Report of

ICANN 39

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Executive summary

ccNSO

In the Cartagena meeting, the ccNSO spent a lot of time on the ICANN’s processes and procedures. More than ever, the ccNSO has taken up a role as watchdog on transparency and accountability in ICANN:

- Demand for an extended comment period on new gTLDs
- Demand for an extended comment period on the Fast Track review process
- Expression of concern on the extremely late publication of the strategic plan
- Expression of concern on the very high turnover rate for senior staff in the last 12 months (around 75%!) 

The ccNSO organized a session on the Registrar Accreditation Agreement. While a typical gNSO topic, it was very interesting to discover the issues that are common to both the cc and gTLD world.

Main conclusion of the session was that the ICANN RAA review was actually not dealing with the main real world issue: the number one complaint about registrars is the problems registrants encounter when transferring a domain.

The ccNSO Council held a session on the roles and responsibilities within the ccNSO Council (in preparation of Chris’s departure as Chair).

The Incident response WG is closed after delivering its final report.

A Joint DNS Security and Stability Analysis WG was created.

The ccNSO Council appointed Roelof Meijer, CEO of SIDN, as chair of the Strategic and Operational Planning Working Group. Byron Holland, CEO of CIRA, was appointed as chair of the Finance Working Group.

ICANN Board Meeting

- On new gTLDs: The Board closes the discussion on 4 key areas (Trademarks, malicious conduct, root-zone-scaling and the economic analysis) while still keeping the possibility to make small changes to some other aspects (geo-names and morality and public order) based on the public comments and the feedback from the GAC.

- The discussion on .xxx hasn’t moved much. The Board has indicated that they intend to enter into a registry agreement but triggers the bylaws to sort out problems with the GAC through a consultation.

- The Board approved the process to measure competition, consumer trust and consumer choice in the context of the Domain Name System. (gTLDs only)

- An interim session with the GAC is planned for February 2011

- Harald Alvestrand, Dennis Jennings and Jean-Jacques Subrenat step down from the Board and are replaced by Sébastien Bachollet, Bertrand de la Chapelle, Cherine Chalaby, Erika Mann and Reinhard Scholl.
- Steve Crocker is appointed vice-Chair of the Board (and will step down as Chair from the SSAC)

- ICANN 41 will take place in Amman (Jordan)

GAC

- The GAC requests detailed clarification from ICANN of the reasoning behind all the changes made to the DAG;

- Peter Dengate Trush invited the GAC to hold a full day meeting with the Board on the progress made on new gTLDs and to discuss still open issues;

- GAC held an open floor discussion on new gTLDs;

- GAC asked the technical community about the effectiveness of blocking (a TLD) and its effects on the stability of the Internet;

- GAC reflected on more and earlier involvement in policy processes via cross community work

- GAC discussed the proposal for a High-Level meeting for governments during ICANN San Francisco

- GAC elects Heather Dryden (Canada) as GAC chair and Maria Hall (Sweden) and Alice Munyua (Kenya) as Vice Chairs.
ccNSO Meeting

ccNSO Meeting - Day 1
Audiocast available at: http://cartagena39.icann.org/node/15397

SOP & Finance WG update
Byron gave an overview of the work of the SOP.
Strategic plan was published so late that there was no opportunity for the working group to provide input.
After a complaint from the chair of the WG, the deadline was extended to January 10th. Working group will provide feedback on the plan in digestible chunks. Community is encouraged to take over this feedback and feed it into the ICANN process.

The ICANN finance team gave an update on the changes to the planning cycles and the new procedures to ask for budget approval in the ICANN planning cycle. Presentation: http://cartagena39.icann.org/meetings/cartagena2010/presentation-drdwg-progress-report-06dec10-en.pdf

Update on newly established finance WG: The WG is to start the discussion about cc contributions to the ICANN budget. No potential models are off the table.
First there will be a review of the historical and current situation. Wide consultation amongst the ccNSO will follow.

Session with ICANN Board

On Geo-names in new gTLDs:
Annebeth question on difference in the different communications about “will follow legally binding court decisions” and “might follow legally binding court decisions”. Kurt Pritz: ICANN will follow the court decisions.
PDT defending the view that governments should pay their own fees when objecting to the introduction of a new gTLD.
Mike Silber proposes a new concept of a fund – funded by the ccTLDs and govs – that could be used to pay for objections.

On staff-turnover rates:
Lesley Cowley asked about staff turnover stats and asked how the board responds to the departure of many of the senior staff.
Rod Beckstrom: less than 6% in 2009, much lower than IT average or non-profit sector. According to Rod this is a normal evolution in the life of a company
All changes (hires and reduction) were based on consensus in the executive committee.
PDT strongly supported the change management that took place.
Currently there is a new compensation study underway to benchmark properly and improve retention rates.
Board’s view: satisfied with the progress that’s being made
(Later Lesley announced that the turn-over amongst senior execs is more than 75%)
The Board on IGF:

Rod: ICANN supports continuation of IGF – preference to stay non-decisional, preference to keep multi-stakeholder model
Continue to try to support IGF in the future
PDT: ICANN working closer with its peers in the ecosystem: e.g. ICANN and ITU: mutual recognition

On SOP publication schedule:

Rod Beckstrom: Strategic cycle planning timeline was not followed as the process underwent changes.
As a result the board is not going to approve the strategic plan during this meeting.
The Board has also requested that the plan was more goal-orientated.
Byron Holland pointed out that there is a vacuum of information on a fundamental change on a fundamental process and there was never any communication to the why and when. This community has an excellent track record of giving feedback but this process does not provide us with the opportunity to continue this.

Financial contributions:

Roelof Meijer on financial contributions: PDT states that the refusal of ccTLD community to pay have cost the ccTLD community political capital.
Roelof pointed out that GAC members are not requested to contribute and it would be hard to argue that this has affected their political capital.
PDT references to IDN ccTLDs board discussion: no shirt no shoes no vote….

IANA Update

DNSSEC:

Everything went better than expected.
At the moment 64 signed TLDs

Workflow automation:

New interface, not new process.
Allows tracking the status of the request
Will allow communicating changes to Verisign using EPP – replacing the current manual process
Testing now: if 100% matching over a period of 60 days, system will be released, credentials will be sent to ccTLD managers

IDN ccTLDs:

Rate of applications seems to be slowing
Applicants seem to confuse criteria for IANA delegation process with fast track string evaluation
Jan – Nov 2009: 265 incoming requests
Jan – Nov 2010: 370 requests: 40% increase (IDN ccTLDs + DNSSEC records exchange)
ccNSO review update

The report received some strong support from the audience especially for the way it has incorporated feedback from the community. (All CENTR comments were explicitly included.)

Regional Organisations update


Joint GAC-ccNSO session

See GAC section of this report

Working groups update

Geographical regions

New report is out. Comments very welcome until the end of January.
Geographic regions in were developed in 1998 to adequately reflect internet users in the ICANN Board. Currently there is however a mismatch between these regions and their respective weight in the ICANN structure. A few ccTLDs also feel that they do not fit into the regions that they were assigned to for historical reasons.
The presentation included an excellent visual representation of the impact of the changing internet population on the ICANN structure (could be used in a larger context such as internet governance as well).
Presentation: (will be posted on ccNSO website http://ccnso.icann.org)

Incident Response WG

Jörg Schweiger provided an update on the work of the incident response working group:
Assist in implementing sustainable mechanisms for the engagement of and the interaction with ccTLD registries during incidents that might impact the stability of the DNS.
“buy” or “make” solution to create contact list.
Buy solution looks very interesting but expensive.
Next step: ccNSO council/ICANN to suggest or seek input from community on financing

IDN PDP WG 2 update

This WG looks at the impact on the ccNSO membership structure of the introduction of IDN ccTLDs.
Update on Russian IDN launch

The presentation focused on the first results of .РФ open registration, including choosing model for open registration, first hours & day’s statistics, main concerns and lessons learned.

ccNSO Meeting - Day 2

Audiocast available at: http://cartagena39.icann.org/node/15401

Joint security and stability analysis WG – charter drafting

The goal of this WG is to get the technical expertise from the different SOs and ACs together and conclude if there is a technical problem or not and in case there is a technical problem, provide suggestions to solve it.
The resolutions are not binding to anyone, but will be fed into the ccNSO (and other SOs)
ALAC and gNSO will sign it as well. GAC will delegate some of its members but will not formally join.
SSAC is very supportive but want to give advice from the outside.

Update on ICANN’s SSR Activities by Patrick Jones

Security, stability and resiliency update
The roles are as follows:
• Yurie Ito : global security outreach
• John Crain: DNS Security collaboration and capacity building
• Geoff Bickers: ICANN corporate security
• Patrick Jones: business continuity

Partial disruption of the name service for .DE - Jörg Schweiger

This is the presentation that was shared at the CENTR GA in Brussels.

Contingency plan execution by NIC.Mexico - Oscar Robles

Disaster Response Plan implementation
First hesitant to make the investments, but still moved forward with implementation.
Then two disasters struck:
• April 2009 – AH1N1
• Oct 2010 – Hurricane Alex

100% DNS uptime achieved after the implementation of Anycast. But DNS was the easiest part.
Complex layers of security added on all levels. Connectivity improvements (including working from home for all employees).
As a result the two disasters did not affect the operations at all.
Security Review Team

Simon Mc Calla and Ondrej Filip gave an update on the work of the Security Review Team. Chris Disspain pointed out that the independent experts were appointed by ICANN. There is some confusion about the scope of the review. Is this just about the ICANN response to the threat landscape or is it wider? Simon explained that there is no clear borderline, but that it is clear that the group will not broaden the scope of ICANN in this area. Chris stressed that it is absolutely necessary that the work of this group will and cannot be abused to expand the scope.


ATRT

Work will be finished by the end of the year. The Board is then to take action by June. The work of the ATRT gets positive reviews across the ICANN community.

Update from ITU plenipot – Keith Davidson and Oscar Robles

Main ITU strategic meeting held every 4 years. Archaic and obsolete meeting. Apparently open, but if you’re not a gov rep you can’t access the docs. ITU is the rightful owner of .int – according to ITU. ITU fails to recognize that there are Arabic IDNs… Some useful resolutions however:
- On outreach (digital inclusion initiatives)
- On ICANN/ccTLDs
- Interesting docs: draft ccTLD guidelines


Recent developments under .CO


Update on typosquatting from Denmark – Lise Fuhr

Interesting statistics!
2 appeals after deletions: 1 won and 1 lost

Rewriting Domain Name Law in France - Mathieu Weill

Overview of the events that lead up to the court verdict that the legal framework for the assignment of .FR is unconstitutional.
Deadline to get things fixed: June 1, 2010
Open ID in .CZ - Ondrej Filip

DNS Service infrastructure and Service - Jörg Schweiger
This presentation was presented at the CENTR GA meeting in Brussels

RAA Update – Panel discussion moderated by Lesley Cowley
This turned into an excellent session. While this is obviously a topic that has an impact on the gTLDs, it became clear that there are many commonalities between the gTLD and ccTLD worlds in terms of registrar relations.
Even when the stats show that there is little formal overlap (e.g. in .NL only 10 out of 2000 registrars are accredited).
Biggest complaint about registrars: transfer problems.
Conclusion of the discussion: none of the suggestions on the list of the Registrar Accreditation Review are actually going to solve any of the real-life issues that registrants (and registries) have with registrars. The list seems mainly a compilation of LEA suggestions.
GAC Report

Introduction

The GAC met in Cartagena on Saturday 4, Sunday 5, Tuesday 7 and Wednesday 8 December. Predominant theme on the agenda was new gTLDs, with several sessions dedicated to it. The GAC also met considerable more time than other meetings behind closed doors. A part of this time was used to discuss internal issues (election of a new Chair and review of its operating principles). Noteworthy is definitely the session with the Technical community ‘on universal resolvability of the DNS’ which discussed blocking and its effects for the stability of the DNS. The GAC Communiqué can be downloaded at http://gac.icann.org/system/files/Cartagena_Communique.pdf.

New gTLDs

Meeting with ICANN Staff

Kurt Pritz (ICANN) had prepared a presentation on the changes to the DAG but was soon confronted with the explicit request from GAC members to explain how ICANN had addressed the GAC input in this final draft version. He was clearly surprised by this question and wasn’t always providing a detailed answer.

It was even suggested by the US that ICANN would provide a clarification of the reasoning behind all the changes in the new DAG in writing and available for the whole community.

GAC members, and in particular the German representative noted that the protection of rights owners across different jurisdictions was still not adequately dealt with and referred to its comments in the Nairobi communiqué.

Also with regard to geo-names the GAC pointed out that there were important differences between the GAC position and the DAG. Kurt Pritz (ICANN) explained that wanted to narrow down the definition of country names in the direction of ‘what is on the ISO list’ rather than ‘any meaningful representation’. He noted that country names are now protected on the second level but that the protection of city names remained problematic. The German representative noted that in Germany city and region names were protected by national law.

It was noted that by giving the title ‘draft final DAG’, the ICANN staff clearly considered the DAG ready for adoption by the Board. The GAC also pointed at the deadline for public comment to the DAG which was set at Friday 10th December, the same day the ICANN Board might take a decision on the new gTLD process and wondered how the Board would be able to seriously consider the comments raised by the community.

Kurt Pritz (ICANN) defended the time schedule by assuring to GAC members that staff was able to immediately summarise incoming comments so that the Board, in case it would decide in its Cartagena meeting, would do this well aware of the most recent comments.

GAC members indicated that there were a lot of outstanding issues that still had to be solved and several members said that they wouldn’t be able to decide within one week as they needed time to consult back with their ministry.

The GAC agreed to compile a list of outstanding issues and communicate this to the Board.

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1 http://gac.icann.org/system/files/Nairobi_Communique.pdf
It was put forward that in case the Board would take a decision in Cartagena the ICANN bylaws provide the possibility for the GAC to disagree with the decision after which the Board and the GAC have to sit together to solve their disagreement. It was clear that this would be used by the GAC to put pressure on the Board.

Remark: the US representative apologised with her colleagues for not informing the GAC list beforehand about the NTIA letter.

Support for new gTLD applicants

The GAC received and update from the ‘Joint SO/AC Working Group Applicant Support New gTLD Program’. The main focus of the working group is the support for new gTLD applicants from developing countries. Avri Doria informed the GAC that the basic scope of the program had been defined and that it was now up to ALAC and the GNSO to charge the working group with clearing out the requirements for support. Geographic names, governmental or para-statal applicants, applicants that fail to demonstrate a sustainable business model or brand owners would not be eligible for support.


Input from the community

On Wednesday the GAC had another meeting on new gTLD. To everyone’s surprise the GAC Chair invited the audience to comment or ask questions regarding the GACs position on the DAG. Normally only GAC members can take the floor during GAC plenary meetings.

Role of the GAC

The GAC continued its discussions on its role and place within the ICANN community based on the draft recommendations from the Accountability and Transparency Review team and the work of the Joint GAC-Board Working group on the role of the GAC.

One of the points that came back was the discussion on GAC advice to the Board. In previous meeting is had become clear that there was a difference in understanding of what was GAC advice and what not between the GAC and the Board. The GAC used a very broad definition of and looked into possibilities to better highlight its ‘GAC advise’.

It was noted that GAC liaisons had become less active now that the GAC was used to have face-to-face meetings with the Supporting organisations and Constituencies.

It was suggested that Supporting organisation could consult with the GAC earlier on in the policy process. This would give them the possibility to better explain some decisions and issues before the proposal is send to the ICANN Board. As an example one referred to the consultations with the ccNSO regarding the IDN ccTLD Fast Track.

The Joint Working Group aims to finalise its report in San Francisco.

High Level meeting with Governments

The GAC plans to organise a special meeting to reach out to high level government representatives before or during the ICANN meeting in San Francisco. The meeting should discuss ‘long-term strategic issues related to the development of the DNS’ and promote the GAC towards those countries that are not yet (actively) participating.

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2 description given in the meeting schedule, http://cartagena39.icann.org/node/15633
However, generally the aim of such a meeting was not clear to most GAC participants in Cartagena. Several of them were even critical about the initiative and doubted that a high level audience would travel for such an 'informative' meeting.

**Election of GAC Chair**

Heather Dryden from Canada was elected to the position of GAC chair. Maria Hall from Sweden and Alice Munyua from Kenya were elected to the positions of Vice Chairs. The decision is effective from the end of the first meeting 2011.

**ccTLD Delegation, redelegation and retirement working group**

The GAC Liaison to the Delegation, redelegation and retirement working group (US representative Suzanne Sene) reported very positively on the work done and said that the GAC had to be ready to play a role in the PDP process. She mentioned the delegation/redelegation issue an opportunity for the GAC to get involved in a policy making via cross community work.

**Meeting with GNSO**

There were two topics on the agenda of the meeting of the GAC with the GNSO: (1) the GNSO proposal for cross community working groups and (2) the DAG and new gTLD process.

*cross community working groups*

The GAC reminded that GAC members solely represent their government and that only the GAC Chair can speak on behalf of the GAC after a consensus is reached. It was also noted that under the current ICANN bylaws the GAC was delivering advice only to the Board.

*new gTLDs*

The GAC invited the GNSO to express their views on the latest version of the DAG. The registrar stakeholder group said that it was enthusiast about the process but recognised that there were still some issues to be solved but also was of the opinion that waiting any longer would not help to solve them. The IP constituency advised that it was happy with some of the changes to the DAG but that in general the protections foreseen were far from enough; that nobody had had the time to read the economic studies published just before the start of the ICANN meeting and that the vertical integration decision had created new problems. The business constituency asked for time to analyse thoroughly the economic studies and if necessary include additional changes to the DAG. It was also said that new gTLDs had to create new space and could not just clone what already exists.

**Meeting with ccNSO**

The ccNSO Working group on Delegation, redelegation and retirement presented its report to the GAC. The presentation was well received and some GAC members were surprised to hear that there was no policy in place regarding the retirement of ccTLDs. (the presentation can be downloaded at http://cartagena39.icann.org/meetings/cartagena2010/presentation-drdwg-07dec10-en.pdf)
Regarding the new gTLD process the GAC informed the ccNSO that it wanted clear procedures that safeguard the protection of geographic names and that the objection procedure that was foreseen in the DAG was problematic for several countries.

**GAC meeting with the ICANN Board**

The GAC/Board meeting attracted a large audience. Some were expecting some fireworks or heavy discussions might have been disappointed. The GAC was clearly well prepared and listed one after another its concerns with the current version of the DAG. (A complete list in included in the GAC Communiqué)

First of course there was the usual discussion with the GAC complaining about the late publication of documents and ICANN defending that all key documents were published on time.

The GAC further reminded that already in March 2007 it published its principles on new gTLD and pointed at all the advice it has been given in letters and Communiqués (a full list is included in the Communiqué). The GAC also defended itself against the critique that it would delay the process by coming up with new requests every time by saying that most of its letters and communiqués pointed back the 2007 principles (for example the protection of geo-names).

The GAC regretted that there was no ‘post-advice interpretation’ of GAC advice by the Board what could help to assure that advise was well understood by the Board and Staff. Also the request was made for a better explanation by ICANN on ‘how’ or ‘why not’ GAC advice was implemented.

Some GAC members noted that it was still not clear whether the benefits of the new gTLDs would out weight the costs and that trademark and IP protection is still not solved.

In general the GAC was constructive but put a couple of big question marks, or like it was said by the UK representative: We’re there when we understand that the benefits will out weight the costs (...). We’ve all invested huge amounts of time in it, we don’t want to see it collapse.’

It was noted by Bertrand de la Chapelle 3 that the fear that defensive registration would be unavoidable was not yet taken away. On the other hand Rod Beckstrom noted that businesses in the US so far didn’t consider defensive registrations as being an important part of their assets.

Peter Dengate Trush concluded that there were a lot of issues on which the Board had been making progress on and suggested that the GAC and the Board would sit together between Cartagena and San Francisco to go through all open questions.

**Exchange with members of the ICANN Board on the ICM Registry application**

The GAC had an exchange of views Board members on the .xxx application. The meeting was held behind closed doors but is reported in the communiqué.

**Meeting with technical community - perspective on universal resolvability of the DNS**

The GAC had an interesting meeting with the technical community (amongst others Suzanne Woolf) on the blocking of (new) TLD strings.

In its communiqué the GAC concluded that it understood ‘that DNSSEC (was) not designed to accommodate blocking and that collateral damage and unintended results (were) likely to be caused if TLDs are not universally resolvable.’

During the meeting the US representative noted that in informal meetings the ICANN Chair and the CEO had mentioned blocking as the solution if a country would have a problem with a certain TLD string. She

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3 BdlC was given the floor by Peter Dengate Trush. At that moment he was no longer sitting in the GAC and not yet a member of the Board.
gave the example of .bank and mentioned without going in detail ‘a TLD a number of countries are concerned about. This obliges Suzanne Woolf to say that the answer of the ICANN Chair and CEO that the best solution for an unacceptable TLD is blocking is at least incomplete.’

Other reactions from the technical community were that blocking might work for some time for some regions but would be would be easy to rout around after some time; that one should not mix up blocking content and blocking a TLD string.

ICANN Board

The ICANN Board met on Friday 10 December.

New gTLDs

The Board did not approve the final DAG as some had hoped before the meeting but decided to look into the remaining issues. The Board amongst other things acknowledges the list of outstanding issues compiled by the GAC for further discussion between the Board and the GAC and promises to take into account further public comment on geo-names, including advice from the GAC.

The resolution can be found at http://www.icann.org/en/minutes/resolutions-10dec10-en.htm#2.

Venue of the June 2010 meeting

The Board selected Amman, as host of the 19-24 June 2011 ICANN, with a budget not to exceed US$2.383M

Overview of adopted resolutions

1. Consent Agenda
2. New gTLDs: Resolving Remaining Issues
3. SSAC Report on Invalid Top-Level Domain Queries at the Root Level of the Domain Name System
4. ICM Registry Sponsored Top-Level Domain – .XXX
5. Board Data and Consumer Protection Working Group Recommendations 21
6. Consumer Choice, Competition and Innovation
7. Conclusion of Working Group on Equivalent Strings Support
8. Response to Reconsideration Request 10-2
9. Approval of Location of the June 2011 Meeting in Asia
10. Items Arising from the Cartagena Meeting
11. Any Other Business (Thanks to Departing Board Members)
12. (Adjourn 12th Annual Meeting, and Convene Organizational Meeting) 26
13. Election of Board Chairman
14. Election of Board Vice-Chairman
15. Appointment of Membership of Board Committees
16. Confirmation of Officers of ICANN
17. Other Business
