New gTLD Program Committee Members,

Attached below please find the Notice of the following New gTLD committee meeting:

18 May 2013 – NGPC Meeting at 13:00 UTC (3:00pm – 6:00pm in Amsterdam) – This Committee meeting is estimated to last 3 hours.

http://www.timeanddate.com/worldclock/fixedtime.html?msg=new+gTLD+Committee+Meeting&iso=20130518T15&p1=16&ah=3

Some other time zones:
18 May 2013 - 6:00 AM PDT Los Angeles
18 May 2013 – 9:00 AM EDT Washington, D.C.
18 May 2013 – 3:00 PM CEST Brussels

Consent Agenda:

1. **Approval of Minutes of 26 March 2013**
   Approval of Minutes of 5 April 2013
   Approval of Minutes of 11 April 2013
2. **Adoption of BGC Recommendation on Reconsideration Request No. 13-1**
3. **Adoption of BGC Recommendation on Reconsideration Request No. 13-2**

Main Agenda:

1. **GAC Advice Discussion**
2. **Info Paper on Dotless Domains (if time permits)**
3. **Info Paper on non-delegated TLDS (if time permits)**
4. **Info Paper on GNSO/ALAC Recommendations for New gTLD Program Metrics (if time permits)**
5. **AOB (if time permits)**

MATERIALS -- All Materials are available on Contact Information Redacted **, if you have trouble with access, please let us know and we will work with you to assure that you can use the BoardVantage Portal for this meeting.**

If you have any questions, or we can be of assistance to you, please let us know.

If call information is required, it will be distributed separately

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John Jeffrey
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Contact Information Redacted

2013-05-18-NGPC-AgendaTable.docx

AGENDA – 18 May 2013 – NGPC Meeting – 3.0 hours

Time, etc.	Agenda Item	Shepherd	Expected Action	Potential Conflict of Interest
• **Assembly, Roll Call & Consent Agenda Vote**	**1. Consent Agenda**			
	1.a. Minutes: • 26 March NGPC Meeting • 5 April NGPC Meeting • 11 April NGPC Meeting	John Jeffrey	Approval	
	1.b. Adoption of BGC Recommendation on Reconsideration Request No. 13-1	Cherine Chalaby	Decision	
	1.c. Adoption of BGC Recommendation on Reconsideration Request No. 13-2	Cherine Chalaby	Decision	
• **Discussion & Decision**	**2. Main Agenda**			
	2.a. GAC Advice	Chris Disspain	Discussion	
	2.b. Info Paper on 'Dotless' Domains (if time permits)	Akram Atallah Francisco Arias	Discussion	

AGENDA – 18 May 2013 – NGPC Meeting – 3.0 hours

Time, etc.	Agenda Item	Shepherd	Expected Action	Potential Conflict of Interest
	2.c. Info Paper on non-delegated TLDs (if time permits)	Akram Atallah Francisco Arias	Discussion	
	2.d. Info Paper on GNSO/ALAC Recommendations for New gTLD Program Metrics (if time permits)	Akram Atallah Denise Michel	Discussion	

2013-05-18-NGPC-GAC Advice Sub Agenda.docx

1. Review Timeline/Plan for Responding to GAC Advice on New gTLDs

2. Review Items Tentatively Marked as 1A (pending applicant responses and public comments)

3. Letter to GAC on Protections for IGOs

4. Review GAC Safeguards Advice Applicable to All New gTLDs (and possible implementation options, subject to comment)

Time Permitting (or to be discussed at next meeting(s):

5. Safeguards for "Regulated Sector" New gTLDs

6. Safeguards for "Regulated Sector with Closed Entry" New gTLDs

7. Review GAC Advice on Restricted Access and Exclusive Access

8. Preliminary Discussion of Singular/Plural Domains Issue

2013-05-18-01b-NGPC-Board Overview-Reconsideration Request 13-1.docx

What is the Issue?	Why Is It Important?
In Reconsideration Request 13-1, Ummah Digital, Ltd asked the Board to reconsider the staff (panel) decision that the .UMMAH gTLD application "is ineligible for further review under the New gTLD Program and the evaluation fee of USD 47,000 will be refunded as stated in the Financial Assistance Handbook." The BGC reviewed the Request at its 11 April 2013 meeting and recommended that the request be denied. The New gTLD Program Committee (NGPC) must now decide whether to adopt the BGC recommendation.	The Reconsideration Request process is one of the touchstones of ICANN's accountability. Pursuant to the Bylaws applicable to Reconsideration Request 13-1, the BGC makes a recommendation to the Board, or in this case the NGPC, for adoption. It is important to complete reconsideration request process as quickly as possible to bring certainty to all interested parties.
Who is the Decision-maker? Who is the Shepherd?	**Next Steps?**
The Board Governance Committee members who are also on the NGPC addressed the issue and made a recommendation. The NGPC will decide whether to adopt the BGC's recommendation. Cherine Chalaby, who chaired the BGC meeting on this issue, is the shepherd.	If approved by the NGPC, the requester will be notified and the NGPC resolution will be linked to the page with the rest of the materials related to Reconsideration Request 13-1.

2013-05-18-01b-NGPC-Board Paper-Reconsideration-Request-13-1.docx

ICANN NEW gTLD PROGRAM COMMITTEE SUBMISSION NO. 2013-05-18-1b

TO:	**ICANN New gTLD Program Committee**
TITLE:	**BGC Recommendation on Reconsideration Request 13-1**
PROPOSED ACTIONS:	**For Committee Consideration and Approval**

EXECUTIVE SUMMARY:

On 24 March 2013, Ummah Digital, Ltd ("Ummah") submitted a reconsideration request ("Request") asking the Board to reconsider the 11 March 2013 staff decision that the .UMMAH gTLD application "is ineligible for further review under the New gTLD Program and the evaluation fee of USD 47,000 will be refunded as stated in the Financial Assistance Handbook." The decision was based on the Support Applicant Review Panel's (SARP) determination that Ummah's application did not meet the minimum requirements to qualify for financial assistance and based on the process in place that addresses such circumstances. Ummah's Request also asked the BGC to reinstate Ummah's gTLD application and to stay the determination of ineligibility of its application. The BGC reviewed Ummah's Request at its 11 April 2013 meeting. For more detail, please see the Reference Materials for this Paper.

BOARD GOVERNANCE COMMITTEE (BGC) RECOMMENDATION:

The BGC recommends that Ummah's Request be denied and that the Request not be considered further. As detailed in the Recommendation attached to the Reference Materials in support of this paper, the BGC determined that Ummah's Request fails to state any grounds that support reconsideration of staff's adherence to the established processes for the Applicant Support Program. Further, Ummah's stay request fails to satisfy the Bylaws' requirements for a stay.

However, the BGC recognized that Ummah raised some interesting issues in its Request and therefore recommends that the Committee directs the President and CEO to consider the issues raised by Ummah in a review of the Applicant Support Program, so that the design of future mechanisms to provide financial assistance and support in the New gTLD Program can benefit from the experiences within this first round.

PROPOSED RESOLUTION:

Whereas, Ummah's Digital, Ltd. ("Ummah") Reconsideration Request, Request 13-1, sought reconsideration of the staff conclusion that the Ummah gTLD application "is ineligible for further review under the New gTLD Program," which was based on the Support Applicant Review Panel (SARP) determination that Ummah's application did not meet the criteria for financial assistance.

Whereas, the BGC recommended that Reconsideration Request 13-1 be denied because Ummah has not stated proper grounds for reconsideration, and Ummah's stay request fails to satisfy the Bylaws' requirements for a stay.

Whereas, the BGC noted that "Ummah raises some interesting issues in its Request and suggests that the Board direct that the concerns raised in Ummah's Request be included in a review of the Applicant Support Program so that the design of future mechanisms to provide financial assistance and support in the New gTLD Program can benefit from the experiences within this first round."

Resolved (2013.05.18.XX), the New gTLD Program Committee adopts the recommendation of the BGC that Reconsideration Request 13-1 be denied on the basis that Ummah has not stated proper grounds for reconsideration and that Ummah's stay request fails to satisfy the Bylaws' requirements for a stay.

Resolved (2013.05.18.XX), the Board directs the President and CEO to include the concerns raised in Ummah's Reconsideration Request in the review of the Applicant Support Program so that the design of future mechanisms to provide financial assistance and support in the New gTLD Program can benefit from the experiences within this first round.

PROPOSED RATIONALE:

ICANN's Bylaws at the time Reconsideration Request 13-1 was filed, called for the Board Governance Committee to evaluate and make recommendations to the Board with respect to Reconsideration Requests. *See* Article IV, section 3 of the Bylaws. The New gTLD Program Committee, bestowed with the powers of the Board in this instance, has reviewed and thoroughly considered the BGC's recommendation with respect to Reconsideration Request

13-1 and finds the analysis sound. The full BGC Recommendation, which includes the reasons for recommending that the Reconsideration Request be denied can be found at http://www.icann.org/en/groups/board/governance/reconsideration

Having a Reconsideration process set out in ICANN's Bylaws positively affects ICANN's transparency and accountability. It provides an avenue for the community to ensure that staff and the Board are acting in accordance with ICANN's policies, Bylaws and Articles of Incorporation.

To assure that ICANN continues to serve the global public interest by ensuring worldwide accessibility to the Internet and opportunities for operating a registry, ICANN will include the issues raised in Ummah's Request in its review of the Program so that the design of future mechanisms to provide financial assistance and support in the New gTLD Program can benefit from the experiences within this first round.

Adopting the BGC's recommendation has no financial impact on ICANN and will not negatively impact the systemic security, stability and resiliency of the domain name system.

This is an Organizational Administrative Function not requiring public comment.

Submitted by:	Amy A. Stathos
Position:	Deputy General Counsel
Date Noted:	9 May 2013
Email:	amy.stathos@icann.org

2013-05-18-01c-NGPC-Board Overview-Reconsideration Request 13-2.docx

What is the Issue?	Why Is It Important?
Reconsideration Request 13-2 seeks to challenge alleged inaction on the consideration of Nameshop's "appeal" to ICANN's denial of its change request asking to change its applied-for string from .IDN to .INTERNET; and (ii) the decision of the Support Applicant Review Panel ("SARP") that Nameshop did not meet the Applicant Support Program criteria. The BGC reviewed the Request at its 1 May 2013 meeting and recommended that the request be denied. The New gTLD Program Committee (NGPC) must now decide whether to adopt the BGC recommendation.	The Reconsideration Request process is one of the touchstones of ICANN's accountability. Pursuant to the Bylaws applicable to Reconsideration Request 13-2, the BGC makes a recommendation to the Board, or in this case the NGPC, for adoption. It is important to complete reconsideration request process as quickly as possible to bring certainty to all interested parties.
Who is the Decision-maker? Who is the Shepherd?	**Next Steps?**
The Board Governance Committee members who are also on the NGPC addressed the issue and made a recommendation. The NGPC will decide whether to adopt the BGC's recommendation. Cherine Chalaby, who chaired the BGC meeting on this issue, is the shepherd.	If approved by the NGPC, the requester will be notified and the NGPC resolution will be linked to the page with the rest of the materials related to Reconsideration Request 13-2.

2013-05-18-01c-NGPC-Board Paper-Reconsideration Request 13-2.docx

ICANN NEW gTLD PROGRAM COMMITTEE SUBMISSION NO. 2013-05-18-01c

TO:	**ICANN New gTLD Program Committee**
TITLE:	**BGC Recommendation on Reconsideration Request 13-2**
PROPOSED ACTIONS:	**For Committee Consideration and Approval**

EXECUTIVE SUMMARY:

On 30 March 2013 (revised on 7 April 2013), Nameshop submitted a reconsideration request ("Request 13-2") asking the Board to reconsider two items: (1) inaction on the consideration of Nameshop's letter of "appeal" sent after denial of Nameshop's change request, which sought to change its applied-for string in the New gTLD Program from .IDN to .INTERNET (the "Change Request"); and (ii) the decision of the Support Applicant Review Panel ("SARP") that Nameshop did not meet the criteria to be eligible for financial assistance under ICANN's Applicant Support Program. The BGC considered Request 13-2 at its 1 May 2013 meeting.

BOARD GOVERNANCE COMMITTEE (BGC) RECOMMENDATION:

The BGC recommends that Reconsideration Request 13-2 be denied and that it not be considered further. As detailed in the Recommendation attached to the Reference Materials in support of this paper, the BGC determined that Request 13-2 fails to state any grounds that support reconsideration.

PROPOSED RESOLUTION:

Whereas, Reconsideration Request 13-2, sought reconsideration of: (1) Staff and Board inaction on the consideration of Nameshop's letter of "appeal" sent after denial of Nameshop's change request to change its applied-for string in the New gTLD Program from .IDN to .INTERNET (the "Change Request"); and (ii) the decision of the Support Applicant Review Panel ("SARP") that Nameshop did not meet the criteria to be eligible for financial assistance under ICANN's Applicant Support Program.

Whereas, the BGC recommended that Reconsideration Request 13-2 be denied because Nameshop has not stated proper grounds for reconsideration.

Whereas, the BGC concluded that the Reconsideration Request 13-2 challenges: (i) an "appeal" process that does not exist; and (i) the substantive decisions taken within the New gTLD Program on a specific application, not the processes by which those decisions were taken and that the reconsideration process is not, and has never been, a tool for requestors to seek the reevaluation of decisions.

Resolved (2013.05.18.xx), the New gTLD Program Committee adopts the BGC's recommendation that Reconsideration Request 13-2 be denied on the basis that Nameshop has not stated proper ground for reconsideration.

PROPOSED RATIONALE:

ICANN's Bylaws at the time Reconsideration Request 13-2 was filed, called for the Board Governance Committee to evaluate and make recommendations to the Board with respect to Reconsideration Requests. *See* Article IV, section 3 of the Bylaws. The New gTLD Program Committee, bestowed with the powers of the Board in this instance, has reviewed and thoroughly considered the BGC's recommendation with respect to Reconsideration Request 13-2 and finds the analysis sound. The full BGC Recommendation, which includes the reasons for recommending that the Reconsideration Request be denied can be found at http://www.icann.org/en/groups/board/governance/reconsideration.

Having a Reconsideration process whereby set out in ICANN's Bylaws positively affects ICANN's transparency and accountability. It provides an avenue for the community to ensure that staff and the Board are acting in accordance with ICANN's policies, Bylaws and Articles of Incorporation.

Request 13-2 challenges an "appeal" process that does not exist, and challenges the substantive decisions taken in implementation of the New gTLD Program on a specific application and not the processes by which those decisions were taken. Reconsideration is not, and has never been, a tool for requestors to seek the reevaluation of substantive decisions. This is an essential time to recognize and advise the ICANN community that the Board is not a mechanism for direct, de novo appeal of staff (or evaluation panel) decisions with which the requester disagrees. Seeking such relief from the Board is, in itself, in contravention of established processes and policies within ICANN.

Adopting the BGC's recommendation has no financial impact on ICANN and will not negatively impact the security, stability and resiliency of the domain name system.

This is an Organizational Administrative Function not requiring public comment.

Submitted by:	Amy A. Stathos
Position:	Deputy General Counsel
Date Noted:	9 May 2013
Email:	amy.stathos@icann.org

2013-05-18-02c-NGPC-Board Overview-Dotless Domain Names .docx

Item Removed From Agenda

2013-05-18-02c-NGPC-Draft Board Paper-Dotless Domain Names.doc

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2013-05-18-02d-NGPC-Board Paper-Non-Delegated TLD Use Issues.doc

Item Removed From Agenda

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2013-05-18-02e-NGPC-Board Paper-Consumer Competition Metrics for AoC Review.doc

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