

ICANN 9 SEPTEMBER 2014 BOARD MEETING
Board Papers



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ICANN BOARD PAPER NO. 2014.09.09.1b

TITLE: **Second At-Large Summit Declaration Resolution**

PROPOSED ACTION: **For Approval - Consent Agenda**

EXECUTIVE SUMMARY:

The Board is being asked to approve a Resolution acknowledging receipt of the Second At-Large Summit (ATLAS II) Declaration and extending their congratulations to the At-Large community for holding a successful Summit held during ICANN 50 in London.

The final ATLAS II Declaration, including all of its appendices which make up an integral part of the document, has been distributed to the Board and is available at: <https://community.icann.org/download/attachments/48338039/ATLAS-II-Declaration-with-appendix-RC9.pdf?version=1&modificationDate=1407420726000&api=v2>.

[STAFF or COMMITTEE] RECOMMENDATION:

Staff recommends that the Board pass the proposed resolution acknowledging receipt of the Second At-Large Summit Declaration and congratulating the At-Large community on the successful Summit.

PROPOSED RESOLUTION:

Resolution Text Superseded

PROPOSED RATIONALE:

The Second At-Large Summit (ATLAS II), which was made possible by the Board approving a special budget for the event, resulted in the production of the ATLAS II Declaration. This Declaration was sent to Steve Crocker by Olivier Crépin-Leblond on 7 August 2014.

This document is the result of the work of approximately 150 At-Large Structures from 70 countries meeting face to face in London in June 2014.

The Declaration includes the work of all of the 5 ATLAS II Thematic Working Groups:

- Thematic Group 1 (TG1): Future of Multi-Stakeholder Models
- Thematic Group 2 (TG2): The Globalization of ICANN
- Thematic Group 3 (TG3): Global Internet: The User Perspective
- Thematic Group 4 (TG4): ICANN Transparency and Accountability
- Thematic Group 5 (TG5): At-Large Community Engagement in ICANN

It contains 43 Recommendations both the ICANN Board, to ICANN and to the ALAC, referenced as R-1 to R-43. It also contains 10 Observations for the wider Internet Community, referenced as O-1 to O-10.

The At-Large community is currently beginning work on the implementation of the Recommendations and Observations through a special Taskforce.

The ALAC is seeking feedback on the Declaration from the wider ICANN community.

Signature Block:

Submitted by: Heidi Ullrich

Position: Senior Director for
At-Large

Date Noted: 22 August 2014

Email:
Heidi.ullrich@icann.org

ICANN BOARD SUBMISSION NO. 2014.09.09.1c

TITLE: **Appointment of Benedict Addis to the Security & Stability Advisory Committee**

PROPOSED ACTION: **For Approval - Consent Agenda**

EXECUTIVE SUMMARY:

The Chair of the Security and Stability Advisory Committee respectfully requests the appointment of Benedict Addis as a new Committee member.

COMMITTEE RECOMMENDATION:

The Committee desires the appointment of Benedict Addis to the Security and Stability Advisory Committee.

PROPOSED RESOLUTION:

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

Whereas, the SSAC Membership Committee, on behalf of the SSAC, requests that the Board should appoint Benedict Addis to the SSAC.

It is resolved (2014.09.09.xx) that the Board appoints Benedict Addis to the SSAC.

PROPOSED RATIONALE:

The SSAC is a diverse group of individuals whose expertise in specific subject matters enables the SSAC to fulfil its charter and execute its mission. Since its inception, the SSAC has invited individuals with deep knowledge and experience in technical and security areas that are critical to the security and stability of the Internet's domain name and address system.

The SSAC's continued operation as a competent body is dependent on the accrual of talented subject matter experts who have consented to volunteer their time and energies to the execution of the SSAC mission. Benedict Addis is a technical officer in the Cyber and Forensics department of the Serious Organised Crime Agency (SOCA), a UK law enforcement body. He has a significant computer science and network security background, which is an integral part of his law enforcement responsibilities. He has been actively working on Internet abuse and Internet criminal activities for many years. Mr. Addis offers a valuable perspective to the SSAC regarding the intersection of government policy and law enforcement.

Submitted by: Ram Mohan, SSAC Liaison to the Board

Position: Liaison to the ICANN Board from the Security & Stability Advisory Committee

Date Noted: 15 August 2014

Email: rmohan@afilias.info

ICANN BOARD SUBMISSION NO. 2014.09.09.1d

TITLE: **Thank You from Security and Stability Advisory Committee to David Conrad**

PROPOSED ACTION: **For Approval - Consent Agenda**

EXECUTIVE SUMMARY:

The Board appointed David Conrad to the SSAC on 18 March 2011. Mr. Conrad resigned from the SSAC on 01 August 2014. Mr. Conrad has been a valued SSAC member who has made many excellent contributions to the Committee's work. The SSAC requests that the Board should join the Committee in extending its thanks to Mr. Conrad for his service to the SSAC and the Community.

COMMITTEE RECOMMENDATION:

The Committee wishes to formally thank David Conrad for his work while a member of the Security and Stability Advisory Committee.

PROPOSED RESOLUTION:

Whereas, the Board appointed David Conrad to the SSAC on 18 March 2011.

Whereas, Mr. Conrad resigned from the SSAC on 01 August 2014.

Whereas, ICANN wishes to acknowledge and thank Mr. Conrad for his service to the community by his membership on the SSAC.

Resolved (2014.09.09.xx), that David Conrad has earned the deep appreciation of the Board for his service to ICANN by his membership on the SSAC, and that the Board wishes Mr. Conrad well in all future endeavours.

PROPOSED RATIONALE:

It is the practice of the SSAC to seek Board recognition of the service of Committee members upon their departure.

Submitted by: Ram Mohan
Position: Liaison to the ICANN Board from the Security and Stability Advisory Committee
Date Noted: 15 August 2014
Email: rmohan@afilias.info

ICANN BOARD SUBMISSION NO. 2014.09.09.1e

TITLE: **Appointment of 2015 Nominating Committee Chair and Chair-Elect**

PROPOSED ACTION: **For Board Approval – Consent Agenda**

EXECUTIVE SUMMARY:

The Board is being asked to consider the Board Governance Committee’s (BGC) recommendation with respect to the 2015 Nominating Committee (NomCom) Chair and Chair-Elect.

Following two calls for expressions of interest (EOI), the BGC reviewed and discussed the received EOIs and oversaw the completion of a 360-degree review of the 2014 NomCom leadership as input into the selection of 2015 the NomCom leadership positions. After the results of the 360-degree review were considered, and interviews of some of the candidates were completed, the BGC agreed on recommendations to the Board for the 2015 NomCom Chair and Chair-Elect.

BOARD GOVERNANCE COMMITTEE RECOMMENDATION:

The BGC recommends that the Board appoint [INSERT NAME HERE] as the 2015 NomCom Chair and [INSERT NAME HERE] as the 2015 NomCom Chair-Elect.

PROPOSED RESOLUTION:

Whereas, the BGC reviewed the Expressions of Interest from candidates for the 2014 Nominating Committee (“NomCom”) Chair and Chair-Elect, considered the results of a 360-degree evaluation of the 2014 NomCom leadership.

Resolution Text Superseded

Resolution Text Superseded

PROPOSED RATIONALE:

Rationale Text Superseded

Appointing a NomCom Chair and Chair-Elect identified through a public EOI process positively affects the transparency and accountability of ICANN, as well as supports the public interest. Adopting the BGC's recommendation has no financial impact on ICANN that was not otherwise anticipated, and will not negatively impact the security, stability and resiliency of the domain name system.

Submitted by: Amy A. Stathos
Position: Deputy General Counsel
Date Noted: 22 August 2014
Email: amy.stathos@icann.org

Pages 11/73 thru 29/73 Redacted
Privileged and Confidential

ICANN BOARD PAPER NO. 2014.09.09.2a

TITLE: **FY15 Budget Approval**
PROPOSED ACTION: **For Board Discussion and Approval**

EXECUTIVE SUMMARY:

As per required by the Article XVI, Section 4 of the ICANN Bylaws, the FY15 Operating Plan and Budget has been developed by ICANN staff and was posted for public comment and discussion. Since the initial posting on 8 May 2014, significant changes were made to the draft FY14 Operating Plan and Budget, resulting from staff analysis and public input. In addition, other consultations were held with staff, Board and community members. All of the comments have been taken into consideration, and when appropriate and feasible have been adopted, and a final FY15 Operating Plan and Budget has been developed. Per the Bylaws, the FY15 Operating Plan and Budget must be adopted by the Board and then posted on ICANN's website.

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

BOARD FINANCE COMMITTEE (BFC) RECOMMENDATION:

The BFC has recommended that the Board approve the FY15 Operating Plan and Budget (see Attachment [FY15 Operating plan and Budget Final.ppt] to the Reference Materials for this Board Submission).

PROPOSED RESOLUTION:

Whereas, the draft FY15 Operating Plan and Budget was posted for public comment in accordance with the Bylaws on 8 May 2014, which was based upon community consultations, and consultations throughout ICANN staff and the Board Finance Committee, during the past fiscal year.

Whereas, intervening activities and comments received from the public comment forum were taken into account to determine significant revisions to the 8 May 2014 draft FY15 Operating Plan and Budget.

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

Whereas, the Board Finance Committee has discussed, and guided staff on, the development of the FY15 Operating Plan and Budget at each of its recent regularly scheduled meetings.

Whereas, the Board Finance Committee met on 19 August 2014 to discuss the final draft FY15 Operating Plan and Budget, and recommended that the Board adopts the FY15 Operating Plan and Budget.

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

Whereas, the description of the Registrar fees, including the recommended Registrar Variable Accreditation Fees, for FY15 has been included in the FY15 Operating Plan and Budget.

Resolved (2014.09.09.xx), the Board adopts the FY15 Operating Plan and Budget and in doing so establishes the Variable Accreditation Fees (per registrar and transaction) as set forth in the FY15 Operating Plan and Budget.

PROPOSED RATIONALE:

In accordance with Article XVI, Section 4 of the ICANN Bylaws, the Board is to adopt an annual budget and publish it on the ICANN website. On 8 May 2014, a draft the FY15 Operating Plan and Budget was posted for public comment. This version was based on numerous discussions with members of the Executive team, and extensive consultations with ICANN Supporting Organizations, Advisory Committees, and other

stakeholder groups throughout the prior several months. Intervening activities, and comments received from the public comment forum resulted in some limited but significant revisions to the 8 May 2014 draft FY15 Operating Plan and Budget.

All comments received in all manners were considered in developing the final version of the FY15 Operating Plan and Budget, and where feasible and appropriate have been adopted.

In addition to the day-to-day operational requirements, the FY15 Operating Plan and Budget includes the FY15 new gTLD budget items and amounts allocated to various FY15 budget requests received from community leadership. The annual budget also discloses the impacts of the new gTLD program. Further, because the Registrar Variable Accreditation Fee is key to the development of the budget, the FY15 Operating Plan and Budget sets out and establishes those fees, which are consistent with recent years, and will be reviewed for approval by the Registrars.

This FY15 Operating Plan and Budget will have a positive impact in that it provides a proper framework by which ICANN will be managed and operated. It also provides the basis for the organization to be held accountable in a transparent manner. This will have a fiscal impact on ICANN and the community as is intended. This should not have anything but a positive impact on the security, stability and resiliency of the domain name system (DNS) with respect to any funding that is dedicated to those aspects of the DNS.

Submitted By:	Xavier Calvez, Chief Financial Officer
Date Noted:	15 August 2014
Email:	xavier.calvez@icann.org

ICANN BOARD PAPER NO. 2014.09.09.2b

TITLE: **Registry Services Technical Evaluation Panel (RSTEP) Report on Public Interest Registry's Request to Implement Technical Bundling in .NGO and .ONG**

PROPOSED ACTION: **For Resolution**

EXECUTIVE SUMMARY:

Brief Summary

The Board is being asked to approve Public Interest Registry's (PIR) request to offer a new registry service to offer "technical bundling" of second-level domain names for the .NGO and .ONG top-level domains. Because of the potential significant security and stability issues raised by PIR's request, the request was the subject of review by the Registry Services Technical Evaluation Panel (RSTEP), which found that PIR's proposed registry service does not create a reasonable risk of a meaningful adverse effect on security and stability (as defined in the Registry Services Evaluation Policy (RSEP)¹). The RSTEP and staff, however, identified complex technical and implementation questions related to the request. Staff is recommending that the Board adopt the findings in the RSTEP report, and approve PIR's request on the condition that the additional technical and implementation questions are appropriately addressed prior to PIR implementing the new registry service. The net effect of the recommended Board action is that the RSEP request is approved because it doesn't pose the security and stability risks as specifically defined in the policy. However, PIR would not be able to offer technical bundling service until the complex technical and implementation questions are appropriately addressed.

Background

This briefing paper is provided to assist the Board as it considers taking action on a request for a new registry service submitted per the Registry Services Evaluation Policy (RSEP) by Public Interest Registry (PIR).

¹ See definition of "Security" and "Stability" in Footnotes 2 and 3.

On 12 March 2014, PIR submitted an RSEP [request](#) expressing its intent to offer support for mandatory “technical bundling” of second-level domain names for .NGO and .ONG. The proposal provides an explanation of the proposed technical bundling, the implementation of the EPP commands, the handling of DNSSEC, the handling of second-level IDN variants, and WHOIS service. As described in PIR’s request, a “technical bundle” is a set of two domain names in different TLDs, with identical second level labels that share several parameters, such as Registration and Expiry Dates, Registrant, Admin, Billing, and Technical Contacts, and Domain Status. A copy of PIR’s request is included in the Reference Materials.

ICANN staff made a preliminary determination that the proposed PIR registry service could raise significant security and stability issues and therefore required further evaluation by the Registry Services Technical Evaluation Panel (RSTEP). After consultation with PIR, ICANN staff referred the RSEP request to the RSTEP for further evaluation and posted the RSEP request for [public comment](#), for which no public comments were received.

On 24 July 2014, the [RSTEP report](#) was delivered to the ICANN community. A copy of the RSTEP report is included in the Reference Materials. Overall, the RSTEP concluded the following:

“Our technical evaluation of this proposed registry service with respect to the likelihood and materiality of effects on security and stability concludes that it does not create a reasonable risk of a meaningful adverse effect on security and stability. This finding is predicated on PIR demonstrating to ICANN’s satisfaction throughout the lifetime of the service that PIR is capable of operating the service as it is specified in the combination of registry service application and the answers to the questions asked by the review team.”

In addition to the RSTEP’s overall findings with respect to the likelihood and materiality of effects on security and stability, the RSTEP review team also “identified and analyzed many real but less critical potential stability issues” in order to “present a complete analysis of the issues facing all parties affected by PIR’s proposal” (e.g., registrants of .NGO and .ONG domain names, users of the DNS who look up names in those zones, registrars, users of the DNS as a whole, and PIR itself). To this end the

RSTEP report identified considerations such as setting user expectations and ICANN staff taking additional actions to address the broader implications of the registry service. For example, the RSTEP report suggested ICANN staff consider implementing a requirement on all contracted TLDs that support DNSSEC to perform a DNSKEY record check in the child zone that has a corresponding DS record in the parent zone.

Under the RSEP, the RSTEP report is required to be posted for [public comment](#) on the ICANN website and provided to the ICANN Board. The Board has 30 calendar days to reach a decision. The Board may decide to 1) approve the request, 2) decline the request, or 3) defer the request for more information. In the event the Board reasonably determines that the proposed registry service creates a reasonable risk of a meaningful adverse effect on stability or security, the registry operator will not offer the proposed Registry Service.

Although the RSTEP report found no technical Security² and Stability³ issues as defined within the limited scope of RSEP, there are unanswered questions related to the implementation of the PIR request. The Board may wish to consider the following technical and implementation issues as part of its deliberations on the new registry service proposed by PIR:

- Little, if any, analysis has been performed on the implications of “unbundling”, that is if at some point in the future, the decision is made by PIR (or a successor registry) to remove the explicit association between .NGO and .ONG. Given this lack of analysis, additional implementation process steps should be

² Under the RSEP, an effect on “security” means: “(A) the unauthorized disclosure, alteration, insertion or destruction of Registry Data, or (B) the unauthorized access to or disclosure of information or resources on the Internet by systems operating in accordance with all applicable standards.”

³ Under the RSEP, an effect on “stability” means “(A) that the proposed Registry Service is not compliant with applicable relevant standards that are authoritative and published by a well-established, recognized and authoritative standards body, such as relevant Standards-Track or Best Current Practice RFCs sponsored by the IETF or (B) creates a condition that adversely affects the throughput, response time, consistency or coherence of responses to Internet servers or end systems, operating in accordance with applicable relevant standards that are authoritative and published by a well-established, recognized and authoritative standards body, such as relevant Standards-Track or Best Current Practice RFCs and relying on Registry Operator's delegation information or provisioning services.

established describing under what conditions unbundling may be necessary and in such cases how it may be accomplished;

- Implicit in the PIR proposal is an assertion that the contents of the .NGO and .ONG domains are “the same” (hence they are bundled together)⁴, however there is no mechanism by which this similarity can be enforced at all levels within the DNS, nor will applications such as web servers, mail servers, etc., understand that .NGO and .ONG domains should be treated identically without explicit configuration. This may lead to confusion both by client end users (e.g., “why does EXAMPLE.SOMETHING.ONG resolve when EXAMPLE.SOMETHING.NGO doesn’t?”) and by registrants (“why do I have to configure my web server to understand every third-level domain for both my second-level domain in .NGO *and* .ONG?”). ICANN staff does not believe this potential for confusion has been addressed within the PIR proposal;
- The label similarity issue, specifically two labels are interpreted culturally, linguistically, or otherwise to be “the same” even though the strings that make up those labels are different may be viewed as functionally equivalent to a component of the “IDN variant” issue. While “technical bundling” may be one potential solution to this component of the IDN variant issue, the community has been working on solutions to this issue for a number of years and full resolution has not yet been reached. It is possible the community working on the IDN variant issue will view an acceptance of the technical bundling of .NGO and .ONG as an inappropriate “end run” around the implementation processes being established for the handling of variants; and
- Technical bundling is being considered as a potential solution to address IDN variants, however the community has not developed a framework for its use nor approved this approach for implementation. Acceptance of the PIR proposal, and going forward without further community input on technical bundling, particularly from the communities involved in developing technical bundling solutions for IDN variants, may raise concerns with IDN variant applicants and

⁴ See <http://pir.org/domains/ngo-ong-domain/>, the “For Global Reach” section.

other interested community members who would want discussion on this topic for the implementation of IDN variant TLDs.

STAFF RECOMMENDATION:

Based on the report of the RSTEP, which evaluated PIR’s proposed new registry service with respect to the likelihood and materiality of effects on security and stability (as those terms are defined in the RSEP), staff recommends that the Board approve PIR’s request given that the RSTEP found that the new registry services does not create a reasonable risk of a meaningful adverse effect on security and stability. In light of the other technical and implementation issues highlighted above, however, ICANN staff recommends that as part of implementation of the new registry service, including any contract negotiations with PIR on an amendment to its Registry Agreements to implement the registry service, the additional technical and implementation questions be appropriately addressed prior to implementing the new registry service. The technical and implementation questions to be addressed include the following:

- 1) What assurances, if any, can be provided to ensure at some future point in time its “technically bundled” top-level domains won’t become “unbundled”? If no assurances can be provided, what steps will be taken to minimize security and stability concerns, as well as operational concerns such as EBERO intervention, that result from the unbundling of technically bundled top-level domains?
- 2) What solution(s), if any, should be proposed to address potential registrant or end user confusion relating to names below the second level in technically bundled domains? That is, what steps will be taken to either ensure third, fourth, etc., level domains are equivalent in both of its technically bundled top-level domains or, alternatively, communicate to registrants and end users that equivalency of full domain names should not be assumed despite the bundling at the second-level?
- 3) What distinction, if any, can be made between the equivalency between .NGO and .ONG and the equivalency being discussed within the IDN “variant” community?

PROPOSED RESOLUTION:

Whereas, on 12 March 2014, Public Interest Registry (PIR) submitted a Registry Services Evaluation Policy (RSEP) [request](#) to offer mandatory technical bundling of second level domain names for .NGO and .ONG under Exhibit-A of each respective Registry Agreement.

Whereas, on 21 May 2014, ICANN staff [posted](#) the RSEP request for public information and conducted its review of the request under the RSEP.

Whereas, on 4 June 2014, ICANN staff's preliminary determination did not identify any significant competition issues. However, ICANN staff determined that the proposed registry service might raise significant stability or security issues, and [informed](#) PIR of the need to refer the proposal to the Registry Services Technical Evaluation Panel (RSTEP) for further evaluation.

Whereas, on 6 June 2014, ICANN [referred PIR's RSEP request](#) to the RSTEP for further evaluation.

Whereas, on 10 June 2014, ICANN posted PIR's RSEP request for [public comment](#). The public comment concluded on 30 July 2014 and no public comments were received.

Whereas, on 29 July 2014, the RSTEP report was posted for [public comment](#). The public comment period concluded on 13 August 2014 and no public comments were received.

Whereas, the RSTEP report concluded that from a technical evaluation perspective, the proposal does not create "a reasonable risk of a meaningful adverse effect on stability or security" as defined in the RSEP Policy related to the introduction of the registry service to support the mandatory technical bundling of second level domain names for .NGO and .ONG. The RSTEP report and staff also identified several potential technical and implementation questions associated with introducing the proposed new registry service to the DNS, including: implications of unbundling of .NGO and .ONG; potential registrant and/or end user confusion; equivalency issues being discussed within the context of IDN variants; and other operational concerns.

Resolved (2014.09.09.xx), the Board adopts the findings in the RSTEP report that PIR's proposal does not create "a reasonable risk of a meaningful adverse effect on stability or security", and approves PIR's request related to the introduction of the registry service to support the mandatory technical bundling of second level domain names for .NGO and .ONG.

Resolved (2014.09.09.xx), the Board authorizes the President and CEO, or his designee(s), to develop an amendment to implement the new registry service that takes into account and appropriately addresses the related outstanding technical and implementation questions.

PROPOSED RATIONALE:

Why is the Board addressing the issue?

On 12 March 2014, Public Interest Registry (PIR), the registry operator for .NGO and .ONG TLDs, submitted a request to provide a new registry service to offer support for mandatory technical bundling of second level domains for .NGO and .ONG. The proposal provides an explanation of the proposed technical bundling, the implementation of the EPP commands, the handling of DNSSEC, handling of second-level IDN variants, and WHOIS service. The proposal, which was submitted through the Registry Services Evaluation Policy (RSEP) process, was referred to the Registry Services Technical Evaluation Panel (RSTEP) and the RSEP proposal and RSTEP report were respectfully opened for public comment as required by the RSEP.

Pursuant to Section 2.7 of the Registry Services Evaluation Policy (RSEP), the Board had 30 calendar days following receipt of the Registry Services Technical Evaluation Panel's report on 24 July 2014 to reach a decision. The Board could decide to 1) approve the request, 2) decline the request, or 3) defer the request for more information.

What is the proposal being considered?

The Board's action today is to take action on the report of the RSTEP, which evaluated the security and stability issues that may be associated with PIR's RSEP request to implement a new registry service to allow for mandatory "technical bundling" of second level domain names. PIR's request states, "[a] Technical Bundle is a set of two

domain names in different TLDs, with identical second level labels for which the following parameters are shared:

- Registrar Ownership
- Registration and Expiry Dates
- Registrant, Admin, Billing, and Technical Contacts
- Name Server Association
- Domain Status
- Applicable grace periods (Add Grace Period, Renewal Grace Period, Auto-Renewal Grace Period, Transfer Grace Period, and Redemption Grace Period)
- And for which at least the following parameters are unique: ‘DS records as required based on RFC 5910.’”

Which stakeholders or others were consulted?

ICANN staff initiated a public comment forum from 10 June 2014 to 8 July 2014, inviting the community to provide feedback on PIR’s RSEP proposal. During the public comment period, no comments were received. The final report of public comments can be found at: <https://www.icann.org/public-comments/tech-bundling-2014-06-10-en>.

Additionally, the RSTEP review team was consulted to conduct a technical evaluation of the proposed registry service with respect to the likelihood and materiality of effects on security and stability, including whether the proposed registry service would create a reasonable risk of a meaningful adverse effect on security or stability. On 24 July 2014, the [RSTEP report](#) was delivered to the ICANN community. ICANN initiated a public comment forum from 29 July 2014 to 5 August 2014, inviting the community to provide feedback on the RSTEP report. During the public comment period, no comments were received. The final report of public comments can be found at: <https://www.icann.org/public-comments/rstep-technical-bundling-2014-07-29-en>.

What concerns or issues were raised by the community?

No comments were provided for the RSEP proposal public comment period and the RSTEP report public comment period. However, the following technical and implementation issues were identified in the report of the RSTEP and by ICANN, which will need to be addressed by PIR [and/or the community] as part of the development of an amendment to the .NGO and .ONG Registry Agreements to implement the new registry service:

- Analysis on the implications of “unbundling”, that is if at some point in the future, the decision is made by PIR (or a successor registry) to remove the explicit association between .NGO and .ONG.
- Implicit in the PIR proposal is an assertion that the contents of the .NGO and .ONG domains are “the same” (hence they are bundled together), however there is no mechanism by which this similarity can be enforced at all levels within the DNS, nor will applications such as web servers, mail servers, etc., understand that .NGO and .ONG domains should be treated identically without explicit configuration. This may lead to confusion both by client end users (e.g., “why does EXAMPLE.SOMETHING.ONG resolve when EXAMPLE.SOMETHING.NGO doesn’t?”) and by registrants (“why do I have to configure my web server to understand every third-level domain for both my second-level domain in .NGO *and* .ONG?”). Additional information is needed to address this potential for confusion within the PIR proposal;
- The label similarity issue, specifically two labels are interpreted to be “the same” even though the strings that make up those labels are different, implicit in the PIR proposal, of which bundling is a potential solution, can and likely will be viewed as functionally equivalent to a component of the “IDN variant” issue. The community has been working on solutions to the variant issue for a number of years and full resolution has not yet been reached. It is possible the community working on the variant issue will view an acceptance of the technical bundling of .NGO and .ONG as an inappropriate “end run” around the policies and processes being established for the handling of variants; and
- Technical bundling is being considered as a potential solution to address IDN variants, however the community has not developed a framework for its use nor

approved this approach for implementation. Acceptance of the PIR proposal, and going forward without further community input on technical bundling, may raise concerns with IDN variant applicants and other interested community members who would want discussion on this topic for the implementation of IDN variant TLDs.

What significant materials did the Board review? What factors did the Board find to be significant?

The Board reviewed several materials in taking its action today. The Board also considered several significant factors during its deliberations about whether or not to approve the request. The significant materials and factors that the Board considered as part of its deliberations, included, but are not limited to the following:

- [PIR's Registry Service Evaluation Policy \(RSEP\) Request](#) (12 March 2014)
- [Letter to Public Interest Registry](#) (4 June 2014)
- [Letter from Public Interest Registry](#) (5 June 2014)
- [Letter to RSTEP](#) (6 June 2014)
- [Public Comment on RSEP Proposal](#) (10 June 2014)
- [RSTEP Report on Internet Security and Stability Implications of the PIR Technical Bundling Proposal](#) (24 July 2014)
- [Public Comment on RSTEP Report](#) (29 July 2014)

Are there positive or negative community impacts? Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community, and/or public? Are there any security, stability or resiliency issues relating to the DNS?

PIR identified that the benefits of introducing the mandatory technical bundling would be two-fold: (1) it eliminates the likelihood of public confusion that reasonably may ensue if different gTLD entities were able to register the same second-level domain and

(2) it provides the registrant with a defensive registration to ensure that the gTLD is able to focus on its mission and outreach in a transparent and effective manner. However, additional information is needed to understand additional potential impacts on the community associated with the broader implications of this service when introduced to the DNS.

The eventual implementation of this registry service may have a fiscal impact on ICANN, the community or the public, as there may be additional costs associated with the broader implications of this registry service.

The RSTEP report identified the technical evaluation of this proposed registry service with respect to the likelihood and materiality of effects on security and stability concludes that it does not create a reasonable risk of a meaningful adverse effect on security and stability.

Various communities, in particular those interested in IDN variants, have been working on solutions to label similarity issues, of which the technical bundling of .NGO and .ONG is an example, for a number of years and full resolution has not yet been reached. It is possible those communities would be able to provide insights in resolving the similarity questions and consultations with those communities may be appropriate.

Is this either a defined policy process within ICANN's Supporting Organization or ICANN's Organizational Administrative Function decision requiring public comment or not requiring public comment?

The Registry Services Evaluation Policy is an ICANN consensus policy, effective as of 15 August 2006. Consistent with the policy on 29 July 2014, the RSTEP report was posted for [public comment](#). The public comment period concluded on 13 August 2014 and no public comments were submitted. Additionally, on 10 June 2014, ICANN posted PIR's RSEP request for [public comment](#). The public comment concluded on 30 July 2014 and no public comments were submitted.

Signature Block:

Submitted by: Akram Atallah

Position: President, Global
Domains Division

Date Noted: 20 August 2014

Email: akram.atallah@icann.org

Pages 45/73 thru 48/73 Redacted
Item Removed From Agenda



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1. Consent Agenda:

a. Approval of Board Meeting Minutes

Resolved (2014.09.09.xx), the Board approves the minutes of the 30 July 2014 Meeting of the ICANN Board.

b. Acknowledgment of Second At-Large Summit Declaration

Resolution Text Superseded

Rationale for Resolution 2014.09.09.xx

The Second At-Large Summit (ATLAS II), which was made possible by the Board approving a special budget for the event, resulted in the production of the ATLAS II Declaration. This Declaration was sent to Steve Crocker by Olivier Crépin-Leblond on 7 August 2014.

This document is the result of the work of approximately 150 At-Large Structures from 70 countries meeting face to face in London in June 2014.

The Declaration includes the work of all of the 5 ATLAS II Thematic Working Groups:

- Thematic Group 1 (TG1): Future of Multi-Stakeholder Models
- Thematic Group 2 (TG2): The Globalization of ICANN
- Thematic Group 3 (TG3): Global Internet: The User Perspective
- Thematic Group 4 (TG4): ICANN Transparency and Accountability
- Thematic Group 5 (TG5): At-Large Community Engagement in ICANN

It contains 43 Recommendations both the ICANN Board, to ICANN and to the ALAC, referenced as R-1 to R-43. It also contains 10 Observations for the wider Internet Community, referenced as O-1 to O-10.

The At-Large community is currently beginning work on the implementation of the Recommendations and Observations through a special Taskforce.

The ALAC is seeking feedback on the Declaration from the wider ICANN community.

Rationale Text Superseded

c. Appointment of Benedict Addis to the Security & Stability Advisory Committee (SSAC)

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

Whereas, the SSAC Membership Committee, on behalf of the SSAC, requests that the Board should appoint Benedict Addis to the SSAC.

Resolved (2014.09.09.xx), that the Board appoints Benedict Addis to the SSAC.

Rationale for Resolution 2014.09.09.xx

The SSAC is a diverse group of individuals whose expertise in specific subject matters enables the SSAC to fulfill its charter and execute its mission. Since its inception, the SSAC has invited individuals with deep knowledge and experience in technical and security areas that are critical to the security and stability of the Internet's domain name and address system.

The SSAC's continued operation as a competent body is dependent on the accrual of talented subject matter experts who have consented to volunteer their time and energies to the execution of the SSAC mission. Benedict Addis is a technical officer in the Cyber and Forensics department of the Serious Organised Crime Agency (SOCA), a UK law enforcement body. He has a significant computer science and network security background, which is an integral part of his law enforcement responsibilities. He has been actively working on Internet abuse and Internet criminal activities for many years. Mr. Addis offers a valuable perspective to the SSAC regarding the intersection of government policy and law enforcement.

d. Thank You from the Security and Stability Advisory Committee (SSAC) to David Conrad

Whereas, the Board appointed David Conrad to the SSAC on 18 March 2011.

Whereas, Mr. Conrad resigned from the SSAC on 01 August 2014.

Whereas, ICANN wishes to acknowledge and thank Mr. Conrad for his service to the community by his membership on the SSAC.

Resolved (2014.09.09.xx), that David Conrad has earned the deep appreciation of the Board for his service to ICANN by his membership on the SSAC, and that the Board wishes Mr. Conrad well in all future endeavors.

Rationale for Resolution 2014.09.09.xx

It is the practice of the SSAC to seek Board recognition of the service of Committee members upon their departure.

e. Appointment of 2015 Nominating Committee Chair and Chair-Elect

Whereas, the BGC reviewed the Expressions of Interest from candidates for the 2014 Nominating Committee (“NomCom”) Chair and Chair-Elect, considered the results of a 360-degree evaluation of the 2014 NomCom leadership.

Resolution Text Superseded

Rationale for Resolutions 2014.09.09.xx – 2014.09.09.xx

Rationale Text Superseded

Appointing a NomCom Chair and Chair-Elect identified through a public EOI process positively affects the transparency and accountability of ICANN, as well as supports the public interest. Adopting the BGC's recommendation has no financial impact on ICANN that was not otherwise anticipated, and will not negatively impact the security, stability and resiliency of the domain name system.

f. Planning for Future gTLD Application Rounds

Resolution Not Considered, Privileged and Confidential

Pages 55/73 thru 58/73 Redacted

Resolution and Rationale Not Considered; Privileged and Confidential

Rationale Not Considered, Privileged and Confidential

2. Main Agenda:

a. FY15 Operating Plan and Budget

Whereas, the draft FY15 Operating Plan and Budget was posted for public comment in accordance with the Bylaws on 8 May 2014, which was based upon community consultations, and consultations throughout ICANN staff and the Board Finance Committee, during the past fiscal year.

Whereas, intervening activities and comments received from the public comment forum were taken into account to determine significant revisions to the 8 May 2014 draft FY15 Operating Plan and Budget.

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

Whereas, the Board Finance Committee has discussed, and guided staff on, the development of the FY15 Operating Plan and Budget at each of its recent regularly scheduled meetings.

Whereas, the Board Finance Committee met on 19 August 2014 to discuss the final draft FY15 Operating Plan and Budget, and recommended that the Board adopts the FY15 Operating Plan and Budget.

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

Whereas, the description of the Registrar fees, including the recommended Registrar Variable Accreditation Fees, for FY15 has been included in the FY15 Operating Plan and Budget.

Resolved (2014.09.09.xx), the Board adopts the FY15 Operating Plan and Budget and in doing so establishes the Variable Accreditation Fees (per registrar and transaction) as set forth in the FY15 Operating Plan and Budget.

Rationale for Resolution 2014.09.09.xx

In accordance with Article XVI, Section 4 of the ICANN Bylaws, the Board is to adopt an annual budget and publish it on the ICANN website. On 8 May 2014, a draft the FY15 Operating Plan and Budget was posted for public comment. This version was based on numerous discussions with members of the Executive team, and extensive consultations with ICANN Supporting Organizations, Advisory Committees, and other stakeholder groups throughout the prior several months. Intervening activities, and comments received from the public comment forum resulted in some limited but significant revisions to the 8 May 2014 draft FY15 Operating Plan and Budget.

All comments received in all manners were considered in developing the final version of the FY15 Operating Plan and Budget, and where feasible and appropriate have been adopted.

In addition to the day-to-day operational requirements, the FY15 Operating Plan and Budget includes the FY15 new gTLD budget items

and amounts allocated to various FY15 budget requests received from community leadership. The annual budget also discloses the impacts of the new gTLD program. Further, because the Registrar Variable Accreditation Fee is key to the development of the budget, the FY15 Operating Plan and Budget sets out and establishes those fees, which are consistent with recent years, and will be reviewed for approval by the Registrars.

This FY15 Operating Plan and Budget will have a positive impact in that it provides a proper framework by which ICANN will be managed and operated. It also provides the basis for the organization to be held accountable in a transparent manner. This will have a fiscal impact on ICANN and the community as is intended. This should not have anything but a positive impact on the security, stability and resiliency of the domain name system (DNS) with respect to any funding that is dedicated to those aspects of the DNS.

**b. Registry Services Technical Evaluation Panel (RSTEP)
Report on Public Interest Registry's Request to
Implement Technical Bundling in .NGO and .ONG**

Whereas, on 12 March 2014, Public Interest Registry (PIR) submitted a Registry Services Evaluation Policy (RSEP) request to offer mandatory technical bundling of second level domain names for .NGO and .ONG under Exhibit-A of each respective Registry Agreement.

Whereas, on 21 May 2014, ICANN staff posted the RSEP request for public information and conducted its review of the request under the RSEP.

Whereas, on 4 June 2014, ICANN staff's preliminary determination did not identify any significant competition issues. However, ICANN staff determined that the proposed registry service might raise significant stability or security issues, and informed PIR of the need to refer the

proposal to the Registry Services Technical Evaluation Panel (RSTEP) for further evaluation.

Whereas, on 6 June 2014, ICANN referred PIR's RSEP request to the RSTEP for further evaluation.

Whereas, on 10 June 2014, ICANN posted PIR's RSEP request for public comment. The public comment concluded on 30 July 2014 and no public comments were received.

Whereas, on 29 July 2014, the RSTEP report was posted for public comment. The public comment period concluded on 13 August 2014 and no public comments were received.

Whereas, the RSTEP report concluded that from a technical evaluation perspective, the proposal does not create "a reasonable risk of a meaningful adverse effect on stability or security" as defined in the RSEP Policy related to the introduction of the registry service to support the mandatory technical bundling of second level domain names for .NGO and .ONG. The RSTEP report and staff also identified several potential technical and implementation questions associated with introducing the proposed new registry service to the DNS, including: implications of unbundling of .NGO and .ONG; potential registrant and/or end user confusion; equivalency issues being discussed within the context of IDN variants; and other operational concerns.

Resolved (2014.09.09.xx), the Board adopts the findings in the RSTEP report that PIR's proposal does not create "a reasonable risk of a meaningful adverse effect on stability or security", and approves PIR's request related to the introduction of the registry service to support the mandatory technical bundling of second level domain names for .NGO and .ONG.

Resolved (2014.09.09.xx), the Board authorizes the President and CEO, or his designee(s), to develop an amendment to implement the new registry service that takes into account and appropriately addresses the related outstanding technical and implementation questions.

Rationale for Resolutions 2014.09.09.xx – 2014.09.09.xx

Why is the Board addressing the issue?

On 12 March 2014, Public Interest Registry (PIR), the registry operator for .NGO and .ONG TLDs, submitted a request to provide a new registry service to offer support for mandatory technical bundling of second level domains for .NGO and .ONG. The proposal provides an explanation of the proposed technical bundling, the implementation of the EPP commands, the handling of DNSSEC, handling of second-level IDN variants, and WHOIS service. The proposal, which was submitted through the Registry Services Evaluation Policy (RSEP) process, was referred to the Registry Services Technical Evaluation Panel (RSTEP) and the RSEP proposal and RSTEP report were respectfully opened for public comment as required by the RSEP.

Pursuant to Section 2.7 of the Registry Services Evaluation Policy (RSEP), the Board had 30 calendar days following receipt of the Registry Services Technical Evaluation Panel's report on 24 July 2014 to reach a decision. The Board could decide to 1) approve the request, 2) decline the request, or 3) defer the request for more information.

What is the proposal being considered?

The Board's action today is to take action on the report of the RSTEP, which evaluated the security and stability issues that may be associated with PIR's RSEP request to implement a new registry service to allow for mandatory "technical bundling" of second level

domain names. PIR's request states, “[a] Technical Bundle is a set of two domain names in different TLDs, with identical second level labels for which the following parameters are shared:

- Registrar Ownership
- Registration and Expiry Dates
- Registrant, Admin, Billing, and Technical Contacts
- Name Server Association
- Domain Status
- Applicable grace periods (Add Grace Period, Renewal Grace Period, Auto-Renewal Grace Period, Transfer Grace Period, and Redemption Grace Period)
- And for which at least the following parameters are unique: ‘DS records as required based on RFC 5910.’”

Which stakeholders or others were consulted?

ICANN staff initiated a public comment forum from 10 June 2014 to 8 July 2014, inviting the community to provide feedback on PIR’s RSEP proposal. During the public comment period, no comments were received. The final report of public comments can be found at: <https://www.icann.org/public-comments/tech-bundling-2014-06-10-en>.

Additionally, the RSTEP review team was consulted to conduct a technical evaluation of the proposed registry service with respect to the likelihood and materiality of effects on security and stability, including whether the proposed registry service would create a reasonable risk of a meaningful adverse effect on security or stability. On 24 July 2014, the [RSTEP report](#) was delivered to the ICANN community. ICANN initiated a public comment forum from 29 July 2014 to 5 August 2014, inviting the community to provide feedback on the RSTEP report. During the public comment period, no

comments were received. The final report of public comments can be found at: <https://www.icann.org/public-comments/rstep-technical-bundling-2014-07-29-en>.

What concerns or issues were raised by the community?

No comments were provided for the RSEP proposal public comment period and the RSTEP report public comment period. However, the following technical and implementation issues were identified in the report of the RSTEP and by ICANN, which will need to be addressed by PIR [and/or the community] as part of the development of an amendment to the .NGO and .ONG Registry Agreements to implement the new registry service:

- Analysis on the implications of “unbundling”, that is if at some point in the future, the decision is made by PIR (or a successor registry) to remove the explicit association between .NGO and .ONG.
- Implicit in the PIR proposal is an assertion that the contents of the .NGO and .ONG domains are “the same” (hence they are bundled together), however there is no mechanism by which this similarity can be enforced at all levels within the DNS, nor will applications such as web servers, mail servers, etc., understand that .NGO and .ONG domains should be treated identically without explicit configuration. This may lead to confusion both by client end users (e.g., “why does EXAMPLE.SOMETHING.ONG resolve when EXAMPLE.SOMETHING.NGO doesn’t?”) and by registrants (“why do I have to configure my web server to understand every third-level domain for both my second-level domain in .NGO *and* .ONG?”). Additional information is needed to address this potential for confusion within the PIR proposal;

- The label similarity issue, specifically two labels are interpreted to be “the same” even though the strings that make up those labels are different, implicit in the PIR proposal, of which bundling is a potential solution, can and likely will be viewed as functionally equivalent to a component of the “IDN variant” issue. The community has been working on solutions to the variant issue for a number of years and full resolution has not yet been reached. It is possible the community working on the variant issue will view an acceptance of the technical bundling of .NGO and .ONG as an inappropriate “end run” around the policies and processes being established for the handling of variants; and
- Technical bundling is being considered as a potential solution to address IDN variants, however the community has not developed a framework for its use nor approved this approach for implementation. Acceptance of the PIR proposal, and going forward without further community input on technical bundling, may raise concerns with IDN variant applicants and other interested community members who would want discussion on this topic for the implementation of IDN variant TLDs.

What significant materials did the Board review? What factors did the Board find to be significant?

The Board reviewed several materials in taking its action today. The Board also considered several significant factors during its deliberations about whether or not to approve the request. The significant materials and factors that the Board considered as part of its deliberations, included, but are not limited to the following:

- [PIR’s Registry Service Evaluation Policy \(RSEP\) Request](#) (12 March 2014)

- [Letter to Public Interest Registry](#) (4 June 2014)
- [Letter from Public Interest Registry](#) (5 June 2014)
- [Letter to RSTEP](#) (6 June 2014)
- [Public Comment on RSEP Proposal](#) (10 June 2014)
- <https://www.icann.org/en/system/files/files/rstep-technical-bundling-proposal-redacted-24jul14-en.pdf> [RSTEP Report on Internet Security and Stability Implications of the PIR Technical Bundling Proposal](#) (24 July 2014)
- [Public Comment on RSTEP Report](#) (29 July 2014)

Are there positive or negative community impacts? Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community, and/or public? Are there any security, stability or resiliency issues relating to the DNS?

PIR identified that the benefits of introducing the mandatory technical bundling would be two-fold: (1) it eliminates the likelihood of public confusion that reasonably may ensue if different gTLD entities were able to register the same second-level domain and (2) it provides the registrant with a defensive registration to ensure that the gTLD is able to focus on its mission and outreach in a transparent and effective manner. However, additional information is needed to understand additional potential impacts on the community associated with the broader implications of this service when introduced to the DNS.

The eventual implementation of this registry service may have a fiscal impact on ICANN, the community or the public, as there may be additional costs associated with the broader implications of this registry service.

The RSTEP report identified the technical evaluation of this proposed registry service with respect to the likelihood and materiality of effects on security and stability concludes that it does not create a reasonable risk of a meaningful adverse effect on security and stability.

Various communities, in particular those interested in IDN variants, have been working on solutions to label similarity issues, of which the technical bundling of .NGO and .ONG is an example, for a number of years and full resolution has not yet been reached. It is possible those communities would be able to provide insights in resolving the similarity questions and consultations with those communities may be appropriate.

Is this either a defined policy process within ICANN’s Supporting Organization or ICANN’s Organizational Administrative Function decision requiring public comment or not requiring public comment?

The Registry Services Evaluation Policy is an ICANN consensus policy, effective as of 15 August 2006. Consistent with the policy on 29 July 2014, the RSTEP report was posted for [public comment](#). The public comment period concluded on 13 August 2014 and no public comments were submitted. Additionally, on 10 June 2014, ICANN posted PIR’s RSEP request for [public comment](#). The public comment concluded on 30 July 2014 and no public comments were submitted.

Item Removed From Agenda

Item Removed From Agenda

Item Removed From Agenda

d. AOB

Directors and Liaisons,

Attached below please find the Notice of date and time for a Regular Meeting of the ICANN Board of Directors:

9 September 2014 – Regular Meeting of the ICANN Board of Directors - at 13:45 UTC (4:45pm in Istanbul, Turkey) – This Board meeting is estimated to last 1 hour.

<http://www.timeanddate.com/worldclock/fixeditime.html?msg=Regular+Meeting+of+the+ICANN+Board&iso=20140909T1645&p1=107&ah=1>

Some other time zones:

9 September 2014 – 6:45am PDT Los Angeles

9 September 2014 – 9:45am EDT Washington, D.C.

9 September 2014 – 3:45 CEST Brussels

Consent Agenda

- 1. Approval of Minutes from 30 July 2014 Board Meeting**
- 2. Acknowledgment of Second At-Large Summit Declaration**
- 3. Appointment of Benedict Addis to the Security & Stability Advisory Committee (SSAC)**
- 4. Thank You from the Security and Stability Advisory Committee (SSAC) to David Conrad**
- 5. Appointment of 2015 Nominating Committee Chair and Chair-Elect**
- 6. Planning for Future gTLD Application Rounds**

Main Agenda

- 1. FY15 Operating Plan and Budget**

2. Registry Services Technical Evaluation Panel (RSTEP) Report on Public Interest Registry's Request to Implement Technical Bundling in .NGO and .ONG
3. Final Draft of the ICANN Five-Year Strategic Plan (FY16-FY20)
4. AOB

Note: [Link to BoardVantage Materials](#)

If you have trouble with access, please let us know and we will work with you to assure that you can use the BoardVantage Portal for this meeting.

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

If call information is required, it will be distributed separately

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

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