ICANN Policy Update Webinar

Introduction
David Olive

Goals for this session

- Update you on current Policy work and encourage you to participate

- Review issues to be discussed at the ICANN Meeting in Dakar

- Inform you of upcoming initiatives and opportunities to provide input

- Answer any questions you might have

ICANN Meeting in Dakar

- Highlights include:
  - Newcomers Track Day
  - New gTLDs Developments
  - Abuse of the DNS Forum
  - Consumer Choice, Competition and Trust
  - DNSSEC Workshop
  - AFRALO Showcase
- Further information http://dakar42.icann.org/ and http://dakar42.icann.org/full-schedule to see different tracks

Policy Developed at ICANN by:

ICANN Supporting Organizations

- GNSO – Generic Names Supporting Organization
- ccNSO – Country-code Names Supporting Organization
- ASO – Address Supporting Organization

Advice provided by Advisory Committee

- ALAC – At-Large Advisory Committee
- SSAC – Security & Stability Advisory Committee
- RSSAC – Root Server System Advisory Committee
- GAC – Governmental Advisory Committee

Topics covered in this session

Generic Names Supporting Organisation (GNSO)

- Geographic Regions (Rob Hoggarth)

- New Policy Development Process (Marika Konings)

- Inter-Registrar Transfer Policy (Marika)

- Post-Expiration Domain Name Recovery (Marika)

- Discussion Paper on Best Practices (Marika)

- UDRP Final Issue Report (Margie Milam)

- WHOIS Update (Liz Gasster)

- WHOIS IRD WG (Steve Sheng)

Topics covered in this session

Country Code Supporting Organisation (ccNSO)

- Framework of Interpretation WG (Bart Boswinkel)
- Other major activities
- Joint Working Groups (DSSA, Study Group on use of Country Names)

Address Supporting Organisation (ASO)

- Recovered IPv4 Post Exhaustion (Olof Nordling)

One World

One Internet

GNSO Policy Issues

# Current issues being discussed in GNSO

- Geographic Regions Review

- New GNSO Policy Development Process

- Registration Abuse Policies (RAP)

- Inter-Registrar Transfer Policy (IRTP)

- Post-Expiration Domain Name Recovery

- Registrar Accreditation Agreement (RAA)

- WHOIS

- Others – currently there are over 20 projects underway

Geographic Regions Review

Rob Hoggarth

Geographic Regions Review - What
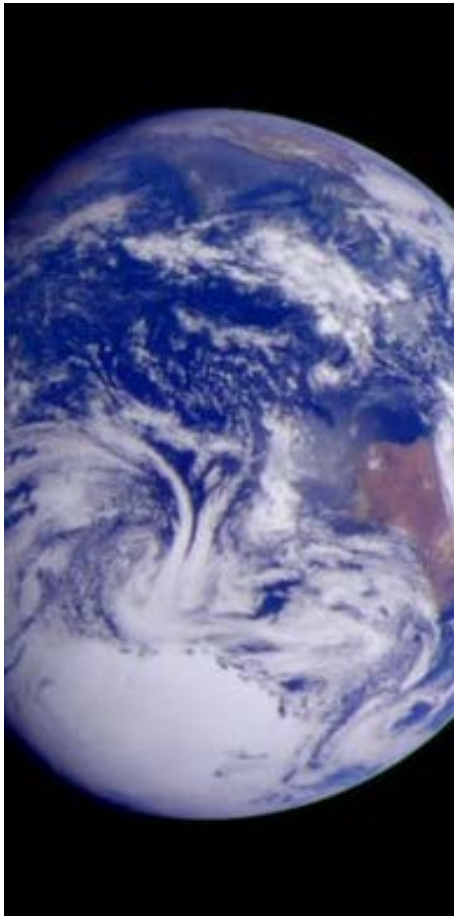
- Geographic diversity is a fundamental component of the ICANN organization.

- The ICANN Bylaws currently define five geographic regions as Africa, North America, Latin America/Caribbean, Asia/Australia/Pacific and Europe.

Geographic Regions Review – Why?

- Review anticipated in Bylaws
- ccNSO Council requested review (2007)
- Board agreed and approved community-wide working group concept (2008) and charter (2009)
- WG has produced two reports
- Third (and final) report being prepared – with recommendations for potential changes.

Geographic Regions Review – Next Steps

- Public Comment Forum Open on WG Draft Final Report
- Comments Due 19 December
- WG will review comments and publish Final Report in early 2012
- Community (SO-AC) formal review opportunity
- Presentation To Board – mid 2012
- Board Review and Action – late 2012.

New GNSO Policy Development Process (PDP)
Marika Konings

New GNSO Policy Development Process (PDP)

- Board-mandated by GNSO Improvements effort
- Goal -- A new PDP that incorporates a working group approach and makes process more effective and responsive to ICANN's policy development needs.

New GNSO Policy Development Process - Recs

The Updated Final Report includes 48 recommendations, a new Annex A of the Bylaws and a proposed PDP Manual – examples :

- Standardized "Request for an Issue Report Template"
- Use of "Preliminary Issue Report"
- Required public comment period of no less than 30 days on a PDP Working Group's Initial Report and a minimum of 21 days for any non-required public comment periods the PDP WG initiates
- Requirement that all reports presented to the Board are reviewed by either the PDP Working Group or the GNSO Council and made publicly available.
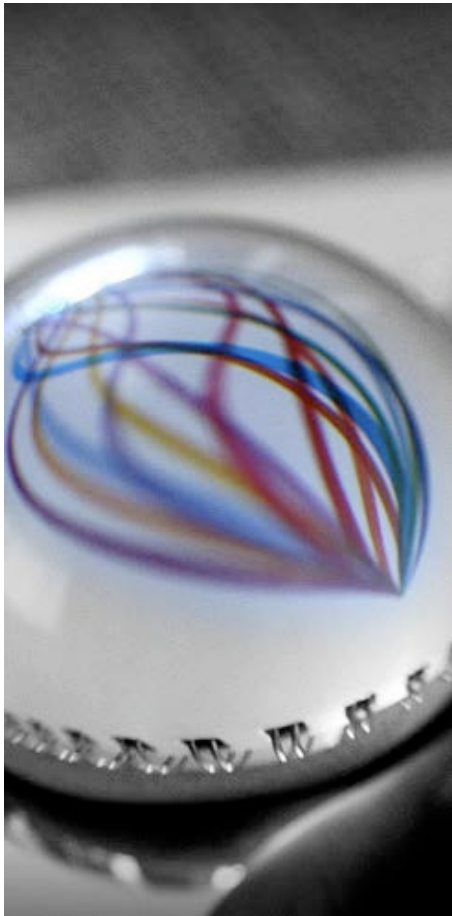- The use of Implementation Review Teams

New GNSO Policy Development Process – Next Steps

- The GNSO Council is expected to consider the Updated Final Report in Dakar.
- Subsequent Community Comment opportunity
- Board Review

Additional Information

- Geographic Regions Review Public Comment Forum - http://http://www.icann.org/en/public-comment/geo-regions-draft-final-report-30sep11-en.htm
- PDP Updated Final Report- http://gnso.icann.org/improvements/updated-final-report-pdpwt-28sep11.pdf
- GNSO Improvements Info Page - http://gnso.icann.org/en/improvements/

Inter-Registrar Transfer Policy (IRTP)
Marika Konings

Why is it important?
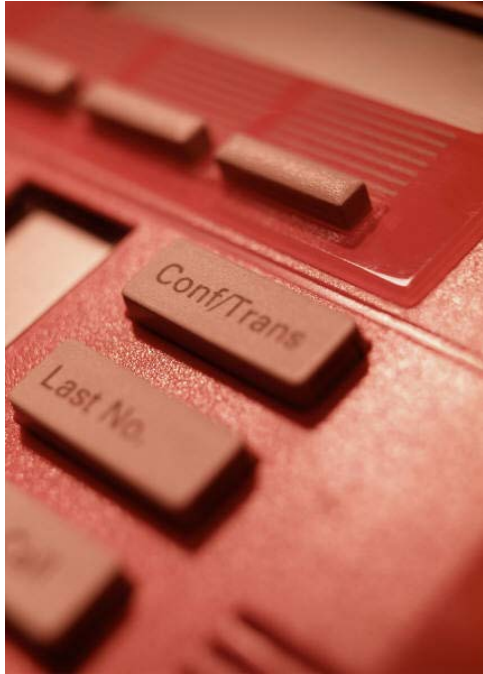
- Inter-Registrar Transfer Policy (IRTP)
- Straightforward process for registrants to transfer domain names between registrars
- Currently under review to ensure improvements and clarification – nr 1. area of complaint according to data from ICANN Compliance

IRTP Part B PDP – Status Update

- Working Group completed its report in May 2011, GNSO Council adopted recommendations in June 2011

- Board consideration and adoption in August 2011

- Request for staff proposals for two issues (WHOIS status messages & new provision to lock / unlock domain names)

- Implementation of adopted recommendations underway, incl. Transfer Emergency Action Contact

IRTP Part C

- GNSO Council initiated a PDP on IRTP Part C at its meeting in September
- Call for volunteers launched (see https://community.icann.org/display/gnsoirtppdpwg/Home)
- IRTP Part C to address three issues: a) 'Change of Control', b) Time-limiting FOAs, c) IANA IDs for registrars

'Thick' WHOIS Issue Report

- GNSO Council adopted recommendation of IRTP Part B WG to request Issue Report on the requirement of 'thick' WHOIS for all incumbent gTLDs
- ICANN Staff to prepare Preliminary Issue Report for Public Comment (timing to be confirmed)

How do I get involved?

- Join the IRTP Part C Working Group (see https://community.icann.org/display/gnsoirtppdpwg/Home)
- Attend the IRTP Update at the ICANN meeting in Senegal - Thursday 27 October from 10.00 – 11.30 local time (see http://dakar42.icann.org/node/27007)

Background Information

- IRTP Part B PDP Final Report - http://gnso.icann.org/issues/transfers/irtp-b-final-report-30may11-en.pdf

- IRTP Part C Final Issue Report - http://gnso.icann.org/issues/issue-report-irtp-c-29aug11-en.pdf

- Inter-Registrar Transfer Policy - http://www.icann.org/en/transfers/

Post-Expiration Domain Name Recovery
Marika Konings

Why is it important?

- To what extent should registrants be able to reclaim their domain names after they expire?
- Issue brought to the GNSO by ALAC
- PEDNR WG examined five questions relating to expiration and renewal practices and policies
- Final Report delivered to the GNSO Council in June 2011

Recent Developments

- GNSO Council adopted the Final Report and its recommendations in July 2011

- Public comment forum was opened to allow for community input prior to Board Consideration (see http://forum.icann.org/lists/pednr-board-recommendations/)

- ICANN Board expected to consider recommendations at its meeting in Dakar

Recommendations

The WG believes that the recommendations:

- will provide additional guarantees to registrants;

- will improve registrant education and comprehension;

- are in line with current registrar practices and will have minimal impact on most registrars and other affected stakeholders.

Recommendations

Total of 17 recommendations, including amongst others:

- Provide a minimum of 8 days after expiration for renewal by registrant

- All gTLDs and registrars must offer Redemption Grace Period (RGP), with the exception of sponsored gTLDs

- Fees charged for renewal must be posted

- At least two notices prior to expiration at set times, one after expiration

Recommendations - continued

- Website must explicitly say that registration has expired and instructions on how to redeem

- Development of education materials about how to prevent unintentional loss

- Best practices recommendations

- Regular updates on the effectiveness and status of implementation of the recommendations

Next Steps

- ICANN Board consideration of recommendations

- If adopted, creation of a PEDNR Implementation Review Team to assist ICANN Staff in developing the implementation plan
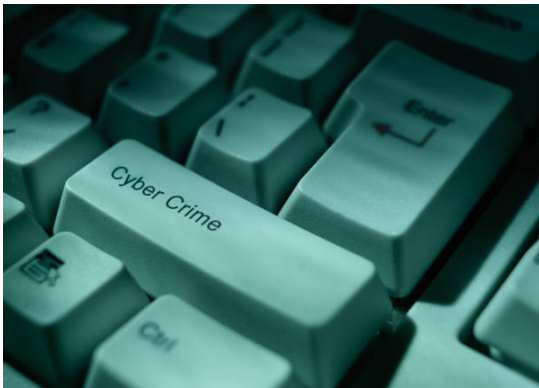
Further Information

- Post-Expiration Domain Name Recovery Final Report - http://gnso.icann.org/issues/pednr-final-report-14jun11-en.pdf

Discussion Paper on the creation of non-binding best practices to address the abusive registrations of domain names
Marika Konings

Background

- In its Final Report, the Registration Abuse Policies (RAP) Working Group recommended 'the creation of non-binding best practices to help registrars and registries address the illicit use of domain names'.

- At its meeting on 3 February 2011, the GNSO Council requested ICANN Staff to prepare a discussion paper on this topic

Status

- Staff organized a workshop in Singapore to get community input on this topic
- Discussion paper submitted to the GNSO Council for consideration on 28 September 2011
- GNSO Council to consider next steps, including possibility of opening public comment forum

Discussion Paper

- Addresses scope considerations
- Considers issues such as:
  - What makes a practice a best practice
  - Identification and/or creation
  - Defining non-binding nature
  - ICANN's role
  - Resources and process
  - Maintenance, review, promotion and dissemination
  - Cost, benefit, funding, incentives

Discussion Paper (continued)

- Preliminary inventory of current or proposed best practices
- Proposed next steps:
  - Creation of a GNSO Working Group to establish the framework for best practices
  - Creation of a Cross-Community Technical Group to propose candidate best practices to address the abusive registration of domain names

Next Steps / How to get involved?

- GNSO Council to consider discussion paper and next steps (GNSO Saturday Working Session)
- Best Practices Workshop – Wednesday 26 October from 9.00 – 10.30 local time (see http://dakar42.icann.org/node/26947)

Additional Information

- Best Practices Discussion Paper - http://gnso.icann.org/issues/rap/discussion-paper-rap-best-practices-28sep11-en.pdf

- RAP Final Report- http://gnso.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf

- GNSO Council Resolution - http://gnso.icann.org/resolutions/#201102 (motion 20110203)

Final Issue Report
on the
Current State of the UDRP
Margie Milam

Background & Next Steps

- GNSO Council request on the current state of the UDRP
- In consultation with the Council, adopted new PDP approach:

  1. Publication of a Preliminary Issue Report
     prior to Singapore Meeting

  2. Public Comment Forum on Preliminary Issue Report (May- July)

  3. Final Issue Report Published prior to Dakar

- *GNSO Council to vote on initiating a PDP in Dakar*

Current State of the UDRP

Widely Recognized as a Success

- It is widely recognized as one of ICANN's defining accomplishments from its formative years

- While not perfect- viable alternative to costly litigation involving parties from differing jurisdictions

- Over ten years of decisions, bring consistency and reliability to both registrants and trademark holders

Community View of the UDRP

- The UDRP is **cost effective**, as compared to traditional litigation
- The UDRP is **flexible and fair to respondents**-rarely challenged in court
- Although not perfect, more harm than good can result from a PDP
- If the UDRP is to be reviewed at all, focus on process improvements
- Concerns that a PDP could undermine the effectiveness of the UDRP
- Better to wait for data on from new GTLD Program's Uniform Rapid Suspension System
- *Majority View- No Support for a PDP at this time*

Other Community Views

Minority View

- Good practice to review all ICANN policies
- After 10 years, review of UDRP is overdue
- Extensive third party literature critical of the UDRP points to need for review
- Questions whether changes can be done outside of a PDP
- UDRP should be updated to include better protections for free speech and fair use

Advice from SO/ACs

GAC Advice

- Initiating a PDP along with the new gTLD launch has public policy implications
- Uncertainty from new untested rights protection mechanisms compounded if the future of the UDRP uncertain
- Continued availability of the long-standing and tested UDRP important to the New gTLD Program
- **Now is not the appropriate time to launch a PDP**

ALAC Advice

- Concerns that a expert panel review needs to be geographically diverse and conflict-free
- Those calling for a PDP now do not reflect the consensus
- **A PDP should not be commenced at this time**

Staff Recommendation

- ***Staff recommends against initiating a PDP at this time***
- PDP more appropriate after URS has been in effect for 18 months
- If the GNSO Council believes that the UDRP should be reviewed:
  - Staff suggests convening a team of experts
  - Experts to focus on process recommendations only
  - PDP could be initiated later if there is a continued desire to review the policy

Additional Information

- The UDRP- http://www.icann.org/en/udrp/#udrp
- Review archive of the Webinar on the Current State of the UDRP: http://icann.adobeconnect.com/p22471828/

- Review the Final Issue Report:
  http://gnso.icann.org/issues/udrp/udrp-final-issue-report-03oct11-en.pdf

- Participate in GNSO Council Dakar Working Sessions on Saturday, Oct 22

WHOIS Update
Liz Gasster

Agenda:

- WHOIS Studies – 4 studies:
  - "Misuse" of public data
  - Registrant Identification
  - Proxy/Privacy "Abuse"
  - Proxy/Privacy Relay and Reveal

- WHOIS Service Requirements Report – upcoming survey

Goals of gTLD WHOIS studies

- WHOIS policy debated for many years
- Many interests with valid viewpoints
- GNSO Council decided in October 2007 that study data was needed to provide objective, factual basis for future policy making
- Identified several WHOIS study areas that reflect key policy concerns
- Asked staff to determine costs and feasibility of conducting those studies
- Staff used an RFP approach to do so
- Research is done, Council is now deciding which studies to do

Misuse Study

Study will assess whether public WHOIS significantly increases harmful acts and the impact of anti-harvesting measures. Two approaches :

1. Experimental: register test domains and measure harmful messages resulting from misuse
2. Descriptive: study misuse incidents reported by registrants, researchers/ law enforcement

Cost: $150,000 (USD)

Awarded to Carnegie Mellon U., Pittsburgh, PA, USA

Status: approved by GNSO Council last Sept, initiated in April 2011

Time estimate: 1 + year

Registrant Identification Study

- Study will examine info about how domain name registrants are identified and classify the various types of entities that register domains, including natural persons, various types of legal persons and Privacy and Proxy service providers.

- Study has been recast as an "exploratory" data-gathering effort that is not hypothesis-driven. This will also provide more consistency with related GAC proposals offered in 2008.

Cost: approx. $180,000 (USD) (revised due to change in study terms). Awarded to NORC at the U. of Chicago.

Time estimate: 1 year

Status: Contract just finalized, launch late October

WHOIS Privacy and Proxy "Abuse" Study

This study will compare a broad sample of Privacy & Proxy-registered domains associated with alleged harmful acts to assess:

1. How often bad actors try to obscure identity in WHOIS

2. How this rate of abuse compares to overall P/P use

3. How this rate compares to alternatives like falsified WHOIS data, compromised machines, and free web hosting

Cost: $150,000 (USD)

Time estimate: 1 year

Status: GNSO Council approved on 28 April, contract being finalized

WHOIS P/P Relay & Reveal Study

The original study would analyze communication relay and identity reveal requests sent for Privacy & Proxy-registered domains:

1. To explore and document how they are processed, and

2. To identify factors that may promote or impede timely communication and resolution.

Potential bidders were unsure of the feasibility of this study, especially obtaining a sufficient data sample, so the Council opted to conduct a pre-study to survey potential participants to determine if launching a full study is feasible to do.

Cost: $80,000 (USD) for Pre-study Survey

Awarded to Interisle Consulting

Time estimate: four months

Status: Launched in September

Inventory of WHOIS Service Requirements Report

Background

- May 2009 -- The GNSO Council asked Policy Staff to compile a comprehensive set of **_technical_** requirements for the WHOIS service policy tools that reflect not only the known deficiencies in the current service but also include technical requirements that may be needed to support various **_policy_** initiatives that have been suggested in the past.

- Released draft report in March 2010 to ALAC, SSAC, ASO, GNSO, CCNSO for input

- Incorporated comments and released Final Report on 29 July 2010

Goals & Non-goals

Collect and organize a set of **technical requirements for community consideration:**

•Current features identified as needing improvement

•Features to support various past policy proposals

•Features recommended by ICANN SOs, ACs, community

NOT gathering policy requirements
NOT recommending policy

Compilation includes:

- Mechanism to find authoritative Whois servers
- Structured queries
- Standardized set of query capabilities
- Well-defined schema for replies
- Standardized errors
- Quality of domain registration data
- Internationalization
- Security
- Thick vs. Thin WHOIS
- Registrar abuse point of contact

Status of the report

- Council decided on 19 May to convene a drafting team to develop a survey to try to estimate the level of agreement with various "requirements" among the GNSO community.

- Survey results might help determine whether there is benefit to initiating a working group to develop a plan for considering the technical requirement recommendations in the report.

For more information

- On WHOIS studies: http://gnso.icann.org/issues/whois/

- On the Inventory of Service Requirements Report:

http://gnso.icann.org/issues/whois/whois-service-requirements-final-report-29jul10-en.pdf

WHOIS IRD WG
Steve Sheng

What is it?

- IRD-WG: Joint Working Group of GNSO and SSAC
- Study the *feasibility and suitability* of introducing submission and display specifications to deal with the internationalization of registration data

Why is it important?

- Supporting IRD is an important evolutionary step for the WHOIS service

- No standards exist for submission and display of Internationalised registration data in directory services

- Current WHOIS implementations do not consistently support IRD and could lead to poor user experience and interoperability issues

Current Status

- The IRD-WG working group have published its draft final report for public comment http://www.icann.org/en/announcements/announcement-3-03oct11-en.htm

- Public Workshop scheduled on Thursday, 27 October 10am Dakar time

ccNSO Policy Issues
Bart Boswinkel

ccNSO update

- Framework of Interpretation (FOI) WG

- Study Group on Use of Country names

- Other main activities

- Joint WG's: DSSA WG

Framework of Interpretation WG

What is Framework of Interpretation?

Develop interpretations of RFC 1591 and GAC Principles in a consistent and coherent manner.

FoI WG: Why is it important?

- Policy related issues identified in practices
- Community to develop guide how to on interpret RFC 1591 and GAC principles
- Create an environment for consistent and predictable decisions on delegation and re-delegations of (IDN) ccTLD's
- Participation several SO's and AC's

FoI WG List of Topics to address

- Obtaining and documenting consent

- Obtaining and documenting support from Significantly Interested Parties (Local Internet Community or LIC).

- Recommendations for un-consented re-delegations

- Comprehensive glossary of the terms

- Recommendations for IANA reports on delegation and re-delegation.

FoI WG current status

- Public comment Consent document

- Progress Report

- Discussion on Significant Interested Parties initiated

Study Group on Use of Country names
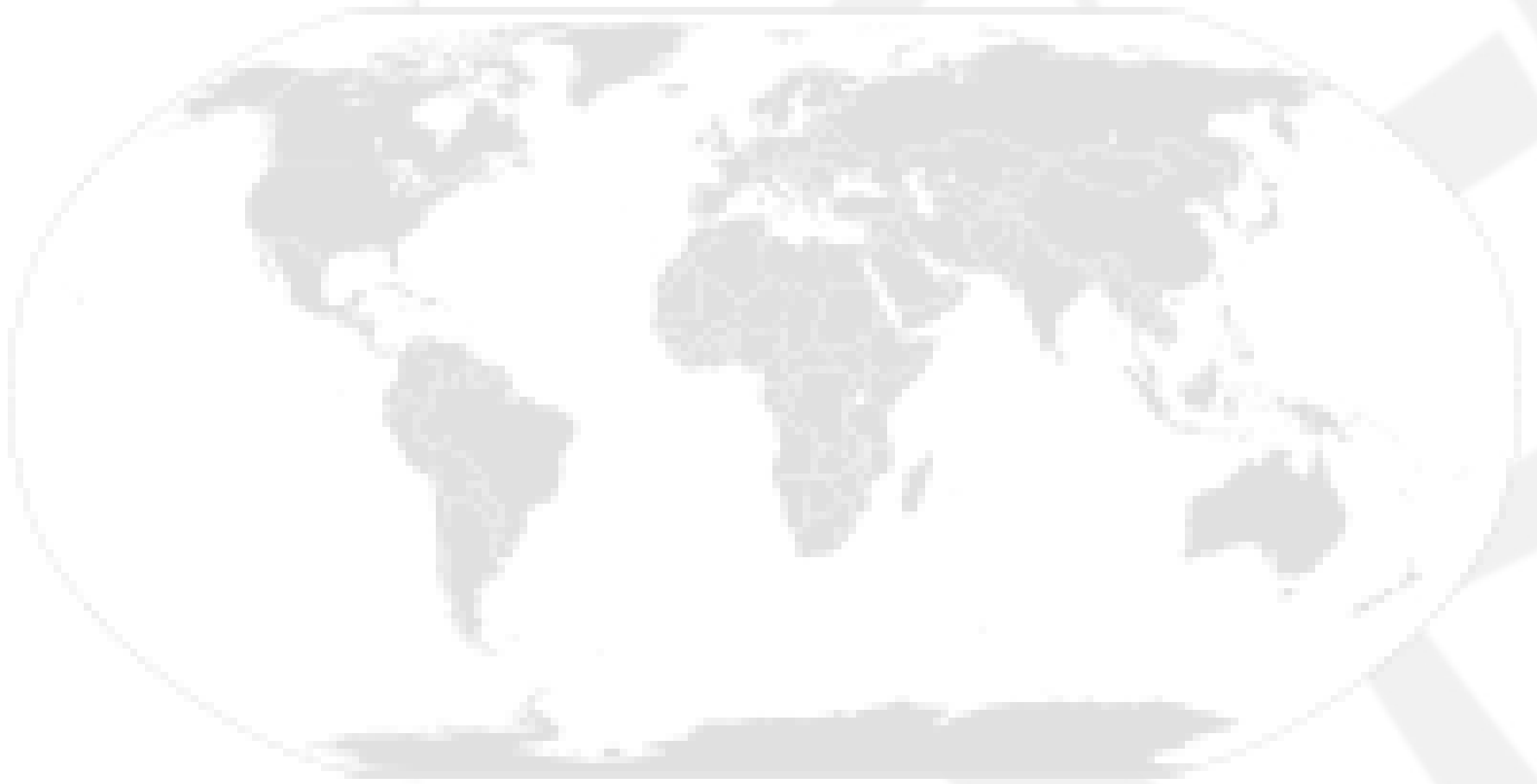
Study group: Purpose

- Provide overview of relevant policies
- Develop Typology for use of country names
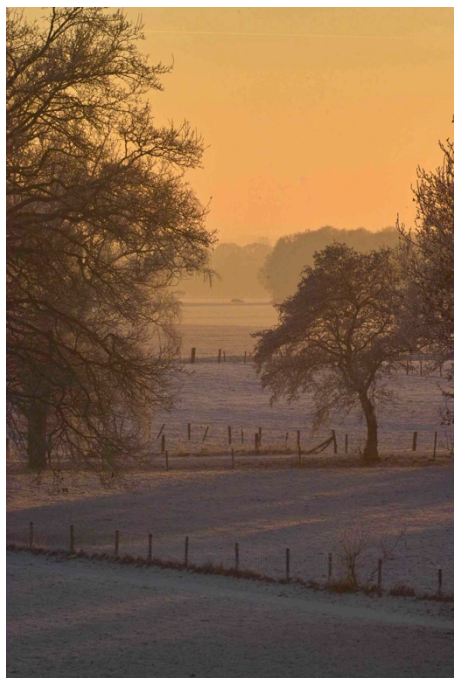- Identify Issues
- If feasible: recommendations

Current status

- Overview and summary of policies

- Involvement of UNESCO

- Draft typology: based on terminology of UNGEGN

Dakar and post Dakar

- Finalize overview of policies

- Discussion typology by WG

- Apply typology to specific countries: create examples

Other major activities

- Finance and Strategic and Operational Planning activities

- IDN ccTLD related work
  - Inclusion of IDN ccTLD in ccNSO: proposal on voting in the ccNSO
  - Overall policy: session on issues relating to confusingly similarity process

Joint Working Groups ccNSO
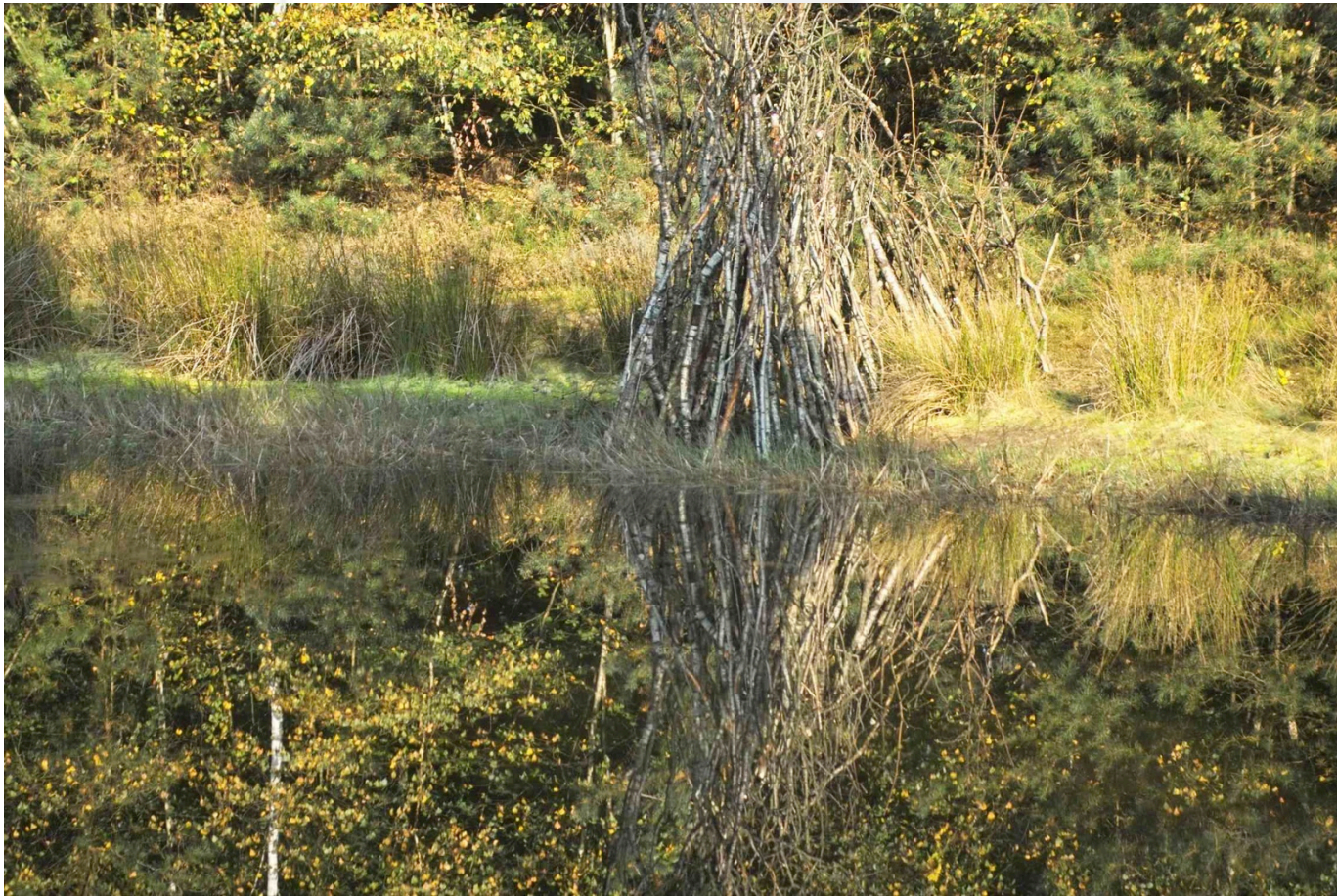
DSSA WG

- Purpose: Need for a better understanding of the security and stability of the global DNS

- Participation of ALAC, ccNSO, GNSO, NRO, SSAC members and experts

Activities since Singapore

- Developed lists of vulnerabilities and threats (with definitions)

- Solicited lists/definitions from other experts and interested parties

- Made preliminary choices about which threats are in/out of scope for analysis

- "Scoping" work is well along, but not complete.

Activities in Dakar and after

- DSSA will provide update on its progress

- Raise awareness of its activities and progress to date

- Solicit your input: contact DSSA members from your community

- Continue scoping of threats. Start analyses of threats

DSSA Background material

- Open wiki space:

  https://community.icann.org/display/AW/Joint+DNS+Security+and+Stability+Analysis+Working+Group

ASO Policy Issues
Olof Nordling

Background: RIRs, NRO and the ASO

- What is an RIR?
  - Regional Internet Registry. There are five RIRs; AfriNIC, APNIC, ARIN, LACNIC and RIPE and they cooperate thru the NRO, the Number Resource Organization.
- What is the ASO?
  - The Address Supporting Organization, set up through an MoU between ICANN and the NRO.
  - One major task of the ASO is to handle Global Policy Proposals.

Background: Global Policies

- What is a "Global Policy"?
  - The RIRs develop many regional addressing policies.
  - Only very few policies affect IANA and only those are called "Global Policies".
- Global Policy Proposal in "pipeline":
  - Recovered IPv4 Address Space, "Post Exhaustion"

Recovered IPv4
"Post Exhaustion"

Global Policy Proposal: Recovered IPv4 "Post Exhaustion"

- **Why is it important?**
  - The proposal enables IANA to handle recovered IPv4 address space and allocate smaller blocks than before

  Current status:
  - The third proposal on this theme! It has been introduced in all RIRs, adopted in APNIC, passed final call in LACNIC, AfriNIC and RIPE, and is in discussion in ARIN.
  - Replaces two previous proposals for Recovered IPv4 that didn't reach global consensus.

How do I get involved?

- For all addressing policies: participate in the bottom-up policy development in an RIR of your choice.

- All RIRs conduct open meetings where policy proposals are discussed and all have open mailing lists for such matters.

Participation and Engagement

Filiz Yilmaz

Phase II of Public Comments Process Enhancements

Solicitation open until 15 October 2011

- Stratification
- Prioritization
- Comment/Reply Cycles
- Technical Improvements on Forum
  - Wiki based threaded environment

Testing the proposed Comment/Reply Cycles

- Opened: 31 August
- Comments closed: 30 September
- Reply closes: 15 October
  - For "responses to previous comments"

Phase II of Public Comments Process Enhancements

Public Comment Processes

Vital element of ICANN bottom-up processes

To help us improving them

Participate in the current solicitation

Share your ideas and guide us

How

View the comments previously submitted and

Submit a reply

http://www.icann.org/en/public-comment/public-comment-enhancements-ii-31aug11-en.htm

If Technical Improvements receives support

Planning limited community testing

Volunteers pls write to participate@icann.org

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- Published mid-month

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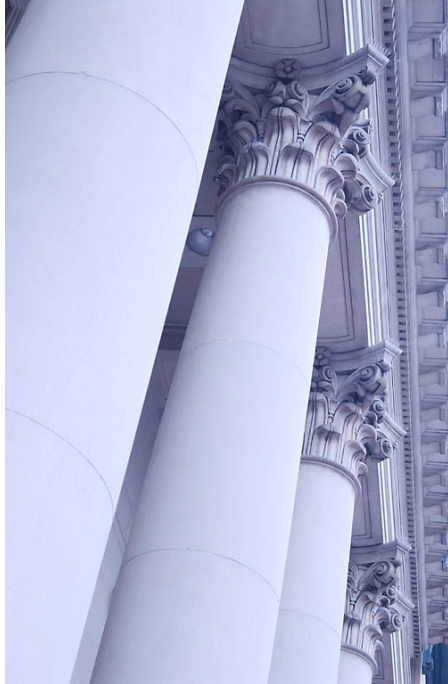
Improved ICANN Web-Sites

- New improved site to be launched for GNSO
- Re-design of icann.org

One World

One Internet

ICANN Policy Staff

ICANN Policy Staff

- David Olive – Vice President, Policy Development (Washington, DC, USA)

- Liz Gasster – Senior Policy Counselor, GNSO (CA, USA)

- Margie Milam – Senior Policy Counselor, GNSO (ID, USA)

- Robert Hoggarth – Senior Policy Director (Washington, DC, USA)

- Marika Konings – Senior Policy Director, GNSO (Brussels, BE)

- Glen de Saint Géry – Secretariat, GNSO (Cannes, FR)

- Bart Boswinkel – Senior Policy Advisor, ccNSO (NL)

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Thank you
Questions?

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