ICANN Policy Update Webinar

Thursday 15 October 2009

Goals for this session

- Update you on current Policy work and invite you to participate
  - Review of issues to be discussed at ICANN Seoul meeting
- Answer your questions
- Learn what issues you would like to hear more about in future briefings / sessions

ICANN Seoul Meeting

- 25-30 Oct.; remote participation encouraged
- Highlights include:
  - Affirmation of Commitments discussions
- New gTLDs – Draft Applicant Guidebook workshops
  - Vertical Separation; Mitigating Malicious Conduct; Trademark Protections; Root Zone Scaling
- IDN ccTLD Fast Track

Topics Covered in This Session

- Introduction; Seoul Highlights (Denise Michel)
- GNSO Improvements (Rob Hoggarth)
- Inter-Registrar Transfer Policy (Marika Konings)
- Post-Expiration Domain Name Recovery (Marika)
- Registration Abuse Policies (Marika)
- Whois (Liz Gasster)
- RAA (Margie Milam)
- New gTLD Implementation Input (Margie)
- IDN ccTLD PDP (Bart Boswinkel)
- IDN Fast Track (Bart)

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Policy Developed at ICANN by:

- GNSO – Generic Names Supporting Organization
- ccNSO – Country-code Names Supporting Organization
- ASO – Address Supporting Organization (not covered in this presentation)

Advice provided by:

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

Current issues being discussed in GNSO

- GNSO Restructuring/Improvements
- Inter-Registrar Transfer Policy (IRTP)
- Post-Expiration Domain Name Recovery (PEDNR)
- Registration Abuse Policies (RAP)
- Whois Studies
- Possible changes to the Registrar Accreditation Agreement (RAA)
- Others – currently there are 13 WGs / WTs underway

GNSO Improvements

Why is it important?

- GNSO develops policy related to generic Top Level Domains (e.g. .com, .info, .biz) and within ICANN's mission.
- Same 6 constituencies involved since ICANN started -- (Registries, Registrars, Business, Intellectual Property, ISPs and Non-Commercial); Council of 21 representatives.
- Implementing change initiative to improve inclusiveness, international representativeness, effectiveness and efficiency.

Comprehensive Change for GNSO

- Adopting a Working Group Model: focal point for policy development; to be more inclusive, representative, effective.
- Revising the PDP: to be more effective and responsive to ICANN's policy development needs.
- Restructuring the GNSO Council: smaller, more focused strategic entity, composed of four broad stakeholder groups, with strengthened management and PDP oversight.
- Enhancing Constituencies: Constituency procedures and operations to be more transparent, accountable and accessible.
- Improving Communication and Coordination with ICANN Structures – including the Board.

Future GNSO Council Structure: 2009

Legend: [ ] Voting; ( ) Non-Voting

1 Non-Voting Liaison – counted as a member
2 Observer – not counted as a member

Current Status and Next Steps

- New Bylaws and Stakeholder Group Charters in Place
- Council Representatives determined - (8 new)
- Implementation Transition Plan approved by GNSO Council
- Nominations for Council leadership open and elections to take place in Seoul
- New Council Procedures recommended and to be voted on in Seoul (public comments through 16 October)
- Policy and Operations Work Team efforts will continue after Seoul – creating new Policy Development Process and Working Group Model will be key

How can I get involved?

- GNSO created numerous committees and work teams to address all Improvement areas
- Volunteers needed – email GNSO Secretariat gnso-secretariat@gnso.icann.org
- More information posted at http://gnso.icann.org/en/improvements/

Inter-Registrar Transfer Policy

Why is it important?

- Inter-Registrar Transfer Policy (IRTP) is a consensus policy adopted in 2004 – it provides a straightforward process for registrants to transfer domain names between registrars
- As part of an overall review of this policy, a WG identified issues for improvement and clarification
- Current Policy Development Process is aiming to address issues such as; is there a need for a process for urgent return of a domain name (e.g. after a hijacking); how to undo inappropriate transfers (e.g. after a hijacking) and use of Registrar Lock Status

Recent Developments & Next Steps

- GNSO Council decided to initiate a Policy Development Process at the ICANN meeting in Sydney on 24 June
- A Working Group has been created and has started its deliberations on the charter questions
- IRTP Part B WG Open Meeting at the ICANN meeting in Seoul (Monday 26 Oct, 7.00 – 8.30 local time)

How can I get involved?

- Join the IRTP Part B Working Group - please contact the GNSO Secretariat (gnso.secretariat@gnso.icann.org)
- Participate in the IRTP Part B Public Comment Period: http://www.icann.org/en/announcements/announcement-14sep09-en.htm

Background Information

- IRTP Part B Issues Report - http://gnso.icann.org/issues/transfers/irtp-report-b-15may09.pdf
- Inter-Registrar Transfer Policy - http://www.icann.org/en/transfers/policy-en.htm
- IRTP Part B Wiki - https://st.icann.org/irtp-partb/index.cgi?irtp_part_b

POST-EXPIRATION DOMAIN NAME RECOVERY (PEDNR)

Why is it important?

- To what extent should registrants be able to reclaim their domain names after they expire? At issue is whether the current policies of registrars on the renewal, transfer and deletion of expired domain names are adequate.
- The At-Large Advisory Committee (ALAC) requested an Issues Report in November 2008 alleging that current measures 'have proven to be ineffective', 'loss of domain name can cause significant financial hardship' and previous attempts to instill predictability for post-expiration domain name recovery are 'not successful'

The PEDNR Policy Development Process

The WG will consider the following questions:

- Whether adequate opportunity exists for registrants to redeem their expired domain names;
- Whether expiration-related provisions in typical registration agreements are clear and conspicuous enough;
- Whether adequate notice exists to alert registrants of upcoming expirations;
- Whether additional measures are needed to indicate that once a domain name enters the Auto-Renew Grace Period, it has expired;
- Whether to allow the transfer of a domain name during the Redemption Grace Period.

Recent Developments & Next Steps

- A Working Group has been created and is meeting on a weekly basis to address the charter questions
- A Registrar survey is being developed to gather further information and evidence to inform the deliberations of the WG
- A Public Meeting is scheduled to take place at the ICANN meeting in Seoul on Monday 26 October at 13.30 local time

How do I get involved?

- Join the PEDNR Working Group (contact the GNSO Secretariat - gnso.secretariat@gnso.icann.org)
- Monitor the PEDNR Wiki - https://st.icann.org/post-expiration-dn-recovery-wg/

Additional information:

- Post-Expiration Domain Name Recovery Issues Report – http://gnso.icann.org/issues/post-expiration-recovery/report-05dec08.pdf
- Translations available at: http://gnso.icann.org/policies/

REGISTRATION ABUSE POLICIES

Why is it important?

- Registries and registrars seem to lack uniform approaches to deal with domain name registration abuse, and questions persist as to what role ICANN should play in addressing registration abuse
- A pre-PDP WG has been created that is tasked to address such questions as: what is the difference between registration abuse and domain name use abuse; what is the effectiveness of existing abuse policies and would there be a benefit to a more uniform approach by registries and registrars; and which areas, if any, are suitable for GNSO policy development

Recent Developments & Next Steps

- A WG was formed in March 2009 and has been meeting on a bi-weekly basis
- The WG has developed a working definition of abuse, a list of abuses that it is developing definitions for and discussing potential recommendations for next steps
- A sub-team has been created to address questions in relation to uniformity of contracts
- There will be a public RAP WG meeting in Seoul on Wednesday 28 October at 14.00 local time

How do I get involved?

- Follow the activities of the RAP WG on its Wiki - https://st.icann.org/reg-abuse-wg/index.cgi?registration_abuse_policies_working_group

Background Information

- RAP WG Status Update - http://gnso.icann.org/issues/registration-abuse/rap-wg-status-update-02jun09.pdf
- Registration Abuse Policies Issues Report - http://gnso.icann.org/issues/registration-abuse/gnso-issues-report-registration-abuse-policies-29oct08.pdf

WHOIS STUDIES

WHOIS - Definition

- WHOIS -- provides public access to contact information for Registered Name Holders
- Requirements specified in ICANN agreements
- Required data – nameservers, Registrar, start date, expiration date, and registrant contact information, technical contact and administrative contact.

Sample WHOIS record:

Registrant:
ICANN
4676 Admiralty Way Suite #330
Marina del Rey, California 90292 US
Phone:+1.3103015817

Administrative Contact:
ICANN
4676 Admiralty Way Suite
Marina del Rey, California, 90292
Phone:+1.3103015817 / FAX:+1.3108238649
Email:domain-admin@icann.org

Technical Contact:
ICANN
4676 Admiralty Way Suite
Marina del Rey, California, 90292
Phone:+1.3103015817 / FAX:+1.3108238649
Email:domain-admin@icann.org

Domain servers in listed order:
NS.ICANN.ORG
A.IANA-SERVERS.NET
C.IANA-SERVERS.NET
B.IANA-SERVERS.ORG
D.IANA-SERVERS.NET

Registered Through
GoDaddy.com, Inc.
Domain Name: icann.org
Created on: 14-Sep-1998 04:00:00 UTC
Expires on: 07-Dec-2012 17:04:26 UTC
Last Updated on: 13-Aug-2009 15:10:10 UTC

Why are WHOIS studies important?

- WHOIS policy has been debated for many years
- Many competing interests with valid viewpoints:
  - Law enforcement, IP owners, others want easy access to accurate contact information
  - Individuals and privacy advocates are concerned about privacy protection and abuse of public info
  - Governments want their legal regimes to be followed
  - Providers are reluctant to absorb new costs, Registrars earn revenue from privacy services

Goals of WHOIS studies

- GNSO Council hopes that study data will provide an objective, factual basis for future policy making
- Variety of topics selected reflects key policy areas of concern – will provide information such as possible causality in increasing spam and other harmful acts; useful info about registrants; use of proxy and privacy services, etc…
- Technical consideration of alternatives, especially in light of the growing number of international registrations

WHOIS Studies Overview and Status:

- **The GNSO Council identified several broad WHOIS study areas**
- **Requests For Proposals will help determine costs and feasibility for three study areas:**
  - Misuse of public WHOIS data -- RFP posted 27 Sept, responses due 27 November
  - Registrant Identification Study (aka "misrepresentation") – RFP by end-October
  - Proxy and privacy services study – RFP by EOY

WHOIS Studies Status (cont'd)

- **A new SSAC-GNSO Working Group will consider display specifications for internationalized registration data**
  - A fourth study would examine how various WHOIS services display non-ASCII character sets – may be considered by WG
- **Compilation of current and potential WHOIS service requirements** – staff work is just beginning, will be consulting with SO/ACs

Next steps and ways to get involved

- Attend the Internationalized Registration Data (IRD) workshop in Seoul on Wednesday 28 October at 15.00
- Contribute to the SSAC-GNSO IRD Working Group just being convened
- Staff will release study information as analyses are complete – several months
- The GNSO Council and staff will then consider which studies to conduct

Additional Information

- GNSO Council Resolution in Mexico City, March 2009
  https://st.icann.org/gnso-council/index.cgi?04_mar_2009_motions
- GNSO Council Resolution on WHOIS Service Requirements
  https://st.icann.org/gnso-council/index.cgi?07_may_motions
- ICANN Board Resolution regarding display and usage of internationalized registration data, 26 June 2009
  http://www.icann.org/en/minutes/resolutions-26jun09.htm#6
- Updated cross reference table for Whois studies under consideration
  http://gnso.icann.org/issues/whois/whois-requested-studies-chart-25sep09-en.pdf
- Internationalized Data Registration Working Group charter
  http://gnso.icann.org/drafts/internationalized-data-registration-wg-draft-charter-27sep09.pdf

Registrar Accreditation Agreement

RAA – recent amendments

- Board approved in May, changes include:
  1. New enforcement tools – audits, group liability for affiliated entities, changes to registrar fees, including assessing interest on late fees
  2. Registrant protections – new data escrow requirements for proxy and privacy registrations or prominent notice, new contractual obligations for resellers
  3. Enhancing the Registrar marketplace – ICANN accreditation, mandatory registrar training and testing
  4. Other changes – streamlines notice obligations to registrars of new consensus policies, clarifies data retention requirements
- Implementation will occur over time, voluntarily or as existing agreements renew.
- As of Oct 1, 2009, 86% of domain names under management by registrars have committed to the 2009 RAA

RAA – pending activities

- Joint GNSO and ALAC RAA Drafting Team to develop a "Registrant's Rights and Responsibilities" charter
  - Policy staff have prepared an initial inventory of registrants' rights and responsibilities reflected in the newly approved RAA
- RAA Drafting team will also identify topics and process for identifying further amendments to the RAA
  - ICANN Compliance Office will provide input for consideration, discussion

RAA – Why is This Important

- The RAA describes the registrar's rights and obligations and is rarely updated
- An enhanced RAA may provide ICANN with better tools to obtain registrar compliance
- Seeking volunteers to participate in this joint effort
- For more information on this RAA related working group, please see: http://www.icann.org/en/topics/raa/

New gTLD Policy Work

New gTLDs Trademark / Intellectual Property Issues

- Draft Applicant Guidebook (Version 3) included staff implementation proposals based in part on certain IRT recommendations:
  - Thick WHOIS Requirements
  - Modified Post Dispute Delegation Mechanism
  - Proposal for a Globally Protected Marks List not included
- Board to request GNSO input on the following:
  - Uniform Rapid Suspension Procedure
  - Trademark Clearinghouse
    - Pre-launch Trademark Claims Services
    - Sunrise Registration Process
  - Are these solutions consistent with GNSO policy that new gTLD strings should not infringe the rights of others?

New gTLDs: other GNSO policy work

- Issue: vertical integration of registries and registrars
- Should GNSO adopt rules addressing this topic to provide Staff guidance in implementation of the New gTLD program?
- GNSO requested Issues Report on topic to determine whether a policy development process should be initiated

New gTLDs- Why is this important?

- Trademark Concerns:
  - Cost and administrative burden to rights owners of many new gTLDs
  - Potential increase in cybersquatting, consumer confusion
  - Scalability of existing dispute processes (UDRP) to a larger name space
- Vertical Integration:
  - What is the appropriate model for domain name distribution in a larger name space?
  - Competition concerns or benefits may suggest need for further analysis or policy work on this topic
- Since ICANN to finalize Draft Applicant Guidebook in early 2010, suggestions may impact the final implementation model
- How to participate:
  - Submit comments at: http://www.icann.org/en/topics/new-gtlds/comments-3-en.htm#files

ccNSO Activities

- ccNSO IDN ccTLD policy development process
- IDN Fast Track
- Other issues

IDN ccPDP

- Why is it important?
  - Development of overall policy for the introduction and delegation of IDN ccTLDs
  - Adjustment of the ccNSO to include IDN ccTLDs
- Recent development & next steps
  - Development and publication of Topic paper to define scope the overall policy for the introduction and delegation

IDN ccPDP

- How do I get involved?
  - Participate in public comment period and discussion

- Background
  - http://www.ccnso.icann.org/workinggroups/ipwg1.htm
  - http://www.ccnso.icann.org/policy/cctld-idn/

IDN Fast Track

- Why is it important?
  - The Fast Track is mechanism to introduce a limited number of non-contentious IDN ccTLDs
- Recent developments & next steps
  - Publication of Proposed Final Implementation Plan
  - Scheduled for ICANN Board consideration at the ICANN meeting in Seoul, Korea, 26-30 October 2009

IDN Fast Track

- How do I get involved?
  - Participate in the discussion in Seoul
  - Provide comments & input in public comment forum
- Background
  - http://www.icann.org/en/announcements/announcement-2-30sep09-en.htm

ccNSO Working Group delegation, redelegation & retirement of ccTLDs

- Why is it important
  - Delegation, re-delegation and retirement policies fundamental to ccTLDs.
  - Current practice based on different set of documents (RFC 1591, ICP-1, GAC principles) and not reviewed by community
  - WG to advise Council on whether to launch a policy development process on the topics

ccNSO Working Group delegation and redelegation and retirement

- Recent Developments & Next Steps
  - Board resolution requesting to be informed on findings of the WG in particular on retirement of ccTLDs
  - WG will address topics sequentially
- How do I get involved
  - Participate in public comment periods

Other ccNSO Working Groups

- Why is it important
  - WG mechanism of ccNSO to organise activities of ccTLD community
  - Current major WGs:
    - Technical Working group organises Tech day (Monday at ICANN meeting), exchange of information on operational and technical issues
    - Strategic and Operational Planning WG facilitates and organises input ccTLD community in ICANNs strategic and operational planning processes
    - Incident response planning WG develops plan to respond coordinated on DNS attacks

Other ccNSO Working Groups

- Recent Developments & Next Steps
  - SOP WG conducts a survey on global strategic issues from ccTLD perspective. Results public at Seoul meeting
  - Tech Day on Monday in Seoul
  - IRT WG will publish draft plan at Seoul meeting
- How do I get involved
  - Attend Tech Day and ccNSO meeting days at ICANN meetings.

Other ccNSO Working Groups

- Background
  - http://www.ccnso.icann.org/workinggroups/
  - Delegation, re-delegation and retirement WG:

    http://www.ccnso.icann.org/workinggroups/drdwg.htm
  - SOP WG:

    http://www.ccnso.icann.org/workinggroups/sopiwg.htm
  - Tech WG:

    http://www.ccnso.icann.org/workinggroups/techwg.htm

Topics for future webinars

- Which issues would you like to hear more about in future webinars?
- Participate in the Adobe Connect poll or send us your suggestions at policy-staff@icann.org

Thank You!
Questions?

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http://www.icann.org/en/topics/policy/