands of the communities to be directly impacted by the potential new constituency.

Whereas, the cybercafe association of India submitted an application for formal recognition of a new GNSO constituency called the "public Internet access/cybercafe ecosystem" within the GNSO's noncommercial stakeholder group.

Whereas, ICANN staff managed a 68-day comment forum for community review in reaction to the PIA-CC proposal.

Whereas, the NCSG leadership and ICANN staff engaged in collaborative consultation and dialogue with the PIA-CC proponents.

Whereas, the NCSG leadership and ICANN staff have followed the process and the NCSG has advised the Structural Improvements Committee of the board of its determination to deny the application because the application does not meet the criteria established by the board.

Resolved, the decision of the NCSG to deny the PIA-CC application is ratified with the understanding that the decision is without prejudice

and the constituency proponents have the right to resubmit a new application.

Resolved, the President and CEO is directed to continue collaborative discussions with the PIA-CC proponents to further investigate and consider other options for community engagement within the ICANN community and its processes.

STEVE CROCKER:

Thank you. We now come to your favorite part. Is there a second? Mike, thank you.

Let me call for discussion and I have a comment to contribute as.

Well.

Ray.

RAY PLZAK:

I just want to know the conversation is continuing on right now as we speak. And so this matter just wasn't dropped waiting for the board to do something. It has been an active engagement with the staff proponents.

STEVE CROCKER:

Thank you, that's good to know.

The language that's just been shared with you is a bit on the dry side. Let me try to bring a little more life into this.

The role of the board in this case is to oversee the process and the content decision, the substantive decision in those matters have been made by the NCSG, the Noncommercial Stakeholder Group.

So what's underneath all of this? A group has attempted to put together a new constituency focused around the cybercafes and the crux of the question is: Is it really a noncommercial group or is it a commercial group? And that has to do with the structure of the application and the judgment. There is a little more to it, but a key part is that it is really coming from the cybercafe owners and that raises a serious question as to whether this is noncommercial or not.

As Ray covered, this is an ongoing process. This particular application was pushed back on -- NCSG pushed back on and we're here to pass judgment on that action of the NCSG.

But it is not intended to discourage the applications for new constituencies. And so there is a considerable amount of empathy while we at the same time try to get all the parts of this lined up properly.

So that's the -- that's kind of the underlying story. That's helpful, I think, to know.

Any other discussion? Let me call the question. All those in favor?

(Raising hands).

Any opposed?

[No verbal response.]

Any abstentions?

[No verbal response.]

Thank you. And I will just comment that the reason why this particular action is not on the consent agenda is because some of us felt that it would be helpful to get this exposed and described rather than just passing it without discussion. But there wasn't any dissension within the group as we covered that.

Thank you. We are now at the very last item. Does anybody have any other business? Bertrand.

BERTRAND DE LA CHAPELLE: Thank you, Steve. It's a brief comment. Although I'm not on the new gTLD committee, I desire to take the opportunity at the end of this session to give just a brief input, which is related to the remarkable amount and quality of contributions on the public forum regarding the formerly closed generics and now closed exclusive reviews.

It is an illustration in my view of the value of the public comment periods and the capacity of bringing the different perspectives, including of the actors who have a stake in a particular issue around the table.

One of the challenges as we've discussed during the course of this meeting is that public comment period mostly parallel tracks and not really a discussion among actors that may allow to bridge a little bit more the different positions.

This is for another debate. It is a debate for the evolution of the working methods of the organization. That being said, there is a timeline that is present there. I'm waiting with great anticipation -- I've read thoroughly as I suppose most of the members of the board, the comments that have been posted.

I'm waiting for the summary of the staff which is an element that would be taken into account. And there is a correlation also with the suggestion that has been made regarding -- following the release of the GAC advice which among other issues is addressing this exclusive use of TLDs. It is a significant amount of information that will have to be digested by the new gTLD committee. And I'm happy that this environment has provided a good collection of perspectives. Thank you.

STEVE CROCKER: Thank you very much.

Ray?

RAY PLZAK: Yes, Steve. I just wanted to point out that we are now approaching my favorite part of the meeting which is adjournment.

STEVE CROCKER: I see. So the other was only your second favorite, yeah?

Bruce.

BRUCE TONKIN:

Thank you, Steve. I just wanted to raise a topic that comes down to the accountability mechanisms that we have available. The Board Governance Committee is starting to see some reconsideration requests around the new gTLD program. And I just wanted to be clear because that term "reconsideration" sounds pretty good. It is like, great, I didn't get the outcome I wanted so I will ask another committee to come out with a second opinion. But it doesn't quite work that way.

So we have three mechanisms in the bylaws. We have reconsideration. We have the independent review tribunal, and we have the ombudsman.

Specifically as it relates to reconsideration, the test there in the bylaws with respect to staff actions, for example, the evaluation that they may have done on application is merely whether they followed the policy or not. It's not an actual in-depth reading the application and try to decide whether the board thinks an application is good or bad. So it is very limited really.

The other thing is the independent review tribunal is sort of the highest level of process that we have which is completely independent of ICANN. That's restricted to looking at where there's breaches of the articles of incorporation or the bylaws. So, again, it is quite limited into a specific area of our operation.

That brings me onto the ombudsman. The ombudsman actually has far more capability than any of those two other methods. And the ombudsman basically has a charter that says that they can -- the primary function is to provide an independent internal evaluation of

complaints that believe the staff, the board or a constituent body has treated them unfairly.

The ombudsman serves as an advocate for fairness and shall seek to evaluate and where possible resolve complaints about unfair or inappropriate treatment by the staff, the board or ICANN constituent bodies which could also be the GAC, by the way, clarifying the issues and using conflict resolution tools.

So I would just encourage you to consider using the ombudsman as you start progressing through the new gTLD process, particularly where you might feel you are being unfairly treated.

STEVE CROCKER:

Thank you. The underlying text there is that the ombudsman is underemployed and we're trying to increase his workload.

[Laughter]

Let me close with a personal comment. It is an extraordinary privilege to chair this board. This is a very solid, professional, experienced and deeply committed set of people. An enormous amount of work is carried out at a level that's not directly visible, but it is fully documented.

We have a committee structure of several committees. And each of those committees is -- has a full workload and takes on a variety of quite complicated and sometimes highly technical tasks, the Audit Committee, the Finance Committee, the Risk Committee, the IANA

Committee, the Board Governance Committee, the Structural Improvements Committee, the BGRC. I'm losing it at this hour.

And I'm sure I -- board global relations, thank you, committee. Which ones have I -- Compensation Committee and the public -- the Public Participation and Stakeholder Committee. Thank you. A number of activities that are not formally structured as committees that carry equal amounts of work, ad hoc committees to structure the retreats and workshop times that we have, the board global relations -- no, the board/GAC registration -- what is the R, Bill? Relationship implementation.

They are all aimed at either getting the work done or building processes that make getting the work done better and easier. And another point that has to be made is all of this sits on top of an extraordinary structure of activity involving many, many more people than just us in the supporting organizations, in the advisory committees, all the constituencies, stakeholder groups, working groups, a huge participation.

So it is a privilege to be on this board, and it is, as I said, a deep personal privilege to be able to work with all of the members on the board and have their confidence as chair.

We also, of course, are in the fortunate position of having an extraordinary staff led by Fadi Chehade, but he's built a first-class team of professionals.

One of the hallmarks both on this board and on the team that Fadi has built is the development of depth. We are, I think, favorably now in the

position that not nearly where we want to be but getting there of having the ability to remove or lose any one of us and still maintain pace, have people fill in. And it's quite a solid operation.

So with that, as I say, y'all have my thanks. And this has been an extraordinarily good ICANN meeting. You've heard all the words about the numbers and the location and the involvement. And cocktails are next door. At least they should be. And I invite everybody to come on over and find out. Thank you.

[Applause]

[End of session]