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COPENHAGEN - ICANN Public Board Meeting  
Thursday, March 16, 2017 - 17:00 to 18:00 CET  
ICANN58 | Copenhagen, Denmark

STEVE CROCKER: Good afternoon, everybody. It's a minute or two after 5:00. We're going to start now.

There's a wrap-up cocktail party -- that's a funny name for it; it used to be called the chairman's cocktail party -- immediately following this, and so I think we're all motivated here.

This is where we take care of the formal business. There's several resolutions that have been accumulated. This is the Board passing approval of all of these things.

Our standard operating procedure is that we divide our agenda into two parts: A consent agenda that has resolutions for which there is really no issue, everybody's expected to say yes, and then a main agenda where we go through a slightly more formal process and ask for discussion and yeas and nays and so forth.

The consent agenda is not intended to bypass the proper procedure. Our rules are that any Board member for any reason whatsoever at any time can pull an item off the consent agenda, and that simply moves it to the main agenda for regular processing.

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So, with that, I hereby open the Board meeting of ICANN at -- here in Copenhagen on 17 March, 2017, and let me take roll and make sure that we have a quorum. We'll start down at your end, Thomas.

THOMAS SCHNEIDER: Thomas Schneider.

GEORGE SADOWSKY: George Sadowsky.

AKINORI MAEMURA: Akinori Maemura.

MARKUS KUMMER: Markus Kummer.

JONNE SOININEN: Jonne Soininen.

LITO IBARRA: Lito Ibarra.

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MAARTEN BOTTERMAN: Maarten Botterman.

BECKY BURR: Becky Burr.

CHERINE CHALABY: Cherine Chalaby.

KAVEH RANJBAR: Kaveh Ranjbar.

CHRIS DISSPAIN: Chris Disspain.

KHALED KOUBAA: Khaled Koubaa.

MIKE SILBER: Mike Silber.

RINALIA ABDUL RAHIM: Rinalia Abdul Rahim.

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STEVE CROCKER: Steve Crocker.

RAM MOHAN: Ram Mohan.

ASHA HEMRAJANI: Asha Hemrajani.

LOUSEWIES VAN DER LAAN: Lousewies Van der Laan.

GORAN MARBY: Goran Marby.

STEVE CROCKER: Mr. Counsel, do we have a quorum?

JOHN JEFFREY: Yes, Mr. Chairman.

STEVE CROCKER: Thank you.

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LOUSEWIES VAN DER LAAN: Mr. Chairman, Ron da Silva let us know that he's, not in person but remotely.

STEVE CROCKER: Thank you very much. And we have Ron da Silva online. Excellent.

All right. The consent agenda has, if I count correctly, nine items on it. I'll read -- I'll read what they are and not go into a great deal of detail.

The first is approval of Board meeting minutes.

The next is appointment of new members of SSAC, and I think it's worth saying who they are. Jay Daley and Cristian Hesselman.

The next is the appointment of the F root server operator representative to RSSAC. That is Fred Baker.

The fourth is renewal of the .MOBI registry contract.

Fifth is approval of GNSO Council request for CEO and registrar stakeholder group to evaluate alternatives for the implementation of inter-registrar transfer policy Part C, otherwise known as IRTP-C.

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The sixth item is approval of revised delegation of authority guidelines regarding PTI.

The seventh is thank you to the local host for ICANN 58 meeting.

The eighth is thank you to the sponsors of ICANN 58 meeting.

And the ninth is thank you to the interpreters, staff, event and hotel teams of ICANN 58 meeting.

All of these are posted and available on line, and I ask for assent from all of us. Is everyone in favor?

[ Chorus of ayes ]

Ron?

He says yes.

Any opposed?

[ No response ]

Any abstentions?

[ No response ]

The consent agenda is passed and we move on to the main agenda.

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There are four items listed on the main agenda and then a section called "Any Other Business," and I think in this case we will, in fact, have some items there.

First is the Organizational Effectiveness Committee charter revisions, and I ask Rinalia to take us through that.

RINALIA ABDUL RAHIM: Thank you, Steve. Rinalia speaking.

This item is before the Board for approval and there is a recommendation. Let me just set the context for the recommendation.

The Organizational Effectiveness Committee of the ICANN Board, which I chair, is responsible for the review and oversight of policies, processes, and procedures relating to ICANN's organizational reviews. We have noted that there are parallels in the process of conducting organizational reviews and specific reviews, and just a note that specific reviews were formerly known as the Affirmation of Commitment reviews.

These parallels provide an opportunity for us to streamline and provide greater consistency in terms of focus and treatment of reviews.

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We are addressing this topic because previously the oversight of specific reviews has not been assigned to a specific Board committee and consolidation will allow us to have a consistent focus and ensure appropriate standards are applied across all reviews. It will allow us to have higher efficiency and effectiveness in addressing the reviews which will support our ability to meet our accountability and transparency obligation.

We believe that there will be no fiscal impact or adverse ramification on ICANN's strategic and operating plans from the proposed changes, and there are expected to be no security, stability, and resiliency issues relating to the DNS as a result of this action.

The Organizational Effectiveness Committee has proposed to amend its current charter to expand its oversight to include specific reviews. The Board Governance Committee is required to evaluate the proposed modification. It has done so and it affirms support for the proposal. Therefore, the recommendation before the Board is that the Board approve the proposed revisions to the charter of the Organizational Effectiveness Committee to expand its oversight to include specific reviews.

Over -- back to you, Steve.



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STEVE CROCKER: Thank you. I'll consider it moved.

Does somebody want to second?

>> I do.

STEVE CROCKER: Thank you. Any discussion?

I call for the vote.

All in favor say aye.

[ Chorus of ayes ]

Any opposed?

[ Silence ]

Any abstentions?

[ No response ]

Motion passes. Thank you very much.

Move on to Item 2(b), consideration of the Gulf Cooperation Council versus ICANN Independent Review Process final declaration.

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Chris, will you take this?

CHRIS DISSPAIN:

Thank you, Steve.

This comes to us as a result of an IRP final declaration. I won't read the whereases out. I will just read the resolution, the proposed resolution. "Resolved, the Board has determined that further consideration and analysis of the final declaration is needed, and directs the ICANN president and CEO, or his designee, to conduct or cause to be conducted a further analysis of the panel's factual premises and conclusions, and of the Board's ability to accept certain aspects of the final declaration while potentially rejecting other aspects of the final declaration."

So, that is the resolution, Steve, and I'll be happy to answer any questions.

STEVE CROCKER:

Thank you, Chris.

Consider it moved.

Any second?

Thank you, Mike.

Any discussion?

All in favor say aye.

[ Chorus of ayes ]

Any opposed?

[ Silence ]

Any abstentions?

[ Silence ]

Motion passes. Thank you very much.

Move on to Item 2(c).

Item 2(c) is consideration of the .SPORT Limited versus ICANN Independent Review Process. This may have -- we may have individual members who are conflicted. I'll call for conflicts momentarily.

Chris, again, will you introduce this?

CHRIS DISSPAIN: With pleasure, Steve.

This is -- again, comes to us to do with a final declaration of the IRP. This time in the matter of .SPORT.

The -- the resolution says, "Resolved, the Board accepts the following aspects of the final declaration: (i) dSL is the prevailing party in the .SPORT limited versus ICANN IRP; (ii) ICANN shall reimburse dSL its shares of fees and expenses of the panel and ICDR in the sum of \$79,211.64 upon demonstration by dSL that these incurred fees and expenses have been paid; and ((indiscernible) each party shall be responsible for its own fees and expenses."

And then there is a second resolution which says that "The Board directs the president and CEO, or his designee, to take all steps necessary to implement the IRP panel's recommendation that the, quote, Board reconsider its decisions on the reconsideration requests, in the aggregate, weighing the new evidence in its entirety against the standards applicable to neutrals as set out in the IBA conflict guidelines, end quote, in accordance with the bylaws in effect when the Board made its previous determinations on dSL's reconsideration requests."

Thank you.

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STEVE CROCKER: Thank you.

A second?

Rinalia, thank you.

Let me ask for expressions of conflict of interest.

Becky and George? Thank you.

So, you two are recused from voting.

CHRIS DISSPAIN: May I just add something, Steve, if that's okay with you, before you take the final vote?

STEVE CROCKER: Yeah. I'm sorry?

CHRIS DISSPAIN: Before you take the final vote?

STEVE CROCKER: Yeah.

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CHRIS DISSPAIN: Thank you. I just wanted to say just I think it's important to mention that we heard today at the public forum the concern that the IRP panel had not taken into account an ombudsman's report.

However, we are aware and the BGC will certainly take into account that report at the next stage of its consideration.

So, we're aware of that report that was mentioned today at the microphone and we'll certainly be taking that into account. I just wanted to put that on the record. Thank you.

STEVE CROCKER: Thank you, Chris. I was actually going to ask for further discussion. Becky?

BECKY BURR: I just wanted to clarify that I have recused myself from consideration of the .SPORT, so it's not just the voting but consideration throughout this process, as NeuStar is a back-end provider for a .SPORT applicant.

STEVE CROCKER: Thank you. Any other discussion?

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I think we're ready to vote. All in favor say aye.

[ Chorus of ayes ]

All opposed?

[ Silence ]

Excuse me. And any abstentions?

I think that includes Becky and George for the reasons that they've said before.

Thank you.

The motion passes.

We're now on to Item 2(d), approval of community anti-harassment policy. Maarten, will you introduce this?

MAARTEN BOTTERMAN: Yes. Thank you, Steve.

Triggered by an event at ICANN 55, the Board agreed to address the issue of anti-harassment explicitly. It approved last year already a revised expected standards of behavior which you can find on our Web site, and it proposed the community anti-harassment policy.

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This community anti-harassment policy has been posted last year and invited for public comments. Public comments have been received up to half of January and have been considered, and last Saturday in an open Board session we discussed the policy and the reflections on it from the community, and with that, we also recognized a specific discussion about the role of the ombudsman, who happens to be an expert in the field, but we will continue to see the specific role that the ombudsman fulfills.

We recognize that at some times it may be appropriate to not have a middle person to respond to these kind of harassment remarks and we'll look into how to address this best.

And we also recognize that it also applies to persons of the organization not to be the subject of harassment, and the organization also has an anti-harassment policy in place.

And, furthermore, we consider further steps to educate, inform, where necessary, the community.

So, with that, and moderating out the "whereases," we propose to adopt the community anti-harassment policy as revised, to address some issues raised during the public comment period. And we ask the president and CEO or his designee to ensure that the organization continues to monitor whether the office of the



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ombudsman is the appropriate place for community members to file a complaint under the community anti-harassment policy and to annually review the policy for future enhancements as needed. And, secondly, to make ICANN's organization's human resources department available to assist in complaints where the complainant has indicated a preference to engage with a person of a different gender than the current ombudsman.

So, this is the proposal, Steve.

STEVE CROCKER:

Thank you. A second? Ram, thank you.

I'll note that we had an open Board discussion on this matter earlier this week. And it was a very useful discussion, speaking from the Board's point of view. And I hope that it was helpful from a community perspective to see the discussion that we had.

Any further discussion? Yes. George.

GEORGE SADOWSKY:

Yeah. Thank you, Steve.

I support this resolution, although I regret that it was started as a response to an unpleasant event at an ICANN event.

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Our ombudsman did speak earlier, and he was eloquent regarding his expectation of behavior that should be implemented at ICANN events and in the ICANN community.

But, in this context, the approval of this resolution should bring us closer to an environment characterized by fair and respectful treatment of everyone in the community. And, perhaps as important or even more important, both the perception and the reality for those who are new to ICANN or who are considering joining the ICANN community of being treated with respect as a member of the community should they choose to join. Thank you.

STEVE CROCKER: Khaled.

KHALED KOUBAA: Thank you, Steve. I wanted to reiterate my support for this policy. But, again, I wanted to mention that we need to have it available in all the different languages so everyone would be able to read it and be guided by it. Thank you.

STEVE CROCKER: Cherine.

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CHERINE CHALABY: I know that Maarten said it, but I'd really like to emphasize it that, since the discussion we had on Monday, the resolution has changed a little bit, particularly towards the role of the ombudsman and adding to the resolution mechanism for ICANN human resources to be involved, especially when there's a gender issue and the person complaining wishes to have a different gender to discuss that complaint. I'm really delighted by that change in the resolution.

Thank you, Maarten, for bringing it. I'm just saying that I'm very supportive of this point. This is a good point to emphasize for everyone. Thank you.

STEVE CROCKER: I see another light on down there. Now I don't see the light at all.

Any further discussion on this? Yes. This resolution -- I'll say a word. This resolution reflects that there was an incident and heightened awareness of other incidents. It's what we do here is we pay attention and we make adjustments. I think, as everyone has heard, we take this particular area quite seriously. We take everything seriously. But it strikes both a personal chord and professional chords in each of us.

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Any further discussions? Let me take the vote. All in favor say aye.

>> Ayes.

Any opposed?

Any abstentions?

Thank you. The resolution passes. We now move on to the last item, which is called "Any Other Business."

We had some progress, considerable progress in discussions about a pretty thorny issue that's been hanging around. And we have a resolution related to the Red Cross/Red Crescent movement identifiers in gTLDs.

Markus, would you take us through this?

MARKUS KUMMER:

Yes. Thank you, Steve. Markus Kummer, speaking. We have a, so to speak, last-minute resolution that tries to move forward in the protections for the Red Cross, Red Crescent movement identified in gTLDs, as you're aware. There are inconsistencies between GAC public policy advice and GNSO consensus policy recommendations regarding second level protections of these identifiers.

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In Hyderabad, we started a facilitated process, which was led by former Board member Bruce Tonkin. And here on Saturday and Sunday we held meetings between GNSO and GAC representatives. And they made good progress on the Red Cross Red Crescent issue based on new guidance provided also by the GAC. That came after the GNSO PDP.

We looked at it. And we had experts there also from the Red Cross.

And the solution proposed now is that we ask the GNSO to consider amending the recommendation in the PDP working group final report.

And here now I can read out -- we see it on the screen.

It says, "Resolved, the Board requests that the GNSO initiate its process for amendments or modifications of approved policies as described in section 16 of the GNSO PDP manual to consider amending recommendation 5 in section 3.1 of the PDP working group final report as follows:"

Then you have under (1) that all the full names of the 190 Red Cross national societies and full names of the ICRC and the International Federation of Red Cross and Red Crescent Societies are to be placed into Specification 5 of the base gTLD

registry agreement and to allow for an exception procedure to be created for cases where the relevant Red Cross Red Crescent movement organization wishes to apply for their protected string at the second level.

The second para in placing the specified identifiers into Specification 5 of the base gTLD registry agreement. This would apply to an exact match of the full name of the relevant national society recognized by the international Red Cross and Red Crescent movement in English and the official languages of its state of origin. The full names International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies in the six official U.N. languages, and the defined limited set of variations of these names.

And, third, in considering the Board's request, the council is requested to duly take into account these factors and the public policy advice to reserve the finite list of the names of the Red Cross and Red Crescent national societies as recognized within the international Red Cross and Red Crescent movement in all gTLDs.

This is the gist of the resolution. And, in concluding, I would be amiss not thanking all those who participated in the facilitated

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dialogue for the goodwill shown and the hard work in finding a solution to this outstanding issue. With that, back to you, Steve.

STEVE CROCKER: Thank you. Thank you very much. Do I hear a second? Cherine, thank you very much.

Any discussion? Lito.

LITO IBARRA: Yes. Thank you, Steve. Lito Ibarra.

I would like to suggest as an amendment to the first resolution and the writing of the first resolution. It says, "Resolved, the Board requests that the GNSO initiate its process" and so on.

I would like to suggest that it reads, "The Board requests that the GNSO considers initiating its process for amendments" and so on.

STEVE CROCKER: I'll wait until that's finished being typed up there. "Initiating" instead of "initiate"? Yeah.

LITO IBARRA: Right.

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STEVE CROCKER: Chris.

CHRIS DISSPAIN: Thank you, Steve.

The wording of this resolution has been discussed with the representatives from the GAC and from the representatives from the GNSO and reached on an understanding that this is a resolution that would be put to the Board. I'm a little -- I think I'm a little uncomfortable making changes to it. I'm also not sure that I understand the reason for doing so.

There is a process by which -- under the bylaws, by which the Board asked the GNSO to initiate its process. And it's that -- sorry, asks the GNSO to use this particular process. And it's that that we're doing here.

So, seems to me that it's better to keep it simple and simply say please initiate. It doesn't mean they have to. We're not forcing them to. We're asking them to. That's why the word "request" is there.

The Board requests the GNSO initiate its process. So, I'd be more comfortable leaving it the way that it is. Thank you.



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STEVE CROCKER: Further discussion? So, what we have here is a proposed amendment of about three or four words and a lack of unanimity of agreement on whether to do it or not do it. Khaled.

KHALED KOUBAA: In fact, I join Chris of the fact that the importance of having both constituencies and group of people talking together and became with this way of accord. So, I would rather prefer to not changing any wording.

STEVE CROCKER: So, Lito?

LITO IBARRA: If it is agreed by the two constituencies, I'm okay with leaving as it is. I just wanted to make sure that we all, the constituencies, the GNSO and GAC feel comfortable. But, if that is the case, I'm okay with leaving as it is.

STEVE CROCKER: Do I get to take that as you're willing to withdraw this, so we don't have to take a vote on it? This is a good thing.

I'm very relieved.

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All of you are very relieved, too.

Thank you.

All right. We have the agenda as -- I mean, the resolution as written and as read. Any further discussion? Chérine.

CHÉRINE CHALABY:

Just to say that it is about time that the Board pass a resolution in this direction. I think everybody has been waiting. And this has taken a long time. And I'm really delighted. And thanks to Bruce for bringing us to this point. But it is a good point that at least we -- there's some action taken by the Board that will cause this to progress in one way or another. So, I'm really delighted.

STEVE CROCKER:

Thank you. Asha?

ASHA HEMRAJANI:

I just want to echo what Chérine said. I want to extend great thanks to Bruce for stepping in and helping on this. Thank you.

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STEVE CROCKER: Yeah. Bruce's good service continues. It's really quite pleasing and helpful.

Anything else? Thomas?

THOMAS SCHNEIDER: Just to join thanking Bruce very briefly. That was an excellent job. Thank you.

STEVE CROCKER: Thank you. Have we gotten everybody in? Thank you.

All right. I'll call for a vote on this. All in favor say aye.

[ Chorus of ayes ]

Any opposed?

[ Silence ]

Any abstentions?

[ Silence ]

This resolution passes and we've done good work this week.

Thank you all.

One other piece of business.

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I think we used to make -- we include in our resolutions thank yous and recognition of departing staff. We have typically moved those off to a later Board meeting, but I think we'll make an exception to our revised rules, and Becky?

BECKY BURR:

Yes. As you say, sometimes there are good reasons to make exceptions, so I would propose that the Board resolve that as Glen de Saint Géry has earned the deep appreciation of the ICANN Board for her dedicated service to the ICANN community, the Board wishes her well in her future endeavors within the ICANN community and beyond.

STEVE CROCKER:

I think I'll second it.

[ Laughter ]

Any discussion? Chris?

>> (Off microphone.)

Oh, getting ready to clap.

I heard a rumor that Glen is here. Is that true? Pointing some -- there she is. Anyway, all in favor say aye.

[ Chorus of ayes ]

[ Applause ]

[ Standing ovation ]

STEVE CROCKER: Nobody would dare oppose. The motion passes. The Board meeting is adjourned. There's cocktails not until, I believe, 7:30 - - I don't know what you're going to do for a whole hour -- in Hall E, as in "Edward."

RAM MOHAN: 6:30.

STEVE CROCKER: It's 5:30 now. 6:30. One hour from now. Apologies. Cocktails at 6:30 in Hall E.

Thank you all. This brings the ICANN meeting in Copenhagen to a close. Well done, everybody.

[ END OF TRANSCRIPT ]