ICANN
57
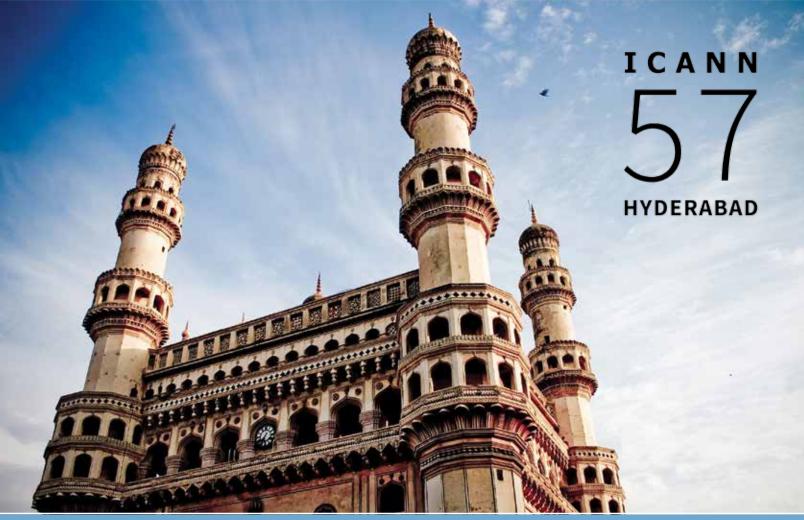HYDERABAD

News from the Chair

Dear ICANN Community Members:

As expected, 2016 has been a very busy and monumental year in the history of ICANN and the Business Constituency (BC) has been engaged every step of the way. Beginning in March in Marrakech, when the ICANN community approved the groundbreaking IANA transition plan, and continuing in June in Helsinki where Policy Development Process Working Groups met in earnest, the BC has been a key participant in the evolution of ICANN.

As the community gathers now in Hyderabad for the ICANN 57 meeting, much work remains. Of course, further ICANN accountability work via "Work Stream 2" continues and will extend well into 2017. Meanwhile, vitally important

policy work, in particular that being done by Working Groups related to new gTLDs (e.g., Subsequent Procedures and Rights Protection Mechanisms) and Next Generation Registration Directory Service, carries on. The BC has a variety of its members actively advocating in these WGs and will continue to provide cogent input on an ongoing basis.

Outside of its policy advocacy, the BC strives to expand outreach to the broader business community. In this regard, the BC will be hosting an outreach event at the ICANN meeting on Saturday, November 5, during the lunch hour. The BC welcomes all business and commercial users of the Internet to join us then to learn more about what the BC does and how membership

in the BC can lead to positive engagement within the broader ICANN community.

Many within the BC have traveled great distances to be present for the ICANN 57 meeting. Such commitment is testament to the strong interest the BC's members have in ICANN and its unique role in the broader Internet governance landscape. The BC looks forward to a productive and enlightening meeting as 2016 comes to an end.

For more information regarding the BC, please go to our updated website at bizconst.org.

Warm Regards,

Chris Wilson
Chair, ICANN Business Constituency

An interview with Göran Marby

By Jimson Olufuye

Göran Marby was appointed CEO & President on 23 May 2016. He brings over 20 years experience as a senior executive in the Internet and technology sector.

1. Can you share your vision as the 6th CEO and President of ICANN, and how you see the road ahead for ICANN's org key challenges?

My vision for ICANN the organization is one of stability and technical leadership. Over the past few years, the organization has grown to meet the needs of our ever-expanding global community. Now we have to analyze where we are so we can serve the community the best way we can going forward. We need, together with the community and the board, to work on processes and transparency. This is especially important as we implement the IANA Stewardship Transition proposals. Core to that vision is ICANN the organization being able to support the community and help provide stability and predictability in a post-transition environment.

2. ICANN has had only a few CEOs/Presidents since its launch in 1998. Each has contributed to its evolution. As the current CEO, what are your top priorities?

My immediate priorities are three-fold: ensuring the implementation of the IANA Stewardship Transition proposals goes smoothly, continuing to improve the operational excellence of our increasingly globalized organization (in order to best serve our important technical mandate), and working closely with the diverse ICANN community to understand their needs.

3. Have you, or do you plan to be in touch with previous ICANN CEOs/Presidents to understand the

history of ICANN as it evolved and to receive other relevant advice?

Prior to my official start date as CEO, I had the opportunity to talk to some of them, which has been very important to me. But I also would like to take the opportunity to thank members of community. They have given me some very good insights, and I hope that these discussions can continue.

4. For the business community, we are very interested in how ICANN administers the gTLD contracts, and addresses key issues such as WHOIS. We would welcome hearing your thoughts about ICANN's role as the contractor and its responsibility for strong contract enforcement. While we understand that it's still early for your consideration of this topic, effective contract compliance is a top concern for the business community.

ICANN is fully committed to enforcing the obligations contained with our contracts with registries and registrars, both prior to and after the IANA Stewardship Transition. The new ICANN Bylaws also affirm the organization's ability to enforce these contracts, in the service of our overall mission.

5. You have a very unique background in business and government. How do you see this contributing to your understanding of the CEO role at ICANN, which is itself a very unique organization and which is about to undergo major changes with the impending

> "We need, together with the community and Board, to work on processes and transparency. This is especially important as we implement the IANA Stewardship Transition proposals."

IANA Transition and new Accountability structure?

I've been involved in technology companies at every stage possible – from founding and running start-ups, to regulating the market they operate in – so I think I have some understanding of what it takes to be successful in a fast-paced environment. And throughout my career, I've worked closely with a multitude of stakeholders to implement their visions, provide them with service and protect them. ICANN is a unique

organization in many ways, but in this way, it is no different. It exists to serve the community and implement the decisions made by its members. My role as CEO is to lead the organization's staff in the furtherance of this mission.

6. Would the creation of more entrepreneur centers in Africa and other developing world/underserved regions boost your vision of Outreach and DNS industry in Africa and around the world?

Entrepreneur centers are an important part of our regional strategies and outreach efforts – they allow us to partner with local experts and leverage their expertise and knowledge as we engage with local communities and widen our pool of stakeholders. Creating additional entrepreneur centers in Africa, as well as other parts of the developing world, exposes local communities to domain name industry best practices and opens up new avenues of growth for domain name marketplaces in underserved regions.

However, entrepreneur centers are only one part of our regional engagement and outreach.

Another good example from the ICANN African regional engagement strategy is the recent opening of the official ICANN Engagement Office in Nairobi, Kenya, which allows us to have a stronger on-the-ground presence.

Our bottom up, community driven regional strategies are developed by local regional stakeholders, with the support of our engagement staff on the ground, to address the specific and varied needs of each underserved region. I encourage stakeholders in these regions to work with ICANN regional staff and fellow stakeholders to develop even more successful initiatives to promote the DNS industry around the world.

Policy Perspective

By Steve DelBianco, Vice Chair for Policy Coordination

I'm writing this column in mid-September, when a handful of US Senators were attempting to block the IANA transition. By the time you read this, the status of the transition will surely have changed. Depending upon political outcomes, the transition will at this time be either: completed; pending; or indefinitely on-hold.

In the latter case, BC members gathering in Hyderabad will be discussing how to salvage the accountability mechanisms approved in Marrakesh. That's because the new Bylaws take effect only when the IANA contract is terminated, so a delayed transition means stripping IANA accountability measures out of the Bylaws. Although the board committed to the rest of the accountability enhancements, those measures were approved only as a compromise package. If there's a lot of re-negotiating of bylaws text, we might not rescue the strong accountability powers suggested

Steve DelBianco, Vice Chair for Policy Coordination

and supported by the BC.

In any case, BC members are hard at work on other policy projects, too. There are multiple ways to get involved with reviews and planning for future expansions of generic top-level domains (gTLDs). In the next few months, we'll begin formal reviews of ICANN's attention to Security, Stability, and Resiliency, and about whether Whois is delivering access to accurate information about domain registrants.

There are also several truly interesting projects underway in 'Work Stream 2' of the IANA transition, including transparency, human rights, and legal jurisdiction. Many BC members are engaged in Work Stream 2, and anyone can join as an observer at any time, which is a good way for new BC members to see ICANN's multi-stakeholder process at work.

The Hyderabad meeting is several days long, so there will be many opportunities for BC members to have deep-dive discussions on policy topics. Please don't hesitate to ask even basic questions, since I am determined to make it easier for BC members to contribute to comments and advocate for the interests of business registrants and users.

ICANN Multistakeholder Organizational Chart

Representatives on these charts are up to date as of the end of the Policy Meeting, ICANN56.
Note: Officers for the GNSO Council are elected at the close of ICANN57.

ICANN Board of Directors

Top row Left to Right: Göran Marby– President & CEO, Steve Crocker – Chair (NomCom), Bruce Tonkin – Vice Chair (GNSO), Rinalia Abdul Rahim (At-Large), Cherine Chalaby (NomCom), Chris Disspain (ccNSO), Asha Hemrajani (NomCom), Ron da Silva (ASO), Markus Kummer (GNSO), Bruno Lanvin (NomCom)

2nd row Left to Right: Erika Mann (NomCom), Rafael Lito Ibarra (NomCom), Lousewies van der Laan (NomCom), George Sadowsky (NomCom), Thomas Schneider (GAC), Mike Silber (ccNSO), Kuo-Wei Wu (ASO), Ram Mohan (SSAC Liaison), Jonne Soininen (IETF Liaison), Suzanne Woolf (RSSAC Liaison)

Generic Names Supporting Organization (GNSO)
(see following page)

James Bladel (Chair)
Heather Forrest (V. Chair)
Donna Austin (V. Chair)

Country Code Names Supporting Organization (ccNSO)

Katrina Sataki (Chair)
Byron Holland (V. Chair)
Demi Getschko (V. Chair)

Address Supporting Organization (ASO)

Louie Lee (Chair)
Ricardo Patara (V. Chair)
Filiz Yilmaz (V. Chair)

Government Advisory Committee (GAC)

Thomas Schneider – Switzerland (Chair)
Olga Cavalli – Argentina (V. Chair)
Gema Campillos – Spain (V. Chair)
Henri Kassen – Namibia (V. Chair)
Wanawit Ahkuputra – Thailand (V. Chair)

Security & Stability Advisory Committee (SSAC)

Patrik Fältström (Chair)

Root Server System Advisory Committee (RSSAC)

Brad Verd (Co-Chair)
Tripti Sinha (Co-Chair)

At-Large Advisory Committee (ALAC)

Alan Greenberg (Chair)
Tijani Ben Jemaa (V. Chair)
Leon Sanchez (V. Chair)

Technical Liaison Group (TLG)

Bilel Jamoussi
Wendy Seltzer
Daniel Dardaillier
Warren Kumari

Internet Engineering Task Force (IETF)

Jari Arkko (Chair)

Nominating Committee 2017

Hans Petter Holen (Chair)
Zahid Jamil (Chair-Elect)

Ombudsman

Herb Waye

GNSO Stakeholder Groups, Constituencies & Council

The GNSO Council is responsible for managing the policy development process of the GNSO.

Contracted Party House Councilors

Registry Stakeholder Group
Donna Austin, V. Chair GNSO Council (APPAC)
Keith Drazek (NA)
Rubens Kuhl (LAC)
Donna Austin (AAPAC)

Nominating Committee Appointees
Johan (Julf) Helsingius, Voting Non-Contracted Party House (EU)
Hsu Phen Valerie Tan, Voting Contracted Party House (AAPAC)
Carlos Raul Gutiérrez, Non-Voting (LAC)

Registrar Stakeholder Group
James Bladel, GNSO Council Chair (NA)
Volker Greimann (EU)
Jennifer Gore (NA)

Liaison and Observer
Olivier Crepin Leblond, ALAC Liaison (EU)
Patrick Myles, ccNSO Observer (APPAC)

Non-Contracted Party House Councilors

Commercial Stakeholder Group
Commercial and Business Users
Susan Kawaguchi (NA)
Philip Corwin (NA)
Intellectual Property Interests
Heather Forrest, V. Chair GNSO Council (AAPAC)
Paul McGrady (NA)
Internet Service and Connection Providers
Tony Harris (LAC)
Wolf-Ulrich Knoben (EU)

Non-Commercial Stakeholder Group
David Cake (AAPAC)
Stefania Milan (NA)
Amr Elsadr (AF)
Marilia Maciel (LAC)
Edward Morris (NA)
Stephanie Perrin (NA)

Contracted Party House

Registry Stakeholders Group
Paul Diaz (Chair)
Samantha Demetriou (V. Chair Administration)
Stephane Van Gelder (V. Chair, Policy)
Reg Levy (Treasurer)
Cherie Stubbs (Secretariat)

Registrar Stakeholders Group
Graeme Bunton (Chair)
Darcy Southwell (V. Chair)
Theo Geurts (Secretary)
Ben Anderson (Treasurer)
Zoe Bonython (Secretariat)

Intellectual Property Constituency
Greg Shatan (President)
Steve Metalitz (Vice President)
Lori Schulman (Treasurer)
Fabricio Vayra (Secretary)
Kiran Malancharuvil (Participation Coordinator)

Non-Contracted Party House

Commercial Stakeholders Group*

Business Constituency
Chris Wilson (Chair)
Steve DelBianco (V. Chair Policy Coordination)
Jimson Olufuye (V. Chair Finance & Operations)
CSG Representative: Cheryl Miller

Internet Service & Connection Providers Constituency
Tony Holmes (Chair)
Wolf-Ulrich Knoben (V. Chair)
Alain Bidron (Excomm)

Non-Commercial Stakeholders Group*

Non-Commercial Users Constituency
Rafik Dammak (Chair)
Grace Githaiga (Africa)
Peter Green (AAPAC)
Farzaneh Badii (Europe)
Milton Mueller (N. America)
João Carlos R. Caribe (LAC)

Not-for-Profit Operational Concerns Constituency
Klaus Stoll (Chair)
Martin P. Silva Valent (V. Chair)
Poncelet Ileleji (Policy Committee Chair)
Juan Manuel Rojas (Communications Committee Chair)
Joan Kerr (Membership Committee Chair)
Olevie Kouami (Secretary)

* The groups' officers are omitted here

The GNSO Policy Development Support Team supports the GNSO community's development of bottom-up, consensus policies and guidelines that help advance the stable and secure operation of the Internet's unique identifier systems. *David Olive, Steve Chan, Glen de Saint Gery, Gisella Gruber, Julie Hedlund, Lars Hoffman, Robert Hoggarth, Susie Johnson, Marika Konings, Nathalie Peregrine, Carlos Reyes, Steve Sheng, Mary Wong*

Report from the BC's Councilors on the GNSO Council

By Philip S. Corwin and Susan Kawaguchi

ICANN's Generic Names Supporting Organization (GNSO) includes all parts of the ICANN community involved with generic top level domains (gTLDs), and its Council sets policy for them. The Business Constituency (BC) is part of the Commercial Stakeholders Group (CSG), which comprises one-half of the Non-Contracted Parties House (NCPH) side of the Council. The BC's current Councilors representing its views on Council are Susan Kawaguchi of Facebook and Philip Corwin, head of Virtualaw LLC and Counsel to the Internet Commerce Association.

Like most of the ICANN community, the Council was closely involved with the work of the CWG-Stewardship and the CCWG-Accountability. Most Councilors – including the BC's – participated in various aspects of this process. The end result of this two-track process was the development and delivery of a coherent package of recommendations for transitioning oversight of the IANA root zone functions from the National Telecommunications and Information Administration (NTIA), a division of the U.S. Department of Commerce, to the global multistakeholder community; in conjunction with new measures to make ICANN's Board and staff more accountable to its community while preventing governmental takeover or domination of ICANN.

Following completion of the CWG's work, the CCWG's final Accountability Proposal received final signoff by ICANN's Chartering Organizations, including the GNSO, at the ICANN 55 meeting that took place in Marrakech, Morocco in early March. Following that approval, the final transition and accountability package was sent on to ICANN's Board, which it turn approved and transmitted it to the NTIA, which then conducted its own review against its stated principles and requirements for the transition – and found them all satisfied. And the ICANN community completed its own review of draft Bylaws revisions incorporating all the transition and accountability proposals.

Still, the work was hardly over. Further implementation of Work Stream 1 recommendations, including finalization of the new Bylaws and chartering of the new Post-Transition ICANN (PTI) and Empowered Community (EC) entities, proceeded concurrently with the launch of the secondary yet still important issues relegated to Work Stream 2.These include assurance of greater transparency in ICANN decision-making and operations.

Unfortunately, activation of all the new accountability tools is dependent on adoption of ICANN's new Bylaws, and that in turn is tied to the pending transition of the IANA functions. As this article is being written there is still a possibility that the U.S Congress will include a prohibition on completing the transition in a short-term bill to provide funding to the U.S. government until after the November elections in that nation. BC members remain optimistic that a delay may be avoided, or that it will be of limited duration.

Still, notwithstanding any uncertainty the community continues to prepare for the transition and its newly empowered role. In that regard, the GNSO Council has just commenced a discussion of how the GNSO should exercise its role in the Empowered Community that will exercise the accountability powers, and the procedures may well be different

> The Hyderabad meeting is the first "C meeting" under ICANN's revised meeting strategy, and lasts for a full 7-day week.

than for GNSO consideration of policy matters. BC members will continue to discuss these ongoing processes and proposals on a regular basis, and Susan and Philip will convey the BC's consensus views to the full Council.

BC members will next gather together at ICANN 57, taking place in early November in Hyderabad, India. This will be the first "C meeting" under ICANN's revised meeting strategy. This final meeting of the year is longer than customary practice (7days – a full week long). BC members were generally pleased with the shorter, policy focused meeting held in Helsinki, Finland in June, and are looking forward to testing whether this new meeting format achieves its overall goals as they prepare for the most intensive gathering of 2016.

Other issues on which the Council is currently engaged include:

• Overseeing implementation of the recently completed PDP on accreditation standards for privacy and proxy services providers associated with

registrars, to ensure that registrants' privacy is maintained but that rights holders can convey messages and obtain registrant data in appropriate circumstances.

- Assuring that International Governmental Organizations (IGOs) have adequate access to the Uniform Domain-Name Dispute Resolution Policy (UDRP) and Uniform Rapid Suspension System (URS) rights protection mechanisms, or to a similar arbitration process, to prevent abuse of their names and acronyms in domain names. BC Councilor Philip Corwin is Co-Chair of this WG.

- Determining what usage should be made of the more than $100 million (and possibly as much as $240 million) in "last resort" auction proceeds for contested new gTLDs. The Council has established a CCWG to grapple with this issue and it has just produced a proposed Charter to guide its work ICANN's Board has signaled that it will give serious review to community input.

- Maintaining and improving the functioning of a liaison from the Council to the Governmental Advisory Committee (GAC). This work has included implementation of an "early look" system for gathering GAC feedback on developing issues, with the

aim of better integrating governmental views into the policymaking process.

- Following the work of a Policy Development Process (PDP) on subsequent rounds of new gTLDs. This will be coordinated with a separate PDP reviewing all rights protection mechanisms (RPMs) for all gTLDs – including the first review of the Uniform Dispute Resolution Policy (UDRP) ever undertaken. Approval of the Charter for the RPM PDP was given at the Council meeting in Marrakech, and Councilor Corwin is one of its Co-Chairs. The BC has made clear that its position is that any new round of gTLDs can only proceed after both of these PDPs complete their review of all matters pertaining to new gTLDs, along with a separate review of Competition, Choice and Trust mandated by the Affirmation of Commitments.

- Overseeing the work of a multi-part PDP on "A Next-Generation Registration Directory Service" (RDS)

that is intended to help redefine the purpose and provision of gTLD registration data, and develop a potential new model to replace today's much-criticized WHOIS system. BC Councilor Susan Kawaguchi has played an integral role in this important effort and will continue to be involved with its work.

The BC may also take the initiative on select new issues by urging the Council to initiate the process that can lead to the development of new responsive policies. One issue that has received BC attention is a rising number of domain thefts, which can be devastating to businesses and their customers. ICANN has a role to play in addressing this, including best practices for registrar security as well as tougher compliance against registrars who do not cooperate adequately in investigating incidents and returning stolen domains.

Another issue on the BC's radar is the targeting of Trademark Clearinghouse registered marks for excessive sunrise registration fees by new gTLDs, as brought to wider public attention by such registry actions as the $2,500 annual fee established by .Sucks. The issue is broader than that single registry and involves questionable policies regarding "premium domain" designation and pricing by many new gTLD registries.

As 2016 moves toward a conclusion, the BC's Councilors will continue to play a vital role in conveying BC consensus views to the Council while keeping BC members apprised of Council activities and decisions.

Susan Kawaguchi, BC Councilor

Philip Corwin, BC Councilor

The mission of the BC

The Constituency fully represents the views of the Internet business user community,

ICANN policy positions are consistent with the development of business via an Internet that is stable, secure and reliable while promoting consumer confidence.

ICANN policy positions derive from broad stakeholder participation in a common forum for suppliers and users.

Executive Committee

Chair: Chris Wilson

Vice Chair, Policy Coordination: Steve DelBianco

Vice Chair, Finance & Operations: Jimson Olufuye

CSG Representative: Cheryl Miller

GNSO Councilor: Susan Kawaguchi

GNSO Councilor: Philip Corwin

BC Appointees to the Nominating Committee:

Zahid Jamil (outgoing-2016)
Jay Sudowski (Small Business Seat) (incoming-2017)
Paul Mitchell (Large Business Seat) (incoming-2017)

2016 BC Credentials Committee:

Andrew Mack
Arinola Akinyemi
John Berard

BC Finance Sub Committee:

Angie Graves, Chris Chaplow

BC Secretariat: Chantelle Doerksen

Outreach Committee Members:

Andrew Mack (Coordinator),
Ellen Blackler, Marilyn Cade,
Lawrence Olawale-Roberts,
Angie Graves.

About ICANN and the GNSO

ICANN's mission is to help ensure a stable, secure and unified global Internet. To reach another person on the Internet, you have to type an address into your computer — a name or a number. That address has to be unique so computers know where to find each other.

ICANN helps coordinate and support these unique identifiers across the

world. ICANN was formed in 1998 as a not-for-profit public-benefit corporation and a community with participants from all over the world. ICANN and its community help keep the Internet secure, stable and interoperable

About the GNSO

The Generic Names Supporting Organization fashions (and over time, recommends changes to) policies for gTLDs (e.g., .com, .org, .biz).

The GNSO strives to keep gTLDs operating in a fair, orderly fashion across one global Internet, while promoting innovation and competition, for more information please visit: http://gnso.icann.org/en/

If you would like to become a member of the BC, please contact the BC Secretariat at: info-bc@icann.org

www.bizconst.org

BC Charter:
www.bizconst.org/charter.htm

BC Members:
www.bizconst.org/members.htm

Join the BC:
www.bizconst.org/joinus.htm

Acronym Helper:
www.bizconst.org/glossary.htm