1. Consent Agenda:

a. Approval of Minutes of new gTLD Program Committee of 8 May 2013, 18 May 2013 and 4 June 2013

Resolved (2013.06.18.NGxx), the New gTLD Program Committee approves the minutes of the 8 May 2013, 18 May 2013 and 4 June 2013 Meetings of the new gTLD Program Committee.

2013-06-18-01a-NGPC-Minutes of 2013-05-08.docx

Note: On 10 April 2012, the Board established the New gTLD Program Committee, comprised of all voting members of the Board that are not conflicted with respect to the New gTLD Program. The Committee was granted all of the powers of the Board (subject to the limitations set forth by law, the Articles of incorporation, Bylaws or ICANN's Conflicts of Interest Policy) to exercise Board-level authority for any and all issues that may arise relating to the New gTLD Program. The full scope of the Committee's authority is set forth in its charter at http://www.icann.org/en/groups/board/new-gTLD.

A Regular Meeting of the New gTLD Program Committee of the ICANN Board of Directors was held telephonically on 8 May 2013 at 13:00 UTC.

Committee Chairman Cherine Chalaby promptly called the meeting to order.

In addition to the Chair the following Directors participated in all or part of the meeting: Chris Disspain, Bill Graham, Olga Madruga-Forti, Erika Mann, George Sadowsky, Mike Silber, Judith Vazquez, and Gonzalo Navarro.

Ray Plzak and Kuo-Wei Wu sent apologies.

Thomas Narten, IETF Liaison and Francisco da Silva, TLG Liaison, were in attendance as non-voting liaisons to the Committee.

Heather Dryden, GAC Liaison, was in attendance as an invited observer.

ICANN Staff in attendance for all or part of the meeting: Akram Atallah, Chief Operating Officer; John Jeffrey, General Counsel and Secretary; Megan Bishop, Michelle Bright, Samantha Eisner, Allen Grogan, Dan Halloran, Jamie Hedlund, Karen Lentz, Margie Milam, Erika Randall, Amy Stathos, and Christine Willett.

These are the Minutes of the Meeting of the New gTLD Program Committee, which took place on 08 May 2013.

1. Plan for Responding to the GAC Advice Issued in Beijing

The Chair introduced the topic of responding the GAC advice issued in the Beijing Communiqué, and briefly outlined the contents of the briefing materials, including the "scorecard" document to assist in the resolution of the GAC's advice. The scorecard was modeled on the scorecard effectively used in the Board-GAC consultations on new gTLDs in Brussels and San Francisco in 2011.

Chris Disspain shepherded the discussion leading the Committee through items of the GAC advice where the Committee's initial position may be categorized on the scorecard as "1A," meaning the Committee agrees with the advice. Chris noted that final decisions by the Committee were subject to the Committee's consideration of the applicant and public comments solicited on the GAC advice.

Chris explained that staff was requested to go through and take each of the pieces of advice and consider whether it's possible that some of those are handled elsewhere or previously. Chris noted that he has also asked the legal team for an opinion about whether implementing GAC advice would require changes to the New gTLD Program.

The Committee's discussion included the GAC advice on applications for .AFRICA and .GCC. Chris commented that there is a WIPO consideration of the application of .GCC. Mike Silber noted that there were multiple fora in which to object to an application, and the Committee should not delay its final determination pending the WIPO objection process.

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The Committee engaged in a discussion concerning the wording the GAC used for its advice on the applications for .HALAL and .ISLAM. Chris questioned whether the advice is the type specified in the Applicant Guidebook (AGB) that requires the Board to enter into a dialogue with the GAC to understand the scope of concerns when the GAC advises that there are particular concerns about an application. Dan Halloran agreed to take this issue under advisement and provide a response to the Committee at its next meeting. Heather Dryden also noted that she would review the specific wording of the AGB and provide clarity as to whether the GAC is advising and wants consultation, or whether the GAC simply is reporting the sentiment of some GAC members. She also cautioned that it is important to show responsiveness on this issue in whatever way the Committee decides to respond.

Chris opened the discussion on the GAC's advice to the Board that the advice of a community, which is clearly impacted by a new gTLD application, should be duly taken into account when the community expresses a collective and clear opinion on the applications. Mike noted that the advice looks to be applicable to the current and future rounds.

The Committee also engaged in a discussion of the GAC's advice on reconsidering singular and plural versions of a string. Chris recommended that the Committee accept the advice, but noted that the Committee had not previously considered the issue as an initial matter. Olga Madruga-Forti agreed that the Committee should respond to the GAC that it will consider the issue. Mike inquired whether the Committee had received documentation regarding the singular versus plural decisions as made by the the new gTLD review panel.

In response, Christine Willett provided a brief overview on staff's work to compile procedure documents for each of the new gTLD review panels. Olga commented that it was important to distinguish between process or procedure documents and the reasoning used by panel members to make decisions. Gonzalo Navarro and Thomas Narten discussed the importance of ensuring that decisions of the review panels are delivered with a rationale for the sake of accountability.

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Christine informed the Committee that the criteria and rationale for the review panels' decisions were based on the evaluation criteria in the AGB, along with additional guidance that was given in the form of supplemental notes and applicant advisories. Christine explained that the challenge with providing rationale for any one decision is that the decisions were the judgments of at least dozens of experts, and in some cases, hundreds of experts, to formulate the decisions. The Committee tasked staff with preparing additional briefing materials on this issue to facilitate further discussion at the Committee's meeting in Amsterdam.

The Committee also began discussions on the GAC's advice concerning IOC/RCRC names. Chris highlighted that this advice applies to all new gTLD applications and so it must be resolved before any applied-for strings can move forward. George Sadowsky questioned whether the advice was inconsistent with instructing the GNSO to undertake an expedited PDP on the issue of protections of IGO and INGO names and identifiers. Heather noted the GNSO's initiation of a PDP creates an issue because the GAC's position is that it is not within the purview of other parts of ICANN (i.e. non-governments) to identify which organizations should receive protections based on treaties. Thomas inquired whether and how the GAC is involved in the GNSO's PDP on this issue. The Chair provided a brief overview of the Committee's past actions to protect the IOC/RCRC names, and the Committee directed staff to prepare a briefing document outlining the Committee's previous actions leading up to the decision to initiate the PDP on IGO/INGO names.

The Committee examined an action plan and timeline for addressing the GAC advice in the Beijing Communiqué. The Chair and Erika Mann advised that the Committee should provide an update of its progress to the community and to the GAC before the Amsterdam meeting so that the community stays informed. Thomas noted that the community is looking for publication of a clear roadmap showing how the Committee will tackle the GAC advice. Heather added that the best channel for communicating back to governments about next steps is by communicating via the GAC, and the Committee agreed to send a letter to the GAC to advise it of the

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Committee's next steps. Jamie Hedlund noted that the applicant response window, which closes on 10 May 2013, and the public comment forum on safeguard advice, which closes 4 June 2013, should be factored into the timeline. Thomas questioned whether the Committee was expecting to have a GAC consultation and what the timing and logistics of such a consultation are if necessary.

The Committee agreed to consider other items of GAC advice during the Committee's meeting in Amsterdam scheduled for 18 May 2013, including the advice on singular and plural strings and protections for IOC/RCRC names.

The Committee did not take formal action at the meeting, and the Chair adjourned the meeting.

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2013-06-18-01b-NGPC-Minutes of 2013-05-18.doc

Note: On 10 April 2012, the Board established the New gTLD Program Committee, comprised of all voting members of the Board that are not conflicted with respect to the New gTLD Program. The Committee was granted all of the powers of the Board (subject to the limitations set forth by law, the Articles of incorporation, Bylaws or ICANN's Conflicts of Interest Policy) to exercise Board-level authority for any and all issues that may arise relating to the New gTLD Program. The full scope of the Committee's authority is set forth in its charter at http://www.icann.org/en/groups/board/new-gTLD.

A Regular Meeting of the New gTLD Program Committee of the ICANN Board of Directors was held in Amsterdam, The Netherlands on 18 May 2013 at 17:00 local time.

Committee Chairman Cherine Chalaby promptly called the meeting to order.

In addition to the Chair the following Directors participated in all or part of the meeting: Fadi Chehadé (President and CEO), Chris Disspain, Bill Graham, Olga Madruga-Forti, Erika Mann, Gonzalo Navarro, Ray Plzak, George Sadowsky, Mike Silber, Judith Vazquez, and Kuo-Wei Wu.

Thomas Narten, IETF Liaison and Francisco da Silva, TLG Liaison, were in attendance as non-voting liaisons to the committee.

Heather Dryden, GAC Liaison, was in attendance as an invited observer.

ICANN Staff in attendance for all or part of the meeting: John Jeffrey, General Counsel and Secretary; Akram Atallah, Chief Operating Officer; Tarek Kamel; David Olive; Megan Bishop; Michelle Bright; Samantha Eisner; Dan Halloran; Jamie Hedlund; Karen Lentz; Cyrus Namazi; Amy Stathos; and Christine Willett.

The Chair introduced the agenda, noting that there are items on the consent agenda and then the Committee would be discussing the GAC advice received in Beijing.

1. Consent Agenda

The Chair introduced the items on the consent agenda and called for a vote. The Committee then took the following action:

Resolved, the following resolutions in this Consent Agenda are approved:

a. Approval of Board Meeting Minutes

Resolved (2013.05.18.NG01), the New gTLD Program Committee approves the minutes of the 26 March 2013, 5 April 2013 and 11 April 2013 Meetings of the New gTLD Program Committee.

b. BGC Recommendation on Reconsideration Request 13-1

Whereas, Ummah's Digital, Ltd.'s ("Ummah") Reconsideration Request, Request 13-1, sought reconsideration of the staff conclusion that the Ummah gTLD application "is ineligible for further review under the New gTLD Program," which was based on the Support Applicant Review Panel (SARP) determination that Ummah's application did not meet the criteria for financial assistance. Whereas, the BGC recommended that Reconsideration Request 13-1 be denied because Ummah has not stated proper grounds for reconsideration, and Ummah's stay request fails to satisfy the Bylaws' requirements for a stay.

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Whereas, the BGC noted that "Ummah raises some interesting issues in its Request and suggests that the Board direct that the concerns raised in Ummah's Request be included in a review of the Applicant Support Program so that the design of future mechanisms to provide financial assistance and support in the New gTLD Program can benefit from the experiences within this first round."

Resolved (2013.05.18.NG02), the New gTLD Program Committee adopts the recommendation of the BGC that Reconsideration Request 13-1 be denied on the basis that Ummah has not stated proper grounds for reconsideration and that Ummah's stay request fails to satisfy the Bylaws' requirements for a stay.

Resolved (2013.05.18.NG03), the Board directs the President and CEO to include the concerns raised in Ummah's Reconsideration Request in the review of the Applicant Support Program so that the design of future mechanisms to provide financial assistance and support in the New gTLD Program can benefit from the experiences within this first round.

Rationale for Resolutions 2013.05.18.NG02 – 2013.05.18.NG03
In July 2009, as part of the comprehensive GNSO Improvements program, the ICANN Board approved the formal Charters of four new GNSO Stakeholder Groups (see ICANN Board Resolution 2009.30.07.09).

ICANN's Bylaws at the time Reconsideration Request 13-1 was filed, called for the Board Governance Committee to evaluate and make recommendations to the Board with respect to Reconsideration Requests. See Article IV, section 3 of the Bylaws. The New gTLD Program Committee, bestowed with the powers of the Board in this instance, has reviewed and thoroughly considered the BGC's recommendation with respect to Reconsideration Request 13-1 and finds the analysis sound. The full BGC Recommendation, which includes the reasons for recommending that the Reconsideration

Request be denied can be found at:
http://www.icann.org/en/groups/board/governance/reconsideration
Having a Reconsideration process set out in ICANN's Bylaws positively
affects ICANN's transparency and accountability. It provides an
avenue for the community to ensure that staff and the Board are
acting in accordance with ICANN's policies, Bylaws and Articles of
Incorporation.

To assure that ICANN continues to serve the global public interest by
ensuring worldwide accessibility to the Internet and opportunities for
operating a registry, ICANN will include the issues raised in Ummah's
Request in its review of the Program so that the design of future
mechanisms to provide financial assistance and support in the
New gTLD Program can benefit from the experiences within this first
round.

Adopting the BGC's recommendation has no financial impact
on ICANN and will not negatively impact the systemic security,
stability and resiliency of the domain name system.
This is an Organizational Administrative Function not requiring public
comment.

c. BGC Recommendation on Reconsideration Request 13-2

Whereas, Reconsideration Request 13-2, sought reconsideration
of: (1) Staff and Board inaction on the consideration of Nameshop's
letter of "appeal" sent after denial of Nameshop's change request to
change its applied-for string in the New gTLD Program from .IDN to
.INTERNET (the "Change Request"); and (ii) the decision of the
Support Applicant Review Panel ("SARP") that Nameshop did not
meet the criteria to be eligible for financial assistance under ICANN's
Applicant Support Program.

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Whereas, the BGC recommended that Reconsideration Request 13-2 be denied because Nameshop has not stated proper grounds for reconsideration.

Whereas, the BGC concluded that the Reconsideration Request 13-2 challenges: (i) an "appeal" process that does not exist; and (i) the substantive decisions taken within the New gTLD Program on a specific application, not the processes by which those decisions were taken and that the reconsideration process is not, and has never been, a tool for requestors to seek the reevaluation of decisions. Resolved (2013.05.18.NG04), the New gTLD Program Committee adopts the BGC's recommendation that Reconsideration Request 13-2 be denied on the basis that Nameshop has not stated proper ground for reconsideration.

Rationale for Resolution 2013.05.18.NG04
ICANN's Bylaws at the time Reconsideration Request 13-2 was filed, called for the Board Governance Committee to evaluate and make recommendations to the Board with respect to Reconsideration Requests. See Article IV, section 3 of the Bylaws. The New gTLD Program Committee, bestowed with the powers of the Board in this instance, has reviewed and thoroughly considered the BGC's recommendation with respect to Reconsideration Request 13-2 and finds the analysis sound. The full BGC Recommendation, which includes the reasons for recommending that the Reconsideration Request be denied can be found at: http://www.icann.org/en/groups/board/governance/reconsideration. Having a Reconsideration process set out in ICANN's Bylaws positively affects ICANN's transparency and accountability. It provides an avenue for the community to ensure that staff and the Board are acting in accordance with ICANN's policies, Bylaws and Articles of Incorporation.

Request 13-2 challenges an "appeal" process that does not exist, and challenges the substantive decisions taken in implementation of the New gTLD Program on a specific application and not the processes by

which those decisions were taken. Reconsideration is not, and has never been, a tool for requestors to seek the reevaluation of substantive decisions. This is an essential time to recognize and advise the ICANN community that the Board is not a mechanism for direct, de novo appeal of staff (or evaluation panel) decisions with which the requester disagrees. Seeking such relief from the Board is, in itself, in contravention of established processes and policies within ICANN.

Adopting the BGC's recommendation has no financial impact on ICANN and will not negatively impact the security, stability and resiliency of the domain name system.

This is an Organizational Administrative Function not requiring public comment.

All members of the Committee voted in favor of Resolutions 2013.05.18.NG01, 2013.05.18.NG02, 2013.05.18.NG03, and 2013.05.18.NG04. The Resolutions carried.

2. Main Agenda

a. Addressing GAC Advice from Beijing Communiqué

Chris Disspain led the Committee in a discussion regarding the GAC Advice from the Beijing Communiqué, stressing that the Committee is not being asked to take any decisions today. Rather, there are goals to understand the timing of decisions to be taken in the future, with particular focus on those items that the Committee is likely to accept.

Akram Atallah provided an overview of a timeline for proposed action, focusing on those items of advice that are applicable across all strings, and noting that it is a priority to deal with those items first. The next in priority are the items that affect strings in related categories. The public comment is still open on the safeguard advice, and there will be time needed to

provide the Board with a summary of those comments. A decision will be needed soon after to keep the Program on track.

The Chair summarized his understanding of the items that needed to be ready for decision soon after the close of the comment period: The safeguards applicable to all new gTLDs; IGO protections; the Registry Agreement; the GAC WHOIS principle; IOC/RC protections; and the category of safeguards for restricted access policies. While many on the Committee are eager to discuss the singular/plural issue and .Africa and .GCC, those decisions are not essential for moving forward with the Program.

Chris confirmed that there is a plan to deal with the individual issues as well as the general issues. For the .Africa and .GCC pieces of advice, the Committee first has to consider the applicant input, as well as for .Islam and .Halal. Applicant comments also have to be considered on the groups of strings identified in the Communiqué. The advice on singular/plural and IGO protections are on track to be dealt with separately, and there is ongoing work for all other portions of the advice.

Thomas Narten pointed out that there could be a need for further public comment in the even that the NGPC takes a decision that requires further input.

Olga Madruga-Forti and Tarek Kamel both noted that it is important for the Committee to take the GAC Advice seriously and respond in a timely manner, and not to solely focus on the process that is not as well understood among all of the governments of the world. In addition, some of the focus on the issues raised in the Communiqué has gone beyond the governments.

Gonzalo Navarro agreed and urged the Committee to be proactive in its responses.

Heather Dryden confirmed that the members of the GAC worked carefully to create this Communiqué.

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The President and CEO urged the Committee that, when appropriate, even if formal action or decision is not ripe, the Committee should indicate the direction in which it is leaning on some of the more sensitive areas of advice.

Chris confirmed that particularly in regards to the portion of Communiqué where the GAC indicated it needed further time for discussion, the progress on this will in part be based upon the outcomes of that further discussion. However, for some of the names identified, there are already objection processes underway and so the results of those objections may remove the need for GAC action. However, it is possible for the Committee to telegraph how it anticipates acting in regards to these items, particularly when provided along with a clear statement of the Committee's understanding of the GAC's position.

Olga agreed with Chris' suggestion.

Heather stressed the import of being responsive to the GAC while still allowing the objection processes to run.

Gonzalo Navarro shared his expectation that we will see heightened government participation at the Durban meeting as a result of the Communiqué, and the messaging within the GAC and the Committee will be very important.

Bill Graham agreed with Heather that it is important to proceed with caution, and to not signal potential action by the Committee that may not be feasible if the GAC or objection process leads to a change in course.

Chris then walked the Committee through proposed responses for inclusion in Scorecard and the Committee suggested modifications throughout the document. While discussing the Scorecard, Chris confirmed that the Committee would have further discussion on the singular/plural issue at a future call of the Committee, as a decision on this point could have great impact regarding future rounds of the program. For the IGOs, the Committee will be going into consultation with the GAC, and a letter will be

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sent to the GAC thanking it for its willingness to engage. The Committee had previously stated to the GAC that the deadline for addressing the IGO acronym issue is in Durban, to allow the Committee to take a resolution as soon after Durban as possible. Chris also noted that addressing the GAC advice on RAA, the GAC Whois Principles and the IOC/Red Cross should be very straightforward. For the safeguard advice applicable to all strings, Chris briefly led the Committee through some proposed Scorecard language, and requested that staff provide the Committee with additional information and explanations for the proposed suggestions of how to address the GAC Advice. As it related to the safeguard advice for particular categories of strings, Chris noted that due to lack of time, it made sense to postpone a review of these items.

Chris then confirmed that the topic for the Committee's next call should be to address those areas that will have a 1A on the Scorecard, so that the Committee can take further action. He also agreed that the staff should provide an update to the community on the Committee's progress.

The Chair then called the meeting to a close.

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