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ICANN BOARD PAPER NO. 2024.05.05.1b
(Subject to BFC Approval)

TITLE:	**IT Outsource Contract Extension**
PROPOSED ACTION:	**For Board Consideration and Approval**

EXECUTIVE SUMMARY:

Since November 2014, following a request for proposal (RFP) process and ICANN Board approval, ICANN organization (org) has engaged an expert third-party outsourcing firm to augment ICANN's IT capacity. To date, ICANN org continues to have a need for augmented IT capacity in areas including, but not limited to, third-party software development, quality assurance and content management support. In addition, augmented IT capacity brings flexibility, ability to ramp up/down or change skill sets quickly, a talent pool otherwise difficult to hire locally for a fraction of the cost and a 16 hour a day coverage over time zones to support the global staff and community.

To date, the current IT outsourcing firm has provided good service at a competitive rate. ICANN org is now seeking a further extension of the contract with the current IT outsourcing firm from May 2024 through April 2025 (12 months), with a total cost not to exceed Confidential Negotiation Information Because the contract is for more than US$500,000, under ICANN's Contracting and Disbursement Policy the Board is required to approve entering into the contract.

ICANN ORGANIZATION AND BOARD FINANCE COMMITTEE (BFC) RECOMMENDATION *(Subject to BFC Approval)*:

Both ICANN organization and the BFC recommend that the Board authorizes the Interim President and CEO, or her designee(s), to take all necessary actions to enter into, and make disbursement in furtherance of, an extended contract, for the period May 2024 through April 2025 (12 months) with the current expert third-party IT outsourcing firm, with a total cost not to exceed Confidential Negotiation Information

PROPOSED RESOLUTION:

Whereas, ICANN organization has a need for continued third-party development, quality assurance and content management support to augment its IT capacity.

Whereas, the current firm has provided quality services in software engineering, quality assurance, and content management over the last several years.

Resolved (2024.05.05.XX), the Board authorizes the Interim President and CEO, or her designee(s), to enter into, and make disbursement in furtherance of, a further extended contract with current IT outsourcing firm for a term of 12 months with a total cost not to exceed Confidential Negotiation Information

Resolved (2024.05.05.xx), specific items within this resolution shall remain confidential for negotiation purposes pursuant to Article 3, section 3.5(b) of the ICANN Bylaws until the Interim President and CEO determines that the confidential information may be released.

PROPOSED RATIONALE:

In November 2014, following ICANN Board approval, ICANN organization (org) engaged an expert third party outsourcing firm to augment ICANN's IT capacity. The preferred and current IT outsourcing firm was selected following the RFP process in 2014 and again in 2017. This led to multiple consecutive contract renewals, with the current contract extended through April 2024.

Confidential Negotiation Information

In addition, the relationship with the current IT outsourcing firm has been beneficial to ICANN org and overall has been a success in augmenting ICANN's IT capacity in areas of software engineering, service maintenance, quality assurance and content management.

These services are part of ICANN's IT ongoing operations and the need to augment the ICANN's IT capacity for these services continues.

As explained above, there is a natural continuation of previous work carried out by the IT outsourcing service provider. The current IT outsourcing firm has maintained good service and competitive rates through every past renewal with limited rate increases withstanding global inflation.

Confidential Negotiation Information

Accordingly, both ICANN organization and the BFC recommended that the Board authorize the organization to enter into, and make disbursement in furtherance of, an extended contract with the current IT outsourcing firm, covering the period of May 2024 through April 2025 (12 months), with a total cost not to exceed Confidential Negotiation Information

This decision is in the furtherance of ICANN's mission and the support of public interest to support the security, stability and resiliency of the domain name system by ensuring that there is a fully resourced engineering and IT team able to support the organization in a fiscally responsible and accountable manner.

This decision will have a fiscal impact, but the impact has already been accounted for in the FY25 budget and will be for future budgets as well.

As noted above, this action is intended to have a positive impact on the

security, stability and resiliency of the domain name system.

This is an Organizational Administrative Function that does not require public comment.

Submitted by:	Andre Abed
Position:	VP, Relationship & Delivery Management and Interim Head of Engineering and IT
Date Noted:	22 April 2024
Email:	andre.abed@icann.org

ICANN BOARD PAPER NO. 2024.05.05.2a

TITLE:	**ICANN FY25-29 Operating and Financial Plan and ICANN FY25 Operating Plan and Budget Approval**
	IANA FY25 Operating Plan and Budget Approval
PROPOSED ACTION:	**For Board Consideration and Approval**

EXECUTIVE SUMMARY:

As required by Article 22, Sections 22.4 (a) and (b) and 22.5 (a) of the Bylaws, on 12 December 2023, the Internet Corporation for Assigned Names and Numbers (ICANN) posted for public comment the Draft ICANN FY25-29 Operating and Financial Plan, Draft ICANN FY25 Operating Plan and Budget and the Draft FY25 IANA Operating Plan and Budget. All of the received comments have been taken into consideration, and where appropriate and feasible, have been incorporated into the ICANN FY25-29 Operating and Financial Plan, the ICANN FY25 Operating Plan and Budget and the IANA FY25 Operating Plan and Budget. In addition, based on the latest funding projections, ICANN has reduced the projected annual funding in its "base" scenario from US$148 million in the draft ICANN FY25-29 Operating and Financial Plan published for public comment to US$145 million in the plans submitted herein for Board adoption. ICANN held two community webinars to present the revised plans, answer questions and receive comments from participants. The Registrar Accreditation Fees and Variable Accreditation Fees are set forth in the ICANN FY25 Operating Plan and Budget, as per section 3.9 of the Registrar Accreditation Agreements.

In addition to the adoption of the FY25 Operating Plan and Budget, ICANN is seeking approval to end FY24 with a deficit (i.e., higher expense than funding) in ICANN Operations (the ongoing activities performed to coordinate the Internet's technical functions, the coordination of the development and implementation of policies concerning the registration of second-level domain names in generic top-level domains (gTLDs) and contractual compliance, along with all of the services needed to keep these activities operational) not to exceed US$8 million. The Board approved the ICANN FY24-28 Operating and Financial Plan on 30 April 2023, which included an FY24 Budget with balanced funding and expenses. Due to lower funding than planned, impact of inflation on expenses, intense operational delivery, numerous one-time costs, and the timing of the planning process, the expenses for the work included in FY24 are projected to be higher than the projected funding.

In the foreseeable future, ICANN anticipates challenges such as slower funding growth and inflationary pressure on expenses that will affect ICANN's financial position. With the current economic circumstances, ICANN is increasing its focus on identifying new efficiencies and process improvements to maintain support and services while minimizing costs. As a result of lower funding projections, ICANN revised the Draft ICANN FY25 Operating Plan and Budget, is projecting lower expenses in FY25 than in FY24, and is defining the approach, by no later than by the end of FY25, to reach a sustainable run rate of expenses lower than projected funding levels.

The Board is being asked to approve the ICANN FY25-29 Operating and Financial Plan, ICANN FY25 Operating Plan and Budget and the IANA FY25 Operating Plan and Budget; such approval will be considered by the Empowered Community, which has the power to reject those plans.

BOARD FINANCE COMMITTEE (BFC) RECOMMENDATION *(Subject to Board Finance Committee Approval):*

After careful consideration of the public comments received and the corresponding responses, and evaluation of the changes applied to the draft plans in light of the funding updates, the BFC recommended that the Board approve the ICANN FY25-29 Operating and Financial Plan, ICANN FY25 Operating Plan and Budget and the IANA FY25 Operating Plan and Budget**.**

PROPOSED RESOLUTION:

Whereas, the Board Finance Committee (BFC) has recommended that the Board approve a deficit in the ICANN Operations segment of up to US$8 million in FY24, which ends 30 June 2024.

Whereas, the Draft ICANN FY25-29 Operating and Financial Plan, Draft ICANN FY25 Operating Plan and Budget and the Draft IANA FY25 Operating Plan and Budget were posted for public comment in accordance with the Bylaws on 12 December 2023.

Whereas, the public comments received were considered and revisions were applied as appropriate and feasible to the ICANN FY25-29 Operating and Financial Plan and ICANN FY25 Operating Plan and Budget and IANA FY25 Operating Plan and Budget.

Whereas, in addition to the public comment process, ICANN organization actively solicited community feedback and consultation with the ICANN community by other means, including community webinars in December 2023.

Whereas, updated financial forecasting, potentially affecting ICANN's current and planned work, leading to the development of revised plans that are reflected in ICANN's FY25-29 Operating and Financial Plan and FY25 Operating Plan and Budget.

Whereas, at each of its recent regularly scheduled meetings, the BFC has discussed, and overseen the development of the ICANN FY25-29 Operating and Financial Plan, ICANN FY25 Operating Plan and Budget and IANA FY25 Operating Plan and Budget.

Whereas, the BFC reviewed and discussed suggested changes to the Draft ICANN FY25-29 Operating and Financial Plan, Draft ICANN FY25 Operating Plan and Budget and Draft IANA FY25 Operating Plan and Budget resulting from public comment and consultations, as well as those resulting from recent Board decisions, and recommended that the Board approve the ICANN FY25-29 Operating and Financial Plan, ICANN FY25 Operating Plan and Budget and the IANA FY25 Operating Plan and Budget.

Whereas, the BFC and the Board have received from ICANN organization an overview of the topics discussed, and the questions addressed, during the two community webinars In April 2024, relating to the change in funding projections that were held on the plans that were updated to address this funding issue after the public comment process concluded.

Whereas, the BFC and the Board, in consideration of the FY24 expected deficit and the FY25 necessary expense reductions, discussed the necessity to take appropriate actions in

the short term to ensure that the organization's expenses are sustainably lowered to a level not exceeding projected funding.

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

Whereas, the description of the Registrar fees, including the recommended Registrar Accreditation Fees Variable Accreditation Fees, for FY25 are included in the ICANN FY25 Operating Plan and Budget.

Resolved (2024.05.05.xx), the Board approves a deficit in the ICANN Operations segment of up to US$8 million in FY24, which ends 30 June 2024, to be funded through existing excess cash from prior years that is still in the Operating Fund.

Resolved (2024.05.05.xx), the Board adopts the ICANN FY25-29 Operating and Financial Plan, which describes the activities ICANN will undertake and the resources needed to achieve the Board-adopted ICANN Strategic Plan for Fiscal Years 2021-2025 and to fulfill its mission.

Resolved (2024.05.05.xx), the Board adopts the ICANN FY25 Operating Plan and Budget, including the FY25 ICANN Caretaker Budget that would be in effect in the event the FY25 ICANN Operating Plan and Budget is not in effect at the beginning of FY25.

Resolved (2024.05.05.xx), the Board adopts the IANA FY25 Operating Plan and Budget.

Resolved (2024.05.05.xx), the Board directs the Interim President and CEO, or her designee(s) to provide the Board with periodic updates on the progress made to reach a sustainable run rate of expenses as soon as possible and no later than by the end of FY25.

PROPOSED RATIONALE:

The Board approved the ICANN FY24-28 Operating and Financial Plan on 30 April 2023 which included an FY24 Budget with balanced funding and expenses. Due to several economic factors and one-time costs, the expenses for the work included in FY24 is now projected to be higher than the projected funding. ICANN is seeking approval to end FY24 with a deficit in ICANN Operations not to exceed US$8 million, funded by existing cash in the Operating Fund from previous fiscal years' excess (i.e., higher funding than expenses).

On 12 December 2023, a draft of the ICANN FY25-29 Operating and Financial Plan, draft ICANN FY25 Operating Plan and Budget and draft IANA FY25 Operating Plan and Budget were posted for public comment. The published draft ICANN FY25-29 Operating and Financial Plan, draft ICANN FY25 Operating Plan and Budget and draft IANA FY25 Operating Plan and Budget were based on numerous discussions with members of ICANN organization and the ICANN community, including extensive consultations with ICANN Supporting Organizations, Advisory Committees, and other stakeholder groups throughout the prior several months.

Public comments to the ICANN FY25-29 Operating and Financial Plan, ICANN FY25 Operating Plan and Budget and the IANA FY25 Operating Plan and Budget were considered and responses were summarized in a summary report on public comments published on 02 April 2024. Recent decisions by the ICANN Board that were taken after the public comment proceeding closed were also considered and revisions are reflected, as appropriate and feasible, in the proposed-for-adoption ICANN FY25-29 Operating and Financial Plan, ICANN FY25 Operating Plan and Budget and IANA FY25 Operating Plan and Budget.

In addition, the following consultation activities were carried out:

- 10 October 2023 – Community webinar held during ICANN78 Prep Week on the Planning and Finance Update

- 13 December 2023 – Community webinars were held to review the draft ICANN FY25-29 Operating and Financial Plan, draft ICANN FY25 Operating Plan and Budget and draft IANA FY25 Operating Plan and Budget published for public comment

- 20 February 2023 – the summary of comments received through the public comment process were shared in a public session during the ICANN79 Prep week, including with representatives of the ICANN bodies that submitted the public comments, to help ensure the comments were adequately understood and appropriate consideration was given to them.

- In addition to the public comment process, ICANN actively solicited community feedback and consulted with the ICANN community by other means, including attendance and presentations for the At-Large Operations, Finance, and Budget Working Group (OFBWG), Generic Names Supporting Organization Standing Committee on ICANN Budget and Operations Plan, and Country Code Names

Supporting Organization Strategic and Operational Planning Standing Committee from December 2023– February 2024.

All comments received were considered, and where feasible and appropriate, revisions have been incorporated into the proposed-for-adoption ICANN FY25-29 Operating and Financial Plan, the proposed-for-adoption ICANN FY25 Operating Plan and Budget, and the proposed-for-adoption IANA FY25 Operating Plan and Budget.

There were no material changes made to the plans as a result of public comment. The changes made resulting from public comments submitted were in the narrative and presentation aspects of the plan documents only.

However, following the publication of the FY25 draft plans for public comment, ICANN reviewed the latest planning and financial assumptions, which is a key step in the process. Based on the latest projections, the funding for FY25 is projected to be lower than originally estimated. For FY25, the "base" case scenario for funding is now projected at $145M versus the previous estimate of $148M. The latest funding projections incorporate changes due to a softening in domain name marketplace registrations. As the changes reflected in the new plans were defined after the public comment process was concluded, ICANN held two webinars on 25 April 2024, to publicly highlight the changes that have been made to the draft documents since they were published in December 2023. The topics addressed, questions asked and answered, and the input received during the two webinars did not lead to identifying any additional changes to the revised plans.

As a part of its ongoing processes, ICANN will continue attempting to identify new efficiencies and process improvements to maintain support and services, while minimizing costs. As a result of lower funding projections, ICANN revised the FY25 Operating Plan and Budget, and is also projecting lower expenses in FY25. The Board directed, and ICANN is committed to develop an approach by the end of FY25 that will achieve a sustainable rate of expenses for its level of funding.

The ICANN FY25 Operating Plan and Budget also discloses financial information on the New gTLD Program: Next Round and the ICANN Grant Program. Furthermore, because the Registrar Fees are key to the development of the Budget, the ICANN FY25 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.

The ICANN FY25-29 Operating and Financial Plan, the ICANN FY25 Operating Plan and Budget and IANA FY25 Operating Plan and Budget will have a positive impact on ICANN in that together they provide a proper framework by which ICANN will be managed and operated, which also provides the basis for ICANN to be held accountable in a transparent manner.

This decision is in the public interest and within ICANN's mission, as it is fully consistent with ICANN's strategic and operational plans, and the results of which allow ICANN to satisfy its mission.

This decision will have a fiscal impact on ICANN org and the Community as is intended. This should have 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.

This is an Organizational Administrative Function that has already been subject to public comment as noted above.

Submitted By: Xavier Calvez, SVP, Planning and Chief Financial Officer
Date Noted: 3 May 2024
Email: xavier.calvez@icann.org

ICANN BOARD PAPER NO. 2024.04.29.2b

TITLE: ICANN76 Cancún Communiqué on Protections for Inter-Governmental Organizations (IGOs)

PROPOSED ACTION: For Board Consideration and Approval

EXECUTIVE SUMMARY:

At ICANN76 in March 2023, the Governmental Advisory Committee (GAC) issued Consensus Advice to the ICANN Board concerning protections for the acronyms of International Governmental Organizations (IGOs) as follows: *"(i) To proceed with the approval of the recommendations of the [Expedited Policy Development Process] on Specific Curative Rights Protections for implementation; [and] (ii) To maintain the current moratorium on the registration of IGO acronyms as domain names in New gTLDs presently in place until the full implementation of the recommendations of the EPDP on Specific Curative Rights Protections"*.[1] The Board voted[2] to adopt the first part of the GAC advice on 15 May 2023. In its scorecard accompanying this action, the Board also acknowledged the second part of the GAC advice and noted that it plans to decide *"when to lift the moratorium when it has more specific information as to the respective timelines for readiness of the [proposed] permanent post-registration system [for IGOs] and the implementation of the EPDP recommendations"[3]*. The Board adopted the relevant EPDP recommendations on 30 April 2023[4].

At ICANN79 in March 2024, ICANN staff informed the community that implementation of the Board-adopted policy recommendations would likely commence in the third calendar quarter of 2024, beginning with the formation of the customary, community-based Implementation Review

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[1] See https://gac.icann.org/advice/communiques/icann76-cancun-communique-es.pdf.
[2] See https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-special-meeting-of-the-icann-board-15-05-2023-en - section2.a
[3] See https://www.icann.org/en/system/files/files/scorecard-icann76-communique-board-action-15may23-en.pdf.
[4] See https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-30-04-2023-en - section2.c.

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Team[5]. Separately, ICANN staff have also confirmed to the Board's IGO Caucus Group their expectations that: (i) ongoing development work on the planned IGO notification system should be completed in the third quarter of 2024; and (ii) collaborative work with IGO observers in the GAC on ensuring that the list of contacts for eligible IGOs will be completed prior to the publication of the final Consensus Policy language for Curative Rights.

Based on the above-noted timelines and the deliberations of the Board's IGO Caucus Group, this paper sets forth a draft resolution and rationale for the Board to consider regarding the second and final part of the GAC advice on IGOs from the March 2023 Cancún Communiqué.

PRELIMINARY NOTE:

The scope of the GAC advice and related policy recommendations from the Generic Names Supporting Organization (GNSO) concerns the acronyms of the IGOs that are on the list compiled by the GAC and submitted to the ICANN Board in March 2013[6], at the second level of the domain name system.

BACKGROUND:

Between October 2012 and June 2022, the GNSO conducted three policy development processes (PDPs) covering various aspects of second-level protections for IGO acronyms. Between October 2012 and March 2023, the GAC issued Consensus Advice on several occasions on the same topic. In April 2014, the Board voted[7] to adopt certain recommendations from the first GNSO PDP that were not inconsistent with GAC advice at the time. This resulted in the Consensus Policy on the Protection of IGO-INGO Identifiers in All gTLDs, effective as of 1

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[5] This implementation project, and its associated timeline and scope, was discussed during the GNSO Council's Working Session on 3 March 2024; see https://icann79.sched.com/event/1a165/gnso-council-working-session-2-of-3 for a recording and transcript.
[6] See https://gac.icann.org/advice/correspondence/outgoing/gac-to-board-igo-protections (full package).pdf.
[7] See https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-of-directors-30-04-2014-en - 2.a.

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August 2018 and which, among other matters, reserves (i.e., withholds from registration at the second level) the full names of all the IGOs on the GAC's list of IGOs[8].

This Consensus Policy does not apply to IGO acronyms[9]. Due to inconsistencies between the GNSO's policy recommendations and the GAC's advice, the Board had requested additional time to consider these items as it continued to facilitate community discussions to reconcile the different viewpoints. While the community discussions continued, the Board resolved to reserve the acronyms of the IGOs on the GAC's list on an interim basis[10].

In October 2020, the Board noted that its belief that *" the most appropriate solution ... that is in the best interests of the ICANN community and ICANN will be for the ICANN organization to implement, as an operational matter, an ongoing (i.e. permanent) post-registration notification mechanism that will notify an affected IGO ... when a third party registers a second level domain matching that organization's acronym"[11]*, thereby launching a Bylaws-mandated consultation process with the GAC since the GAC had issued advice that was not consistent with this proposed path forward[12]. Between February and October 2021, the Board and the GAC engaged via calls and correspondence, including discussions about the scope of the Board-proposed IGO notification system[13].

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[8] See https://www.icann.org/resources/pages/igo-ingo-protection-policy-2024-02-21-en. The list of IGO full names is available at https://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml - IGOs.

[9] The more recent GNSO policy recommendations that the Board adopted in April 2023 cover modifications to ICANN's existing second level dispute resolution mechanisms, to ensure that IGOs may access and use these procedures. As such, there is currently no "preventative" (i.e., pre-registration) protection for IGO acronyms as a matter of ICANN policy.

[10] These interim protections were first put in place by the Board in July 2013 (see https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-meeting-of-the-new-gtld-program-committee-02-07-2013-en - 1.b and https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-meeting-of-the-new-gtld-program-committee-17-07-2013-en), and extended in January 2014 (see https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-meeting-of-the-new-gtld-program-committee-09-01-2014-en - 2.d.i).

[11] See https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-22-10-2020-en - 2.b.

[12] While the GAC had advised the Board to develop a similar notification system, the GAC had also requested that the system be used to also notify a prospective registrant of the match with the relevant IGO acronym, prior to registration, and include a third-party dispute resolution process.

[13] See, e.g., the following letters between the ICANN Board Chair and the GAC Chair:
https://www.icann.org/en/system/files/correspondence/botterman-to-ismail-23feb21-en.pdf (February 2021), and
https://www.icann.org/en/system/files/correspondence/ismail-to-botterman-07oct21-en.pdf (October 2021).

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The GAC's advice for the Board to launch the IGO notification system only until after the Curative Rights policy recommendations are fully implemented is based on the GAC's belief that many IGOs are not currently able to use ICANN's existing second level rights dispute resolution processes, due to the mandatory requirement that a complainant hold the relevant trademarks. As stated in the Cancún Communiqué, the GAC believes that merely being notified of a third-party domain name registration that is an exact match to an IGO's acronym is of *"no real utility to an IGO"* and removing the interim reservations for IGO acronyms prior to having an effective curative mechanism in place *"could result in irreparable harm to IGOs"*.

The Board has previously discussed the issue around timing of both the proposed IGO notification system and implementation of the Curative Rights policy recommendations with ICANN staff, including at its workshops in Kuala Lumpur in September 2022 and in Los Angeles in January 2023. Following its evaluation of several potential paths forward, including analysis of available resources, the ICANN organization has informed the Board's IGO Caucus Group that: (i) development work on the IGO notification system is anticipated to be completed in the third quarter of 2024; (ii) implementation work with the community on the Curative Rights policy is expected to commence at around the same time; and (iii) collaborative work with IGO observers in the GAC on ensuring that the list of contacts for all the IGOs on the GAC list is expected to be completed prior to the publication of the final Consensus Policy language for Curative Rights.

BOARD IGO CAUCUS GROUP RECOMMENDATION:

Having reviewed the relevant materials and briefings from ICANN staff, the Board's IGO Caucus Group recommends that the Board adopt the remaining part of the GAC's advice on IGOs from the March 2023 Cancún Communiqué, viz., "*maintain the current moratorium on the registration of IGO acronyms as domain names in New gTLDs presently in place until the full implementation of the recommendations of the EPDP on Specific Curative Rights Protections*".

PROPOSED RESOLUTION:

Whereas, on 20 March 2023, in its ICANN76 Cancun Communique, the Governmental Advisory Committee (GAC) issued advice to the Board on protections for the acronyms of International Governmental Organizations (IGOs) at the second level of the domain name system.

Whereas, on 15 May 2023 the Board accepted that part of the GAC advice to proceed with the approval of the community-developed recommendations from the Generic Names Supporting Organization (GNSO) Expedited Policy Development Process (EPDP) on Specific Curative Rights Protections for IGOs.

Whereas, the Board acknowledged that part of the GAC advice to maintain the current moratorium on the registration of IGO acronyms as domain names in New gTLDs presently in place until the full implementation of the recommendations of the EPDP on Specific Curative Rights Protections for IGOs.

Whereas, on 30 April 2023, the Board voted to adopt those policy recommendations that the GNSO Council had approved concerning curative rights protections for IGOs, including from the EPDP on Specific Curative Rights Protections for IGOs.

Whereas, the Board informed the GAC that it planned to make a decision as to when to remove the current moratorium when it has more specific information as to the respective timelines for readiness of the proposed permanent post-registration system for IGOs being developed by the ICANN organization, to inform an IGO when a third party registers a second level domain name that exactly matches that IGO's acronym, and ICANN organization's planned implementation of the EPDP recommendations.

Whereas, the Board has received and reviewed briefings from the ICANN organization concerning the above-mentioned timelines.

Resolved (2024.05.05.xx), the Board adopts the GAC's advice from the ICANN76 Cancún Communiqué, to maintain the current moratorium on the registration of IGO acronyms as domain names in New gTLDs presently in place until the full implementation of the recommendations of the EPDP on Specific Curative Rights Protections for IGOs.

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PROPOSED RATIONALE:

Why is the Board addressing the issue?

The appropriate nature and scope of policy protections for the names and acronyms associated with IGOs in the domain name system has been a longstanding issue in the community. In April 2014, the Board voted to adopt several GNSO policy recommendations concerning top and second level protections for the full names of IGOs on a list prepared by the GAC in March 2013. These recommendations are now the subject of an ICANN Consensus Policy (effective 1 August 2018). In April 2023, the Board voted to adopt additional GNSO policy recommendations concerning second level curative rights protection for these IGOs. These recommendations will now be implemented by the ICANN organization in consultation with the community.

Article 12, Section 12.2(a)(ix) of the ICANN Bylaws permits the GAC to "put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies". Throughout the various GNSO policy processes, the GAC had provided Consensus Advice to the Board on the topic of IGO protections, including on the specific need to protect IGO acronyms at the second level. Most recently, the GAC's Cancun Communique issued in March 2023 included GAC Consensus Advice for the Board to: (i) adopt the outcomes of the GNSO's EPDP on Specific Curative Rights Protections for IGOs; and (ii) maintain the current moratorium on the registration of domain names matching the acronyms of those IGOs on the GAC's list until implementation of the EPDP recommendations is fully complete. The Board accepted the first part of the GAC advice in May 2023.

What is the proposal being considered?

The Board is taking action today on the second, and final, part of the GAC advice on second level IGO protections from the GAC's Cancún Communiqué. Specifically, the Board is voting to accept the GAC's advice to maintain the current moratorium on the registration of domain names

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matching the acronyms of those IGOs on the GAC's list until implementation of the EPDP recommendations is fully complete.

Which stakeholders or others were consulted?

The Board has engaged with the GAC and the GNSO on numerous occasions, to seek to understand the GAC's advice and its rationale as well as to understand any concerns from the community regarding the scope and timing of the proposed permanent notification system for IGOs and the ICANN organization's planned implementation of the recommendations from the EPDP on Specific Curative Rights Protections for IGOs. These engagements include, but are not limited to, discussions that were part of the Board-GAC consultation process initiated by the Board in October 2020 and discussions with the GNSO Council on the implications of the GNSO's EPDP policy recommendations.

What concerns or issues were raised by the community?

The GAC had noted that lifting the current moratorium on registration of domain names matching an IGO's acronym could cause irreparable harm to an IGO if the IGO cannot use ICANN's existing dispute resolution procedures. The GNSO's policy recommendations on curative rights protections for IGOs are intended to facilitate the use of these procedures by eligible IGOs. The GAC had thus advised the Board to maintain the current moratorium until implementation of these policy recommendations is complete.

The GNSO Council had identified the completion of work on second level protections for IGO acronyms as a strategic priority in December 2022. It has also engaged the Board and the ICANN organization in discussions about the timing and timeline for implementation of the Board-adopted policy recommendations concerning IGO protections.

What significant materials did the Board review?

The Board reviewed the following materials:

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- ICANN76 Cancún Communiqué: https://gac.icann.org/advice/communiques/ICANN76 Cancun Communique.pdf
- GNSO Council Review of ICANN76 Cancún Communiqué: https://www.icann.org/en/system/files/correspondence/ducos-to-sinha-20apr23-en.pdf
- Board Scorecard on ICANN76 Cancún Communiqué: https://www.icann.org/en/system/files/files/scorecard-icann76-communique-board-action-15may23-en.pdf
- Board-GAC correspondence clarifying relevant GAC advice: https://www.icann.org/en/system/files/correspondence/ismail-to-botterman-07oct21-en.pdf

What factors did the Board find to be significant?

The Board appreciates the collaborative dialogues with the GAC and the GNSO Council that has contributed to the Board's understanding of the GAC's advice and the GNSO's recommendations on second level IGO acronym protections. The Board also appreciates the extensive community work on multiple aspects of the topic of second level protections for IGO acronyms that has spanned over ten (10) years. The Board believes that its action today will be another step forward in resolving all other remaining issues relating to IGO acronyms protections.

Are there positive or negative community impacts?

Accepting the GAC advice will have a positive impact in that it will demonstrate that ICANN continues to address complex issues and public policy concerns that have been the subject of longstanding and extensive community work. Taking this action now will also highlight the Board's commitment to work with the community to reach final resolution on all pending issues relating to second level protections for IGO acronyms.

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

Implementing the various sets of policy recommendations, completing the planned permanent IGO notification system, and preparing to remove the moratorium on registration of domain

names matching the relevant IGO acronyms will have financial and resourcing impacts on ICANN org. Prioritizing this work may result in delay relating to other work involving the same personnel and resources.

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

None.

Is this decision in the public interest and within ICANN's mission?

This action is within ICANN's Mission and mandate and in the public interest as set forth in the ICANN Bylaws.

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

This is an Organizational Administrative function that does not require public comment.

Signature Block:

Submitted by: Mary Wong

Position: Vice-President, Strategic Policy Management

Date Noted:

Email: mary.wong@icann.org

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ICANN BOARD PAPER NO. 2024.05.05.2c

TITLE:	**GAC Advice: San Juan Communiqué (March 2024)**
PROPOSED ACTION:	**For Board Consideration and Approval**

EXECUTIVE SUMMARY:

The Governmental Advisory Committee (GAC) delivered advice to the ICANN Board in its ICANN79 San Juan Communiqué issued 11 March 2024. The advice concerns the Applicant Support Program (ASP) and Urgent Requests for Disclosure of Registration Data.

The ICANN79 San Juan Communiqué was the subject of an exchange between the Board and the GAC on 08 April 2024. The purpose of the exchange was to ensure common understanding of the GAC advice provided in the communiqué.

The Board is being asked to approve the GAC-Board Scorecard to address the GAC's advice in the ICANN79 San Juan Communiqué. The draft Scorecard is attached to this briefing paper. The draft Scorecard includes: the text of the GAC advice; the Board's understanding of the GAC advice following the 08 April 2024 dialogue with the GAC; the GNSO Council's review of the advice in the ICANN79 San Juan Communiqué as presented in a 04 April 2024 letter to the Board (included for Board review only and will not be part of the final scorecard); and the Board's proposed response to the GAC advice.

ICANN ORG RECOMMENDATION:

The ICANN org recommends that the Board adopt the attached scorecard to address the GAC's advice in the March 2024 ICANN79 San Juan Communiqué.

PROPOSED RESOLUTION:

Whereas, the Governmental Advisory Committee (GAC) met during the ICANN79 meeting in San Juan, Puerto Rico and issued advice to the ICANN Board in a communiqué on 11 March 2024 ("ICANN79 San Juan Communiqué").

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Whereas, the ICANN79 San Juan Communiqué was the subject of an exchange between the Board and the GAC on 08 April 2024.

Whereas, in a 04 April 2024 letter, the GNSO Council provided its feedback to the Board concerning advice in the ICANN79 San Juan Communiqué relevant to the Applicant Support Program and Urgent Requests for Disclosure of Registration Data.

Whereas, the Board developed a scorecard to respond to the GAC's advice in the ICANN79 San Juan Communiqué, taking into account the dialogue between the Board and the GAC and the information provided by the GNSO Council.

Resolved (2024.05.05.xx.xx), the Board adopts the scorecard titled "GAC Advice – ICANN79 San Juan Communiqué: Actions and Updates (05 May 2024)" **[INSERT LINK TO FINAL GAC ADVICE SCORECARD ADOPTED BY BOARD]** in response to items of GAC advice in the ICANN79 San Juan Communiqué.

Resolved (2024.05.05.xx.xx), the Board instructs ICANN org, in alignment with the GAC Advice – ICANN79 San Juan Communiqué: Actions and Updates (05 May 2024) scorecard, to share the communications plan, once completed, with the SubPro Implementation Review Team (IRT) and ensure that the GAC will be made aware of the plan's publication.

PROPOSED RATIONALE:

Article 12, Section 12.2(a)(ix) of the ICANN Bylaws permits the GAC to "put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies." In its ICANN79 San Juan Communiqué (11 March 2024), the GAC issued advice to the Board regarding the Applicant Support Program and Urgent Requests for Disclosure of Registration Data. Article 12, Section 12.2(a)(x) of the ICANN Bylaws states that the "advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the Board determines to take an action that is not consistent with Governmental Advisory Committee advice, it shall so inform the Governmental Advisory Committee and state the

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reasons why it decided not to follow that advice. Any Governmental Advisory Committee advice approved by a full Governmental Advisory Committee consensus, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection ("GAC Consensus Advice"), may only be rejected by a vote of no less than 60% of the Board, and the Governmental Advisory Committee and the Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution. The Governmental Advisory Committee will state whether any advice it gives to the Board is GAC Consensus Advice."

The Board is taking action today on the GAC Consensus Advice to the ICANN Board in the ICANN79 San Juan Communiqué, including the items related to Applicant Support Program and Urgent Requests for Disclosure of Registration Data. This decision is in the public interest and within ICANN's mission, as it is fully consistent with ICANN's bylaws for considering and acting on advice issued by the GAC.

The Board's actions are described in the scorecard dated 05 May 2024 **[INSERT LINK TO FINAL GAC ADVICE SCORECARD ADOPTED BY THE BOARD]**.

In adopting its response to the GAC advice in the ICANN79 San Juan Communiqué, the Board reviewed various materials, including, but not limited to, the following materials and documents:

- ICANN79 San Juan Communiqué (11 March 2024):
  https://gac.icann.org/contentMigrated/icann79-san-juan-communique.

- The GNSO Council's review of the advice in the ICANN79 San Juan Communiqué as presented in the 04 April 2024 letter to the Board: https://gnso.icann.org/sites/default/files/policy/2024/correspondence/dibiase-to-sinha-04apr24-en.pdf.

The adoption of the GAC scorecard will have a positive impact on the community because it will assist with resolving the advice from the GAC concerning gTLDs and other matters. There are no foreseen fiscal impacts associated with the adoption of this

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resolution. Approval of the resolution will not impact security, stability or resiliency issues relating to the DNS. This is an Organizational Administrative function that does not require public comment.

Signature Block:

Submitted by: David Olive
Position: Senior Vice President, Policy Development Support
Date Noted:
Email: david.olive@icann.org

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
§1.a.i Applicant Support Program (ASP)	a. **The GAC advises the Board to:** i. **To ensure the Applicant Support Program (ASP) focuses on facilitating global diversification of the new gTLD application program, bearing in mind historical community calls for a 'remedial round', recalling ICANN77 GAC advice.** RATIONALE: The GAC stresses that facilitating global diversification is essential to the success of the ASP, and refers the Board to the GAC definition of underserved regions.	The Board understands the GAC's emphasis on the Applicant Support Program in facilitating global diversification, in line with the SubPro Final Report outputs. The Board also notes that, more broadly, the primary purposes of new gTLDs–to foster diversity, encourage competition, and enhance the utility of the Domain Name System (DNS)--are reflected in Affirmation 1.3. In addition to Applicant Support, making the DNS more accessible for communities globally by implementing Internationalized Domain Names (IDNs), raising their awareness, and enabling their utility by promoting their universal acceptance, also contribute to global diversification of the new gTLD program. The Board understands that there are communication efforts underway to raise awareness of IDNs and Universal Acceptance, in advance of a forthcoming communication and engagement plan for Applicant Support. The Board believes it is aligned with the GAC in recognizing that Applicant Support is key to facilitating global diversification in new gTLD applicants.	The Board accepts this advice and agrees with the GAC regarding the importance of the Applicant Support Program for promoting diversity in new gTLD applications, in service to Affirmation 1.3. The Board also notes other complementary initiatives such as raising awareness of Internationalized Domain Names and Universal Acceptance.
§1.a.ii Applicant Support Program (ASP)	a. **The GAC advises the Board to:** i. **To publish a comprehensive ASP communications and outreach strategy and associated implementation plan for review and comment by the community with itemized costs, detailed scope and clear metrics of success identified, to complement the overview of the broader communications plan for the next round of new gTLDs included in the Implementation Plan. This ASP communications and outreach strategy must include details on building awareness of Universal Acceptance and Internationalized Domain Names and should leverage community connections to ensure underserved regions are reached.** RATIONALE: The GAC is of the view that global communications and outreach are essential to encourage organizations in underserved regions to apply through the ASP. Highlighting the economic benefits of operating a gTLD is particularly pertinent to helping organizations understand the merits of applying.	The Board understands that the GNSO Guidance Process (GGP) for Applicant Support issued a guidance recommendation related to "Communications and Outreach/Awareness." This included implementation guidance, indicators of success, and metrics to measure success. The GGP's guidance recommendations are still pending Board consideration but the Board hopes to wrap up its deliberations on those recommendations in short order. The Board understands that ICANN org staff is aware of and has taken the GGP guidance recommendations into consideration as it continues to plan for implementation, so that if and when the recommendations are adopted by the Board in accordance with the ICANN Bylaws (Annex A-2) these can be implemented. In addition, the Board is closely following the ongoing campaign to create awareness of IDNs and UA as a first phase of work leading into the Next Round Communications and Outreach strategy. The Board anticipates that org will build upon that work to craft a holistic communications and outreach plan and that the upcoming ICANN80 meeting in Kigali presents an opportunity to discuss the Communications Planning document ICANN org plans to share by late May 2024. The Board encourages the GAC along with other	The Board accepts this advice and acknowledges the importance of a robust and comprehensive communication and outreach plan for Applicant support, building off of the work underway for Internationalized Domain Names and Universal Acceptance. The Board instructs ICANN org to share the plan, once completed, with the SubPro Implementation Review Team (IRT) and ensure that the GAC will be made aware either via the GAC IRT members or via ICANN's GAC support staff.

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GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
		stakeholders to help raise awareness of Universal Acceptance, IDNs, the Next Round of new gTLDs, and the Applicant Support Program.	
§1.a.iii **Applicant Support Program (ASP)**	a. **The GAC advises the Board to:** i. **To specify how the reported fund for the ASP will specifically be used to support applicants – whether through offsetting reduced application fees for applicants, funding additional means of support, or a mix of both – and undertake an assessment of the appropriate budget to support the program and the associated communications and outreach strategy in the context of inflation trends since the launch of the last ASP, which was funded with 2 million USD during the 2012 new gTLDs application round.** RATIONALE: Adequate funding will be essential for a successful ASP. The GAC is concerned that if the same amount is allocated to the ASP as that of the 2012 round it will not be sufficient to ensure that all successful applicants can benefit from the ASP, particularly in the context of inflation trends over the past decade. Moreover, the application fee will increase to approximately 240,600 USD - an increase of 30% from 185,000 USD. As such, funding for the ASP should be increased by a minimum of the same proportion.	The Board understands that during ICANN79 ICANN org staff indicated that the ASP Funding Plan will be shared with the Implementation Review Team in mid-April. The Board is aware of the array of community recommendations, guidance, and advice related to expanding the scope of support.	The Board accepts this advice and agrees with the GAC regarding the importance of a clear funding plan for the ASP. The Board anticipates that the ASP funding plan will include the aspects articulated in the GAC advice, noting that several aspects of the expanded scope of support related to supplemental Recommendation 17.2 is still pending Board consideration. The Board understands that ICANN org has continued planning efforts for expanding the scope of support, in line with the options previously presented to the GNSO Small Team Plus.
§1.a.iv **Applicant Support Program (ASP)**	a. **The GAC advises the Board to:** i. **To develop a holistic approach to the ASP by strongly considering implementation of the ALAC's ASP incubator proposal, recalling the GAC's ICANN78 text.** RATIONALE: Discussions within the GAC throughout ICANN79 on the ASP, including a bilateral meeting with the ALAC, highlighted the importance of a holistic program that includes non-financial and financial support for applicants.	The Board understands that ICANN org has continued planning efforts for the expanded scope of support options presented to the GNSO Small Team Plus, taking into account the ideas generated by that group and recognizing that supplemental Recommendation 17.2 is still pending Board consideration. The Board is considering the ALAC proposal for an ASP incubator in the context of its deliberations on supplemental Recommendation 17.2. The Board expects that an expanded scope of applicant support options would be made available and the Board is in agreement that applicant support should extend beyond reducing the cost of applying for a new gTLD.	The Board accepts this advice to develop a holistic approach to the ASP. The Board also notes the GAC's reference to its proposal for an "ASP incubator" as noted in the Issues of Importance of the ICANN78 GAC Hamburg Communique. The full scope of support provided via the ASP will be determined by supplemental recommendation 17.2, which the GNSO Council has recently adopted (https://gnso.icann.org/sites/default/files/policy/2024/agenda/new-gtld-subpro-supplemental-recommendations-2apr24-en.pdf) and which the Board will consider at its May workshop.
§1.a.v **Applicant Support Program (ASP)**	a. **The GAC advises the Board to:**	The Board understands that a broad range of options for applicant support is being considered following similar recommendations from	The Board accepts this advice and is considering this option in light of the intent of Recommendation 17.2–expanding the scope of support

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
	i. **To consider substantially reducing or eliminating ongoing ICANN registry fees for successful applicants for at least five years, and consider further flexibility thereafter according to applicant needs, recalling ICANN77 GAC advice.** RATIONALE: At ICANN77, the GAC advised that eliminating ongoing ICANN registry fees would help to ensure organizations that are successful in applying for applicant support receive support not only with their application, but are also supported during the period it takes to get a new top level domain up and running. ICANN's Survey of Globally Recognized Procedures for Financial Assistance Programs supports this conclusion, highlighting that "supported applicants may have limited access to the financial resources necessary for long-term sustainability. To combat this issue, Providers of Financial Support can provide direct or indirect additional financial assistance post-award". The survey cites guidance suggesting that capacity development is 'patient work' that "typically requires an investment of three to five years before meaningful improvements can be achieved". This advice is intended to respond to the Board's question asking that the GAC specify whether 'eliminating ongoing ICANN registry fees' was envisioned for a specific period of time.	several parts of the Community, including curtailing ongoing fees after delegation of a New gTLD.	and in anticipation of receiving a Supplemental Recommendation 17.2.
§1.a.vi **Applicant Support Program (ASP)**	a. **The GAC advises the Board to:** i. **To explore the potential of leveraging (including contracting and financing the services of), a platform to which new gTLDs, supported through the ASP, could move to eventually operate their own back-end services, recalling ICANN77 GAC advice.** RATIONALE: A Backend Registry is the mandatory technical platform to operate a domain name extension. The backend registry allows accredited registrars to technically sell domain names for each top-level domain. Support therefore could be provided to foster the establishment of technical registry platforms to assist ASP applicants interested in running their own technical operations. This advice is intended to respond to the Board's question asking for elaboration on the GAC's ICANN77 advice for the Board to explore the potential to support the provision of back-end services for successful ASP applicants.	The Board understands that the GAC will provide written clarification of this advice based upon the discussion. The Board requests the GAC to clarify the kind of platform it is referring to, what it means by "leveraging" such a platform, and what role it sees for ICANN in the development and operation of such a platform.	The Board defers action on this advice until the GAC has an opportunity to provide written clarification in light of the Board's questions and the discussion.

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GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
§2.a.i **Urgent Requests for** **Disclosure of** **Registration Data**	a. **The GAC advises the Board to:** i. **To act expeditiously to establish a clear process and a timeline for the delivery of a policy on Urgent Requests for domain name registration data, to respond to the vital public safety interests related to such requests. Such a process must ensure appropriate participation of the community, including the GAC.** RATIONALE: The GAC reiterates its public policy concerns on the lack of progress in establishing an appropriate timeline to respond to requests for registration data in select emergency circumstances, known as "Urgent Requests", i.e., circumstances that that pose an imminent threat to life, of serious bodily injury, to critical infrastructure, or of child exploitation in cases where disclosure of the data is necessary in combatting or addressing this threat. The GAC recalls that the 2019 Phase 1 policy recommendations provided for a separate timeline for the response to "'*Urgent' Reasonable Disclosure Requests, those Requests for which evidence is supplied to show an immediate need for disclosure*". The Implementation Review Team (IRT) developed narrow criteria for Urgent Requests and initially proposed an up to three-business day timeline to respond to such emergency requests. In public comments on the Draft Registration Data Consensus Policy, GAC and other stakeholder groups objected to the IRT's proposed timeline to respond to "Urgent Requests" as not consistent with the obligation to respond to emergency situations and recommended that the IRT revisit the timeline. The ICANN org Implementation Project Team carefully reviewed the public input received and concluded that there was "*sufficient justification to revisit the policy language and to require a 24-hour response time for urgent requests.*" Regrettably, the IRT discussions could not reach a consensus and the latest proposal of three business days with two possible extensions was considered by the GAC as not meeting the purpose of providing a reasonable window to respond to emergency or urgent requests, as per the GAC correspondence with the Board of August 2023. Recalling the ICANN78 Communiqué, the GAC appreciates the initiative of the Board to separate the topic of Urgent Requests from the publication of the overarching Registration Data Consensus Policy for gTLDs and welcomes the recent publication of the latter. Having discussed the issue with the Board during ICANN79, the GAC	The Board understands that the GAC is calling for policy work with respect to urgent requests for registration data, and that the GAC is interested in participating in such policy development. As noted in the Board's letter to the GAC of 11 February 2024, the Board believes that consultation with the GNSO is required to agree on the way forward for this topic. The Board plans to initiate this conversation shortly, and believes this will allow the establishment of a plan and timeline for community work on this issue. The Board agrees with the GAC on the importance of additional work in this area. The Board appreciates the discussions it has had with the GAC to date on the needs for registrar authentication of law enforcement requests as part of determining a workable timeline. The Board expects that a mechanism to address this may need to be developed to work in tandem with the policy considerations, and believes the GAC's involvement and support will be critical in this effort.	The Board defers action on this advice, noting that it plans to discuss the way forward on this issue with the GNSO Council. The Board acknowledges the importance of the issue and the GAC's continued involvement in policy and operational discussions on this topic. While the Board's role is not to drive policy outcomes, the Board will strongly support the community's continued efforts in this area.

GAC Advice Item	Advice Text	Board Understanding Following Board-GAC Call	Board Response
	understands that no process for addressing the matter of Urgent Requests has been established since the work was interrupted in August 2023. Against this background, the work initiated in 2019 should restart as soon as possible with the aim to achieve "*an outcome that better meets the public safety considerations posed by urgent requests*" and "*is fit for purpose*" as also recommended by the SSAC.		

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