

行政院及所屬各機關出國報告

(出國類別：會議)

## 出席「網際網路名稱與號碼指配機構」 (ICANN)第 38 次會議報告書

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## 壹. 前言

網際網路名稱與號碼指配機構(ICANN)第 38 次會議於 99 年 6 月 20 日至 25 日在比利時布魯塞爾舉行，由 ICANN 及歐洲網際網路名稱註冊管理機構(EURid)主辦，計有來自 130 個國家之商業利益團體、民間團體、政府機構、網際網路服務供應商、註冊管理機構、受理註冊機構、網址註冊人及技術團體等 1,625 位與會者參與本次盛會。

我國代表團係由交通部郵電司司長鄧添來擔任團長，團員包括交通部郵電司、國家通訊傳播委員會、外交部駐歐盟兼駐比利時代表處、財團法人台灣網路資訊中心(Taiwan Network Information Center, TWNIC)及網路中文資訊股份有限公司等單位代表。交通部、國家通訊傳播委員會及外交部等人員主要出席政府諮詢委員會(Governmental Advisory Committee, GAC)，GAC 會議於 99 年 6 月 19 日至 25 日間召開，計有 60 個會員國及 4 個觀察會員國與會，TWNIC 等其他團員則參與國碼名稱支援組織(ccNSO)，同屬性名稱支援組織(GNSO)等 ICANN 相關會議。

本次會議延續 2010 年 3 月非洲奈洛比會議及去(2009)年首爾會議所作幾項重大決議之討論，包括：開放新屬性型網域名稱(New generic Top Level Domain，以下簡稱 New gTLDs)申請指引草案第 4 版(DAG4)等議題。對於 ICANN 理事會於去年首爾會議通過自 2009 年 10 月 30 日正式開放國碼頂級網域名稱(country code Top Level Domain，以下簡稱 ccTLD)國際化域名(International Domain Name 以下簡稱 IDN)Fast Track 實施計畫最終版後；2009 年 11 月 16 日起開始受理第一輪(first round)申請案。根據 ICANN 所公布的資料，第一批通過之 IDN ccTLD 申請案，包括阿拉伯聯合大公國、埃及、俄羅斯、沙烏地阿拉伯；本次布魯塞爾會議期間(2010 年 6 月 25 日) ICANN 理事會宣布通過我國申請中文(.台灣)及(.台湾)頂級國碼網域名稱，中國大陸申請(.中國)及

(.中国)，及香港申請(.香港)之申請案，成為第二批通過快速程序之申請者。

在 ICANN/GAC 會議中則主要就以下議程（會議公報如附件 1）進行討論：

- (1) 理事會與 GAC 之聯合工作小組會議，包括 GAC 未來於 ICANN 扮演之角色討論。
- (2) 新屬性型頂級網域名稱(new generic Top Level Domain Name, new gTLDs) 討論，包括道德與公共秩序議題討論。
- (3) 與國碼名稱支援組織(ccNSO)會談，就其工作小組進展報告、ccTLD、快速申請案及 new gTLD 地理名稱等議題進行討論。
- (4) 與 Accountability & Transparency (A&T)檢視小組會談，就 GAC 與 ICANN 互動間之可責性與透明進行討論。
- (5) 與號碼資源組織 (NRO)就 IPv4 位址耗竭與 IPv6 位址推廣佈署進行意見交換。
- (6) 本次 GAC 會議除討論以上事項外，在內部會員討論時亦就 GAC 於 ICANN 組織之角色功能、GAC 秘書處未來運作方式等事務進行意見交換。
- (7) 因 GAC 主席 Mr. Janis Karklins 於 99 年 6 月 24 日辭職卸任。本次 GAC 會議期間選舉代理主席，一致通過由加拿大代表 Ms. Heather Dryden 擔任代理主席。

下次 ICANN 會議預定於 2010 年 12 月 5 至 10 日於哥倫比亞卡塔赫納(Cartagena, Colombia)舉行。

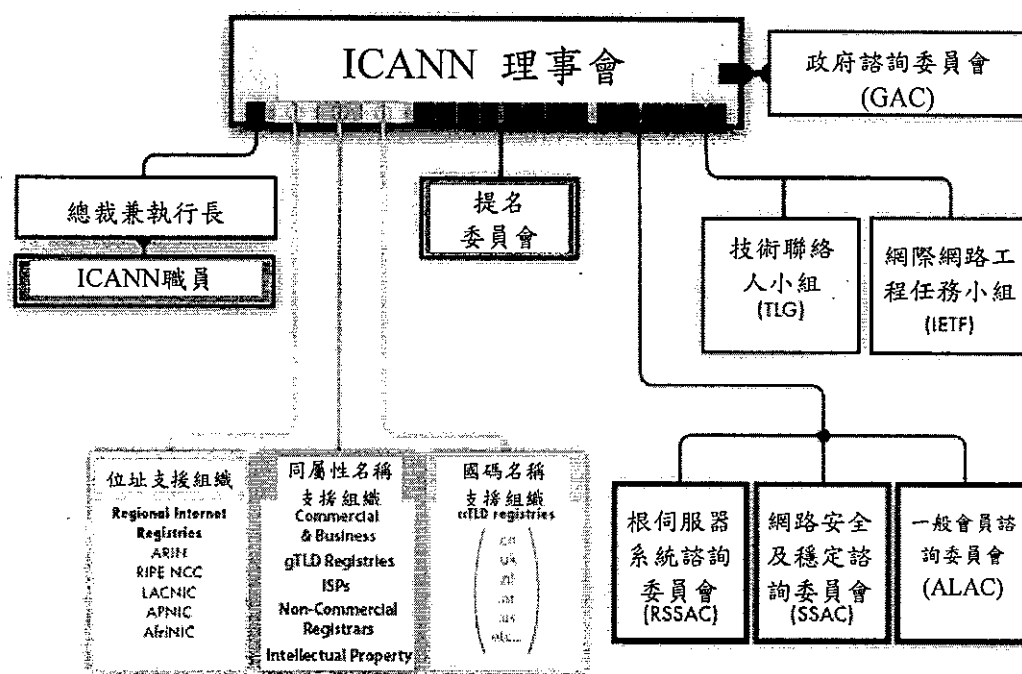
本報告首先說明 ICANN 組織最新現況，次就本次會議重要議題及內容進行說明，最後就本次會議內容提出相關建議。

## 貳. ICANN 簡介

ICANN 係一全球性、非營利、共識導向的國際性機構 (International corporation)，1998 年 10 月成立於美國加州，負責監督原由美國政府管理之部分網際網路技術管理功能 (Internet technical management functions)、通訊協定參數及通訊埠 (Protocol Parameters and Port) 之協調、域名系統 (DNS) 之管理、IP<sup>1</sup> 位址之分配暨指派及根伺服器系統 (root server system) 之管理，以維持全球網際網路運作之穩定性、可靠性及安全性為其主要宗旨。

### 一、ICANN 組織架構

ICANN 下設有理事會 (Board of Directors)、3 個支援組織 (Supporting Organization ; SO)、4 個諮詢委員會 (Advisory Committee ; AC) 及技術聯絡人小組 (Technical Liaison Group ; TLG) 等，其組織架構圖如下：



ICANN 組織架構圖

<sup>1</sup> IP 為網際網路通信協定 (Internet Protocol) 之意，使得電腦網路間得以透過各式實體鏈路 (physical links) 而快速地互相通信。IP 位址為一以數字表示之位址，使得 Internet 上之電腦位址得以確定，Internet 上電腦間之資訊傳輸及連結即藉此 IP 位址達成，一般大眾係藉用 DNS 以人性化名稱 (human-friendly names) 來辨識主機位址。



## 二、 ICANN 組成單位之功能

### (一) ICANN 理事會

依 2002 年 12 月 15 日 ICANN 通過之新版組織章程，ICANN 理事會係由 15 位具投票權之理事組成，其中 8 位理事由任命委員會選出，另由位址支援組織(ASO)、同屬性名稱支援組織(GNSO)、國碼名稱支援組織(ccNSO)各選出 2 位，總裁為當然理事。任期 3 年，每年改選部分理事。此外，6 位不具投票權之聯絡人則分由根伺服器系統諮詢委員會(RSSAC)、網路安全及穩定諮詢委員會(SSAC)、政府諮詢委員會(GAC)、一般會員諮詢委員會(ALAC)、技術聯絡人小組(TLG)及網際網路工程任務小組(IETF)指派。目前理事會成員現有 21 位，如附件 2。本次會議閉幕期間，ICANN 理事主席 Mr. Peter Dengate Thrush 及總裁兼執行長 Mr. Rod Beckstrom 代表 ICANN 分別向今(2010)年 4 月卸任之理事 Mr. Raimundo Beca 及 6 月卸任之理事 Mr. Janis Karkins 致謝；並歡迎新任理事 Mr. Kuo-Wei Wu 及 Ms. Heather Dryden。

(註：我國 NII 產業發展協進會執行長吳國維已於 2010 年 3 月 22 日由位址支援組織(Address Supporting Organization, ASO)推薦並當選成為 ICANN 理事，任期由 2010 年 5 月起至 2013 年 4 月，為期三年。)

### (二) ICANN 支援組織

目前 ICANN 下設有 3 個支援組織，各支援組織(Supporting Organization)均有其特定之功能，為 ICANN 在各專責領域之主要政策建議來源及諮詢單位。謹簡介如下：

#### (1) 位址支援組織(ASO)

ASO 負責向 ICANN 提出有關 IP 位址運作、指配、及

管理之政策性建言，其著重於識別單一 Internet 上各種電腦之 IP 位址系統，如 128.9.128.127，係根據 ICANN 與各區域網際網路登記註冊管理機構(RIR)洽簽之 MoU 所設立之組織。目前按區域所設立之 RIR，分別有負責北美洲區域之 ARIN、歐洲區域之 RIPE NCC、拉丁美洲區域之 LACNIC、亞洲區域之 APNIC 及非洲區域之 AFRNIC。一般 RIR 基本的位址分配政策係依區域需要及視未來一年內位址可能需求情形來分配位址區塊(Address Block)。

## **(2) 國碼名稱支援組織(ccNSO)**

ccNSO 負責向 ICANN 提出有關 ccTLD(諸如：.us，.uk，.it，.tw，.cn，.jp，.hk 等)之政策性建言，ccNSO 係由 ccTLD 管理者組成，下設評議會(Council)管理相關政策制定程序。該組織業於於羅馬會議期間(2004 年 3 月 1 日)正式宣布成立。

## **(3) 同屬性名稱支援組織(GNSO)**

GNSO 負責向 ICANN 提出有關同屬性頂級域名之政策性建言，係由 gTLD 登記註冊管理機構、智慧財產權團體、商業團體、學術機構及消費者團體所組成，下設評議會(Council)管理相關政策制定程序。

## **(三) ICANN 諮詢委員會**

諮詢委員會為一正式諮詢體，由來自 Internet 社群(community)代表組成，負責向 ICANN 作政策性之建言，ICANN 組織章程明定設立不同之諮詢委員會，諮詢委員會不代表 ICANN 行使職權，惟向 ICANN 理事會提出其研究報告及建言。目前 ICANN 理事會設有 4 諮詢委員會，謹簡介如下：

### **(1) 政府諮詢委員會(GAC)**

GAC 為一由國家級政府、國際論壇承認之經濟體、多國政府組織及條約組織(treaty organizations)代表所組成之諮詢委員會，其功能為向 ICANN 理事會表達政府單位之關切事項，GAC 以論壇方式討論政府之權益及關切議題(interests and concerns)，包含消費者權益；GAC 不代表 ICANN 行使職權，惟向 ICANN 理事會提出其研究報告及建言。

## **(2) 網路安全及穩定諮詢委員會(SSAC)**

SSAC 係負責就網域名稱及位址指配系統之安全及完整性向 ICANN 理事會提出建言，包括安全架構之擬定、與網際網路技術社群及重要 DNS 管理者、業者之溝通協調、風險分析評估等。

## **(3) 根伺服器諮詢委員會(RSSAC)**

RSSAC 係負責向 ICANN 理事會提出有關網域名稱根伺服器運作之建言，包含主機硬體容量、作業系統、名稱伺服器軟體版本、網路連結、硬體環境、安全問題及系統效率、可靠度等。

## **(4) 一般會員諮詢委員會(ALAC)**

ALAC 代表網際網路個別使用者向 ICANN 提出建言。

## 參. ICANN/GAC 第 38 次會議

### 一、 會議時間、地點及議程

(1) 時間：2010 年 6 月 18 日至 6 月 27 日。

(2) 地點：比利時布魯塞爾。

(3) 行程：

日期	行程
6 月 18 日	由桃園機場出發，經泰國曼谷轉機。
6 月 19 日	抵達荷蘭阿姆斯特丹，搭火車抵達比利時布魯塞爾，團員入宿 NH Grand Place Arenberg Hotel
6 月 20 日	辦理報到並出席 ICANN/GAC 相關會議
6 月 21 日	出席 ICANN 開幕典禮，聽取 ICANN 總裁相關報告與 ICANN 工作人員就各項政策所提之說明。
6 月 22 日	出席 ICANN/GAC 相關會議
6 月 23 日	出席 ICANN/GAC 相關會議
6 月 24 日	出席 ICANN Public Forum
6 月 25 日	參加 ICANN 閉幕大會，聽取各項報告。
6 月 26 日	自比利時布魯塞爾搭火車至荷蘭阿姆斯特丹搭機
6 月 27 日	經泰國曼谷轉機，同日返抵我國桃園機場。

(4) ICANN/GAC 第 38 次會議議程：如附件 3。

### 二、 主要討論議題

ICANN 會議包括理事會議、公眾論壇、各支援組織及諮詢委員會會議，如：政府諮詢委員會等，茲簡述重要會議內容如下：

## (一) 政府諮詢委員會(GAC)會議

網際網路名稱與號碼指配機構(ICANN)/政府諮詢委員會(GAC)於 2010 年 6 月 19 日至 25 日在比利時布魯塞爾召開。本次會議計有美國、英國、法國、歐盟、義大利、加拿大、挪威、芬蘭、巴西、新加坡及日本等 60 位代表與會、4 位觀察會員國與會。

本次 GAC 會議討論事項包括理事會與 GAC 之聯合工作小組會議，包括 GAC 未來於 ICANN 扮演之角色討論、新頂級網域域名(New gTLDs) 討論，包括道德與公共秩序議題討論、與國碼名稱支援組織(ccNSO)會談、執法及查核建議、與 Accountability & Transparency (A&T)檢視小組交換意見、與號碼資源組織 (NRO)就 IPv6 發展及 IPv4 耗竭等議題討論、GAC 秘書處未來運作方式、選舉 GAC 代理主席等事項。相關議題摘要如下：

### 1. 董事會與 GAC 之聯合工作小組會議，包括 GAC 未來於 ICANN 扮演之角色討論

本次會議討論內容主要包括：GAC 提交建議給董事會之方式、GAC 連絡員之角色，聯合工作小組預計在下次哥倫比亞會議將草案定案，並將就 GAC 在規章(Bylaws)內提供建議之方式續進行討論。

### 2. 新頂級網域域名(New gTLDs) 討論，包括道德與公共秩序議題討論

- (1) GAC 將針對 New gTLDs 之第四版申請指導草案(DAG4) 提出完整回應（相關內容已於 99 年 6 月公告，詳如附件 4），包括道德與公共秩序等相關議題；並且希望董事會能對 GAC 之前所提出第三版 DAG 之建議予以回應。

- (2) GAC 認為 new gTLDs 申請流程應考量公眾利益及符合委任認可協議(AoC)規範，因此建議 ICANN 應就幾項議題進行考量，例如成本應合理，使開發中國家亦能有機會參與 new gTLD 申請。

### 3. 與國碼名稱支援組織(ccNSO)會談

- (1) 本次會議期間 GAC 與 ccNSO 就其工作小組進展報告進行意見交換，GAC 將就 ccNSO 報告內容提供建議，並盼於年底 12 月會議期間進行更深入討論。GAC 與 ccNSO 另亦就 ccTLD、快速申請案及 new gTLD 地理名稱等議題進行討論。
- (2) GAC 表示支持 ccNSO 未來將與 GNSO、SSAC 及 ALAC 進行合作，共同討論有關 ICANN 提出網域名稱系統安全與穩定之提案。

### 4. 執法及查核建議

由於網域名稱的被濫用會對擁有者造成權益損失，執法機構(Law Enforcement Agencies)提出對 RAA 的修正建議，並提供給技術專家評估，本次會議大多數 GAC 會員表示支持相關修正提案，惟須注意適用法規及處理個人資訊之相關規定。部分 GAC 會員則認為應再更深入討論以釐清各項提案。(簡報資料如附件 5)

### 5. 與 Accountability & Transparency (A&T)檢視小組會談

GAC 與 A&T 檢視小組於本次會議期間就 GAC 與 ICANN 互動間之可責性與透明進行討論，包括 GAC 提供建議給董事會的方式等議題；另針對 A&T 檢視小組提問，GAC 將於會後進行討論，並書面回復給檢視小組。

## 6. 與號碼資源組織 (NRO)會談

隨著 IPv4 位址將於 2011 年 8 月耗竭之關鍵時刻，GAC 與 NRO 於本次會議期間均強調區域網路資訊中心(RIRs)與政府間應就推廣佈署 IPv6 進行規劃及合作之重要性。

## 7. GAC 秘書處未來運作方式

GAC 接受秘書處未來採取 hybrid 運作之提案，即未來 GAC 秘書處之運作經費部分來自 ICANN，而部分則來自巴西、挪威及荷蘭政府同意提供初期五年所需的經費及負責相關秘書作業。巴西、挪威及荷蘭政府建議未來秘書處應採取精簡組織架構及彈性作法協助各會員，並於成立 3 年後進行評估檢討，目前規劃新的秘書處最遲將於明（2011）年 6 月成立運作。詳細內容可參閱附件 6。

## 8. GAC 代理主席選舉結果

GAC 主席 Mr. Janis Karklins 已於 99 年 6 月 24 日辭職卸任。本次會議選舉代理主席結果：一致通過由加拿大代表 Ms Heather Dryden 擔任代理主席，自 99 年 6 月 25 日起生效。另選舉下屆新任主席及副主席已開放提名作業，將於下次哥倫比亞會議期間舉行選舉。

## 9. 結語

GAC 誠摯感謝在布魯塞爾會議期間所有與 GAC 會議之所有社群，GAC 下次會議將在哥倫比亞卡塔赫納 (Cartagena, Colombia)舉行之 ICANN 會議期間召開。

## (二) 國碼名稱支援組織 (ccNSO) 會議

第 38 次 ICANN 會議於比利時布魯塞爾舉行，TWNIC 所提交的「.台灣」及「.台湾」頂級國碼網域名稱申請案正式獲 25 日 ICANN 董事會通過(<http://www.icann.org/en/minutes/resolutions-25jun10-en.htm>)。

ICANN 自 2008 年初即提出國際化頂級國碼網域名稱(IDN ccTLD)速審申請辦法草案，開放有限數量之國際化頂級國碼網域名稱(IDN ccTKD)，使網路使用者將可以使用所熟悉之本地語言來取名網域名稱，ICANN 於 2009 年 11 月 16 日正式開放申請(<http://www.icann.org/en/topics/idn/fast-track/idn-ccTLD-implementation-plan-16nov09-en.pdf>)。TWNIC 於開放當日即提出「.台灣」及「.台湾」IDN ccTLD 申請案，以爭取國內及全球網路使用者之最大利益。

根據 ICANN 所公布的資料，已通過之 IDN ccTLD 申請案，包括阿拉伯聯合大公國(AE)、埃及(EG)、俄羅斯(RU)、沙烏地阿拉伯(SA)(以上為第一批)；中國(CN)、香港(HK)、台灣(TW)(以上為第二批)。通過第二階段字串審查包括約旦(JO)、巴勒斯坦(PS)、卡達(QA)、新加坡(SG)、斯里蘭卡(LK)、敘利亞(SY)、泰國(TH)、突尼西亞(TN)等(詳如 <http://www.icann.org/en/topics/idn/fast-track/string-evaluation-completion->



en.htm)。

ICANN 總裁暨執行長 Mr. Rod Beckstrom 表示，這些申請案的通過對全球中文社群將有重大改變，全球約 10 億中文人口將因此受惠。

國碼名稱支援組織 (ccNSO) 本次討論議題相當多，摘要如下

1. 關於 ICANN 營運計畫及預算，ccNSO 的 Strategic and Operational Planning Working Group 將開始與 ICANN 進行協商關於費用問題 (financial contribution)，包括金額數字及計算方式。
2. ITEMS International 於會中簡報 ccNSO 之組織檢討報告，建議應括採用 comment 與 position paper 等政策發展機制，以統合會員的意見，並迅速回應 ICANN 董事會或其他支援組織的議題；應考量多元語言因素，將主要文件翻譯成不同語言版本；ccNSO 工作人員應定期參與外展活動，以增加會員數及強化非會員之聯繫；ccNSO 應與政府諮詢委員會(GAC)及一般會員諮詢委員會(ALAC)等單位聯合行動，以提升 ICANN 所有支援組織或諮詢委員會的會員層級；ccNSO 的任何政策制定有可能衝擊到代理註冊單位或註冊人，ccNSO 應將其立場列入考量，或許應與 GNSO 共同設置一工作小組來定義正式之程序；ccNSO 應持續改善網站功能，建議可擴充協同連結工具，依不同屬性或主題，建立次級團體；而 ICANN 也應提供適當之管理社群能力，使 ccNSO

得以善用這些協同工具；對於 Council 來說，ccNSO 應可考量限制 Council 代表的任期次數，並於 ccNSO 條例中闡述 Council 及主席的個別職責；可考量設置負責財務的職務，與 ICANN 財務部門保持緊密聯繫，以確保使用於 ccNSO 及 ccTLDs 用途之 ICANN 預算等事務的透明化；最後 ccNSO 應每年研擬及公佈下個二至三年的政策發展藍圖，以為現今及未來政策工作之策略文件，也為與 ICANN 相關支援組織溝通之工具。ccNSO 工作小組將要求 ICANN 將此文件之公眾評論期限延至 9 月 15 日。

3. 關於 IDN PDP，相關工作小組已積極進行相關討論，目前已採用 IDNAbis 的定義來確認何謂 IDN ccTLD，近期將針對 variant 管理議題進行討論。

關於 Delegation 及 Redelegation 議題，工作小組已提出一份百餘頁之報告初稿，分析以往 ICANN 董事會通過不同 ccTLD Delegation 與 Redelegation 的案例。

### (三) ICANN 理事會

本次會議 ICANN 理事會議之重要決議摘要如下：(會議紀錄如附件 7)

1. 國際化頂級國碼網域名稱(IDN ccTLD)申請案：會中 ICANN 理事會宣布通過我國台灣網路資訊中心(TWNIC)申請中文(.台灣)及(.台灣)頂級國碼網域名稱，中國大陸中國互聯網絡信息中心(CNNIC)申請(.中國)及(.中国)，及香港中國互聯網絡信息中心

(CNNIC)申請(.香港)之申請案。

2. ICANN 理事主席 Mr. Peter Dengate Thrush 及總裁兼執行長 Mr. Rod Beckstrom 代表 ICANN 向卸任之理事會成員 Mr. Raimundo Beca 致謝，感謝 Beca 自 2004 年 5 月即由位址支援組織(Address Supporting Organization, ASO)推薦擔任理事會成員至今（2010）年 4 月卸任。
3. 理事會亦向另一位今（2010）年 6 月 25 日甫卸任之理事會成員 Mr. Janis Karkins 致謝；感謝 Karkins 自 2007 年 3 月起擔任 GAC 主席及理事會成員期間之貢獻。
4. 新屬性型頂級網域名稱（new gTLDs）預算：本議題已規劃並討論多年，理事會表示將把相關公眾建議列入未來 new gTLDs 申請流程考量，也鼓勵各界參與討論。

## 肆. 心得與建議

- 一、 ICANN 理事會已於 2010 年 6 月 25 日本次會議期間正式通過由台灣網路資訊中心(TWNIC)所申請之「.台灣」「.台灣」中文網域名稱，未來全球網路使用者在世界任何地區在瀏覽器地址欄上，可用正、簡體輸入域名，不再侷限於英文，有利於中文化網域的推動。
- 二、 new gTLDs 與屬非營利性質之 ccTLDs 相較，有顯著差異，new gTLDs 偏屬商業行爲，宜多加注意國外先取得註冊機構權利者之商業行爲模式及其影響，以爲國內未來之借鏡。
- 三、 以城市名稱做爲 new gTLD 之類別，已是國際趨勢，且具城市代表意義，基於國家立場，樂見國內業者加入經營。
- 四、 申請成爲 new gTLDs 註冊管理機構，必須支付相對高額之權利費用，勢必增加其營運成本，GAC 認爲 new gTLDs 申請流程應考慮公眾利益等，因此建議 ICANN 能就成本應合理等進行考量，使開發中國家亦能有機會參與 new gTLD 申請。
- 五、 IPv4 資源耗盡之問題爲各國所重視，ICANN/IANA 預估 2012 年左右將無 IPv4 位址可核發，故應及早導入 IPv6，以避免網路位址不足，而且，IPv6 具有大量( $2^{128}$ )位址、安全性及移動性之特點，若能儘早投入 IPv6 應用服務之開發，將是我國創造下一波網際網路發展高峰之新契機。
- 六、 由於 ICANN 決議對於網際網路之發展影響深遠，據會場資訊本次會議計有 1,625 位人員出席與會，爲 ICANN 歷年會議出席參與人數最踴躍之一，約有來自 130 個國家之商業利益團體、民間團體、政府機構、網際網路服務供應商、註冊管理機構、受理註冊機構等代表參加，GAC 會議期間常態維持約數十個會員團體與會。爲確保我國網際網路社群之權益，並

與會員國建立長久關係，相關單位應持續參與 ICANN/GAC 後續相關會議，加派人員與會，以增加資訊搜集廣度，希望藉由參與及討論，即時掌握網際網路最新發展趨勢，並與其他會員國建立友好關係，爭取國際能見度，俾利維護我國網路社群權益與掌握未來發展之契機。

## 附件

1. GAC 2010 布魯塞爾會議公報
2. ICANN 理事會成員
3. GAC 2010 布魯塞爾會議議程
4. GAC 對 New gTLDs 之第四版申請指導草案之回應報告
5. LEA 執法與查核建議之簡報
6. GAC 秘書處未來運作方式報告（草案）
7. ICANN 理事會 2010 年 6 月 25 日會議紀錄

# 附件 1





Brussels, 23 June 2010

## **GAC Communiqué – Brussels**

### **I. INTRODUCTION**

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Brussels, during June 19 - 23, 2010.

60 members and 4 observers participated in the meeting.

The Governmental Advisory Committee expresses gratitude to the EuRID for hosting the meeting in Brussels and thanks ICANN for supporting the GAC meeting.

### **II. Board/ GAC Joint Working Group on the Review of the Role of the GAC at ICANN**

The JWG met in Brussels and the discussion focused on two main issues for the JWG report, GAC advice to the Board and the role of GAC liaisons. Regarding GAC advice to the Board, in the view of the JWG:

“Any explicit advice, in any written form, constitutes the advice foreseen in the Bylaws. The GAC also advises on the effectiveness of procedures for facilitating interactions between ICANN constituencies for the development of policy.

In addition, the GAC first seeks consensus in its work and this can take time to achieve. If consensus is not possible, a range of views can be provided as advice. The bylaws provide only for GAC advice to be given to the Board and do not include provisions for the other SOs/ACs to formally consider GAC advice”.

Several recommendations are identified, including the creation of a transparent register to record when GAC advice has been provided and to track whether/when/how the Board has taken into account or responded to particular advice from the GAC.

The JWG aims to finalize the report in Colombia and further JWG discussion is anticipated on ways that the Bylaws could formally acknowledge methods for the ICANN constituencies, including the GAC, to provide inputs into the policy development process at an early stage and as the process develops.

### **III. New gTLDs, including the Morality and Public Order issues**

The GAC was grateful to receive a briefing update from ICANN staff on the changes incorporated in version 4 of the Draft Applicant Guidebook (DAG4). The GAC wishes to acknowledge the dedicated work of the ICANN staff in addressing the issues of concern for the GAC. The GAC will provide a full response to DAG4, including issues related to the Morality and Public order, in accordance with the timeline for the public consultation.

The GAC expects to receive response to its letter to the Board in relation to the DAG3.

The GAC believes that the new gTLD process should meet the global public interest consistent with the Affirmation of Commitments. It therefore urges ICANN to set technical and other requirements, including cost considerations, at a reasonable and proportionate level in order not to exclude developing country stakeholders from participating in the new gTLD-process. Key documents should be available in all UN languages. The GAC urges that the communications and outreach strategy for the new gTLD round be developed with this issue of inclusiveness as a key priority.

The GAC appreciates the exchange of views on these issues with the GNSO.

#### **IV. Meeting with ccNSO**

The GAC and the ccNSO held a constructive exchange regarding the scope and work to date of the ccNSO Delegation, Re-delegation and Retirement Working Group, based on a presentation of the Working Group's progress report and initial assessment. The GAC welcomed the ccNSO's invitation to provide comments on the texts and looks forward to further discussions during the annual meeting in December 2010. Other issues addressed during the exchange included an update from ccTLDs and GAC members on pending IDN ccTLD applications under the "fast track" process, the treatment of geographic names in new gTLDs. Moreover, the GAC supports the ccNSO's decision to work jointly with the GNSO, SSAC and ALAC to draft a charter for a potential cross-constituency WG to consider further ICANN's proposals regarding the security and stability of the DNS. The GAC notes that these issues are of significant public policy interest and indicates its willingness to collaborate with other parts of the ICANN community on this important issue.

#### **V. Law enforcement Due Diligence Recommendations**

An absolute majority of GAC members made the following statement:

- The GAC encourages the Board, the RAA Working Group and registrars to work with law enforcement agencies to address their concerns and implement necessary changes without delay.
- Following from the GAC's Nairobi Communiqué, the GAC requests an update of progress on consideration of these proposals, including the Board's consideration of the due diligence recommendations.
- Based on the deliberations in Brussels and the previous meetings, the GAC endorses the proposals from law enforcement agencies to address criminal misuse of the DNS, noting that implementation of these proposals must respect applicable law and respect all requirements concerning the processing of personal data, such as privacy, accuracy and relevance

Some countries felt that further efforts need to be deployed to clarify these proposals.

## **VI. Meeting with Accountability and Transparency Review Team (A&T RT)**

The GAC met with the A&T RT to discuss a number of questions relating to the accountability and transparency of GAC interactions with ICANN. Much of the discussion covered the same areas as those coming out of the work of the JWG, including the nature and treatment of GAC advice provided to the Board and the need for early engagement in PDP activity with the ICANN constituencies. The GAC will work intersessionally to provide a written response to the A&T RT questions.

## **VII. Meeting with NRO**

The GAC welcomed the briefing from the NRO with updates on IP address space management and the depletion of the IPv4 address space. The estimated depletion date for IPv4 addresses was August 2011 and the RIR estimated depletion date April 2012 based on the current allocation rate. The GAC and NRO highlighted the need and importance of cooperation between RIRs and governments for promoting deployment of IPv6 and for addressing the allocation needs for IPv6 address space throughout the world.

## **VIII. GAC Secretariat support**

The GAC discussed a refined proposal to ensure appropriate Secretariat support for the GAC along the lines of a hybrid model, i.e. funded by governments with continued support from ICANN. The GAC accepted the offer from Brazil, Norway and The Netherlands to finance and host a Secretariat for the duration of 5 years

The donor countries have the intention to put in place a lean and flexible Secretariat providing professional and proactive support to the membership. They propose to evaluate the Secretariat after three years in order to explore ways forward after the five year financial support currently guaranteed

These countries will start the necessary arrangements to have this Secretariat operational at the latest from the 41st ICANN/GAC meeting in June 2011, allowing a transition from the current Secretariat provided by India.

## **IX. Election of the GAC officers**

Mr. Janis Karklins resigned from his post of the GAC Chair following his departure from the Latvian government. This resignation is effective on 24 June 2010.

Following provisions of the Article IX of the GAC Operating Principles the GAC appointed Ms. Heather Dryden from Canada to serve as an interim Chair and a non-voting GAC liaison to the Board for the remainder of current Chair's term which ends at the end of the first GAC meeting of 2011. This appointment is effective from 25 June 2010.

The GAC launched the process of nominations for the post of the Chair and three Vice-Chairs. Election of new officers will take place during the Cartagena meeting of the GAC.

Members of the GAC welcomed Ms. Heather Dryden and expressed their gratitude to the outgoing Chair Mr. Janis Karklins for his service to the GAC.

## **X. GAC Operating Principles**

The GAC created an ad hoc working group that will review the GAC Operating Principles. The WG's proposals will be examined during the Cartagena meeting of the GAC.

\* \* \* \*

The GAC noted the Declaration of the Committee of Ministers of the Council of Europe adopted on 26 May 2010 on enhanced participation of its member states in Internet governance matters and welcomed the Council of Europe as an observer to the GAC.

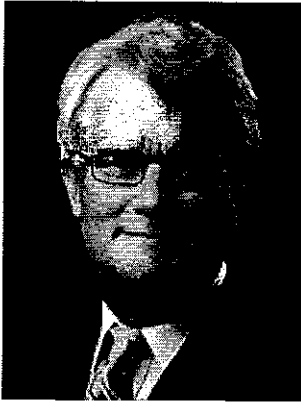
The GAC warmly thanks all those among the ICANN community who have contributed to the dialogue with the GAC in Brussels.

The next GAC meeting will take place during the period of the ICANN meeting in Cartagena, Colombia.

# 附件 2



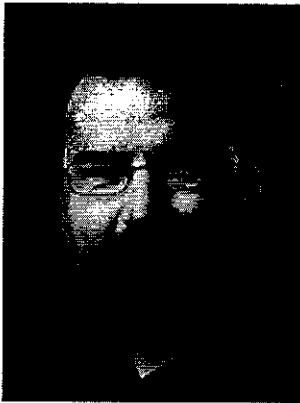
## ICANN 理事會成員



Chair  
Peter Dengate-Thrush  
Selected by: ccNSO  
(Jan 2005 - 6 months after the  
end of the 2010 Annual General  
Meeting)  
Compensation Committee  
(Chair)  
Executive Committee (Chair)



Vice Chair  
Dennis Jennings  
Selected by: Nominating  
Committee  
(Nov 2007 - Oct 2010)  
Board Governance  
Committee (Chair)  
Executive Committee  
(Vice-Chair)  
Audit Committee  
(Member)  
IANA Committee  
(Member)



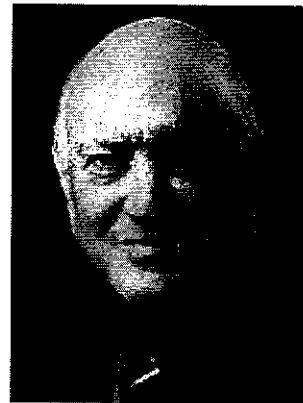
Harald Tveit Alvestrand  
Selected by: Nominating  
Committee  
(Nov 2007 - Oct 2010)  
IANA Committee (Chair)  
Audit Committee (Member)



Kuo-Wei Wu  
Selected by: ASO  
(April 2010 - Six Months  
after the 2012 Annual  
General Meeting)  
IANA (Member)  
Public Participation  
(Member)



President and CEO  
Rod Beckstrom  
Executive Committee (Member)



Steve Crocker  
Selected by Nominating  
Committee  
(Nov 2008 - Annual  
General Meeting 2011)  
Audit Committee  
(Member)  
Risk Committee  
(Member)







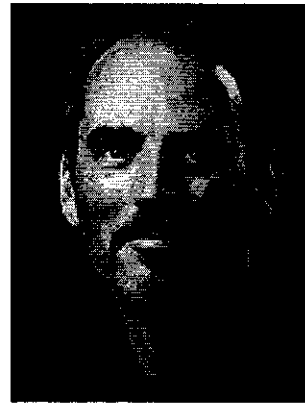
Rita Rodin Johnston  
 Selected by: GNSO  
 (Jun 2006 - 6 months after the  
 end of the 2010 Annual  
 Meeting)  
Audit Committee (Chair)  
Board Governance Committee  
 (Member)



Heather Dryden  
GAC liaison



Ram Mohan  
SSAC Liaison  
Board Governance Committee  
 (Non-Voting Member)



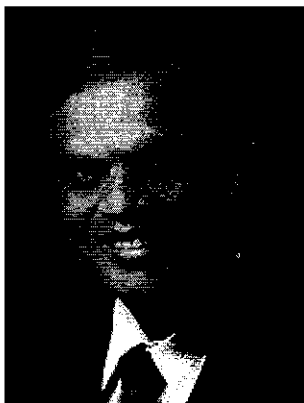
Thomas Narten  
IETF liaison  
IANA Committee  
 (Non-Voting Member)  
Public Participation  
Committee (Non-Voting  
 Member)



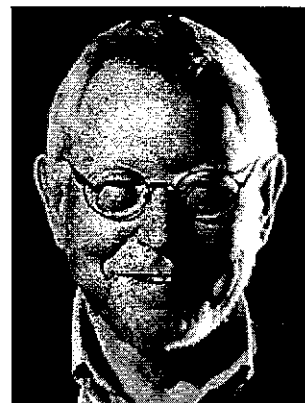
Gonzalo Navarro  
 (30 October 2009 through 2012  
 Annual General Meeting)  
Finance Committee (Member)  
Public Participation Committee  
 (Member)



Raymond A. Plzak  
 Selected by: ASO  
 (7 May 2009 - 6 Months  
 After the End of the 2011  
 Annual General Meeting)  
Structural Improvements  
Committee (Chair)  
Board Governance  
Committee (Member)



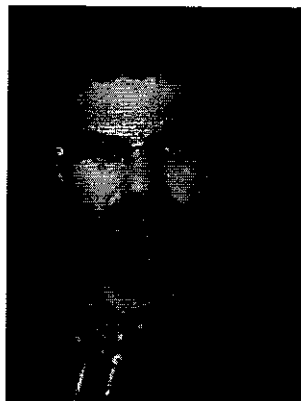
Rajasekhar Ramaraj  
 Selected by: Nominating  
Committee  
 (Dec 2006 - Oct 2009)  
Finance Committee (Chair)  
Compensation Committee  
 (Member)  
Risk Committee (Member)



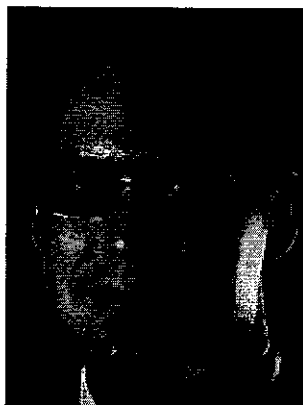
George Sadowsky  
 Selected by: Nominating  
Committee  
 (Oct 2009 - Oct 2012)  
Finance Committee  
 (Member)  
Structural Improvements  
Committee (Member)



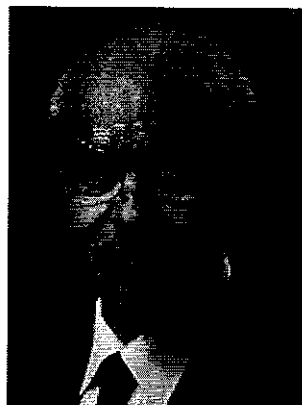
Vanda Scartezini  
ALAC liaison  
 (30 October 2009 through 2010  
 Annual General Meeting)  
Public Participation Committee  
 (Non-Voting Member)



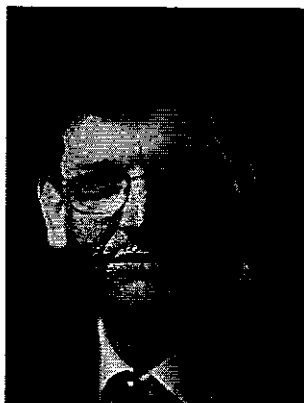
Mike Silber  
 Selected by: ccNSO  
 (7 May 2009 - 6 Months  
 After the End of the 2011  
 Annual General Meeting)  
Structural Improvements  
Committee (Member)  
Risk Committee  
 (Member)



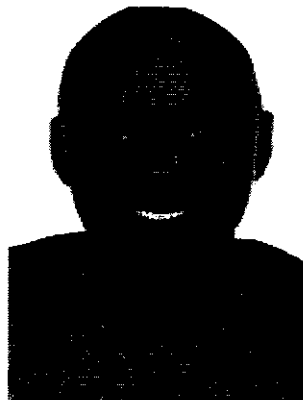
Jonne Soininen  
TLG liaison  
Structural Improvements  
Committee (Non-Voting  
 Member)



Jean-Jacques Subrenat  
 Selected by: Nominating  
Committee  
 (Nov 2007 - Oct 2010)  
Public Participation  
Committee (Chair)  
Structural Improvements  
Committee (Member)



Bruce Tonkin  
 Selected by: GNSO  
 (Jun 2007 - Apr 2010)  
Risk Committee (Chair)  
Compensation Committee  
 (Member)



Katim Touray  
 Selected by: Nominating  
Committee  
 (November 2008 - Annual  
 General Meeting 2011)  
IANA Committee  
 (Member)  
Public Participation  
Committee (Member)



Suzanne Woolf  
RSSAC liaison  
IANA Committee (Non-Voting  
 Member)  
Risk Committee (Non-Voting  
 Member)

# 附件 3



GAC meeting agenda, Brussels June 2010

FINAL 11.06.2010

Saturday, 19 June 2010		10.00 – 12.00 13.00 – 14.00 14.00 – 15.00 15.00 – 17.00 17.00 – 18.00	Initial discussion of new GAC Secretariat proposal Meeting with GAC representatives on the A&T RT Due Diligence/RAA Amendment proposals by LEA representatives New gTLDs, including DAG4, TLD categories, geographic names Meeting with GNSO*
Sunday, 20 June 2010	Plenary	9.00 – 12.00 12.00 – 12.30 12.30 – 13.45 14.00 – 16.00 16.00 – 17.00 17.00 – 18.00 18.00 – 19.00	GAC Board Joint WG meeting JWG meeting with A&T RT Lunch meeting with registrars** Election of Interim chair, launch of formal election process for GAC Chair, Review of the GAC's Operating Principles Meeting with A&T RT (open) Meeting with A&T RT (closed) Cocktail with Board, A&T RT and ISOC (Panoramic hall, 5 <sup>th</sup> level)
Monday 21 June 2010	ICANN	9.00 – 11.00 11.00 – 13.00 13.00 – 15.00 15.00 – 18.00 18.30 – 20.30	Opening and President's Report Participation in ICANN workshops GAC lunch with ACT members <sup>1</sup> Participation in ICANN workshops Cocktail with Business constituency (Panoramic hall, 5 <sup>th</sup> level)
Tuesday, 22 June 2010	Plenary	9.00 – 10.00 10.00 – 11.00 11.00 - 12.30 14.15 – 15.45 16.00 – 16.30 16.30 – 18.00	Meeting with NRO New gTLDs/ Morality and public order Meeting with ALAC*** Meeting with ccNSO**** Preparation of the meeting with Board (closed) GAC open meeting with Board*****
Wednesday, 23 June 2010	Plenary	8.30 – 9.00 9.00 – 10.30 10.45 – 13.00 14.00 - 18.00 18.30 – 21.30	Program Committee meeting New gTLDs, including DAG4, TLD categories, geographic names New GAC Secretariat, review of the GAC's Operating Principles, role of the GAC Drafting of Communiqué (closed) Gala dinner
Thursday, 24 June 2010	ICANN	All day	Public Forum: ICANN workshops
Friday, 25 June 2010	ICANN	Am	Reports of SO&AC to the Board ICANN Board meeting

<sup>1</sup> The Association for Competitive Technology, AISBL is a Brussels based international non-profit representing over 4,000 small and medium IT companies worldwide with the majority coming from the US and Europe.

- \* Meeting with GNSO Council
  - New gTLD policy implementation,
  - Affirmation of Commitments (AoC),
  - GAC liaison to the GNSO.
  
- \*\* Meeting with registrars
  - Overview of current priorities of the GAC and RrSG
  - Discussion of GAC considerations with regard to the RAA
  - Discussion of new gTLDs
  - Method for collaborating between our organizations more regularly
  
- \*\*\* Meeting with ALAC
  - DAG 4, including Morality and public order arrangements
  
- \*\*\*\* Meeting with ccNSO
  - IDN ccTLD FT implementation (point of information)
  - Activities of the Delegation and Re-delegation WG
  - DNS-CERT
  - Geo names in new gTLDs
  
- \*\*\*\*\* GAC meeting with ICANN Board
  - Institutional evolution in post JPA environment (point on the work of the JWG)
  - new gTLD implementation, including outstanding overarching issues

Agenda for the GAC Plenary:

- Adoption of draft Agenda
- Adoption of Minutes of Nairobi meeting
- Election of Interim chair
- Launch of formal election process for GAC Chair
- New gTLD
  - DAG 4
  - morality and public order
  - TLD categories
  - geographic names
- Discussion of the Report of the GAC Board Joint Working Group
- Review of the GAC's Operating Principles
- GAC Secretariat proposal

Expected outcomes:

- Nominate Interim Chair
- Notify GAC membership of election process
- Establish an ad hoc working group to review the GAC's Operating Principles
- Adopt the Report of the GAC Board Joint Working Group
- Endorse the GAC Secretariat transition arrangements; this may need to be amended to reflect that the proposal will be reviewed but possibly not adopted/endorsed
- Endorse the law enforcement proposals on RAA

# 附件 4





## ISSUES FOR THE GAC

### **COUNTRY/TERRITORY NAMES & GEOGRAPHIC NAMES**

#### Country or Territory Names

- At the **top level** : Fully excluded from first gTLD application round (noted as being based on GAC advice)<sup>i</sup>
  - Defined as ISO 3166-1 listings (alpha-3 code, short and long-form names); “separable components” (see special list<sup>ii</sup>); and permutations/transpositions. Includes translations in any language.
- At the **second and other levels** : Initially reserved through the draft ICANN/Registry Agreement<sup>iii</sup>
  - Reservation applies to<sup>iv</sup> the short form (in English) of ISO 3166-1 listings; the UN Group of Experts on Geographical Names, Technical Reference Manual for the Standardization of Geographical Names, Part III Names of Countries of the World; and the list of UN member states in 6 official UN languages prepared by the Working Group on Country Names of the UN Conference on the Standardization of Geographical Names.

#### Geographic Names requiring government support

- Defined as capital cities; other city names if used for purposes associated with that name; sub-national place names (ISO 3166-2); and continents/UN regions.<sup>v</sup>
- Evidence of government support or non-objection is required. A sample letter is included and applicants are encouraged to liaise with the relevant GAC representative<sup>vi</sup>.
- A Geographic Names Panel<sup>vii</sup> will determine if a string is a Geographic Name and whether an applicant has provided sufficient evidence of government support/non-objection. Panel membership is yet to be finalised by ICANN.

### **GOVERNMENT-REGISTRY DISPUTE RESOLUTION POST-DELEGATION<sup>viii</sup>**

Where there is a withdrawal of Government support after a gTLD has been delegated:

- ICANN must comply with a legally binding decision in the relevant jurisdiction;
- The Registry Restrictions Dispute Resolution Procedure (RRDRP)<sup>ix</sup> is available to governments for cases where the geographical name is applied for as a community-based TLD.
- Government approval will be required in cases of change of control, registry transition to a successor operator, and upon agreement renewal;
- Withdrawal of government or relevant public authority support for the registry will not result in an automatic re-delegation or termination.

### **SECURITY AND STABILITY**

Impacts on DNS security and stability will be assessed at several points:

- A DNS Stability Review of applied-for strings – determined by a DNS Stability Panel.<sup>x</sup>

- A concurrent review of an applicant's proposed registry services for any possible adverse impact on security or stability (security and stability are defined)<sup>xi</sup>
- Pre-delegation testing which will include security and stability aspects of both DNS infrastructure and registry operations.<sup>xii</sup>

### **MALICIOUS CONDUCT**

All recommendations of the ICANN study on malicious conduct within the TLD space will be implemented.<sup>xiii</sup> These include:

- Vetting of applicants for criminal/malicious history
- Requirement for a demonstrated plan for DNSSEC deployment
- Prohibition of DNS wildcarding
- Requirement for thick WHOIS records

### **TRADEMARK AND COMMUNITY PROTECTIONS**

Trademark protection mechanisms have been further revised (from versions posted February 2010) based on public comment, and have been incorporated into the draft Applicant Guidebook:

- Trademark Clearinghouse<sup>xiv</sup>
- Uniform Rapid Suspension<sup>xv</sup>
- Trademark Post-Delegation Dispute Resolution Procedures<sup>xvi</sup>

The major community protection (after a TLD has been delegated) is the Registry Restrictions Dispute Resolutions Procedure. This is for alleged non-compliance with restrictions for community-based gTLDs.

### **MORALITY AND PUBLIC ORDER OBJECTIONS**

The grounds upon which an applied-for gTLD string may be considered contrary to morality and public order according to internationally recognized standards are:<sup>xvii</sup>

- Incitement to/promotion of violent lawless action;
- Incitement to/promotion of discrimination based on race, color, gender, ethnicity, religion or national origin;
- Incitement to or promotion of child pornography or other sexual abuse of children; or
- That an applied-for gTLD string would be contrary to equally generally accepted identified legal norms relating to morality and public order that are recognized under general principles of international law.

The International Centre for Expertise of the International Chamber of Commerce has agreed in principle to administer disputes on Morality and Public Order Objections.<sup>xviii</sup>

A "Quick Look" Procedure<sup>xix</sup> will enable dismissal of objections which are manifestly unfounded and/or an abuse of the right to object. An explanatory memorandum provides a detailed description of this test.

### **GOVERNMENT & INTER-GOVERNMENTAL ORGANISATIONS: REGISTRY AGREEMENTS**

The new draft Registry Agreement includes special provisions for governmental and IGO applicants – including procedures for resolving conflicts with international law - based on negotiations with the UPU for .post.<sup>xx</sup>

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- <sup>i</sup> DAG4 : 2.2.1.4.1
  - <sup>ii</sup> DAG4 : Annex to Module 2 “Separable Country Names List”
  - <sup>iii</sup> New gTLD Agreement – Proposed Draft (v.4) – in DAG4 at end of Module 5
  - <sup>iv</sup> New gTLD Agreement – Proposed Draft (v.4) – in DAG 4 at end of Module 5 - Specification 5
  - <sup>v</sup> DAG4 : 2.2.1.4.2
  - <sup>vi</sup> DAG4 : 2.2.1.4.3
  - <sup>vii</sup> DAG4 : 2.2.1.4.4
  - <sup>viii</sup> Explanatory Memorandum: Withdrawal of Government Support for Registry – Post-Delegation Options
  - <sup>ix</sup> Explanatory Memorandum: Registry Restrictions Dispute Resolution Procedure
  - <sup>x</sup> DAG4 : 2.2.1.3
  - <sup>xi</sup> DAG4 : 2.2.3
  - <sup>xii</sup> DAG4 : 5.2
  - <sup>xiii</sup> Explanatory Memorandum: Mitigating Malicious Conduct – An Overview; See also DAG4 : 1.2.1
  - <sup>xiv</sup> Explanatory Memorandum: Trademark Clearinghouse
  - <sup>xv</sup> Explanatory Memorandum: Draft Uniform Rapid Suspension System
  - <sup>xvi</sup> Explanatory Memorandum: Trademark Post Delegation Dispute Resolution Procedure
  - <sup>xvii</sup> DAG4 : 3.4.3
  - <sup>xviii</sup> DAG4 : 3.2
  - <sup>xix</sup> Explanatory Memorandum: “Quick Look” Procedure for Morality & Public Order Objections
  - <sup>xx</sup> New gTLD Agreement – Proposed Draft (v.4) – in DAG 4 at end of Module 5 – see esp. clause 7.12



# 附件 5



Law Enforcement Recommendations  
for RAA ammendment  
*ICANN Brussels 2010*



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SERIOUS ORGANISED CRIME AGENCY

# A Global Requirement

- supported by:

*Interpol Cyber Working Group*

*G8 Cyber Working Group*

*MAAWG*

*Electronic Financial Coalition*

*Council of Europe*



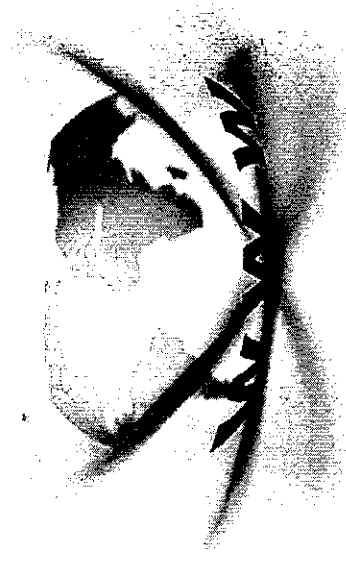
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# Challenge of e-Crime

*Low risk, high returns*

- Anonymity
- Multiple jurisdictions
- Lack of common legal definitions
- Data preservation
- Lack of accurate registration / proxies
- Criminal influence



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# The Present

- Polarity of Practices
- No mandatory requirement for KYC or any due diligence
- 27% domain name owners not readily traceable



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# 1. - Due Diligence

- ICANN to carry out on all Registrars and Registries upon accreditation and periodically afterwards
- Mandatory for Registrars to collect and validate accurate registrant data and retain



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## 2 – Proxy Registration and Whois

- Only available to private individuals for non-commercial purposes
- ICANN to restrict Proxy Registrars to those accredited by ICANN under similar due diligence requirements
- WHOIS data to be supplied to LE for purposes of preventing / detecting crime



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## 3 – Transparency and Accountability

- ICANN to require all resellers and third party beneficiaries to be held to same due diligence requirements
- ICANN to require all such to display ownership, affiliations and associations



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# Implications

- Commercial impact on Registries/ Registrars
- Minimum standards for accurate registration and WHOIS data
- Raised risk to criminal enterprise
- Global domain takedown capability under T&Cs



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# 附件 6





# ICANN/GAC Secretariat - Hybrid Model Set Up

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# ICANN/GAC Secretariat - Hybrid Model Set Up

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*"It is reasonable to speculate that a future Secretariat will incorporate functional capacity to enable the GAC to be more proactive, to be able to analyze and formulate policy, to support work group activities, to provide more outreach, to synthesize and to disseminate information more widely." - Joe Tabone, 2010*

## I. Introduction

GAC, the Government Advisory Committee to ICANN, is supported by a Secretariat, so far rotating with periods of about five years. It is currently hosted by India and approaching the end of India's commitment (mid 2011).

During the ICANN/Nairobi meeting (7- 12 March), Brazil, Norway and The Netherlands ('initiating countries') supported by ICANN, proposed the GAC membership to set up a new GAC Secretariat to be in place when the current term of India expires. This initiative was subsequently taken on board by GAC. The Nairobi Communiqué states as follows: "The GAC discussed various models for a Secretariat where independence and sustainability would be fundamental considerations. A 'hybrid model', the details of which need to be refined – where a Secretariat would be co-funded by governments and ICANN - was viewed as the most promising way forward. At the meeting The Netherlands, Brazil and Norway committed to contribute to fund such a hybrid model, if adopted, for an initial period of 5 years. The proposal will be worked on further inter-sessionally and a detailed proposal will be presented at the Brussels meeting with the purpose of seeking GAC approval."

This proposal 0.1 builds further on the initial initiative, incorporating the input received by the GAC membership during two sessions in Nairobi and further talks with ICANN and other stakeholders. We follow the structure as was suggested by many GAC members: Starting point is the definition of requirements and tasks, followed by a structure dimensioned accordingly and an organisation hosting this structure. Finally we will go some deeper into governance and funding.

This paper is to be regarded as a working document, to be presented to the GAC membership for inter-sessional discussion. The comments then received will be integrated into proposal v2.0 to be presented at the Brussels meeting June 2010.

## II. Basic requirements

This proposal takes the basic requirements into account as were raised during GAC membership discussions. It builds on the understanding that GAC is an advisory body within the ICANN framework, and its Secretariat is to support the membership in a professional, independent and sustainable way. Furthermore our starting point is the hybrid characteristic: the GAC Secretariat will be co-funded. The GAC Secretariat will for simplicity be called the Secretariat in the rest of this document. It is supported financially by sponsoring countries and will use support from ICANN. The following requirements were discussed and underlay the proposal:

### ***1. Serve GAC in a professional way***

The GAC requires a Secretariat that is aware of all current issues being discussed in ICANN, tracking all decision making processes, having a profound knowledge to assess these issues, and be able to prepare discussions for GAC and proactively respond to the GAC membership, signalling potential public policy implications. It also needs to be able to ensure management of content and access to GAC archives, and provide briefings and assistance to GAC Chair and members when necessary. Furthermore it is recognized that additional demands have been put on GAC with the AoC, which calls for a professional and consistent support over time and under changing Chairmanships.

### ***2. Independent and neutral, but working within the ICANN framework***

The Secretariat should be independent and neutral from both sponsoring countries and ICANN, but must work closely with ICANN and within the ICANN framework. While its functioning is governed by GAC, as a whole, and not by ICANN nor the sponsoring countries, it will liaise closely with ICANN and use expertise, and technical and practical support from ICANN to the maximum extent possible. In this way embedding the Secretariat in the ICANN community is ensured.

### ***3. Sustainable and stable for the long term***

While the current commitment is for initiating a new Secretariat for the coming five years, the Secretariat should be set up in such a way that it could continue to function beyond the current five year financial support guarantee, as a long term professional support organisation to GAC.

### ***4. Transparent and accountable to GAC***

In its setup it is important that the Secretariat is fully transparent and accountable to GAC itself. GAC Members should be able to follow activities taking place in the Secretariat, while the Secretariat reports on a regular basis on the progress of its operations to GAC.

### ***5. Recognition of the geographic diversity of GAC***

The ICANN community and GAC membership are global, and this needs to be understood by the Secretariat. While it may not be possible to reflect the wide geographic diversity in the composition of the Secretariat from the outset, it is an important factor that will require specific attention through its evolution.

### ***6. Light weight and quick set up***

Whereas there is a lot to say about the why, what and how of the Secretariat, it is really to be lightweight in its initial setup: it should just work. It can be set up in a lightweight manner as it builds on the continuation of support by ICANN.

## **III. Tasks**

The Secretariat should be dimensioned and optimized according to its tasks. Therefore an exhaustive tasks list has been made (see annex 1). As said earlier, the Secretariat will work closely with ICANN. For reasons of independence a clear cut should be made between services provided

by ICANN and services provided by the Secretariat. In general ICANN would undertake only support functions where interpretation of public policy implications or potential influence on position making within the GAC is absent. Furthermore ICANN is in the best position from their expertise to support the GAC in ICT matters and logistic matters during meetings, and to inform the Secretariat about (progress on) internal processes. ICANN will provide most communications facilities, such as on the conference location and teleconference facilities. The right column in the tasks list (see annex 1) gives an indication of the most appropriate entity to perform a task.

Many activities are a continuation of current practice in support of the Chair and the GAC membership in preparation of meetings, either currently offered by the Secretariat and/or ICANN. These tasks remain the corner stone of the Secretariat; schedule and annotated agenda preparation, making all documents accessible, and give active support during meetings. Behind all activities a powerful documentation archive system plus an interactive website will be maintained, providing low threshold access to all information and stimulating discussions and exchange of views through discuss lists.

Next to the traditional tasks, there is a substantial new focus adding to the requirement of professionalization of the Secretariat according to the expectations within and outside the membership. These are tasks related to the ICANN Reviews as defined in the AoC, Explanatory and policy briefings to the membership, reinforced outreach to new members and liaison functions to many entities inside and outside ICANN. These new tasks will help in building a stronger and more legitimate and inclusive GAC.

## **IV. Structure**

### ***7. Hosting arrangement***

The core Secretariat is a small entity consisting of three 3 people as a start. The suggestion from many GAC members to find a suitable larger organisation that could host this entity is therefore taken on board. The hosting organisation would have to deliver a complete set of services according to an agreed hosting contract, i.e: housing and office facilities (e.g. mail, telecom, catering, meeting rooms, videoconferencing), support of internal administrative and financial processes (paying salary, travel, contracting material, etc). Support on how to implement labour contracts and insurance arrangements of personnel employed by the Secretariat could also be part of the support from the hosting organisation.

### ***8. TNO organisation***

The proposal for the initial set up is that the Secretariat will be hosted by TNO, the Netherlands Organisation for Applied Scientific Research<sup>1</sup>. TNO is a large independent not for profit research organisation covering a wide area including ICT. The organisation is well familiar with ICANN activities and was part of the root scalability study team in 2009. TNO is aware of the field of ICT and internet and the challenges it brings to policy and society, and yet does not represent specific interests in the ICANN community. TNO has declared its willingness to provide the necessary

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<sup>1</sup> See [www.tno.nl](http://www.tno.nl)

services, including housing, in house communication facilities, administrative support and basic ICT support. TNO offers a location in the vicinity of Amsterdam Airport (Schiphol), a major hub that convenes many direct flights from all over the world. If this solution for the hosting organization works well it should be continued, unless the GAC membership concludes otherwise after some years. Other hosting arrangements could then be explored.

While the Secretariat is 'incubated' in a fruitful environment of ICT- experts, it is clear that TNO will have no say on the work program or operations itself. This responsibility rests solely with the Head of the Secretariat and the GAC.

### ***9. Funding mechanism***

Although there is a commitment for coverage of all expenses during the first five years, sustainability over a longer period is a prime requirement for the GAC. An adequate funding mechanism will be worked out in the first year, as to enable long term stability of the Secretariat. Additional money should be generated and made available to the Secretariat by any member organisation who is willing to fund. Contributions in kind, e.g. by facilities or secondment of staff, are also possible.

### ***10. Legal entity***

Therefore a legal entity is needed to ensure that countries in the GAC can contribute to a fund, made available to the Secretariat. This legal entity cannot be run by a sponsoring country, ICANN nor the host; in talks with ICANN and GAC members it became clear that for most governments funding is only feasible in case of a public and 'not for profit' entity, dedicated to GAC. For this reasons a foundation with a public nature could be constituted (with the specific task of 'serving GAC') to run this fund. A legal entity is also needed to secure the contractual relationship with TNO for the hosting arrangements and to be able to give personnel that is not working on a secondment basis a (temporary) contract.

### ***11. Organisational set up***

Dutch law allows to set up a not for profit foundation in a reasonably low threshold and light weight manner, creating a vehicle to accomplish the above mentioned goals of funding and securing hosting arrangements. TNO has ample experience in setting up these kind of foundations for specific purposes and is willing to provide advice and help on the set up. The foundation will be co-created by TNO but will rest under direct authority of the GAC and governed by the GAC chair and vice chairs.

When needed, TNO is able to employ the Secretariat staff on a temporary basis while arrangements are made to ensure that this foundation, once set up, has a governance and accountability structure in line with GAC's wishes. In this way the actual transition and start of the Secretariat is safeguarded and is not made dependent on the actual establishment of the foundation.

### ***12. Last resort***

A basic requirement is that the Secretariat should be set up in such a way that it could continue to function beyond the current financial commitment from the initiating countries as a long term

professional support organisation to GAC. Despite the firm existing financial commitment to provide the funds needed for the first five years, GAC members have expressed concerns about risks involved, e.g. when insufficient financing is found after 5 years, or when a donor decides to withdraw his commitment. To this end the possibility for ICANN to act as a “last resort” has been discussed with ICANN staff. ICANN is prepared to look into solutions together with the GAC in order to guarantee the functioning of the GAC secretariat under these specific circumstances.

## V. The core team

Based on former experience from hosting countries generally two to five people have been involved in the Secretariat on full time or part time basis. Meetings and their preparation generally require full dedication while the intersessional workload is less. We propose to start with a minimum of three persons, with personnel full time, and 100% dedicated to the Secretariat. This means that the Secretariat will be able to work intersessionally on improving existing tasks and picking up new tasks.

New items that arise for GAC may require additional assistance, for instance in preparation of policy advice on specific new developments, or to help support the ICANN reviews that are being carried out. In such a case, the core team could be expanded for a specific period by additional staff, or the Secretariat could contract work out. For this purpose GAC members could also consider seconding staff to the Secretariat, as an in kind contribution or enabled through additional funds.

### ***13. Chief Executive Secretary***

The team will be managed by the *Chief Executive Secretary (CES)*, responsible for the day-to-day management, and for operational and financial matters. Main job of the Chief Executive Secretary will be to assist the Chair in developing and preparing the agenda and liaising with GAC Members, ICANN, and other ICANN communities.

The CES will be held accountable for the functioning of the Secretariat. When GAC guidance is needed in between GAC meetings, the Executive Secretary will seek advice from the GAC Chair and co-chairs. While being able to function independently, the CES will always serve the GAC chair and follow his/her instructions.

The CES is a most critical function for the GAC. This position should be filled by somebody with adequate seniority having proven experience with public policy development in ICT's and internet. He/she is well acquainted with ICANN and its procedures and should be able to move and act easily in the ICANN community.

### ***14. Senior Policy Advisor***

A *Senior Policy Advisor (SPA)* will assist the CES and be responsible for all content (documentation, outings, website, etc) within the Secretariat. He will do (desk)research, write papers, prepare documentation, and basically hold intellectual ownership over all output of the Secretariat. Similar to the CES the SPA will have proven experience with public policy development in ICT's and internet and be acquainted with ICANN and its procedures. He/she will also act as 'second

line' assistance for all questions the *Office manager* is not able to respond. The SPA will work with the Chief Executive Secretary on preparation of agenda items which may include conducting specific analysis in subjects that are on the agenda, or ensuring that this happens by other parties contracted for this purpose. The advisor will also assist the Chief Executive Secretary in making executive notes of sessions and function as replacement for the Chief Executive Secretary, when necessary.

### ***15. Office manager***

The core team will be completed by an *Office manager*. The OM will be responsible for all logistic and practical questions, both coming from the colleagues as well as from GAC members ( front line helpdesk). The Office Manager will see to it that the office functions well, including the administrative procedures, and that all GAC members will be timely informed about meetings and agenda items coming up. He or she will organise and 'manage' the office and keep in contact with the hosting organisation TNO. In addition, he or she will make sure, in close collaboration with ICANN, that GAC meetings are well facilitated, whether on location or by teleconference.

## **VI. Governance**

The Secretariat is an entity to support GAC in the preparation and execution of its advisory tasks to ICANN. Whereas the Secretariat has a contractual relationship with TNO for its hosting, it is only answerable to GAC and will produce regular reports on its functioning and progress during all general GAC meetings. These and other accountability aspects should be agreed upon by the GAC and be embedded in a adequate governance structure, e.g. the GAC Operating Principles.

### ***16. Nomination and appointments***

As part of the preparatory process, a candidate for the Chief Executive Secretary must be nominated. This will be done or delegated by the GAC Chair in consultation with the GAC membership. Single GAC members should also have the possibility to present qualified candidates. Due to the practicalities with the initial set up, the GAC Chair will most likely need practical support from the initiating countries in finding a qualified candidate in line with a profile agreed upon before.

This candidate will then need to be confirmed by the GAC membership, as the qualities of this person and the willingness of member countries to work with this person will be important factors for ensuring the professional functioning of the Secretariat. Subsequently, the Chief Executive Secretary will propose to hire a Senior Policy Advisor after prior advice from the GAC Chair and vice-chairs and in line with profiles agreed upon.

### ***17. Working arrangements***

People appointed at the Secretariat can be employed either by the Secretariat foundation (temporary contract) or seconded by other organisations. People will have similar labor conditions as other personnel in the (not-for-profit) hosting organisation TNO. The same goes for other arrangements for e.g. insurances, business travel, etc.

We propose to offer the Chief Executive Secretary a contract for one fixed term of three years, with the understanding that it is possible during the first year to cancel the contract under certain circumstances, e.g. incompatibilité des humeurs with the GAC Chair. Seconded people will have concrete arrangements about their labor conditions, and it should be clear which organisation (i.e. the Secretariat or the seconding organisation) pays which costs. Work wise, they report to the Chief Executive Secretary. The GAC membership should agree on the roles and level of qualifications for seconded staff.

### **18. Collaboration with ICANN**

As has already been expressed on previous sections, collaboration with ICANN is logical and necessary – the only areas where ICANN cannot play a role is in the processes where the GAC's independence needs to be abundantly clear, such as the reviews, and the forming of opinion (explanatory briefings, preparation of action points, executive minutes, etc).

In all other cases, activities will be primarily carried out by either ICANN or the Secretariat, depending on functional logic (who is in the best position). The tasks list (see annex) has already been discussed with ICANN and constitutes for them a workable division of tasks.

## **VII. Budget and Financial matters**

For the coming five years a base funding of 500,000 EURO / year is guaranteed by the initiating countries. As a initial estimate we think of the following distribution:

Personnel, including Salary, Pension, Health care provision, Liability insurance, Legal Aid insurance	~300,000 EURO
All other overhead, including Housing, IT Communication, Administration, etc	~100,000 EURO
Travel & subsistence (GAC meetings, etc)	~100,000 EURO

This budget should cover the tasks as indicated in the tasks list. In addition, the support activities by ICANN in line with the 'hybrid model' will represent a considerable value, yet these are not under the responsibility of the Secretariat. ICANN will be asked to formalize both its current and future expanded support for GAC.

In addition to ensuring progress on core tasks, additional money may be needed for research and analysis in preparation of GAC meetings, to ensure GAC advice is based on proper evidence, documented in a transparent way. This additional budget may be provided by any organisation or country, and may be in money, or in kind (for instance by seconding personnel on a temporary basis).

The budget cycle is annual, and will go parallel with the calendar year. Each year, the Chief Executive Secretary will present to the GAC for approval a budget against the tasks to be executed, and (starting at the end of year 1) an overview of spending and results against budget and aims.



## Annex 1 : GAC Secretariat Tasks List

	Who
<b>a. General support and outreach</b>	
1. communications and relationship with existing membership	Secr
2. support GAC chair, vice chairs, liaisons, and GAC working group activities	Secr
3. facilitate the liaison to other ICANN related organisations	Secr
4. facilitate the liaison to ICANN staff dedicated to GAC	Secr/ICANN
5. outreach to new members (make it easier to join)	Secr/ICANN
6. facilitate the liaison to ISOC and other possible contributors (ICANN staff) for explanatory or policy briefings	Secr
7. facilitate the liaison to organisations/agencies outside (ITU, etc)	Secr
8. translation of key GAC documents to ICANN's officially supported languages	ICANN
9. maintenance of membership data base	Secr
10. Assist (new) GAC members in finding their way	Secr
<b>b. Website and documentation</b>	
11. technical maintenance and support of website	ICANN
12. Publish relevant content for GAC activities on website and maintain the content	Secr/ICANN
13. Maintain and moderate discussion area and report to GAC membership regularly	Secr
14. Set up and maintain easily accessible and up to date archive/data base of relevant documents and easily reproduce documentation on request	Secr with ICANN
<b>c. Meetings and teleconferences</b>	
15. supporting the GAC Chair and Working Group Chairs with preparation and distribution of annotated agendas and supporting documents	Secr
16. taking of transcripts of meetings, audio casting and recording of proceedings	ICANN
17. summarize meeting proceedings and action points	Secr
18. general logistical support at meetings and teleconferences bridges by ICANN	Secr / ICANN
19. dissemination of relevant materials	Secr
<b>d. ICANN Reviews (AoC)</b>	
20. Assisting and supporting GAC chair with preparation and composition of the review team and the GAC participation in this team	Secr
21. Analyze the recommendations and prepare a briefing to the membership with public policy implications	Secr
<b>e. Explanatory/policy briefings to the membership</b>	
22. Preparation of explanatory briefings about ICANN related issues	Secr/ICANN
23. Preparation of policy briefings about ICANN decision making processes	Secr
24. Independent analysis of stakeholders and their positions (ICANN board, staff, sub-organisations, outside ICANN, etc)	Secr
25. identify and analyze public policy aspects, dimensions and implications	Secr
26. formulate possible GAC reactions and positions	Secr



# 附件 7



# Minutes of Board Meeting

25 June 2010

Note: A transcript of this meeting is available at <http://brussels38.icann.org/meetings/brussels2010/transcript-board-25jun10-en.txt>.

A Regular Meeting of the ICANN Board of Directors was held on 25 June 2010 in Brussels, Belgium.

Chairman Peter Dengate Thrush promptly called the meeting to order.

In addition to Chairman Peter Dengate Thrush the following Directors participated in all or part of the meeting: Rod Beckstrom (President and CEO), Dennis Jennings (Vice Chairman), Harald Tveit Alvestrand, Steve Crocker, Gonzalo Navarro, Rita Rodin Johnston, Raymond A. Plzak, Rajasekhar Ramaraj, George Sadowsky, Mike Silber, Jean-Jacques Subrenat, Bruce Tonkin, Katim Touray, and Kuo-Wei Wu.

The following Board Liaisons participated in all or part of the meeting: Heather Dryden, GAC Liaison; Ram Mohan, SSAC Liaison; Thomas Narten, IETF Liaison; Jonne Soininen, TLG Liaison; and Vanda Scartezini, ALAC Liaison.

John Jeffrey, General Counsel and Secretary, and Dan Halloran, Deputy General Counsel, participated in all or part of the meeting, and many members of ICANN Management and staff were present, along with community members attending live or through remote participation.

## 1. Consent Agenda

The Chair of the Board introduced the meeting with a discussion of the design of the agenda, and noted that the items on the consent agenda are those, which are relatively noncontentious, with work checked and the Board noting that no discussion is needed on those items. The Chair noted that every member of the Board may request, without explanation, that an item be removed from the consent agenda and placed on the main agenda.

The Chair then provided a brief overview of the items on the consent agenda for the meeting, including approval of minutes, the review of the Technical Liaison Group, housekeeping matters such as formal disbanding of various committees, and bylaws changes to allow for the seating of a director selected by the At Large.

The Chair noted that during the consent agenda, there would be thanks to the departing Board Director, Raimundo Baca, and a vote of thanks to the former GAC Liaison, Janis Karklins, as well as thanks to departing volunteers from various committees. The Chair then welcomed Heather Dryden, the interim chair of the Government Advisory Committee, to her first meeting as the GAC Liaison to the Board, with applause from the Board and meeting attendees.

The Chair queried the Board as to whether there were any items on the consent agenda requiring clarification, and hearing none, Steve Crocker moved and Ray Plzak seconded following resolution:

**Resolved** (2010.06.25.01), the following resolutions in this Consent Agenda are hereby approved:

### 1.1 Approval of Minutes of 22 April 2010 Board Meeting

**Resolved** (2010.06.25.02), the Board hereby approves the minutes of the 22 April 2010 Board Meeting.

### 1.2 Extension of Time for GNSO Constituencies to Review Charters

Whereas, the Board has determined that existing GNSO Constituencies should regularly re-confirm their status as organizations operating consistent with the ICANN Bylaws principles of transparency, openness, fairness and representativeness.

Whereas, the Board most recently asked existing GNSO Constituencies to seek Board reconfirmation of their charters prior to the Brussels meeting.

Whereas, the GNSO Council Work Team developing recommendations for GNSO Constituencies and Stakeholder Groups has now made its recommendations, but additional time will be necessary for GNSO

Council and community evaluation of the recommendations.

Whereas, those evaluation efforts are likely to produce final charters that will be more effective in linking GNSO-structure operations to the ICANN Bylaws principles of transparency, fairness, openness and representativeness.

**Resolved** (2010.06.25.03), the Board further extends the timetable for GNSO Constituency reconfirmation submissions to be provided in sufficient time for consideration at the ICANN International meeting in Cartagena, Columbia.

### **1.3 SSAC Appointment Bylaws Amendments**

Whereas, Article XI, Section 2, Subsection 2 of the Bylaws governs the Security and Stability Advisory Committee (SSAC).

Whereas, in its final report published 29 January 2010 <<http://www.icann.org/en/reviews/ssac/ssac-review-wg-final-report-29jan10-en.pdf>>, the Security and Stability Advisory Committee (SSAC) recommended SSAC membership appointments be for a term of three years renewable by the Board at the recommendation of the SSAC Chair indefinitely, and that the terms be staggered to allow for the terms of one-third of the SSAC members to expire at the end of every year.

Whereas, on 12 March 2010, the Board received the SSAC Review Working Group final report and directed the Structural Improvements Committee (SIC) to identify actions necessary to address the recommendations within the report, at <<http://www.icann.org/en/minutes/resolutions-12mar10-en.htm#1.6>>.

Whereas, Article XI, Section 2(2)(b) <<http://www.icann.org/en/general/bylaws.htm#XI>> of the Bylaws states that the SSAC chair and members shall be appointed by the Board, and does not state any term for such appointments.

Whereas, staff supporting the SIC have identified that a Bylaws amendment is required in order to implement the recommended change to the SSAC membership appointments, and the SIC recommends the Board approve that proposed Bylaws amendments to this effect are posted for public comment.

**Resolved** (2010.06.25.04), the Board directs the CEO to have staff draft proposed Bylaws amendments addressing the recommendations arising out of the SSAC review Working Group and to post the proposed amendments for public comment for a period of no less than 30 days.

### **1.4 Implementation of Board review Working Group, NomCom review finalization Working Group and SSAC review Working Group Recommendations**

Whereas, on 12 March 2010, the Board resolved to receive the Final Reports of the Board review Working Group, Nominating Committee review finalization Working Group and the Security and Stability Advisory Committee review Working Group, and directed the Structural Improvements Committee (SIC) to "present a set of suggested actions for approval at the June 2010 Board meeting, so as to address the conclusions and recommendations formulated in the final reports of these Working Groups", at <<http://www.icann.org/en/minutes/resolutions-12mar10-en.htm#1.6>>.

Whereas, ICANN staff members supporting the organizational reviews identified a set of measures to address the recommendations arising out of the Working Groups and provided those to the SIC.

Whereas, the SIC continues to consider those proposed measures, and proposes to conclude on those measures and have staff finalize implementation plans based upon the SIC's consideration, and to provide those final plans to the Board for receipt and consideration.

**Resolved** (2010.06.25.05), the SIC will, in coordination with staff, provide the Board with final implementation plans to conform with the measures recommended by the SIC to address the conclusions and recommendations in the final reports of the Board review Working Group, Nominating Committee review finalization Working Group and Security and Stability Advisory Committee review Working Group.

### **1.5 Technical Liaison Group Review**

Whereas, on 12 March 2010, the Board authorized the review of the Technical Liaison Group (TLG) to be conducted by a TLG review Working Group (Resolution 2010.03.12.07) and authorized the Structural Improvements Committee (SIC) to establish a TLG review Working Group and adopt all necessary measures to perform the review (Resolution 2010.03.12.08).

Whereas, at its 20 May 2010 meeting, the SIC unanimously agreed that it would be preferable that a working group not be formed, and that an outside consultant would perform the review. The SIC members approved that the staff, reporting to SIC, would provide oversight to the outside consultants.

Whereas, Resolutions 2010.03.12.07 and 2010.03.12.08 require modification to reflect that no working group will be formed for the review of the TLG.

**Resolved** (2010.06.25.06), that the review of the TLG authorized on 12 March 2010 remains authorized by the Board and the Board reaffirms the aims of the review of the TLG as set forth in Resolution 2010.03.12.06.

**Resolved** (2010.06.25.07), the review of the TLG is not required to be conducted through the formation of a TLG review Working Group and the Structural Improvements Committee (SIC) is authorized to adopt all necessary measures to perform the review, in consultation with the community, and to report to the Board through the SIC on the final findings and recommendations.

### **1.6 Disbanding Inactive President's Committees**

Whereas, on 27 March 2003, the Board established the President's Privacy Committee.

Whereas, on 23 July 2004, the Board established the President's Advisory Committee on Internationalised Domain Names.

Whereas, on 4 December 2005, the Board established the President's IANA Consultation Committee and the President's Strategy Committee.

Whereas, at the request of the President & CEO Rod Beckstrom, the Board Governance Committee reviewed the list of open President's Committees to determine if they should remain active and has determined that these committees have served their purposes.

Whereas, the Board Governance Committee has recommended that the Board resolve to disband the President's Privacy Committee, the President's Advisory Committee on Internationalised Domain Names, the President's IANA Consultation Committee, and the President's Strategy Committee.

**Resolved** (2010.06.25.08), the ICANN Board hereby disbands the following Committees and thanks all of the community members who served on these Committees: the President's Privacy Committee, the President's Advisory Committee on Internationalised Domain Names, the President's IANA Consultation Committee, and the President's Strategy Committee.

### **1.7 Posting of Bylaws Amendments on Selection of Board Director from At Large Community**

Whereas, on 27 August 2009, the Board approved in principle the recommendation of the Board review Working Group (BRWG) to add one voting director from the At-Large Community to the ICANN Board of Directors and removing the present ALAC Liaison to the Board. <<http://www.icann.org/en/minutes/minutes-27aug09-en.htm>>.

Whereas, the BRWG issued its Final Report containing the recommendation with the expectation that "the selection process will be designed, approved and implemented in time for the new Director to be seated at the 2010 Annual General Meeting."

Whereas, on 12 March 2010 the Board directed the Structural Improvements Committee (SIC) to present a set of suggested actions to address the recommendations formulated in the BRWG final report. <<http://www.icann.org/en/minutes/resolutions-12mar10-en.htm#1.6>>.

Whereas, the ICANN Bylaws must be amended to allow for the seating of a Board Director selected by the At-Large Community and to remove the present ALAC Liaison.

Whereas, the SIC, in consultation with the Board Governance Committee, agreed that the term of the Board Director selected by the At-Large Community should coincide with the terms of the Board Directors selected by the Sponsoring Organizations, so as to allow the Nominating Committee to consider the full composition of the non-Nominating Committee-appointed Board membership when making its appointments.

Whereas, the Office of the General Counsel, in consultation with the SIC and the staff supporting the At-Large, has identified recommended Bylaws amendments necessary to allow the seating of the Director selected by the At-Large Community in line with the Board and committee directives.

Whereas, on 19 June 2010, the SIC considered the proposed Bylaws amendments and recommends that the Board direct the ICANN CEO to post for public comment the proposed Bylaws amendments.

**Resolved** (2010.06.25.09), the Board directs the ICANN CEO to post for public comment the draft Bylaws amendments necessary to allow for the seating of the Board Director selected by the At-Large Community so that the Board can take action on them no later than at its 28 October 2010 meeting.

### **1.8 At-Large Improvement Implementation**

Whereas, on 26 June 2009, the Board resolved to direct ICANN Staff to assist the At-Large community in developing a proposed implementation plan and timeline for the recommendations in the ALAC Review Final Report (except for the recommendation to provide At-Large with voting seats) and to submit these to the Structural Improvements Committee for review and Board approval. (Resolution 2009.06.26.12).

Whereas, at its 19 June 2010 meeting, the SIC acknowledged receipt from staff and the At-Large community of an implementation plan, with timeline, "ALAC/At-Large Improvements Implementation Project Plan", dated 7 June 2010, and resolved to recommend it to the ICANN Board for consideration.

**Resolved** (2010.06.25.10), the Board directs ICANN's CEO to provide the Board with a summary of the "ALAC/At-Large Improvements Implementation Project Plan" dated 7 June 2010, for consideration at the next Board meeting, if practicable.

### **1.9 Thanks to Raimundo Beca**

Whereas, Raimundo Beca, was appointed by the Address Supporting Organization to serve a three-year term on the Board beginning in May 2004.

Whereas, in May 2007, Raimundo was appointed by the Address Supporting Organization to serve a second three-year term on the Board.

Whereas, Raimundo has concluded his term as a member of the Board of Directors on 30 April 2010.

Whereas, Raimundo has served on the Structural Improvements, Audit, Reconsideration, Executive and IANA Committees, the President's Strategy Committee, as well as having served as a member and Chair of the Board Finance Committee.

**Resolved** (2010.06.25.11), that Raimundo has earned the deep appreciation of the Board for his term of service as a Director and the Board wishes Raimundo well in all future endeavours.

### **1.10 Thanks to Janis Karklins**

Whereas, Janis Karklins has served as the Chairman of the Governmental Advisory Committee and Liaison from the GAC to the ICANN Board of Directors since March 2007.

Whereas, in his role as Chairman of the Governmental Advisory Committee, Janis has served as co-selector of the Accountability & Transparency Review Team.

Whereas, Janis is leaving the Governmental Advisory Committee, effective 25 June 2010, to assume a new position as Assistant Director General of UNESCO for Communication and Information.

**Resolved** (2010.06.25.12), that Janis Karklins has earned the deep appreciation of the Board for his term



of service as Chairman of the Government Advisory Committee & Liaison to the ICANN Board, the Board wishes Janis well in all future endeavours.

### **1.11 Approval of SSAC Appointments and Thanks to Departing Members**

Whereas, Security and Stability Advisory Committee (SSAC) does review its membership and make adjustments from time to time.

**Resolved** (2010.06.25.13), the Board hereby appoints the individuals identified below to the SSAC:

James Galvin;  
Sarmad Hussain;  
Xiaodong Lee; and  
Vanda Scartezini.

Whereas, Steve Conte and Robert Guerra were appointed to the ICANN Security and Stability Advisory Committee on 26 June 2009.

Whereas, ICANN wishes to acknowledge and thank Steve Conte and Robert Guerra for their service to the community by their membership on the Security and Stability Advisory Committee.

**Resolved** (2010.06.25.14), Steve Conte and Robert Guerra have earned the deep appreciation of the Board for their service to ICANN by their membership on the Security and Stability Advisory Committee, and the Board wishes Steve Conte and Robert Guerra well in all future endeavours.

### **1.11. Thanks to Departing At-Large Volunteers**

Whereas, ICANN wishes to acknowledge the considerable energy and skills which members of the stakeholder community bring to the ICANN process.

Whereas, in recognition of these contributions, ICANN wishes to acknowledge and thank members of the community when their terms of service end.

Whereas, two members of the At-Large community are leaving their positions at or before the Brussels meeting:

- Karaitiana Taiuru, Chair of APRALO (February 2008 - May 2010)
- Dragoslava Greve, Secretary of EURALO (March 2009-June 2010)

**Resolved** (2010.06.25.15), Karaitiana Taiuru and Dragoslava Greve have earned the deep appreciation of the Board for their terms of service, and the Board wishes them well in all future endeavours.

### **1.2. Thanks to Sponsors**

The Board wishes to thank the following sponsors:

Afilias Limited, Neustar, .CO, VeriSign, Inc., SIDN, dns.be, China Internet Network Information Center (CNNIC), CENTR, InterNetX, Public Interest Registry, GMO Registry, Inc., EPAG Domainservices GmbH, Ascio, Iron Mountain, CORE Internet Council of Registrars, AusRegistry International, IP Mirror, RU-CENTER, pointquebec, PartnerGate GmbH, Internet Systems Consortium, Valideus, Dot Irish, China Organizational Name Administration Center (CONAC), CentralNic, .PRO, .Music, UrbanBrain, ICM Registry, Inc., AFNIC, Knipp Medien und Kommunikation GmbH, LogicBoxes, Skenzo, RegistryASP, and DotConnectAfrica.

### **1.3. Thanks to Scribes, Interpreters, Staff, Event and Hotel Teams**

The Board expresses its appreciation to the scribes, the interpreters, technical teams, and to the entire ICANN staff for their efforts in facilitating the smooth operation of the meeting.

The Board would also like to thank the Square Brussels Meeting Centre and all the event staff for their support. Special thanks are given to Marie Tuteleers, Project Manager, David Dubois, Operations

Manager, Julie Nysten, Event Coordinator, Nicolas Scheffers, Operations Manager, and Veronique Dallemagne, Freelance Event Producer.

#### **1.4. Thanks to Local Hosts**

The Board wishes to extend its thanks to the local host organizer, The European Registry of Internet Domain Names (EURid) for their support. Special thanks are given to Marc Van Wesemael, CEO, and the entire EURid Board and Staff.

Special thanks are given to Giovanni Seppia, External Relations Manager, and Daniela Medda, Marketing Coordinator, EURid, for their support over the past year to ensure the success of this meeting.

The Board also extends thanks to the following esteemed guests for their support and participation:

- Herman Van Rompuy, President of the European Council
- Neelie Kroes, Vice President of the European Commission and European Digital Agenda Commissioner
- Dr Silvana Koch-Mehrin, Vice President of the European Parliament

#### **1.5. Thanks to Meeting Participants**

Whereas, the success of ICANN depends on the contributions of participants at the meetings.

Whereas, the participants engaged in fruitful and productive dialog at this meeting.

**Resolved**, the Board thanks the participants for their contributions.

**Resolutions 2010.06.25.01, 2010.06.25.02, 2010.06.25.03, 2010.06.25.04, 2010.06.25.05, 2010.06.25.06, 2010.06.25.07, 2010.06.25.08, 2010.06.25.09, 2010.06.25.10; 2010.06.25.11, 2010.06.25.12, 2010.06.25.13, 2010.06.25.14, and 2010.06.25.15 were approved unanimously, 15-0, in a single vote approving the consent agenda items.**

#### **Main Board Meeting**

### **2. Delegation of the 中国 and 中國 Top-Level Domains to China Internet Network Information Center**

The Chair acknowledged the considerable amount of work performed in relation to IDN ccTLD delegations, and called on Harald Alvestrand to present the first of three IDN ccTLD-related resolutions.

Harald read the proposed resolution into the record.

Kuo-Wei Wu noted his affiliation to TWNIC and the CDNC and stated for the record that he would not be voting on this resolution. Kuo-Wei also provided pronunciation assistance for the Chinese words.

Harald then moved and George Sadowsky seconded the proposed resolution, and the Chair opened the floor for discussion.

Jean-Jacques Subrenat commented on the import of all three IDN ccTLD resolutions before the Board, and cited to the UNESCO convention of 2005 on the diversity of cultural expression. Jean-Jacques highlighted the principles affirming cultural diversity as an inherent characteristic of humanity and that it thrives in a framework of democracy and tolerance. Jean-Jacques noted that languages are part of culture, and belong to populations and individuals.

Ram Mohan noted his pleasure in seeing this set of resolutions come to the Board, as has been working with IDNs for some time, and his involvement in the nuances behind the technology. Ram noted that nearly 1.8 billion Internet users speak the Chinese language, with China itself having nearly 400 million Internet users, and this is a historic landmark. Ram noted his pride in being part of the IETF, which has been at the forefront of making the technology behind IDNs compatible with the DNS, and that other communities, such as linguists, were involved as well, and the success of the working model. Finally Ram in both Chinese and English, stated "We welcome Chinese into the root server," and was joined with applause.

The CEO remarked on this historic moment reached in the meeting, and the incredible engineering, policy and linguistic work, as well as the work by the operators of the proposed IDN ccTLD and the ICANN Board, staff and community. The CEO noted his excitement in seeing the "root truly embrace the world."

The Chair then called for a vote, and the Board took the following action:

Whereas, ICANN has received a request for delegation of 中国, encoded as "xn--fiqz9s"; and 中國, encoded as "xn--fiqs8s"; to China Internet Network Information Center as country-code top-level domains.

Whereas, 中国 and 中國 are two strings that were deemed to have successfully completed the string evaluation portion of the IDN ccTLD Fast Track process by the ICANN Board of Directors in Resolution 2010.04.22.11.

Whereas, ICANN has determined that the proposal is on behalf of a country or territory that is currently listed in the ISO 3166-1 standard, and therefore eligible to be delegated country-code top-level domains under current policy.

Whereas, the strings applied for delegation are proposed to be used by the applicant in a manner consistent with the country or territory for which they were approved in the string evaluation process.

Whereas, the applicant has undertaken to operate the two top-level domains in a manner which does not cause confusion to the Internet user community, as documented in their implementation plan published online at <http://www.cnnic.cn/html/Dir/2010/06/12/5852.htm>.

Whereas, ICANN has reviewed the delegation request, and has determined that the proposal would be in the interests of the local and global Internet communities.

**Resolved** (2010.06.25.16), that the proposed delegation of the .中国 and .中國 top-level domains to China Internet Network Information Center is approved.

Fourteen Board members voted in favor of this resolution. Kuo-Wei Wu abstained from voting on this resolution due to his previously stated affiliations. No Board members voted in opposition to this resolution. The resolution carried.

The Board and meeting attendees applauded the carrying of this resolution with a standing ovation.

### **3. Delegation of the 香港 Top-Level Domain to Hong Kong Internet Registration Corporation Limited**

The Chair called on Jean-Jacques Subrenat to present the next resolution.

Jean-Jacques read the proposed resolution into the record, and noted that the enthusiasm, applause and consideration for the first of the three IDN ccTLD resolutions applies to all three resolutions, as it is the recognition of a cultural community not restricted to any single country.

The Chair confirmed that the acclamation applies to all three of the IDN ccTLD resolution.

Jean-Jacques moved, and Ray Pizak seconded the following resolution:

Whereas, ICANN has received a request for delegation of 香港, encoded as "xn--j6w193g", to Hong Kong Internet Registration Corporation Limited as a country-code top-level domain.

Whereas, 香港 is a string that has successfully completed the string evaluation portion of the IDN ccTLD Fast Track process.

Whereas, ICANN has determined that the proposal is on behalf of a country or territory that is currently listed in the ISO 3166-1 standard, and therefore eligible to be delegated country-code top-level domains under current policy.

Whereas, the string applied for delegation is proposed to be used by the applicant in a manner consistent with the country or territory for which they were approved in the string evaluation process.

Whereas, ICANN has reviewed the delegation request, and has determined that the proposal would be in the interests of the local and global Internet communities.

**Resolved** (2010.06.25.17), that the proposed delegation of the .香港 to Hong Kong Internet Registration Corporation Limited is approved.

Fourteen Board members voted in favor of this resolution. Kuo-Wei Wu abstained from voting on this resolution due to his previously stated affiliations. No Board members voted in opposition to this resolution. The resolution carried.

The Board and meeting attendees applauded the carrying of this resolution.

#### **4. Delegation of the 台灣 and 台湾 Top-Level Domains to Taiwan Network Information Center**

The Chair called on Ram Mohan to present the next resolution.

Ram Mohan read, and Ramaraj seconded the following resolution:

Whereas, ICANN has received a request for delegation of 台灣, encoded as "xn--kpry57d"; and 台湾, encoded as "xn--kprw13d"; to Taiwan Network Information Center as country-code top-level domains.

Whereas, 台灣 and 台湾 are two strings that were deemed to have successfully completed the string evaluation portion of the IDN ccTLD Fast Track process by the ICANN Board of Directors in Resolution 2010.04.22.11.

Whereas, ICANN has determined that the proposal is on behalf of a country or territory that is currently listed in the ISO 3166-1 standard, and therefore eligible to be delegated country-code top-level domains under current policy.

Whereas, the strings applied for delegation are proposed to be used by the applicant in a manner consistent with the country or territory for which they were approved in the string evaluation process.

Whereas, the applicant has undertaken to operate the two top-level domains in a manner which does not cause confusion to the Internet user community, as documented in their implementation plan published online at <[http://www.twnic.net/english/dn/dn\\_07a.htm](http://www.twnic.net/english/dn/dn_07a.htm)>.

Whereas, ICANN has reviewed the delegation request, and has determined that the proposal would be in the interests of the local and global Internet communities.

**Resolved** (2010.06.25.18), that the proposed delegation of the .台灣 and .台湾 top-level domains to Taiwan Network Information Center is approved.

Fourteen Board members voted in favor of this resolution. Kuo-Wei Wu abstained from voting on this resolution due to his previously stated affiliations. No Board members voted in opposition to this resolution. The resolution carried.

The Board and meeting attendees applauded the carrying of this resolution with a standing ovation.

The Chair noted his congratulations to everyone involved.

#### **5. Consideration of Independent Review Panel's Declaration on ICANN's decision regarding ICM Registry's sTLD Application**

The Chair provided background information on the Independent Review Process leading to the Panel

Declaration under consideration by the Board, and the steps the Board had already undertaken since the issuance of the panel decision. He noted that this arises from the sTLD application round, and that the Board, after many discussions and contract negotiations, resolved in a split vote to decline the application. ICM, the applicant, then pursued the Independent Review Process to seek a review of that declination. ICM and ICANN attended a hearing in front of the Independent Review Panel, presenting their cases, and the Panelists reached a split decision finding that the ICANN Board did not act in conformity with the ICANN Bylaws, among other findings. The Board is now considering that finding and is considering the course of conduct for ICANN to follow. ICANN took the unprecedented step of publishing a decision tree of available options on how to respond to the panel decision, and received an unprecedented amount of public comment on the decision tree. The Chair noted the work done by staff to digest the public comment and report to the Board and the community.

The Chair then presented the resolution, and Dennis Jennings seconded the resolution.

The Chair opened the matter for discussion.

Harald Alvestrand noted his discomfort with the situation, stating his belief that the process has been followed, the Board has received advice on the reasonable path forward, and that he is effectively forced to conclude that the proposed resolution is in the best interest of the organization and that it is best for the furtherance of the organization's goals to act as if something is true that he believes is not. Harald stated that he can see no better way forward.

The Chair thanked Harald for his explanation of the position that many Board members find themselves in.

Rita Rodin Johnston noted her agreement with Harald. Rita recalled that when she was on the Board in 2007, she had to reevaluate what happened in 2005 in relation to ICM's application. Rita notes that she still questions whether there is a real sponsored community, but that question does not matter. ICANN has a process, and the process outcome was a finding that the sponsorship criteria were met, and the board has the courage to follow that finding.

Bruce Tonkin commented on the timing implications of the resolution. Bruce noted that the due diligence timing was in the control of the ICANN staff and the applicant. After that due diligence, the draft contract will be reviewed and negotiated. Then the Board has to review the proposed agreement and decide if it is in compliance with the GAC advice, and if it is not, the Board must enter into consultation with the GAC. If consultation is needed, Bruce estimated that it wouldn't happen until at least the meeting in Cartagena, Colombia, as the GAC as a whole does not meet interessionally.

Katim Touray commented that, like others, he is in an uncomfortable position. This is a difficult decision that has to be made in the interests of ICANN, due process and the involvement of the community. Katim echoed Bruce's comment that there are still a number of steps to proceed, and stated that it's best to follow the process.

The Board then took the following action:

Whereas, on 19 February 2010, an Independent Review Panel ("Panel") issued an advisory Declaration in the Independent Review proceedings filed by ICM Registry challenging ICANN's denial of ICM's application for the .XXX sTLD.

Whereas, the Board understands and appreciates the inaugural utilization of the Independent Review process and the value of such an accountability mechanism.

Whereas, although the Board has not made a determination as to whether or not it agrees with the findings of the Panel's Majority (2-1 decision), the Board has determined to accept and act in accordance with some of the Panel's findings.

Whereas, in accordance with Article IV, section 3.15 of ICANN's Bylaws, the Board considered the Panel's Declaration throughout the week in Nairobi from 7-12 March 2010 and reviewed various paths toward conclusion.

Whereas, in the absence of a process for approving an sTLD six years following the receipt of ICM's original Application, the Board chose to create a transparent set of process options and resolved to post those options for public comment.

Whereas, the process options were posted for public comment, and over 13,700 comments received have been reviewed and analyzed.

Whereas, the Board has reviewed public comments received, and further discussed and debated the process options for further consideration of the Panel Declaration.

**Resolved** (2010.06.25.19), the Board accepts and shall act in accordance with the following findings of the Independent Review Process Majority: (i) "the Board of ICANN in adopting its resolutions of June 1, 2005, found that the application of ICM Registry for the .XXX sTLD met the required sponsorship criteria;" and (ii) "the Board's reconsideration of that finding was not consistent with the application of neutral, objective and fair documented policy."

**Resolved** (2010.06.25.20), the Board directs staff to conduct expedited due diligence to ensure that: (1) the ICM Application is still current; and (2) there have been no changes in ICM's qualifications.

**Resolved** (2010.06.25.21), if the expedited due diligence results are successful, then the Board directs ICANN staff to proceed into draft contract negotiations with ICM, taking into account the GAC advice received to date.

**Resolved** (2010.06.25.22), upon staff's finalizing of a draft contract with ICM, the Board will determine whether the proposed contract is consistent with GAC advice, and if not, will enter into GAC consultation in accordance with the Bylaws.

**Resolved** (2010.06.25.23), after the GAC consultation is completed, the Board will decide whether to approve the contract, and will declare whether its action is in accordance with GAC advice or not.

Thirteen Board members voted in favor of these resolutions. Rod Beckstrom and Jean-Jacques Subrenat abstained from voting on these resolutions. No Board members voted in opposition. The resolution carried.

Jean-Jacques provided the following statement to explain his abstention: "My position is established on an informed basis with all due care, in good faith, in the honest belief that it is in the interests of the corporation of which I am a member of the Board. I believe that my abstention in this vote is consistent with the dispositions of Article 6, Section 23 of the ICANN Bylaws."

The CEO explained that his abstention was based on a concern about the determination by two of the three panelists that the ICANN Board should not use business judgment in the conduct of its affairs. He noted that the Board must be able to use business judgment in order to protect the global public interest in the coordination of the DNS. The CEO also commented that he accepts the contribution to ICANN's accountability and transparency provided through the use of the Independent Review Process.

## **6. Recognition of Raimundo Beca**

The Chair invited Raimundo Beca to the stage, and recalled the resolution in the consent agenda thanking Raimundo for his service. The Chair presented Raimundo with a certificate commemorating Raimundo's service on the Board and a token of appreciation. The Chair stated: "You have been an extraordinary board member and have served as chair of the Finance Committee and on many other committees, and I think one of the longer serving board members. Thank you very, very much for the extraordinary service you have rendered ICANN."

Ray Plzak then provided Raimundo with well wishes, recalling their years of interaction prior to service on the Board, and noting the value of Raimundo's contributions and opinions. Ray concluded: "I, for one, will miss your presence on this board. So from the deepest of my heart, I wish to thank you very much for everything you've done to help promote the development of the Internet in Latin America and your contributions to the development of the Internet as a whole. Thank you very much."

Vanda Scartezini thanked Raimundo for his kindness and devotion to ICANN, commented on his remarkable institutional memory, and expressed her hope that Raimundo will continue to remain involved in ICANN.

Jean-Jacques Subrenat, addressing Raimundo in French, commented on the level of care Raimundo

devoted to each issue he tackled, and Raimundo's professionalism and ability to bring the Board back to the right path in their discussions. Jean-Jacques commented that Raimundo's departure will be a loss to ICANN, and hopes that some of Raimundo's memory and wisdom will remain with ICANN.

Gonzalo Navarro, addressing Raimundo in Spanish, noted that Raimundo has been very important to ICANN in his excellent representation of the Latin American communities. Gonzalo recalled Raimundo's generosity in assisting Gonzalo in navigating his way through ICANN, and noted how grateful he was for that assistance. Gonzalo noted that Raimundo will be missed, though "it is not a good-bye, it is just a see you later."

Raimundo then addressed the Board and the meeting attendees, stating:

"Thank you very much, everybody. I will speak first in Spanish, then in French and finally in English. In Spanish first.

"I'm so touched that it's difficult for me to express my feelings. Of course, I need my mother tongue to do that. Thank you, thank you so much to all of you. It's been six years, very interesting for me. It has been a huge experience. I really learned a lot. I have a bunch of extraordinary friends, and it's one of the best treasures I can keep.

"Now I speak in French. As Jean-Jacques said, France is a second home country to me. I spent 19 years of my life in France, 16 years were compulsory and three because I wanted to. So when I have to express feelings, French comes naturally. And now I will switch to English.

"In my life I have always had a very difficult time to get away from places. When I came out of the secondary school to the university, I didn't like that moment. I wanted to rest in the school. When I left the university to go to study in France, I didn't like to go. I wanted to rest in the university. And the sole moment in my life where I have which I didn't have the same emotion was the moment when I was not accepted to come back to my country for 16 years. So in this moment, the emotion which I feel is that I am not leaving ICANN because nobody has asked me to go out.

[Applause]

"And I always would have liked to be in the moment like the one we just had now with the IDNs which is filled with emotion, and history. So I live now this historic moment of the IDNs. And, of course, this is my memory. I would have liked also to be there for another moment which will be -- we are going to live in one year more, which is the moment when the last five blocks of IANA will be evenly distributed to the five regions. I worked a lot for that to happen, and I would have liked to have been in the Board when that happened. For sure I will be present when that will happen.

"Because I worked a lot of that, I would have like to have been there when the first new gTLDs of the round would happen. As a memory of that or in participation of that, I will wear this. [Putting on a ".RAY" T-Shirt.]"

The Board and meeting attendees applauded Raimundo with a standing ovation for his dedicated service.

## **7. Recognition of Local Hosts**

The Chair called representatives of the local meeting hosts to the stage, where they were greeted with a standing ovation. The Chair noted that the community applause states more than he could say. The Chair recalled from his experience on an organizing committee for a prior ICANN meeting, the extraordinary effort required to host a meeting, and requested that Marc van Wesemael carry thanks back to his entire team. The Chair commented that the meeting went very smoothly.

Marc van Wesemael thanked his team for the work, and thanked the participants for coming to Brussels.

Katim Touray noted the extraordinary efforts made by the hosts to assist in obtaining a visa for his travel.

The Board and meeting attendees again applauded the local hosts.

## **8. Board Committee Assignments**

The Chair called on Ray Plzak to present the resolution.

Ray then read and moved the proposed resolution, seconded by Dennis Jennings.

The Board took the following action:

Whereas, Kuo-Wei Wu has joined the ICANN Board, and Raimundo Beca's term as an ICANN Director has concluded.

Whereas, in light of the changes to Board membership, the Board Governance Committee (BGC) has made recommendations for revisions to the membership of certain Board committees.

Whereas, the Board agrees with the BGC's recommendations.

**Resolved** (2010.06.25.24), Kuo-Wei Wu shall become a member of the Public Participation and IANA Board Committees.

**Resolved** (2010.06.25.25), Rajasekhar Ramaraj shall become a member of the Board Executive Committee.

Thirteen Board members voted in favor of the resolution. Ramaraj, Jean-Jacques Subrenat and Kuo-Wei Wu abstained from voting on the resolution. No Board members opposed the resolution. The resolution carried.

Jean-Jacques provided an explanation for his abstention, clarifying that he holds the two colleagues appointed to committees in high esteem, is overjoyed about the particular appointments, and that his abstention is process related. Jean-Jacques commended Dennis and members of the Board Governance Committee for the work they have been doing, though the particular process of appointment of Board members to Board committees can and should be improved, and the ongoing Affirmations reviews impose a greater duty to improve internal governance. Jean-Jacques noted that he has sent some suggestions for improvements to the Board.

The Chair noted that Ramaraj and Kuo-Wei's abstentions were based upon their being the subjects of the resolutions.

## **9. Posting of Proposed Bylaw Changes relating to Chair Remuneration for Public Comment**

Prior to any discussion on this resolution, the Chair recued himself from the discussion.

The Vice-Chair, Dennis Jennings, assumed the responsibilities of the Chair, and presented and moved the resolution. Ray Plzak seconded the resolution.

The Vice-Chair called for discussion, and hearing none, put the resolution to a vote.

The Board then took the following action:

Whereas, the Board has determined that it is appropriate to consider reasonable compensation for the Chair of the Board of ICANN.

Whereas, as a nonprofit California public benefit corporation that is exempt from United States Federal income taxes because it is an organization described in §501(c)(3) of the Internal Revenue Code of 1986, as amended, ICANN may not pay more than "reasonable compensation" for services rendered to ICANN.

Whereas, the Compensation Committee was tasked with obtaining, reviewing, and considering comparable compensation data before making recommendations relating to Board Chair remuneration, taking into account organization size, geographic considerations, international presence, and other relevant factors.



Whereas, the Compensation Committee is authorized to engage and to seek advice from independent professionals with appropriate expertise in compensation arrangements for Board members of U.S.-based, nonprofit, tax-exempt organizations possessing a global employee base.

Whereas, in connection with consideration of compensation for the ICANN Board Chair, the Board Governance Committee, in furtherance of the Compensation Committee's remit, requested staff to engage the services of Towers Watson, an international consulting firm, to assist the Compensation Committee in compiling and analyzing appropriate compensation data as to comparability with respect to the Chair of ICANN's Board.

Whereas, in making recommendations to the full Board regarding the level of compensation to consider for ICANN's Chair of the Board, the Compensation Committee followed the process set forth in United States Treasury Regulation § 53.4958-6 which is intended to enable the Board to establish the presumption that the compensation to be paid to the Board Chair is reasonable for Federal income tax purposes.

Whereas, upon due inquiry of its members, the Compensation Committee concluded that no member participating in the deliberations and voting on the level of compensation recommended to the Board for the Board Chair compensation was conflicted.

Whereas, because the Board Chair, who is also the Chair of the Compensation Committee, is conflicted, the Board Chair did not participate in the deliberations or voting on the recommendations as to whether the Board should consider compensating the Board Chair, or the level of compensation considered.

Whereas, after consideration of the information the Compensation Committee received, including the comparability data provided by Towers Watson and the advice and counsel of Towers Watson, the non-conflicted voting members of the Compensation Committee agreed that it is in the best interests of ICANN to recommend that the Board consider compensating the ICANN Chair of the Board.

Whereas, after consideration of the information the Compensation Committee received, including the comparability data provided by Towers Watson and the advice and counsel of Towers Watson, the non-conflicted voting members of the Compensation Committee agreed that, taking into account organization size, geographic considerations, international presence, the role and responsibilities of the Board Chair and other relevant factors, determined that reasonable compensation for the Board Chair would be USD \$75,000 per year.

Whereas, upon due inquiry of its members, the Board has concluded that no member of the Board participating in the deliberations and voting on the issue of compensating the Board Chair was conflicted.

Whereas, because the Board Chair is conflicted, the Board Chair did not participate in the deliberations or voting on the issue of compensating the Board Chair.

Whereas, the Board considered the information that was gathered pursuant to the Compensation Committee remit, including the comparable compensation data compiled and reported by Towers Watson.

Whereas, there has been full a discussion among non-conflicted Board members regarding the reasonableness of compensating the Board Chair and the reasonableness of compensating the Board Chair in the amount of USD \$75,000 per year for services to ICANN, taking into account organization size, geographic considerations, international presence, the role and responsibilities of the Board Chair and other relevant factors.

Whereas, in reviewing the recommendations of the Compensation Committee regarding the level of compensation best suited for ICANN's Chair of the Board, the Board followed the process set forth in Treasury Regulation § 53.4958-6 which is intended to enable the Board to establish the presumption that the compensation recommended to be paid to the Board Chairman is reasonable for Federal income tax purposes.

Whereas, if the Board decides to compensate the Board Chair doing so will require a Bylaws change.

**Resolved** (2010.06.25.26), the Board has determined that it is appropriate to consider reasonable compensation for the ICANN Chair.

**Resolved** (2010.06.25.27), the Board directs staff to post for public comment for a period of at least 30 days revised Bylaws that would allow for compensation of the ICANN Chair of the Board, and after taking public comments into account, the Board will reconsider the matter.

Twelve Board members voted in favor of the resolution. Rod Beckstrom, Steve Crocker, and Peter Dengate Thrush abstained from voting on this resolution. No Board members opposed the resolution. The resolution carried.

Peter Dengate Thrush noted that his abstention was based on an obvious conflict of interest.

Rod Beckstrom noted that his abstention was based on a potential perceived conflict of interest in voting on compensation to the Chair of the Compensation Committee, which is responsible for determining Rod's compensation.

Steve Crocker noted that his abstention was based on his judgment of a potential conflict of interest.

Once the consideration of this item was concluded, the Chair resumed his responsibilities in the oversight of the meeting.

#### **10. Adoption of Fiscal Year 2011 Budget**

The Chair called upon Ramaraj to present the resolution.

Ramaraj then read and moved the proposed resolution, which was seconded by Bruce Tonkin.

The Chair then called for discussion on the resolution.

Ramaraj noted that there has been a lot of feedback received online and at the meeting about the budget, and discussed some improvements in the process going forward. In terms of constituency support, the CFO is requested to give greater detail than is available in the report, with greater granularity. From that input, the CFO is also requested to see if there are any changes or modifications that could be incorporated at this time.

Ramaraj also commented that the supporting and advisory organizations will be worked with much earlier in the process, maybe as early as August or September, to get involved with the project process and provide inputs.

The Chair noted the import of acknowledging the community input and responding to it.

Bruce Tonkin addressed the recurring issue at the meeting regarding compliance and the hope for stronger compliance initiatives around vertical integration in the new gTLDs, and the need to insure that ICANN can manage compliance to whatever structure is ultimately proposed. Arising from the Registrar constituency, there was a focus on compliance, the Intellectual Property Constituency called for compliance around Whois, as did law enforcement, etc. Bruce confirmed that ICANN will spend more on compliance than it did last year – an increase of 7.7% over the prior year, representing about 6% of ICANN's total budget. Bruce stated that general comments about the level of compliance budget are not as constructive as moving to identification of specific compliance actions for staff to undertake, which can then be viewed against other elements in the budget.

Bruce then discussed three potential models for compliance – performing checks at the time a name is registered or a registrar is accredited, and then re-checking those at regular intervals. If this was required for all registrations, it would be very expensive. Second is an audit approach to check a few items, have a basis from which to trigger a deeper review. Third are complaint-based systems, where there is follow-up on complaints. Particularly with Whois, the current compliance system is complaints based, and ICANN has spent a lot in recent years to improve that system. Each of these three systems have different costs,

and the community needs to assess them. After Ramaraj presented the resolution, the Board discussed issues relating to community input into the budget process and responding to community requests for greater detail in the budget, as well as compliance-related budgeting issues.

Mike Silber noted that there was a slight lack of foresight in planning, as the Board was voting on the resolution on the same day the public comment forum was closing, particularly where some of the comments were requests for additional information. Mike urged a focus on a process improvement to allow for comments to be made and integrated prior to Board adoption.

The Chair then put the matter to a vote and the Board took the following action:

Whereas, on 19 February 2010, ICANN's Board approved an update to the Strategic Plan: <<http://www.icann.org/en/planning/>>.

Whereas, the Framework for the FY11 Operating Plan and Budget was posted in February 2010 for community consultation and was presented at the Nairobi ICANN International public meeting.

Whereas, community consultations were held to discuss and obtain feedback on the initial Framework.

Whereas, the draft FY11 Operating Plan and Budget was posted for public comment in accordance with the Bylaws on 17 May 2010 based upon the Framework for the FY11 Operating Plan and Budget, community consultation, and consultations with the Board Finance Committee <<http://www.icann.org/en/public-comment/#draft-budget>>.

Whereas, ICANN has actively solicited further community feedback and consultation with the ICANN community through online fora, conference calls, meetings in Brussels, and in the open forum in Brussels.

Whereas, the ICANN Board Finance Committee has discussed, and guided staff on, the development of the FY11 Operating Plan and Budget at each of its regularly scheduled monthly meetings.

Whereas, the ICANN Board Finance Committee met in Brussels on 20 June 2010 to discuss the FY11 Operating Plan and Budget, and recommended that the Board adopt the FY11 Operating Plan and Budget.

Whereas, the Board has heard comments from the community during the meetings in Brussels, and with the comment period ending today, the Board will make adjustments to the budget where appropriate in order to address the community's concerns.

**Resolved** (2010.06.25.28), the Board adopts the FY11 Operating Plan and Budget <<http://www.icann.org/en/announcements/announcement-2-17may10-en.htm>>.

The resolution was approved unanimously, in a 15-0 vote.

## **11. New gTLD Budget**

Mike Silber noted that the organization is in a process of continual improvement on budget matters. Mike noted that the Board greatly appreciated the public input, including the input received at the public forum, and confirmed that the input received would be taken into consideration as ICANN continues processes to lead to the final launch of the new gTLD application process.

## **12. Internal Audit Function**

The Chair called on George Sadowsky to present the next resolution.

George then read and moved the proposed resolution, and Ramaraj seconded the resolution.

With no comments, the Chair called for a vote and the Board took the following action:

Whereas, the Board Audit Committee (BAC) has been carefully considering the institution of an internal audit function within ICANN as a best practice for financial controls and accountability within the organization.

Whereas, the BAC, through staff, identified an initial scope and firm to perform the internal audit function and report the results of such function directly to the BAC.

Whereas, the BAC had an initial discussion with the internal audit firm while in Brussels, and provided a brief presentation to the Board on the initiation of the internal audit function.

**Resolved** (2010.06.25.29), the Board appreciates the Board Audit Committee's institution of this important step in continued best practices for audit committees and increased accountability for the organization.

Fourteen Board members approved of the resolution. Rita Rodin Johnston abstained from voting on the resolution. No Board members opposed the resolution. The resolution carried.

The Chair noted Rita's abstention due to her position as chair of the Audit Committee.

### **13. New gTLDs Board Retreat on New gTLDs in September 2010**

The Chair called on Bruce Tonkin to present the resolution.

Bruce read and moved the proposed resolution, and George Sadowsky seconded the proposed resolution.

Jean-Jacques Subrenat commented that New gTLDs have been a constant agenda item since he has been on the Board, and he continues to listen carefully to everything stated by the public at the public forum. Jean-Jacques commended the chair on proposing a set-aside of a special retreat for this topic, and the stakeholders are owed a result and timeline.

The Chair thanked Jean-Jacques for his comments, and noted that there are costs of delay and uncertainty, and that one of the intentions of this retreat is to start getting some traction on this. The Chair also noted that the Board would likely need to convene another retreat to deal with the more traditional Board issues.

The Board then took the following action:

Whereas, the public comment period for the Draft Applicant Guidebook 4 (for ASCII and IDN gTLDs) will close on 21 July 2010.

Whereas, the Board intends to work expeditiously to resolve any outstanding issues prior to the issuing of the Applicant Guidebook, noting however that some issues might be outside of the control of the Board.

Whereas, the Board noted a number of issues raised during the public forum in Brussels on which further consideration will be required.

**Resolved** (2010.06.25.30), the Board will use its retreat currently scheduled for 24-25 September 2010 for the consideration of all the outstanding issues relating to the implementation of the New gTLD program.

The resolution was approved unanimously, in a 15-0 vote.

### **14. Publication of Board Briefing Materials for 22 April 2010**

The Chair called on Katim Touray to present the next resolution.

Katim Touray read and moved the proposed resolution.

The Board took the following action:

Whereas, the Board has for some time wanted to share the briefing papers it receives with the community in the interests of transparency and accountability, and the community has also requested the publication of these materials.

Whereas, as a proof of concept, staff has prepared a version of the Board briefing materials for the Board meeting of 22 April 2010 for publication, with confidential material redacted.

Whereas, the Board Governance Committee will assess results of the proof of concept publication and recommend further guidance to the Board on the practice of sharing Board briefing materials.

**Resolved** (2010.06.25.31), the Board directs staff to publish the non-confidential portions of the Board briefing materials for the Board meeting of 22 April 2010.

The resolution was approved unanimously, in a 15-0 vote.

### **15. Nominating Committee Member to Represent Academic and Similar Organizations**

The Chair noted that after a period of time where the Board was appointing the delegate on the Nominating Committee intended to be filled by the academic and technical research community, the Board has decided to change that practice. The Chair then called on Kuo-Wei Wu to present the resolution.

Kuo-Wei read and moved the proposed resolution, and Ray Plzak seconded the recommendation.

The Chair then called for a vote, and the Board took the following action:

Whereas, in accordance with the Article VII of section 2.8.c., of the Bylaws, one voting delegate on the Nominating Committee (NomCom) shall be selected by "[a]n entity designated by the Board to represent academic and similar organizations" ("NomCom Academia member").

Whereas, in prior years, the Board did not develop a process for identifying the appropriate entity to select the NomCom Academia member.

Whereas, in lieu of identifying a selecting entity, the Board previously via recommendations from the BGC selected an individual to serve as the NomCom Academia member.

Whereas, it has been determined that the Board shall no longer select the NomCom Academia member and that an entity shall do so.

**Resolved** (2010.06.25.32), the Board directs staff to develop an entity selection process and evaluation procedure to comply with the Bylaws, for BGC and Board consideration, with a view toward identifying an entity in sufficient time to select the NomCom Academia member for the 2011-2012 NomCom.

**Resolved** (2010.06.25.33), the Board will not appoint a NomCom Academia member of the 2010-2011 NomCom.

The resolution was approved unanimously, in a 15-0 vote.

### **16. Approval of Bylaws Revision Pursuant to Recommendation on Reconsideration Request 10-1**

The Chair called on Rita Rodin Johnston to present the resolution.

Rita read and moved the proposed resolution, and Katim Touray seconded the resolution.

The Chair then called for a vote, and the Board took the following action:

Whereas, the Board Governance Committee (BGC) fully considered Reconsideration Request 10-1 and adopted a Recommendation in response, calling for revisions to the

Bylaws with respect to the timing for posting of the adopted resolutions and the preliminary report after a Board meeting.

Whereas, the Board adopted the BGC's Recommendation on Reconsideration Request 10-1.

Whereas, the BGC has reviewed and considered the public comments received and recommended that the Board approve the Bylaws revisions as posted at <http://icann.org/en/general/bylaws-iii-5-proposed-amendment-19apr10-en.pdf>.

**Resolved** (2010.06.25.34), the Board approves the Bylaws revisions as posted for public comment in furtherance of the BGC's Recommendation on Reconsideration Request 10-1./

The resolution was approved unanimously, in a 15-0 vote.

## 17. Any Other Business

The Chair noted that work was underway to review how the Board interacts with various constituencies and groups at the International Public Meetings and revisiting the institutionalized timing of some of those interactions, in order to increase the efficiency of the Board/community interaction. The Chair also noted the change in the Board's schedule at the meetings, which allowed the Board to provide presentation of the Board's current thinking on matters during the public forum. The Chair noted the Board's sense that this was a better way of engaging with the community, and appreciates community feedback about this.

The CEO provided an update on Human Resource matters, focusing on the fact that ICANN's first Chief Operating Officer, Doug Brent, would be stepping down and that ICANN has opened up a search for that position using Egon Zehnder International, as well as for candidates for the Vice President of Global Partnerships position, and encouraged community members to help in identifying suitable candidates. The CEO confirmed that ICANN would take the time it needed to find the right candidates.

Bruce Tonkin noted that the community can access ICANN's career links from home page of the ICANN website.

The CEO then invited Doug to the stage for recognition of his service to the organization. While this is normally a recognition reserved for departing Board members and CEOs, Doug's service has been an exceptional contribution. The CEO commented that the decision to create the COO role was an excellent moved, made even better by selecting Doug to serve in the position. The CEO commented:

"You are one of the most exceptional managers and leaders that I've seen in an organization. And what you have done here in the last 3 1/2 years is to build not only a foundation for this house but walls and structure in the retrofit and remodel that has really boosted the capacity of the organization, the professionalism and the strengthening of processes. And you have done that with the utmost attention to the quality of your relationship with staff members and also the community. And you provide an outstanding model in that sense.

"So we're all going to miss you hugely. And our loss is, indeed, Silicon Valley's gain. But we are just very, very sorry to see you go."

The Board and meeting attendees applauded Doug with a standing ovation.

Doug commented, "It has really been an honor to work with everybody here and the staff, and I'll miss you all. Thank you very much."

The Chair declared the meeting closed and thanked the Board.



