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ICANN BOARD PAPER NO. 2013.08.22.1b

TITLE: **FY14 BUDGET APPROVAL**
PROPOSED ACTION: **For Board Review and Approval**

EXECUTIVE SUMMARY:

As per required by the Article XVI, Section 4 of the ICANN Bylaws, the FY14 Operating Plan and Budget has been developed by ICANN staff and was timely posted for public comment and discussion. Since the initial posting on 10 May 2013, significant changes were made to the draft FY14 Operating Plan and Budget, leading to a second posting for comment. In addition, numerous other consultations were held with staff, Board and community members. All of the comments have been taken into consideration, and when appropriate and feasible have been adopted, and a final FY14 Operating Plan and Budget has been developed. Per the Bylaws, the FY14 Operating Plan and Budget must be adopted by the Board and then posted on ICANN's website.

Further, per section 3.9 of each of the three currently effective Registrar Accreditation Agreements, and as needed to develop the budget, the Board must establish the Variable Accreditation Fee that the Registrars are required to pay. The Registrar Variable Fees are set forth in the FY Operating Plan and Budget.

BOARD FINANCE COMMITTEE (BFC) RECOMMENDATION:

The BFC has recommended that the Board approve the FY14 Operating Plan and Budget (see Attachment [FY14 Operating plan and Budget Final.ppt] to the Reference Materials for this Board Submission).

PROPOSED RESOLUTION:

Whereas, the draft FY14 Operating Plan and Budget was posted for public comment in accordance with the Bylaws on 10 May 2013, which was based upon numerous community consultations, and consultations throughout ICANN staff and the Board Finance Committee, during the past fiscal year.

Whereas, intervening activities, and comments received from the public comment forum resulted in some significant revisions to the 10 May 2013 draft FY14 Operating Plan and Budget.

Whereas, due to the revisions to the draft FY Operating Plan and Budget communicated during the Durban meeting on July 17th, ICANN re-opened the public comment forum until August 4th.

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

Whereas, the Board Finance Committee has discussed, and guided staff on, the development of the FY14 Operating Plan and Budget at each of its recent, regularly scheduled meetings.

Whereas, the Board Finance Committee met on 7 August 2013 to discuss the final draft FY14 Operating Plan and Budget, and recommended that the Board adopts the FY14 Operating Plan and Budget.

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

Whereas, the description of the Registrar fees, including the recommended Registrar Variable Accreditation Fees, for FY14 has been included in the FY14 Operating Plan and Budget.

Resolved (2013.08.22.xx), the Board adopts the FY14 Operating Plan and Budget and in doing so establishes the Variable Accreditation Fees (per registrar and transaction) as set forth in the FY14 Operating Plan and Budget.

PROPOSED RATIONALE:

In accordance with Article XVI, Section 4 of the ICANN Bylaws, the Board is to adopt an annual budget and publish it on the ICANN website. On 10 May 2013, a draft the FY14 Operating Plan and Budget was posted for public comment. This version was based on numerous discussions with members of the Executive team, and extensive consultations with ICANN Supporting Organizations, Advisory Committees, and other stakeholder groups throughout the prior several months. Intervening activities, and comments received from the public comment forum resulted in some limited but significant revisions to the 10 May 2013 draft FY14 Operating Plan and Budget. Accordingly, to ensure full transparency and accountability, on July 17th 2013, ICANN communicated the revisions during a public session at the Durban Meeting and re-opened the public comment forum until August 4th 2013.

All comments received in all manners were considered in developing the final version of the FY14 Operating Plan and Budget, and where feasible and appropriate have been adopted.

In addition to the day-to-day operational requirements, the FY14 Operating Plan and Budget includes the FY14 new gTLD budget items and amounts allocated to various FY14 budget requests received from community leadership. The annual budget also discloses the impacts of the new gTLD program. Further, because the Registrar Variable Accreditation Fee is key to the development of the budget, the FY14 Operating Plan and Budget sets out and establishes those fees, which are consistent with recent years, and will be reviewed for approval by the Registrars.

This FY14 Operating Plan and Budget will have a positive impact in that it provides a proper framework by which ICANN will be managed and operated. It also provides the basis for the organization to be held accountable in a transparent manner. This will have a fiscal impact on ICANN and the community as is intended. This should not have anything but a positive impact on the security, stability and resiliency of the domain name system (DNS) with respect to any funding that is dedicated to those aspects of the DNS.

Submitted By:	Xavier Calvez, Chief Financial Officer
Date Noted:	7 August 2013
Email:	xavier.calvez@icann.org

ICANN BOARD PAPER NO. 2013.08.22.1c

TITLE: RENEWAL OF .INFO REGISTRY AGREEMENT

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

ICANN and Afilias Limited entered into a Registry Agreement on 8 December 2006 for the operation of the .INFO top-level domain

<<http://www.icann.org/en/about/agreements/registries/info>>. The original agreement was extended and expires 31 August 2013. The Board is being asked to consider and approve the renewal registry agreement with Afilias Limited for .INFO.

The proposed renewal .INFO Registry Agreement includes modified provisions to make the agreement in line with other comparable agreements, as well as additional provisions from the New gTLD Registry Agreement. Included in the proposed renewal .INFO Registry Agreement are the following provisions:

Threats to Security and Stability: A new provision has been added to allow the registry operator to temporarily prevent the registration of one or more names in the TLD in order to respond to an imminent threat to the security and/or stability of the TLD or the Internet.

Use of Registrars Accredited Under the 2013 RAA: A new provision has been included to require the registry operator to amend its Registry-Registry Agreement to require registrars to use the 2013 RAA if registrars representing 67% of the registrations in the TLD sign the 2013 RAA. If the remaining registrars do not sign the amended Registry-Registrar Agreement requiring registrars to become a party to the final 2013 RAA within a certain time period, then such registrars' access to the TLD registry system will be suspended (that is, those registrars will not be permitted to add new registrations). This requirement is dependent upon the registry operators of identified comparable gTLDs also submitting similar requests to amend their Registry-Registrar Agreements.

Emergency Transition provisions: A new provision proposed in the New gTLD Registry Agreement has been included in the renewal agreement to provide for emergency transition of the TLD in the event the registry operator is unable to sustain certain critical registry functions for a period of time.

Code of Conduct: The registry operator will be required to comply with the Registry Code of Conduct as proposed in the New gTLD Registry Agreement.

Resolution of Disputes: The dispute resolution procedures were updated similar to the New gTLD Registry Agreement to require the parties to attempt to resolve the dispute through mediation before they may initiate arbitration.

WHOIS: The WHOIS output is required to be compatible with ICANN's common interface for WHOIS (InterNIC), and if requested by ICANN, the registry operator must provide a link on its website to a webpage designed by ICANN containing WHOIS policy and education materials.

Cross-ownership Restrictions: The renewal agreement lifts restrictions on cross-ownership of registry operators and registrars or registrar resellers.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the proposed renewal registry agreement with Afilias Limited for operation of the .INFO top-level domain.

PROPOSED RESOLUTION:

Whereas, ICANN conducted a public comment period from 3 June 2013 to 15 July 2013 <<http://www.icann.org/en/news/public-comment/info-renewal-03jun13-en.htm>> on a proposed agreement for renewal of the 2006 .INFO Registry Agreement <<http://www.icann.org/en/about/agreements/registries/info>>.

Whereas, the proposed renewal .INFO Registry Agreement includes modified provisions to bring the .INFO Registry Agreement into line with other comparable agreements as well as additional provisions of the New gTLD Registry Agreement.

Whereas, the public comment forum on the proposed renewal .INFO Registry Agreement closed on 15 July 2013 with ICANN receiving two comments. A summary and analysis of the comments was provided to the Board.

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

Whereas, the proposed renewal .INFO Registry Agreement includes significant improvements as compared to the current .INFO Registry Agreement.

Resolved (2013.08.22.xx), the proposed renewal .INFO Registry Agreement is approved, and the President, Generic Domains Division and the General Counsel are authorized to take such actions as appropriate to implement the agreement.

PROPOSED RATIONALE:

Why the Board is addressing the issue now?

The current .INFO Registry Agreement expires on 31 August 2013. The proposed renewal agreement was posted for public comment between 3 June 2013 and 15 July 2013. The Board is being asked to approve the renewal registry agreement prior to the expiration of the current agreement.

What is the proposal being considered?

The changes to the .INFO Registry Agreement and the Appendices fall within several broad categories: (1) changes to promote consistency across registries; (2) changes to include similar provisions from the New gTLD Registry Agreement approved by the New gTLD Program Committee of the ICANN Board, (3) changes to update the agreement to reflect changes that have occurred since the current .INFO Registry Agreement was signed (including updating references, technical changes and other updates); and (4) changes to allow Afiliás to better serve the Internet community (including to allow Afiliás to more quickly address certain imminent threats to the security and stability of the TLD or the Internet).

Which stakeholders or others were consulted?

ICANN conducted a public comment period on the proposed renewal .INFO Registry Agreement from 3 June 2013 through 15 July 2013, following which time the comments were summarized and analyzed.

What concerns or issues were raised by the community?

Two members of the community participated in the public comment period. Members in the community raised comments regarding dispute resolution mechanisms, access to registry services and change in control.

What significant materials did the Board review?

The Board reviewed the proposed .INFO Renewal Registry Agreement and its Appendices <<http://www.icann.org/en/news/public-comment/info-renewal-03jun13-en.htm>>

The Board also reviewed the summary and analysis of public comments.

What factors the Board found to be significant?

The Board carefully considered the public comments and Staff recommendation with respect to those comments. The Board considered ICANN's contractual obligations with respect to the current .INFO Registry Agreement in reaching this decision, specifically that the agreement must be renewed absent certain uncured breaches by the registry operator and that certain terms of the renewal are required to conform to existing comparable gTLD registry agreements.

Are there positive or negative community impacts?

As part of the renewal process, ICANN conducted a review of Afilias's recent performance under the current .INFO Registry Agreement. The compliance review covered areas including: Timeliness and Content of Monthly Reports; Add Grace Period Limits Policy; Bulk Zone File Requirements; and Payment of Required Fees. Afilias was found to have substantially met its contractual requirements (see <http://www.icann.org/en/news/public-comment/info-renewal-03jun13-en.htm>). Evidence indicates that the community can expect such good performance to continue.

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

There is no significant fiscal impact expected if ICANN approves the proposed renewal .INFO Registry Agreement. The provisions regarding registry-level fees and pricing constraints are for the most part consistent with the New gTLD Registry Agreement and the current comparable gTLDs.

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

There are no expected security, stability, or resiliency issues related to the DNS if ICANN approves the proposed renewal .INFO Registry Agreement. The proposed renewal Registry Agreement in fact includes terms intended to allow for swifter action in the event of certain threats to the security or stability of the DNS.

Signature Block:

Submitted by: Karla Valente

Date Noted: 13 August 2013

Email: karla.valente@icann.org

ICANN BOARD PAPER NO. 2013.08.22.1d

TITLE: RENEWAL OF .ORG REGISTRY AGREEMENT

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

ICANN and Public Interest Registry (PIR) entered into a Registry Agreement on 8 December 2006 for the operation of the .ORG top-level domain <http://www.icann.org/en/about/agreements/registries/org>. The original agreement was extended and expires on 31 August 2013. The Board is being asked to consider and approve the renewal registry agreement with PIR for .ORG.

The proposed renewal .ORG Registry Agreement includes modified provisions to make the agreement in line with other comparable agreements, as well as additional provisions from the New gTLD Registry Agreement. Included in the proposed renewal .ORG Registry Agreement are the following provisions:

Threats to Security and Stability: A new provision has been added to allow the registry operator to temporarily prevent the registration of one or more names in the TLD in order to respond to an imminent threat to the security and/or stability of the TLD or the Internet.

Use of Registrars Accredited Under the 2013 RAA: A new provision has been included to require the registry operator to amend its Registry-Registry Agreement to require registrars to use the 2013 RAA if registrars representing 67% of the registrations in the TLD sign the 2013 RAA. If the remaining registrars do not sign the amended Registry-Registrar Agreement requiring registrars to become a party to the final 2013 RAA within a certain time period, then such registrars' access to the TLD registry system will be suspended (that is, those registrars will not be permitted to add new registrations). This requirement is dependent upon the registry operators of identified comparable gTLDs also submitting similar requests to amend their Registry-Registrar Agreements.

Emergency Transition provisions: A new provision proposed in the New gTLD Registry Agreement has been included in the renewal agreement to provide for emergency transition of the TLD in the event the registry operator is unable to sustain certain critical registry functions for a period of time.

Code of Conduct: The registry operator will be required to comply with the Registry Code of Conduct as proposed in the New gTLD Registry Agreement.

Resolution of Disputes: The dispute resolution procedures were updated similar to the New gTLD Registry Agreement to require the parties to attempt to resolve the dispute through mediation before they may initiate arbitration.

WHOIS: The WHOIS output is required to be compatible with ICANN's common interface for WHOIS (InterNIC), and if requested by ICANN, the registry operator must provide a link on its website to a webpage designed by ICANN containing WHOIS policy and education materials.

Cross-ownership Restrictions: The renewal agreement lifts restrictions on cross-ownership of registry operators and registrars or registrar resellers.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the proposed renewal registry agreement with PIR for operation of the .ORG top-level domain.

PROPOSED RESOLUTION:

Whereas, ICANN conducted a public comment period from 21 June 2013 to 12 August 2013 <<http://www.icann.org/en/news/public-comment/org-renewal-21jun13-en.htm>> on a proposed agreement for renewal of the 2006 .ORG Registry Agreement <<http://www.icann.org/en/about/agreements/registries/org>>.

Whereas, the proposed renewal .ORG Registry Agreement includes modified provisions to bring the .ORG Registry Agreement into line with other comparable agreements as well as additional provisions of the New gTLD Registry Agreement.

Whereas, the public comment forum on the proposed renewal .ORG Registry Agreement closed on 12 August 2013 with ICANN receiving one comment. A summary and analysis of this comment was provided to the Board.

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

Whereas, the proposed renewal .ORG Registry Agreement includes significant improvements as compared to the current .ORG Registry Agreement.

Resolved (2013.08.22.xx), the proposed renewal .ORG Registry Agreement is approved, and the President, Generic Domains Division and the General Counsel are authorized to take such actions as appropriate to implement the .ORG Registry Agreement.

PROPOSED RATIONALE:

Why the Board is addressing the issue now?

The current .ORG Registry Agreement expires on 31 August 2013. The proposed renewal .ORG Registry Agreement was posted for public comment between 21 June 2013 to 12 August 2013. The Board is being asked to approve the renewal .ORG registry Agreement prior to the expiration of the current .ORG Registry Agreement.

What is the proposal being considered?

The changes to the .ORG Registry Agreement and the Appendices fall within several broad categories: (1) changes to promote consistency across registries; (2) changes to include similar provisions from the New gTLD Registry Agreement approved by the New gTLD Program Committee of the ICANN Board; (3) changes to update the agreement to reflect changes that have occurred since the current .ORG Registry Agreement was signed (including updating references, technical changes and other updates); and (4) changes to allow PIR to better serve the internet community (including to allow PIR to more quickly address certain imminent threats to the security and stability of the TLD or the Internet).

Which stakeholders or others were consulted?

ICANN conducted a public comment period on the proposed renewal .ORG Registry Agreement from 21 June 2013 to 12 August 2013, following which time the comment was summarized and analyzed.

What concerns or issues were raised by the community?

One member of the community participated in the public comment period and raised comments regarding Whois requirements, access to registry services and rights protection mechanisms.

What significant materials did the Board review?

The Board reviewed the proposed .ORG Renewal Registry Agreement and its Appendices <<http://www.icann.org/en/news/public-comment/org-renewal-21jun13-en.htm>>. The Board also reviewed the summary and analysis of public comments.

What factors the Board found to be significant?

The Board carefully considered the public comments and the Staff recommendation with respect to those comments. The Board considered ICANN's contractual obligations with respect to the current .ORG Registry Agreement in reaching this decision, specifically that the agreement must be renewed absent certain uncured breaches by the registry operator and that

certain terms of the renewal are required to conform to existing comparable gTLD registry agreements.

Are there positive or negative community impacts?

As part of the renewal process, ICANN conducted a review of PIR's recent performance under the current .ORG Registry Agreement. The compliance review covered areas including: Timeliness and Content of Monthly Reports; Add Grace Period Limits Policy; Bulk Zone File Requirements; and Payment of Required Fees. PIR was found to have substantially met its contractual requirements (see <http://www.icann.org/en/news/public-comment/org-renewal-21jun13-en.htm>). Evidence indicates that the community can expect such good performance to continue.

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

There is no significant fiscal impact expected if ICANN approves the proposed renewal .ORG Registry Agreement. The provisions regarding registry-level fees and pricing constraints are for the most part consistent with the New gTLD Registry Agreement and the current comparable gTLDs.

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

There are no expected security, stability, or resiliency issues related to the DNS if ICANN approves the proposed renewal .ORG Registry Agreement. The proposed renewal .ORG Registry Agreement in fact includes terms intended to allow for swifter action in the event of certain threats to the security or stability of the DNS.

Signature Block:

Submitted by: Karla Valente

Date Noted: 13 August 2013

Email: karla.valente@icann.org

ICANN BOARD PAPER NO. 2013.08.22.1e

TITLE: RENEWAL OF .BIZ REGISTRY AGREEMENT

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

ICANN and Neustar, Inc. entered into a Registry Agreement on 8 December 2006 for the operation of the .BIZ top-level domain <<http://www.icann.org/en/about/agreements/registries/biz>>. The original agreement was extended and expires on 31 August 2013. The Board is being asked to consider and approve the renewal registry agreement with Neustar, Inc. for .BIZ.

The proposed renewal .BIZ Registry Agreement includes modified provisions to make the agreement in line with other comparable agreements, as well additional provisions from the New gTLD Registry Agreement. Included in the proposed renewal .BIZ Registry Agreement are the following provisions:

Threats to Security and Stability: A new provision has been added to allow the registry operator to temporarily prevent the registration of one or more names in the TLD in order to respond to an imminent threat to the security and/or stability of the TLD or the Internet.

Use of Registrars Accredited Under the 2013 RAA: A new provision is included to require the registry operator to amend its Registry-Registry Agreement to require registrars to use the 2013 RAA if registrars representing 67% of the registrations in the TLD sign the 2013 RAA. If the remaining registrars do not sign the amended Registry-Registrar Agreement requiring registrars to become a party to the final 2013 RAA within a certain time period, then such registrars' access to the TLD registry system will be suspended (that is, those registrars will not be permitted to add new registrations). This requirement is dependent upon the registry operators of identified comparable gTLDs also submitting similar requests to amend their Registry-Registrar Agreements.

Emergency Transition provisions: A new provision proposed in the New gTLD Registry Agreement has been included in the renewal .BIZ Registry Agreement to provide for emergency transition of the TLD in the event the registry operator is unable to sustain certain critical registry functions for a period of time.

Code of Conduct: The registry operator will be required to comply with the Registry Code of Conduct as proposed in the New gTLD Registry Agreement.

Resolution of Disputes: The dispute resolution procedures were updated similar to the New gTLD Registry Agreement to require the parties to attempt to resolve the dispute through mediation before they may initiate arbitration.

WHOIS: The WHOIS output is required to be compatible with ICANN's common interface for WHOIS (InterNIC), and if requested by ICANN, the registry operator must provide a link on its website to a webpage designed by ICANN containing WHOIS policy and education materials.

Cross-ownership Restrictions: The renewal agreement lifts restrictions on cross-ownership of registry operators and registrars or registrar resellers.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the proposed renewal registry agreement with Neustar, Inc. for operation of the .BIZ top-level domain.

PROPOSED RESOLUTION:

Whereas, ICANN conducted a public comment period from 3 June 2013 to 15 July 2013 <<http://www.icann.org/en/news/public-comment/biz-renewal-03jun13-en.htm>> on a proposed agreement for renewal of the 2006 .BIZ Registry Agreement <<http://www.icann.org/en/about/agreements/registries/biz>>.

Whereas, the proposed renewal .BIZ Registry Agreement includes modified provisions to bring the .BIZ Registry Agreement into line with other comparable agreements as well as additional provisions of the New gTLD Registry Agreement.

Whereas, the public comment forum on the proposed renewal .BIZ Registry Agreement closed on 15 July 2013, with ICANN receiving three comments. A summary and analysis of the comments was provided to the Board.

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

Whereas, the proposed renewal .BIZ Registry Agreement includes significant improvements as compared to the current .BIZ Registry Agreement.

Resolved (2013.08.22.xx), the proposed renewal .BIZ Registry Agreement is approved, and the President, Generic Domains Division and the General Counsel are authorized to take such actions as appropriate to implement the .BIZ Registry Agreement.

PROPOSED RATIONALE:

Why the Board is addressing the issue now?

The current .BIZ Registry Agreement expires on 31 August 2013. The proposed renewal .BIZ Registry Agreement was posted for public comment between 3 June 2013 and 15 July 2013. The Board is being asked to approve the renewal .BIZ Registry Agreement prior to the expiration of the current .BIZ Registry Agreement.

What is the proposal being considered?

The changes to the .BIZ Registry Agreement and the Appendices fall within several broad categories: (1) changes to promote consistency across registries; (2) changes to include similar provisions from the New gTLD Registry Agreement approved by the New gTLD Program Committee of the ICANN Board, (3) changes to update the agreement to reflect changes that have occurred since the current .BIZ Registry Agreement was signed (including updating references, technical changes and other updates); and (4) changes to allow Neustar to better serve the Internet community (including to allow Neustar to more quickly address certain imminent threats to the security and stability of the TLD or the Internet).

Which stakeholders or others were consulted?

ICANN conducted a public comment period on the proposed .BIZ renewal Registry Agreement from 3 June 2013 through 15 July 2013, following which time the comments were summarized and analyzed.

What concerns or issues were raised by the community?

Three members of the community participated in the public comment period. Members in the community raised comments regarding Whois requirements, dispute resolution mechanisms, access to registry services and rights protection mechanisms.

What significant materials did the Board review?

The Board reviewed the proposed .BIZ Renewal Registry Agreement and its Appendices <<https://www.icann.org/en/news/public-comment/biz-renewal-03jun13-en.htm>>. The Board also reviewed the summary and analysis of public comments.

What factors the Board found to be significant?

The Board carefully considered the public comments and Staff recommendation with respect to those comments. The Board considered ICANN's contractual obligations with respect to the current .BIZ Registry Agreement in reaching this decision, specifically that the agreement must be renewed absent certain uncured breaches by the registry operator and that certain terms of the renewal are required to conform to existing comparable gTLD registry agreements.

Are there positive or negative community impacts?

As part of the renewal process, ICANN conducted a review of Neustar's recent performance under the current .BIZ Registry Agreement. The compliance review covered areas including: Timeliness and Content of Monthly Reports; Add Grace Period Limits Policy; Bulk Zone File Requirements; and Payment of Required Fees. Neustar was found to have substantially met its contractual requirements (see <http://www.icann.org/en/news/public-comment/biz-renewal-03jun13-en.htm>). Evidence indicates that the community can expect such good performance to continue.

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

There is no significant fiscal impact expected if ICANN approves the proposed renewal .BIZ renewal Registry Agreement. The provisions regarding registry-level fees and pricing constraints are for the most part consistent with the New gTLD Registry Agreement and the current comparable gTLDs.

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

There are no expected security, stability, or resiliency issues related to the DNS if ICANN approves the proposed renewal .BIZ Registry Agreement. The proposed renewal .BIZ Registry Agreement in fact includes terms intended to allow for swifter action in the event of certain threats to the security or stability of the DNS.

Signature Block:

Submitted by: Karla Valente

Date Noted: 13 August 2013

Email: karla.valente@icann.org

ICANN BOARD SUBMISSION NO. 2013.08.22.1f

TITLE: APPROVAL OF CONTRACT WITH GENERAL CONTRACTOR FOR LOS ANGELES OFFICE EXPANSION

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

On 2 February 2013 the Board approved amending the lease for the ICANN office in Los Angeles to include an expansion of 5800 square feet. The build out of this space is now ready to commence. Based on cost and their performance on the third floor build out, Cannon Constructors Group South, Inc. ("Cannon") has been selected as the general contractor for the expansion. Confidential Negotiation Information

Because the contract amount with Cannon is over US\$500,000, Board approval for this transaction is required.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee has recommended that the Board authorize the President and CEO, or his designee, to enter into a contract with Cannon in an amount not to exceed US\$788,312.

PROPOSED RESOLUTION:

Whereas, on 2 February 2013, the Board approved amending the lease for ICANN's Los Angeles office to include an additional 5800 square feet.

Whereas, construction is required to make the additional square footage usable.

Confidential Negotiation Information

Whereas, ICANN has received a construction proposal that is in alignment with the design of the current office space.

Resolved (2013.08.22.xx), the President and CEO, or his designee, is authorized to enter into an agreement between ICANN and Cannon Constructors Group South, Inc. in an amount not to exceed US\$788,312, and to make all disbursements over US\$500,000, if necessary, in furtherance of the agreement.

Resolved (2013.08.22.xx), pursuant to Article III, Section 5.2 of the ICANN Bylaws, portions of this resolution and rationale may be redacted and kept confidential until the President and CEO deems it is appropriate to release such redacted information.

PROPOSED RATIONALE:

On 2 February 2013 the Board approved amending the lease for the ICANN office in Los Angeles to include an additional 5800 square feet, for a total of 35,000 square feet. The Board noted in the rationale (<http://www.icann.org/en/groups/board/documents/resolutions-02feb13-en.htm#1.c.rationale>) that long term staffing plans required the additional seating, that the current lease expires in June 2022 and that there are no current plans to relocate its headquarters. Construction requiring a capital outlay is required to make this additional square footage usable for the remaining years of the lease. A proposal has been received for the project that is in alignment with the design of the third floor.

Based on cost and their performance on the third floor build out, and in accordance with the terms of ICANN's Procurement Guidelines (see <http://www.icann.org/en/about/financials/procurement-guidelines-21feb10-en.pdf>), Cannon Constructors Group South, Inc. has been selected as the general contractor for the project. The total amount of the proposed contract is US\$788,312. This resolution is necessary because the contract amount is over US\$500,000 and therefore requires Board approval in accordance with the ICANN Contracting and Disbursement Policy (see <http://www.icann.org/en/about/financials/signing-authority>.)

The fiscal impact was anticipated and taken into account in the budget process for FY2014. This decision will have no impact on the security, stability or resiliency of the domain name system.

This is an Organizational Administrative Function not requiring public comment.

Submitted by: Susanna
Bennett

Chief Operating Officer

Date Noted: 2 August 2013

Email:
susanna.bennett@icann.org

ICANN BOARD PAPER NO. 2013-08-22-1g

TITLE: Redlegation of the .BW domain representing Botswana to the Botswana Communications Regulatory Authority

PROPOSED ACTION: For Board Consideration

IANA REFERENCE: 677307

EXECUTIVE SUMMARY:

As part of ICANN's responsibilities under the IANA Functions Contract, ICANN has prepared a recommendation to authorize the redelegation of the country-code top-level domain .BW, comprised of the ISO 3166-1 code representing Botswana, to the Botswana Communications Regulatory Authority.

Sensitive Delegation Information

PROPOSED RESOLUTION:

Resolved (2013.08.22.xx), as part of the exercise of its responsibilities under the IANA Functions Contract, ICANN has reviewed and evaluated the request to redelegate the .BW country-code top-level domain to Botswana Communications Regulatory Authority. The documentation demonstrates that the proper procedures were followed in evaluating the request.

Resolved (2013.08.22.xx), the Board directs that pursuant to Article III,

Section 5.2 of the ICANN Bylaws, that certain portions of the rationale not appropriate for public distribution within the resolutions, preliminary report or minutes at this time due to contractual obligations, shall be withheld until public release is allowed pursuant to those contractual obligations.

PROPOSED RATIONALE:

Why the Board is addressing the issue now?

In accordance with the IANA Functions Contract, the ICANN staff has evaluated a request for ccTLD redelegation and is presenting its report to the Board for review. This review by the Board is intended to ensure that ICANN staff has followed the proper procedures.

What is the proposal being considered?

The proposal is to approve a request to IANA to change the sponsoring organisation (also known as the manager or trustee) of the .BW country-code top-level domain to Botswana Communications Regulatory Authority.

Which stakeholders or others were consulted?

In the course of evaluating a delegation application, ICANN staff consults with the applicant and other interested parties. As part of the application process, the applicant needs to describe consultations that were performed within the country concerning the ccTLD, and their applicability to their local Internet community.

What concerns or issues were raised by the community?

Staff are not aware of any significant issues or concerns raised by the community in relation to this request.

What significant materials did the Board review?

The Board reviewed the following IANA staff evaluations:

- The domain is eligible for continued delegation, as it is an assigned alpha-2 code that is listed in the ISO 3166-1 standard for the country of Botswana;
- The request is consented by the existing sponsoring organization, the University of Botswana;
- The relevant government has been consulted and does not object;
- The proposed sponsoring organization and its contacts agree to their responsibilities for managing this domain;
- The proposal has demonstrated appropriate local Internet community consultation and support;
- The proposal does not contravene any known laws or regulations;
- The proposal ensures the domain is managed locally in the country, and is bound under local law;
- The proposed sponsoring organisation has confirmed they will manage the domain in a fair and equitable manner;
- The proposed sponsoring organisation has demonstrated appropriate operational and technical skills and plans to operate the domain;
- The proposed technical configuration meets IANA's various technical conformance requirements;
- No specific risks or concerns relating to Internet stability have been identified; and
- Staff have provided a recommendation that this request be implemented

based on the factors considered.

These evaluations are responsive to the appropriate criteria and policy frameworks, such as "Domain Name System Structure and Delegation" (RFC 1591) and "GAC Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains".

As part of the process established by the IANA Functions Contract, the "Delegation and Redelegation Report" will be published at <http://www.iana.org/reports>.

What factors the Board found to be significant?

The Board did not identify any specific factors of concern with this request.

Are there positive or negative community impacts?

The timely approval of country-code domain name managers that meet the various public interest criteria is positive toward ICANN's overall mission, the local communities to which country- code top-level domains are designated to serve, and responsive to ICANN's obligations under the IANA Functions Contract.

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

The administration of country-code delegations in the DNS root zone is part of the IANA functions, and the delegation action should not cause any significant variance on pre-planned expenditure. It is not the role of ICANN to assess the financial impact of the internal operations of country-code top-level domains within a country.

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

SIGNATURE BLOCK:

Submitted by: Kim Davies
Position: IANA Function Liaison for Root Zone Management
Date Noted: 8 August 2013
Email: kim.davies@icann.org

Sensitive Delegation Information

EXHIBIT A TO ICANN BOARD SUBMISSION NO. 2013-08-22-1g

Report on the Redelegating of the .BW domain representing Botswana to Botswana Communications Regulatory Authority

8 August 2013

This report is being provided under the contract for performance of the Internet Assigned Numbers Authority (IANA) function between the United States Government and the Internet Corporation for Assigned Names and Numbers (ICANN). Under that contract, ICANN performs the “IANA functions”, which include receiving delegation and redelegation requests concerning TLDs, investigating the circumstances pertinent to those requests, making its recommendations, and reporting actions undertaken in connection with processing such requests.

FACTUAL INFORMATION

Country

The “BW” ISO 3166-1 code is designated for use to represent Botswana.

Chronology of events

The currently designated manager for the .BW domain is the University of Botswana, as described in the IANA Root Zone Database. Since 1996, the de-facto manager of the domain has been the Botswana Telecommunications Corporation (BTC).

In July 2006, a stakeholder workshop was held in Gaborone. Key stakeholders from the government, business and Internet industries attended. Several issues were discussed, including selecting a new manager for the .BW country-code top-level domain. It was agreed that a special task force consisting of representatives of all the stakeholders called the “Technical Advisory Committee” (TAC) would be formed to work on improving the systems used in .BW management as well as on selection of the new registry operator.

On 20 December 1996, the Botswana Telecommunications Authority (BTA) was established as a statutory body in accordance with the Telecommunications Act of 1996. The BTA was mandated to supervise and promote the provision of efficient telecommunications services in Botswana.

On 3 June 2009, the Permanent Secretary of the Ministry of Communications, Science and Technology (which has since become the Ministry of Transport and Communications) sent a letter to BTA approving the transfer of the .BW management from BTC to BTA.

In April 2010, the Technical Advisory Committee (TAC) was formed. It held its first meeting shortly after.

In summer 2011, a memorandum of agreement for the “interim management and administration of the .BW domain” between BTA and BTC was signed. A transitional period of two years was arranged for BTC to continue being responsible for the technical operations of .BW while BTA’s personnel was getting an appropriate training so they could take over operations of the domain in the future.

On 13 June 2012, the BTA commenced a request to ICANN for the redelegation of .BW. During the next several months ICANN Staff worked with applicants on clarifying the proposed changes and collecting the supporting documentation.

On 16 November 2012, a new request was lodged with ICANN by BTC asking to process only technical changes for .BW in parallel with the existing request. In the next several weeks, ICANN Staff was clarifying the proposed changes with all the involved parties. As a result, the second request was withdrawn.

In December 2012, BTA established registry operations and informally transitioned operation of the .BW registry.

On 1 April 2013, the BTA was transformed into a new organisation, the Botswana Communications Regulatory Authority (BOCRA). All of BTA’s assets and liabilities were transferred to BOCRA. This transition happened in accordance with the Communications Regulatory Authority Act of 2012.

In order to reflect a new entity as the proposed new sponsoring organisation for .BW a new request was lodged on 16 April 2013. Applicant subsequently made further updates to the proposed changes.

Proposed Sponsoring Organization and Contacts

The proposed sponsoring organisation is the Botswana Communications Regulatory Authority established on 1 April 2013 in accordance with the Communications Regulatory Authority Act No. 19 of 2012. Following this legislation, the Authority “shall maintain and manage a central numbering and domain names database system.”

The proposed administrative and technical contact is Moakofi Kamanga, Senior Engineer ccTLD of BOCRA. The administrative contact is understood to be based in Botswana.

EVALUATION OF THE REQUEST

String Eligibility

The top-level domain is eligible for continued delegation under ICANN policy, as it is

the assigned ISO 3166-1 two-letter code representing Botswana.

Public Interest

The government support for the application was provided in a letter from the Department of Telecommunications and Postal Services, the Ministry of Transport and Communications and the Permanent Secretary, Ministry of Communications, Science and Technology.

Additional support was provided in communications from the University of Botswana, Botswana Information Technology Society (BITS), Botswana Internet Service Providers Association (BISPA) and Telnet Solutions (Pty) Ltd.

The proposed sponsoring organisation undertakes to operate the domain in a fair and equitable manner.

Based in country

The proposed sponsoring organization is constituted in Botswana. The proposed administrative contact is understood to be resident in Botswana. The registry is to be operated in the country.

Stability

The request is deemed uncontested, with the current sponsoring organisation consenting to the transfer.

Competency

The applicant has provided satisfactory details on the technical and operational infrastructure and expertise that will be used to operate the domain. The proposed operator has been effectively operating the domain since December 2012.

Proposed policies for management of the domain have also been tendered.

EVALUATION PROCEDURE

ICANN is tasked with coordinating the Domain Name System root zone as part of a set of functions governed by a contract with the U.S. Government. This includes accepting and evaluating requests for delegation and redelegation of top-level domains.

A subset of top-level domains are designated for the local Internet communities in countries to operate in a way that best suits their local needs. These are known as country-code top-level domains (ccTLDs), and are assigned by ICANN to responsible trustees (known as “Sponsoring Organisations”) that meet a number of public-interest criteria for eligibility. These criteria largely relate to the level of support the trustee has

from its local Internet community, its capacity to ensure stable operation of the domain, and its applicability under any relevant local laws.

Through ICANN's IANA department, requests are received for delegating new ccTLDs, and redelegating or revoking existing ccTLDs. An investigation is performed on the circumstances pertinent to those requests, and, when appropriate, the requests are implemented and a recommendation for delegation or redelegation is made to the U.S. National Telecommunications and Information Administration (NTIA).

Purpose of evaluations

The evaluation of eligibility for ccTLDs, and of evaluating responsible trustees charged with operating them, is guided by a number of principles. The objective of the assessment is that the action enhances the secure and stable operation of the Internet's unique identifier systems.

In considering requests to delegate or redelegate ccTLDs, input is sought regarding the proposed new Sponsoring Organisation, as well as from persons and organisations that may be significantly affected by the change, particularly those within the nation or territory to which the ccTLD is designated.

The assessment is focussed on the capacity for the proposed sponsoring organisation to meet the following criteria:

- The domain should be operated within the country, including having its sponsoring organisation and administrative contact based in the country.
- The domain should be operated in a way that is fair and equitable to all groups in the local Internet community.
- Significantly interested parties in the domain should agree that the prospective trustee is the appropriate party to be responsible for the domain, with the desires of the national government taken very seriously.
- The domain must be operated competently, both technically and operationally. Management of the domain should adhere to relevant technical standards and community best practices.
- Risks to the stability of the Internet addressing system must be adequately considered and addressed, particularly with regard to how existing identifiers will continue to function.

Method of evaluation

To assess these criteria, information is requested from the applicant regarding the proposed sponsoring organisation and method of operation. In summary, a request template is sought specifying the exact details of the delegation being sought in the root

zone. In addition, various documentation is sought describing: the views of the local internet community on the application; the competencies and skills of the trustee to operate the domain; the legal authenticity, status and character of the proposed trustee; and the nature of government support for the proposal. The view of any current trustee is obtained, and in the event of a redelegation, the transfer plan from the previous sponsoring organisation to the new sponsoring organisation is also assessed with a view to ensuring ongoing stable operation of the domain.

After receiving this documentation and input, it is analysed in relation to existing root zone management procedures, seeking input from parties both related to as well as independent of the proposed sponsoring organisation should the information provided in the original application be deficient. The applicant is given the opportunity to cure any deficiencies before a final assessment is made.

Once all the documentation has been received, various technical checks are performed on the proposed sponsoring organisation's DNS infrastructure to ensure name servers are properly configured and are able to respond to queries correctly. Should any anomalies be detected, ICANN staff will work with the applicant to address the issues.

Assuming all issues are resolved, an assessment is compiled providing all relevant details regarding the proposed sponsoring organisation and its suitability to operate the relevant top-level domain.

ICANN BOARD PAPER NO. 2013-08-22-1h

TITLE: Redlegation of the .PT domain representing Portugal to Associação DNS.PT

PROPOSED ACTION: For Board Consideration

IANA REFERENCE: 681398

EXECUTIVE SUMMARY:

As part of ICANN's responsibilities under the IANA Functions Contract, ICANN has prepared a recommendation to authorize the redelegation of the country-code top-level domain .PT, comprised of the ISO 3166-1 code representing Portugal, to Associação DNS.PT.

Sensitive Delegation Information

PROPOSED RESOLUTION:

Resolved (2013.08.22.xx), as part of the exercise of its responsibilities under the IANA Functions Contract, ICANN has reviewed and evaluated the request to redelegate the .PT country-code top-level domain to Associação DNS.PT. The documentation demonstrates that the proper procedures were followed in evaluating the request.

Resolved (2013.08.22.xx), the Board directs that pursuant to Article III, Section 5.2 of the ICANN Bylaws, that certain portions of the rationale not appropriate for public distribution within the resolutions, preliminary report or minutes at this time due to contractual obligations, shall be withheld until public release is allowed pursuant to those contractual obligations.

PROPOSED RATIONALE:

Why the Board is addressing the issue now?

In accordance with the IANA Functions Contract, the ICANN staff has evaluated a request for ccTLD redelegation and is presenting its report to the Board for review. This review by the Board is intended to ensure that ICANN staff has followed the proper procedures.

What is the proposal being considered?

The proposal is to approve a request to IANA to change the sponsoring organisation (also known as the manager or trustee) of the .PT country-code top-level domain to Associação DNS.PT.

Which stakeholders or others were consulted?

In the course of evaluating a delegation application, ICANN staff consults with the applicant and other interested parties. As part of the application process, the applicant needs to describe consultations that were performed within the country concerning the ccTLD, and their applicability to their local Internet community.

What concerns or issues were raised by the community?

Staff are not aware of any significant issues or concerns raised by the community in relation to this request.

What significant materials did the Board review?

The Board reviewed the following IANA staff evaluations:

- The domain is eligible for continued delegation, as it is an assigned alpha-2 code that is listed in the ISO 3166-1 standard for the country of Portugal;
- The request is consented by the existing sponsoring organization, Fundação para a Computação Científica Nacional;
- The relevant government has been consulted and does not object;

- The proposed sponsoring organization and its contacts agree to their responsibilities for managing this domain;
- The proposal has demonstrated appropriate local Internet community consultation and support;
- The proposal does not contravene any known laws or regulations;
- The proposal ensures the domain is managed locally in the country, and is bound under local law;
- The proposed sponsoring organisation has confirmed they will manage the domain in a fair and equitable manner;
- The proposed sponsoring organisation has demonstrated appropriate operational and technical skills and plans to operate the domain;
- The proposed technical configuration meets IANA's various technical conformance requirements;
- No specific risks or concerns relating to Internet stability have been identified; and
- Staff have provided a recommendation that this request be implemented based on the factors considered.

These evaluations are responsive to the appropriate criteria and policy frameworks, such as "Domain Name System Structure and Delegation" (RFC 1591) and "GAC Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains".

As part of the process established by the IANA Functions Contract, the "Delegation and Redelegation Report" will be published at <http://www.iana.org/reports> .

What factors the Board found to be significant?

The Board did not identify any specific factors of concern with this request.

Are there positive or negative community impacts?

The timely approval of country-code domain name managers that meet the various public interest criteria is positive toward ICANN's overall mission, the local communities to which country- code top-level domains are designated to serve, and responsive to ICANN's obligations under the IANA Functions Contract.

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

The administration of country-code delegations in the DNS root zone is part of the IANA functions, and the delegation action should not cause any significant variance on pre-planned expenditure. It is not the role of ICANN to assess the financial impact of the internal operations of country-code top-level domains within a country.

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

ICANN does not believe this request poses any notable risks to security, stability or resiliency. This is an Organizational Administrative Function not requiring public comment.

SIGNATURE BLOCK:

Submitted by: Kim Davies
Position: IANA Function Liaison for Root Zone Management
Date Noted: 8 August 2013
Email: kim.davies@icann.org

Report on the Redlegation of the .PT domain representing Portugal to Associação DNS.PT

8 August 2013

This report is being provided under the contract for performance of the Internet Assigned Numbers Authority (IANA) function between the United States Government and the Internet Corporation for Assigned Names and Numbers (ICANN). Under that contract, ICANN performs the “IANA functions”, which include receiving delegation and redelocation requests concerning TLDs, investigating the circumstances pertinent to those requests, making its recommendations, and reporting actions undertaken in connection with processing such requests.

FACTUAL INFORMATION

Country

The “PT” ISO 3166-1 code is designated for use to represent Portugal.

Chronology of events

The currently designated manager for the .PT top-level domain is Fundação para a Computação Científica Nacional (“FCCN”), as described in the IANA Root Zone Database.

On 11 December 2012, the Council of Ministers for Portugal decided to restructure FCCN’s mission and assignments into the existing governmental organization Fundação para a Ciência e a Tecnologia, I.P. (FCT).

On 28 December 2012, the legislation “Decreto Lei No. 266-G/2012” was promulgated by the President of Portugal. This legislation also references the integration of FCCN in to FCT.

The .PT top-level domain registry was not considered as part of the FCCN functions to be integrated into FCT. Since 14 January 2013, FCCN held meetings and made presentations to the Minister of Science and Education, local registrars, consumer associations and telecommunications regulators for the establishment of a new entity who would be taking over the responsibility of .PT management.

On 14 February 2013, the Council of Ministers decided that the management, operation and maintenance of the .PT registry should to be assigned to a private association. On 11 March 2013, the final decision to establish a new private entity was taken in a meeting in the Presidency of the Council of Ministers.

On 10 April 2013, the legislation “Decreto Lei No. 55/2013” was promulgated by the President. The legislation directed FCT to take over the mission and responsibilities of

the FCCN, except for the management, operation and maintenance of the .PT top-level domain. A new entity — an association — was to be created to take over the responsibility of .PT with FCT to act as one of its founders.

On 9 May 2013, the new entity Associação DNS.PT was created to “manage, operate and maintain the top-level domain registration corresponding to Portugal, .pt” among others. Its founding members included entities from the government, public and business sectors in the country.

On 14 May 2013, Associação DNS.PT commenced a request to ICANN for redelegation of the .PT top-level domain.

Proposed Sponsoring Organisation and Contacts

The proposed sponsoring organisation is Associação DNS.PT, a private non-profit institution established in Portugal.

The proposed administrative contact is Luisa Lopes Gueifão, Chairman of Associação DNS.PT. The administrative contact is understood to be based in Portugal.

The proposed technical contact is Assis Neves Guerreiro, Technical Director, Associação DNS.PT.

The proposed administrative and technical contacts are the existing contacts, but with their affiliation updated to the new organization.

EVALUATION OF THE REQUEST

String Eligibility

The top-level domain is eligible for continued delegation under ICANN policy, as it is the assigned ISO 3166-1 two-letter code representing Portugal.

Public Interest

Support for the application to redelegate the domain was provided by Raúl Capaz Coelho, the Secretary-General of the Ministry of Education and Science. Additional statements in support of this redelegation were provided from two local registrars Amen Portugal and Flesk Telecom Lda.

The application is consistent with known applicable local laws in Portugal.

The proposed sponsoring organisation undertakes responsibility to operate the domain in a fair and equitable manner.

Based in country

The proposed sponsoring organisation is constituted in Portugal. The proposed administrative contact is understood to be resident in Portugal. The registry is to be operated in the country.

Stability

The request is deemed uncontested, with the currently listed sponsoring organisation consenting to the transfer.

Based on the information submitted, ICANN staff has not identified any stability issues that would warrant a transfer plan given the substantive operation is not changing. All staffing, policies, registry platform, and the physical address of the organisation are to remain unchanged.

Competency

The application has provided satisfactory details on the technical and operational infrastructure and expertise that will be used to operate the .PT domain. Proposed policies for management of the domain have also been tendered.

EVALUATION PROCEDURE

ICANN is tasked with coordinating the Domain Name System root zone as part of a set of functions governed by a contract with the U.S. Government. This includes accepting and evaluating requests for delegation and redelegation of top-level domains.

A subset of top-level domains are designated for the local Internet communities in countries to operate in a way that best suits their local needs. These are known as country-code top-level domains (ccTLDs), and are assigned by ICANN to responsible trustees (known as “Sponsoring Organisations”) that meet a number of public-interest criteria for eligibility. These criteria largely relate to the level of support the trustee has from its local Internet community, its capacity to ensure stable operation of the domain, and its applicability under any relevant local laws.

Through ICANN’s IANA department, requests are received for delegating new ccTLDs, and redelegating or revoking existing ccTLDs. An investigation is performed on the circumstances pertinent to those requests, and, when appropriate, the requests are implemented and a recommendation for delegation or redelegation is made to the U.S. National Telecommunications and Information Administration (NTIA).

Purpose of evaluations

The evaluation of eligibility for ccTLDs, and of evaluating responsible trustees charged with operating them, is guided by a number of principles. The objective of the assessment is that the action enhances the secure and stable operation of the Internet’s unique identifier systems.

In considering requests to delegate or redelegate ccTLDs, input is sought regarding the proposed new Sponsoring Organisation, as well as from persons and organisations that

may be significantly affected by the change, particularly those within the nation or territory to which the ccTLD is designated.

The assessment is focused on the capacity for the proposed sponsoring organisation to meet the following criteria:

- The domain should be operated within the country, including having its sponsoring organisation and administrative contact based in the country.
- The domain should be operated in a way that is fair and equitable to all groups in the local Internet community.
- Significantly interested parties in the domain should agree that the prospective trustee is the appropriate party to be responsible for the domain, with the desires of the national government taken very seriously.
- The domain must be operated competently, both technically and operationally. Management of the domain should adhere to relevant technical standards and community best practices.
- Risks to the stability of the Internet addressing system must be adequately considered and addressed, particularly with regard to how existing identifiers will continue to function.

Method of evaluation

To assess these criteria, information is requested from the applicant regarding the proposed sponsoring organisation and method of operation. In summary, a request template is sought specifying the exact details of the delegation being sought in the root zone. In addition, various documentation is sought describing: the views of the local internet community on the application; the competencies and skills of the trustee to operate the domain; the legal authenticity, status and character of the proposed trustee; and the nature of government support for the proposal. The view of any current trustee is obtained, and in the event of a redelegation, the transfer plan from the previous sponsoring organisation to the new sponsoring organisation is also assessed with a view to ensuring ongoing stable operation of the domain.

After receiving this documentation and input, it is analysed in relation to existing root zone management procedures, seeking input from parties both related to as well as independent of the proposed sponsoring organisation should the information provided in the original application be deficient. The applicant is given the opportunity to cure any deficiencies before a final assessment is made.

Once all the documentation has been received, various technical checks are performed on the proposed sponsoring organisation's DNS infrastructure to ensure name servers are properly configured and are able to respond to queries correctly. Should any anomalies be detected, ICANN staff will work with the applicant to address the issues.

Assuming all issues are resolved, an assessment is compiled providing all relevant details regarding the proposed sponsoring organisation and its suitability to operate the relevant top-level domain.

ICANN BOARD SUBMISSION NO. 2013-08-22-2b

**TITLE: APPROVAL OF OMBUDSMAN FY13 AT-RISK
COMPENSATION**

PROPOSED ACTION: For Board Approval

EXECUTIVE SUMMARY:

In accordance with its charter and resolution by the Board, the Compensation Committee undertook to evaluate the Ombudsman's annual performance against the objectives for his FY13 at-risk compensation component that were established by the Committee at the beginning of the fiscal year. Confidential Employment Matter

Confidential Employment Matter

PROPOSED PUBLIC RESOLUTION:

Whereas, the Compensation Committee recommended that the Board approve payment to the Ombudsman of his FY13 at-risk compensation.

Resolved (2013.08.22.xx), the Board hereby approves a payment to the Ombudsman of his FY12 at-risk compensation component.

PROPOSED RATIONALE:

Annually the Ombudsman has an opportunity to earn a portion of his compensation based on specific performance goals set by the Board, through the Compensation Committee. This not only provides incentive for the Ombudsman to perform above and beyond his regular duties, but also leads to regular touch points between the Ombudsman and the Board during the year to help ensure that the Ombudsman is achieving his goals and serving the needs of the ICANN community.

Scoring of the Ombudsman’s objectives results from both the Ombudsman self-assessment, including a discussion with the Ombudsman, as well as review by the Compensation Committee, with a recommendation to the Board. The score provides the Ombudsman with an understanding of areas in which he has done well and where he may need to improve or increase certain activities.

Scoring the Ombudsman’s annual performance objectives is in furtherance of the goals of ICANN and helps increase the Ombudsman’s service to the ICANN community. While there is a fiscal impact from the results of the scoring, that impact is already accounted for in the annual budget. This action will have no impact on the security, stability or resiliency of the domain name system.

Submitted By: Amy A. Stathos, Deputy General Counsel
Date Noted: 15 August 2013
Email: amy.stathos@icann.org

AGENDA – 22 AUGUST 2013 BOARD Meeting – 90 minutes

Time, etc.	Agenda Item	Shepherd	Expected Action	Potential Conflict of Interest
Assembly, Roll Call & Consent Agenda Vote	1. Consent Agenda			
	1.a. Approval of Minutes of 27 June 2013 Board Meeting	John Jeffrey	Approval	
30 min	1.b. FY14 Budget Approval	Cherine Chalaby	Approval	
	1.c. Renewal on .info contract	Akram Atallah Cyrus Namazi	Approval	
	1.d. Renewal on .org contract	Akram Atallah Cyrus Namazi	Approval	
	1.e. Renewal on .biz	Akram Atallah Cyrus Namazi	Approval	
	1.f. Approval of construction contract for LA Office	Cherine Chalaby	Approval	
	1.g. Redelelegation of .BW (Botswana)	Kuo-Wei Wu	Approval	
	1.h. Redelelegation of .PT (Portugal)	Kuo-Wei Wu	Approval	
	Item Removed From Agenda			

AGENDA – 22 AUGUST 2013 BOARD Meeting – 90 minutes

Time, etc.	Agenda Item	Shepherd	Expected Action	Potential Conflict of Interest
Discussion & Decision 45 min	2. Main Agenda			
	Confidential Business Information			
	2.b. (T) Ombudsman FY13 At-Risk Compensation	George Sadowsky	Approval	
	2.d. AOB			