

# **2012-02-02-Annex-Article X - Section 3 9 -Redline**

## ARTICLE X: GENERIC NAMES SUPPORTING ORGANIZATION

### Section 3. GNSO COUNCIL

9. Except as otherwise specified in these Bylaws, [Annex A](#) hereto, or the GNSO Operating Procedures, the default threshold to pass a GNSO Council motion or other voting action requires a simple majority vote of each House. The voting thresholds described below shall apply to the following GNSO actions:

a. Create an Issues Report: requires an affirmative vote of more than one-fourth (1/4) vote of each House or majority of one House.

Author

**Deleted:** 25%...vote of each House or ... [1]

b. Initiate a Policy Development Process ("PDP") Within Scope (as described in [Annex A](#)): requires an affirmative vote of more than one-third (1/3) of each House or more than two-thirds (2/3) of one House.

Author

**Deleted:** 33%...of each House or mor ... [2]

c. Initiate a PDP Not Within Scope: requires an affirmative vote of GNSO Supermajority.

Author

**Deleted:** more than 75% of one House and a majority of the other House ("...NSO ... [3]

d. Approve a PDP Team Charter for a PDP Within Scope: requires an affirmative vote of more than one-third (1/3) of each House or more than two-thirds (2/3) of one House.

Author

**Comment [1]:** The PDP WT did not add 'simple' but referred to the definition of majority vote of the GNSO Council, which seems to be referred to in section 9 as 'simple majority vote'.

e. Approve a PDP Team Charter for a PDP Not Within Scope: requires an affirmative vote of a GNSO Supermajority.

Author

**Deleted:** following approval as outlined in either d. or e. above:

f. Changes to an Approved PDP Team Charter: For any PDP Team Charter approved under d. or e. above, the GNSO Council may approve an amendment to the Charter through a a simple majority vote of each House.

Author

**Deleted:** .the GNSO Council.

g. Terminate a PDP: Once initiated, and prior to the publication of a Final Report, the GNSO Council may terminate a PDP only for significant cause, upon a motion that passes with a GNSO Supermajority Vote in favor of termination.

Author

**Deleted:** T...he GNSO Council may ma ... [4]

h. Approve a PDP Recommendation Without a GNSO Supermajority: requires an affirmative vote of a majority of each House and further requires that one GNSO Council member representative of at least 3 of the 4 Stakeholder Groups supports the Recommendation.

Author

**Deleted:** d.... Approve a PDP ... [5]

i. Approve a PDP Recommendation With a GNSO Supermajority: requires an affirmative vote of a GNSO Supermajority.

Author

**Deleted:** e.... Approve a PDP ... [6]

j. Approve a PDP Recommendation Imposing New Obligations on Certain Contracting Parties: where an ICANN contract provision specifies that "a two-thirds vote of the council" demonstrates the presence of a consensus, the GNSO Supermajority vote threshold will have to be met or exceeded.

Author

**Deleted:** f.... Approve a PDP ... [7]

k. Modification of Approved PDP Recommendation: Prior to Final Approval by the ICANN Board, an Approved PDP Recommendation may be modified or amended by the GNSO Council with a GNSO Supermajority vote.

Author

**Deleted:** GNSO Council policies... Pric ... [8]

Author

**Comment [2]:** We didn't identify this voting threshold initially as a new one, but I guess it is?

Author

**Comment [3]:** In the PDP Manual it says 'a Supermajority Vote of both Houses in favour', but I'm not sure whether the latter part needs to be added.

I. A "GNSO Supermajority" shall mean: (a) two-thirds (2/3) of the Council members of each House, or (b) three-fourths (3/4) of one House and a majority of the other House."

## Annex A: GNSO Policy Development Process

### Section 2. Policy Development Process Manual

The GNSO shall maintain a Policy Development Process Manual (PDP Manual) within the operating procedures of the GNSO maintained by the GNSO Council. The PDP Manual shall contain specific additional guidance on completion of all elements of a PDP, including those elements that are not otherwise defined in these Bylaws. The PDP Manual and any amendments thereto are subject to a twenty-one (21) day public comment period **at minimum**, as well as Board oversight and review, as specified at Article X, Section 3.6.

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### Section 4. Creation of an Issue Report

Within forty-five (45) calendar days after receipt of either (i) an instruction from the Board; (ii) a properly supported motion from the GNSO Council; or (iii) a properly supported motion from an Advisory Committee, the Staff Manager will create a report (a "Preliminary Issue Report"). In the event the Staff Manager determines that more time is necessary to create the Preliminary Issue Report, the Staff Manager may request an extension of time for completion of the Preliminary Issue Report.

The following elements should be considered in the Issue Report:

- a) The proposed issue raised for consideration;
- b) The identity of the party submitting the request for the Issue Report;
- c) How that party is affected by the issue, if known;
- d) Support for the issue to initiate the PDP, if known;
- e) The opinion of the ICANN General Counsel regarding whether the issue proposed for consideration within the Policy Development Process is properly within the scope of the ICANN's mission, policy process and more specifically the role of the GNSO as set forth in the Bylaws.
- f) The opinion of ICANN Staff as to whether the Council should initiate the PDP on the issue

Upon completion of the Preliminary Issue Report, the Preliminary Issue Report shall be posted on the ICANN website for a public comment period **that complies with the designated practice for public comment periods within ICANN**.

The Staff Manager is responsible for drafting a summary and analysis of the public comments received on the Preliminary Issue Report and producing a Final Issue Report based upon the comments received. The Staff Manager should forward the Final Issue Report, along with any summary and analysis of the public comments received, to the Chair of the GNSO Council for consideration for initiation of a PDP.

### Section 5. Initiation of the PDP

Author

**Comment [4]:** The PDP WT did not add this ('more than') but the original definition of supermajority did have this wording, or should we add 'or more' at the end of the definition? I guess in practice this would mean that the level of supermajority is lowered as it doesn't need to be 'more than' but could also be equal to the exact number defined in Supermajority. I'm not sure whether this is what the PDP-WT intended. Margie, do you recall whether this was intentional?

Author

**Comment [5]:** Margie: I think we should delete "more than", because I thought they were trying to mimic what was in the RAA—and that says "at least a two-thirds vote;"

Author

**Deleted:** [more than

Author

**Deleted:** ]

Author

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Author

**Deleted:** of no less than 30 days

The Council may initiate the PDP as follows:

Board Request: If the Board requested an Issue Report, the Council, within the timeframe set forth in the PDP Manual, shall initiate a PDP. No vote is required for such action.

GNSO Council or Advisory Committee Requests: The Council may only initiate the PDP by a vote of the Council. Initiation of a PDP requires a vote as set forth in [Article X, Section 3, paragraph 9\(b\) and \(c\)](#) in favor of initiating the PDP.

#### Section 6. Reports

An Initial Report should be delivered to the GNSO Council and posted for a public comment period [that complies with the designated practice for public comment periods within ICANN](#), which time may be extended in accordance with the PDP Manual. Following the review of the comments received and, if required, additional deliberations, a Final Report shall be produced for transmission to the Council.

Author

**Deleted:** of not less than 30 days

## 2012-02-03-Annex-Kazakhstan

**ANNEX TO ICANN BOARD SUBMISSION NO. 2012-02-03**

**TITLE:** Delegation of the .қаз (“kaz”) domain representing Kazakhstan in Cyrillic

**IANA REFERENCE:** 493403

In accordance with ICANN’s obligations for managing the DNS root zone, IANA<sup>1</sup> receives requests to delegate, redelegate and revoke top-level domains. This application has been compiled by IANA for presentation to the ICANN Board of Directors for review and appropriate action.

Sensitive Delegation Materials

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<sup>1</sup> The term IANA is used throughout this document to refer to the department within ICANN that performs the IANA functions.



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Submitted by: Kim Davies

Position: Manager, Root Zone Services

Date Noted: 9 January 2011

Email and Phone Number kim.davies@icann.org; Contact  
Information  
Redacted

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## **2012-02-03-Annex-Kazakhstan-enclosures**

**Draft Public Report —  
Delegation of the .қаз (“kaz”) domain representing  
Kazakhstan in Cyrillic**

ICANN has received a request to delegate the .қаз domain, a country-code top-level domain representing Kazakhstan, to the Association of IT Companies of Kazakhstan. ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

**FACTUAL INFORMATION**

**Country**

The “KZ” ISO 3166-1 code from which the application’s eligibility derives, is designated for use to represent Kazakhstan.

**String**

The domain under consideration for delegation at the DNS root level is “қаз”. This is represented in ASCII-compatible encoding according to the IDNA specification as “xn--80ao21a”. The individual Unicode code points that comprise this string are U+049B U+0430 U+0437.

In Kazakh language, the string has a meaning equivalent to “kaz” in English. Its pronunciation in English is transliterated as “kaz”. The string is expressed using the Cyrillic script.

**Chronology of events**

In 2004 the Association of IT Companies of Kazakhstan was founded as a non-profit organization.

On 19 July 2010, an application was made to the “IDN Fast Track” process to have the string “қаз” recognised as representing Kazakhstan. The initially suggested string was represented in ASCII-compatible encoding according to the IDNA specification as “xn--80aoh”.

On 17 September 2010, the Second Congress of the IT companies of Kazakhstan with the support from the Ministry of Communications and Information of the Republic of Kazakhstan took place in the country. More than 300 representatives of local IT companies, government agencies, national and international companies participated. Among other topics, the selection of the proper IDN for Kazakhstan was discussed.

On 11 November 2010, the Association of IT companies of Kazakhstan held a round table discussion “Issues on implementation of a National Internet-addressing IDN”. Representatives from the Ministry of Communications and Information and IT companies of Kazakhstan participated in this event. The majority of participants supported string “қа3” as the top-level domain representing Kazakhstan in Kazakh language.

On 26 July 2011, the concept project (that came out as a result of the round table) was published to initiate public discussions by the Internet community on this topic.

In summer 2011, applicants submitted updated information to the “IDN Fast Track” process to have the string “қа3” recognised as representing Kazakhstan. The string is represented in ASCII-compatible encoding according to the IDNA specification as “xn--80ao21a”. The request was supported by the Ministry of Communications and Information of the Republic of Kazakhstan and Ministry of Culture of the Republic of Kazakhstan.

On 2 August 2011, review by the IDN Fast Track DNS Stability Panel found that "the applied-for string ... presents none of the threats to the stability or security of the DNS identified in [the IDN Fast Track implementation plan] ... and presents an acceptably low risk of user confusion". The request for the string to represent Kazakhstan was subsequently approved.

On 5 October 2011, the Association of IT Companies of Kazakhstan commenced a request to ICANN for delegation of “қа3” as a top-level domain. During the next several months IANA Root Management Staff were working with applicants on gathering the necessary information and documentation.

### **Proposed Sponsoring Organisation and Contacts**

The proposed sponsoring organisation is the Association of IT Companies of Kazakhstan, a non-profit organization established in 2004. The Association of IT Companies of Kazakhstan is the current operator of the .KZ ASCII country code top-level domain.

The proposed administrative contact is Nurlan Issin, President of the Association of IT Companies of Kazakhstan. The administrative contact is understood to be based in Kazakhstan.

The technical contact is Pavel Gussey, Director of KazNIC Organization.

## **EVALUATION OF THE REQUEST**

### **String Eligibility**

The top-level domain is eligible for delegation under ICANN policy, as the string has been deemed an appropriate representation of Kazakhstan through the ICANN Fast Track String Selection process, and Kazakhstan is presently listed in the ISO 3166-1 standard.

### **Public Interest**

Explicit government support for the application was provided in the letter from the Ministry of Communications and Information Republic of Kazakhstan in which the Minister authorises “the existing Manager of .kz top level domain represented by public organization, Kazakhstan Association of IT Companies and Technical Operator represented by non-profit private institution KazNIC ... to exercise the similar functions in national top level domain .kaz and to represent the Republic of Kazakhstan in relationships with international Internet organizations...”

Additional support was stated in the letters from National Telecommunication Association of Kazakhstan and “Internet Association of Kazakhstan” Association of Legal Entities.

The application is consistent with known applicable local laws in Kazakhstan.

The proposed sponsoring organisation undertakes to operate the domain in a fair and equitable manner.

### **Based in country**

The proposed sponsoring organisation is constituted in Kazakhstan. The proposed administrative contact is understood to be resident in Kazakhstan. The registry is to be operated in the country.

### **Stability**

The application does not involve a transfer of domain operations from an existing domain registry, and therefore stability aspects relating to registry transfer have not been evaluated.

The application is not known to be contested.

### **Competency**

The application has provided satisfactory details on the technical and operational infrastructure and expertise that will be used to operate the proposed new domain. The proposed operator will be performing administrative duties related to the management of the domain, while KazNIC organization will be responsible for technical operations. The proposed operator is the current manager of .KZ ASCII country code top-level

domain for Kazakhstan. The proposed set up between the two organisations is governed by Agreement No. 060101 dated 1 January 2006 and has been in place in case of .KZ country-code top-level domain management.

Applicant has stated that the domain will be managed “without any discrimination” and provided a document “Conception for Registration of Secondary Level .kaz Domain Names” in accordance with which registrations will be handled. Registration policies will also be based on the local legislation - “Rules for registration, use and allocation of domain space in the Kazakhstan segment of the Internet” approved by the order of the Minister of Communications and Information of the Republic of Kazakhstan dated September 7th, 2010 No. 220.

## **EVALUATION PROCEDURE**

The Internet Corporation for Assigned Names and Numbers (ICANN) is tasked with managing the Domain Name System root zone as part of a set of functions governed by a contract with the U.S. Government. This includes managing the delegations of top-level domains.

A subset of top-level domains are designated for the local Internet communities in countries to operate in a way that best suits their local needs. These are known as country-code top-level domains, and are assigned by ICANN to responsible trustees (known as “Sponsoring Organisations”) who meet a number of public-interest criteria for eligibility. These criteria largely relate to the level of support the trustee has from their local Internet community, their capacity to ensure stable operation of the domain, and their applicability under any relevant local laws.

Through an ICANN department known as the Internet Assigned Numbers Authority (IANA), requests are received for delegating new country-code top-level domains, and re delegating or revoking existing country-code top-level domains. An investigation is performed on the circumstances pertinent to those requests, and, when appropriate, the requests are implemented. Decisions on whether to implement requests are made by the ICANN Board of Directors, taking into account ICANN’s core mission of ensuring the stable and secure operation of the Internet’s unique identifier systems.

### **Purpose of evaluations**

The evaluation of eligibility for country-code top-level domains, and of evaluating responsible trustees charged with operating them, is guided by a number of principles. The objective of the assessment is that the action enhances the secure and stable operation of the Internet’s unique identifier systems. The evolution of the principles has been documented in “Domain Name System Structure and Delegation” (RFC 1591), “Internet Domain Name System Structure and Delegation” (ICP-1), and other informational memoranda.

In considering requests to delegate or redelegate country-code top-level domains, input is sought regarding the proposed new Sponsoring Organisation, as well as from persons and organisations that may be significantly affected by the change, particularly those within the nation or territory to which the ccTLD is designated.

The assessment is focussed on the capacity for the proposed sponsoring organisation to meet the following criteria:

- The domain should be operated within the country, including having its sponsoring organisation and administrative contact based in the country.
- The domain should be operated in a way that is fair and equitable to all groups in the local Internet community.
- Significantly interested parties in the domain should agree that the prospective trustee is the appropriate party to be responsible for the domain, with the desires of the national government taken very seriously.
- The domain must be operated competently, both technically and operationally. Management of the domain should adhere to relevant technical standards and community best practices.
- Risks to the stability of the Internet addressing system must be adequately considered and addressed, particularly with regard to how existing identifiers will continue to function.

### **Method of evaluation**

To assess these criteria, information is requested from the applicant regarding the proposed sponsoring organisation and method of operation. In summary, a request template is sought specifying the exact details of the delegation being sought in the root zone. In addition, various documentation is sought describing: the views of the local internet community on the application; the competencies and skills of the trustee to operate the domain; the legal authenticity, status and character of the proposed trustee; and the nature of government support for the proposal. The view of any current trustee is obtained, and in the event of a redelegation, the transfer plan from the previous sponsoring organisation to the new sponsoring organisation is also assessed with a view to ensuring ongoing stable operation of the domain.

After receiving this documentation and input, it is analysed in relation to existing root zone management procedures, seeking input from parties both related to as well as independent of the proposed sponsoring organisation should the information provided in the original application be deficient. The applicant is given the opportunity to cure any deficiencies before a final assessment is made.

Once all the documentation has been received, various technical checks are performed on the proposed sponsoring organisation's DNS infrastructure to ensure name servers are properly configured and are able to respond to queries for the top-level domain being requested. Should any anomalies be detected, ICANN staff will work with the applicant to address the issues.

Assuming all issues are resolved, an assessment is compiled providing all relevant details regarding the proposed sponsoring organisation and its suitability to operate the top-level domain being requested. This assessment is submitted to ICANN's Board of Directors for its determination on whether to proceed with the request.

## 2012-02-04-Annex-Belarus



**ANNEX TO ICANN BOARD SUBMISSION NO. 2012-02-04**

**TITLE:** Redlegation of the .BY domain representing Belarus to  
Reliable Software Inc.

**IANA REFERENCE:** 501785

In accordance with ICANN's obligations for managing the DNS root zone, IANA<sup>1</sup> receives requests to delegate, redelegate and revoke top-level domains. This application has been compiled by IANA for presentation to the ICANN Board of Directors for review and appropriate action.

Sensitive Delegation Materials

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<sup>1</sup> The term IANA is used throughout this document to refer to the department within ICANN that performs the IANA functions.



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Submitted by: Kim Davies  
Position: Manager, Root Zone Services  
Date Noted: 7 January 2011  
Email and Phone Number kim.davies@icann.org; Contact  
Information

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## **2012-02-04-Annex-Belarus-enclosures**

**Draft Public Report —  
Redelegation of the .BY domain representing Belarus to  
Reliable Software Inc.**

ICANN has received a request to redelegate the .BY domain, a country-code top-level domain representing Belarus, to Reliable Software Inc. ICANN Staff have assessed the request, and provide this report for the ICANN Board of Directors to consider.

**FACTUAL INFORMATION**

**Country**

The "BY" ISO 3166-1 code is designated for use to represent Belarus.

**Chronology of events**

The .BY domain was first delegated in 1994. The most recent successful application of the redelegation procedure was conducted in 2009, resulting in the sponsoring organisation being designated as Open Contact Ltd<sup>1</sup>.

In February 2010, the President of the Republic of Belarus issued Decree No. 60 “On the Measures to Improve the Use of the National Segment of the Internet”, in which the Operative Analytical Centre (OAC) is designated as the authorised government body for the purposes of security of the Internet, and representing the country with respect to such issues. Further, Decree No. 515 “On Some Measures to Develop the Data Transfer Networks” was issued on 30 September 2010 appointing the Operative Analytical Centre as the independent regulator of information and communication technologies.

In June 2010, OAC issued an order with governing provisions for many aspects of how the .BY top-level domain is to be operated. It includes a provisioning that “the technical administrator shall be determined by [OAC] according to the results of [a competition]”. Between August and October 2010, OAC conducted the competition process for operation of the .BY top-level domain. Four organisations took part in the contest, resulting in the selection of Reliable Software Inc. as the winning bidder.

In early 2011, Reliable Software Inc. and OAC approached ICANN concerning the future redelegation of the .BY domain.

On 8 November 2011, Reliable Software Inc. commenced a request to ICANN for redelegation of the “.BY” top-level domain.

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<sup>1</sup> <http://www.iana.org/reports/2009/by-report-03feb2009.html>

## **Proposed Sponsoring Organisation and Contacts**

The proposed sponsoring organisation is Reliable Software Inc., a company (registration number 100160363) established in 1992 in Belarus. It is located at 1A Khoruzhey Str., Minsk, Belarus.

The proposed administrative contact is Sergey Prokopov, the Head of Department of the Operative Analytical Center of the Republic of Belarus. The administrative contact is understood to be based in Belarus.

The proposed technical contact is Yury Zisser, the Director General of Reliable Software Inc.

## **EVALUATION OF THE REQUEST**

### **String Eligibility**

The top-level domain is eligible for continued delegation under ICANN policy, as it is the assigned ISO 3166-1 two-letter code representing Belarus.

### **Public Interest**

Support for the application to delegate the domain was provided by Sergey Prokopov, the Head of Department of the Operative Analytical Center of Belarus, the government entity entrusted with regulatory powers concerning the .BY top-level domain.

Support for the redelegation has also been provided by Belinfocom Association, Business Network Ltd., Extmedia LLC, Aktivnie Technologii Ltd., and Open Contact Ltd.

The application is consistent with known applicable local laws in Belarus.

The proposed sponsoring organisation undertakes to operate the domain in a fair and equitable manner.

### **Based in country**

The proposed sponsoring organisation is constituted in Belarus. The proposed administrative contact is understood to be resident in Belarus. The registry is to be operated in the country.

### **Stability**

The request is deemed uncontested, with the current sponsoring organisation consenting to the transfer. An appropriate transfer plan has been tendered with support from the involved parties.

## **Competency**

The application has provided satisfactory details on the technical and operational infrastructure and expertise that will be used to operate the proposed new domain. Proposed policies for management of the domain have also been tendered.

## **EVALUATION PROCEDURE**

The Internet Corporation for Assigned Names and Numbers (ICANN) is tasked with managing the Domain Name System root zone as part of a set of functions governed by a contract with the U.S. Government. This includes managing the delegations of top-level domains.

A subset of top-level domains are designated for the local Internet communities in countries to operate in a way that best suits their local needs. These are known as country-code top-level domains, and are assigned by ICANN to responsible trustees (known as “Sponsoring Organisations”) who meet a number of public-interest criteria for eligibility. These criteria largely relate to the level of support the trustee has from their local Internet community, their capacity to ensure stable operation of the domain, and their applicability under any relevant local laws.

Through an ICANN department known as the Internet Assigned Numbers Authority (IANA), requests are received for delegating new country-code top-level domains, and redelegating or revoking existing country-code top-level domains. An investigation is performed on the circumstances pertinent to those requests, and, when appropriate, the requests are implemented. Decisions on whether to implement requests are made by the ICANN Board of Directors, taking into account ICANN’s core mission of ensuring the stable and secure operation of the Internet’s unique identifier systems.

### **Purpose of evaluations**

The evaluation of eligibility for country-code top-level domains, and of evaluating responsible trustees charged with operating them, is guided by a number of principles. The objective of the assessment is that the action enhances the secure and stable operation of the Internet’s unique identifier systems. The evolution of the principles has been documented in “Domain Name System Structure and Delegation” (RFC 1591), “Internet Domain Name System Structure and Delegation” (ICP-1), and other informational memoranda.

In considering requests to delegate or redelegate country-code top-level domains, input is sought regarding the proposed new Sponsoring Organisation, as well as from persons and organisations that may be significantly affected by the change, particularly those within the nation or territory to which the ccTLD is designated.

The assessment is focussed on the capacity for the proposed sponsoring organisation to meet the following criteria:

- The domain should be operated within the country, including having its sponsoring organisation and administrative contact based in the country.
- The domain should be operated in a way that is fair and equitable to all groups in the local Internet community.
- Significantly interested parties in the domain should agree that the prospective trustee is the appropriate party to be responsible for the domain, with the desires of the national government taken very seriously.
- The domain must be operated competently, both technically and operationally. Management of the domain should adhere to relevant technical standards and community best practices.
- Risks to the stability of the Internet addressing system must be adequately considered and addressed, particularly with regard to how existing identifiers will continue to function.

### **Method of evaluation**

To assess these criteria, information is requested from the applicant regarding the proposed sponsoring organisation and method of operation. In summary, a request template is sought specifying the exact details of the delegation being sought in the root zone. In addition, various documentation is sought describing: the views of the local internet community on the application; the competencies and skills of the trustee to operate the domain; the legal authenticity, status and character of the proposed trustee; and the nature of government support for the proposal. The view of any current trustee is obtained, and in the event of a redelegation, the transfer plan from the previous sponsoring organisation to the new sponsoring organisation is also assessed with a view to ensuring ongoing stable operation of the domain.

After receiving this documentation and input, it is analysed in relation to existing root zone management procedures, seeking input from parties both related to as well as independent of the proposed sponsoring organisation should the information provided in the original application be deficient. The applicant is given the opportunity to cure any deficiencies before a final assessment is made.

Once all the documentation has been received, various technical checks are performed on the proposed sponsoring organisation's DNS infrastructure to ensure name servers are properly configured and are able to respond to queries for the top-level domain being requested. Should any anomalies be detected, ICANN staff will work with the applicant to address the issues.



Assuming all issues are resolved, an assessment is compiled providing all relevant details regarding the proposed sponsoring organisation and its suitability to operate the top-level domain being requested. This assessment is submitted to ICANN's Board of Directors for its determination on whether to proceed with the request.