

# Pre-ICANN66 GNSO Policy Webinar



17 October 2019

# Agenda

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1

Welcome and  
Introduction

2

Review of All Rights  
Protection  
Mechanisms in All  
gTLDs PDP

3

New gTLD  
Subsequent  
Procedures PDP

4

EPDP on gTLD  
Registration Data

5

Questions &  
Answers

# Introduction

# Review of All Rights Protection Mechanisms (RPMs) PDP Working Group

# Current Timeline



- Chartered in March 2016 to conduct a two-phased PDP
- Phase 1 – RPMs applicable to gTLDs launched under the 2012 New gTLD Program:
  - Trademark Post-Delegation Dispute Resolution Procedures (TM-PDDRP)
  - Trademark Clearinghouse (TMCH)
  - Sunrise and Trademark Claims offered through the TMCH
  - Uniform Rapid Suspension (URS) dispute resolution procedure.
- Phase 2 – UDRP (an ICANN Consensus Policy since 1999)
- Aiming to complete Phase 1 by Second Quarter 2020

# Timeline (Continued)

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Status of work since ICANN65:

- ⦿ Completed review of and approved the Sunrise & Trademark Claims Sub Teams' recommendations for inclusion in the Phase One Initial Report;
- ⦿ Nearing completion of the review of the structure and scope of the TMCH:
  - Considered open TMCH charter questions as well as topics deferred from the initial TMCH review in 2017;
  - Deliberating additional proposals for policy recommendations related to the TMCH; and
- ⦿ Discussing use of a survey or other means to further vet individual URS proposals.

# What are the current challenges and issues?

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**Charter Questions:** Some agreed charter questions are broad and unclear; difficult to formulate answers and recommendations

**Divergence:** Members hold strong, divergent opinions; unwilling to reach agreements or accept the lack of wide support

**Data Quality:** Limited scope of data and resulting challenge to find appropriate policy balance based on available data and other inputs/expertise

**Relitigate Issues:** Temptation to re-open previously discussed topics and proposals lacking wide support at the full WG level; use tactics to stall progress

**Time Management:** Spending a long time debating process issues and uncompromising positions, regularly in danger of falling behind in workplan and projected timeline

***Foundational issues had to be referred to Council for guidance and a few WG members have recently challenged proposed procedural approaches. Nevertheless, the WG has worked in a generally collegial manner to expeditiously address its charter questions and produce recommendations***

# How can the Council and community assist?

Challenge	Assistance
Charter Questions	Encourage members to focus on developing clear policy recommendations rather than vague answers
Divergence	Push members to find mutual ground, accept disagreement, and move forward
Data Quality	Suggest data / information that should be gathered to facilitate future review of RPMs
Relitigating Issues	Enforce rules against reopening closed topics
Time Management	Closely monitor timeline, urge participants to be accountable and refrain from engaging in debates that are unproductive



# What to expect at ICANN66

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⦿ Three open meetings at ICANN66:

Saturday, 02 November 2019, Room 511A

- Session 1: 15:15-16:45 (local time)
- Session 2: 17:00-18:30 (local time)

Sunday, 03 November 2019, Room 511A

- Session 3: 17:00-18:30 (local time)

⦿ Begin review of preliminary recommendations identified for inclusion in the Initial Report

⦿ All community members are welcome to attend

# Sessions at ICANN66 and Further Information

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**ICANN66 Schedule:** <https://66.schedule.icann.org/>

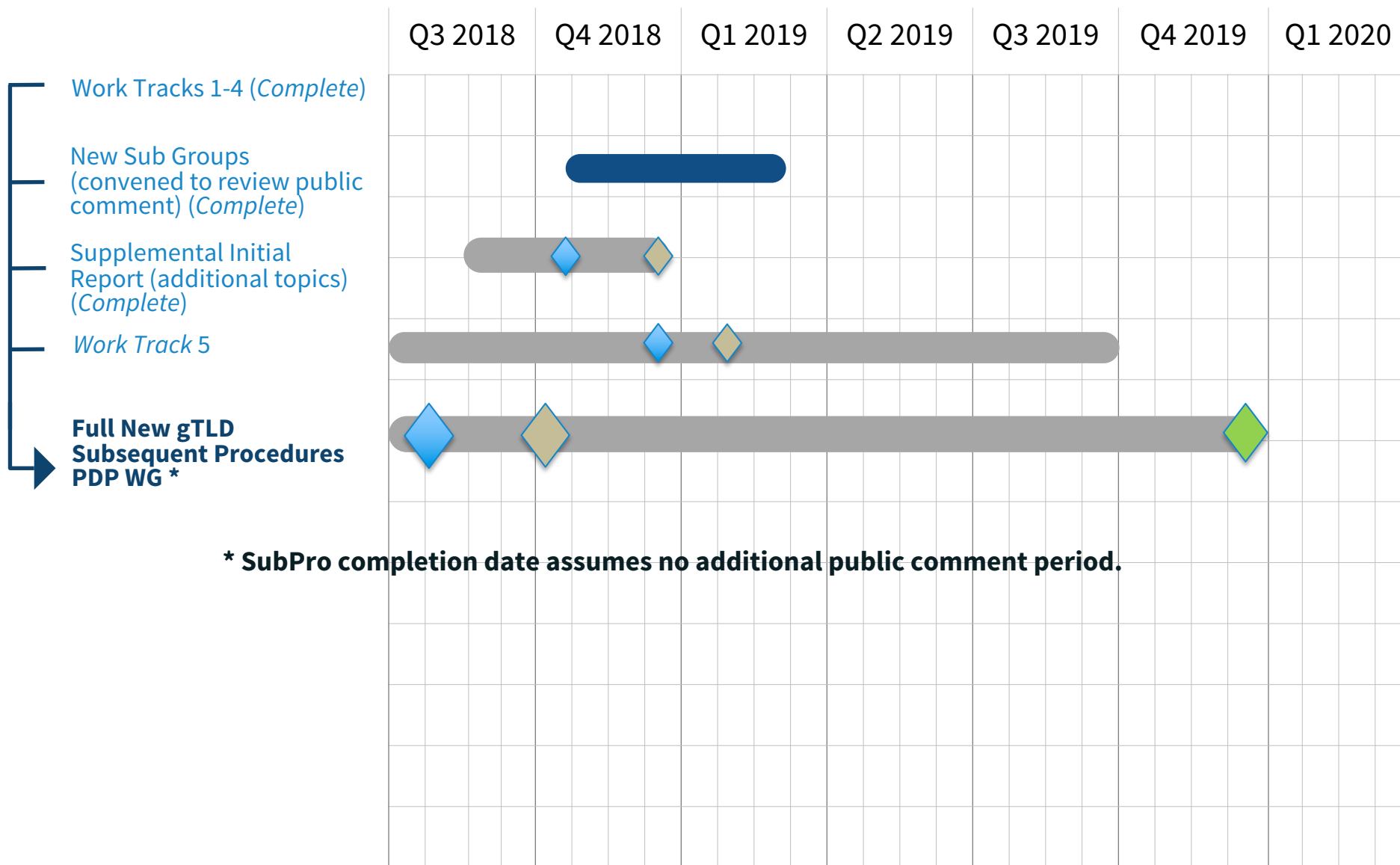
## Resources

- ⦿ GNSO Project Page: <https://gnso.icann.org/en/group-activities/active/rpm>
- ⦿ WG Wiki: <https://community.icann.org/x/wCWAaw>
- ⦿ WG Charter: <https://gnso.icann.org/en/drafts/rpm-charter-15mar16-en.pdf>
- ⦿ WG Work Plan: <https://community.icann.org/display/RARPMRIAGPWG/Work+Plan>
- ⦿ Sunrise Sub Team Documents Page: [https://community.icann.org/x/\\_oIWBg](https://community.icann.org/x/_oIWBg)
- ⦿ Trademark Claims Sub Team Documents Page: <https://community.icann.org/x/9YIWBg>

# Questions

# New gTLD Subsequent Procedures PDP Working Group

# SubPro Timeline



**\* SubPro completion date assumes no additional public comment period.**

## KEY



Publish Initial Report

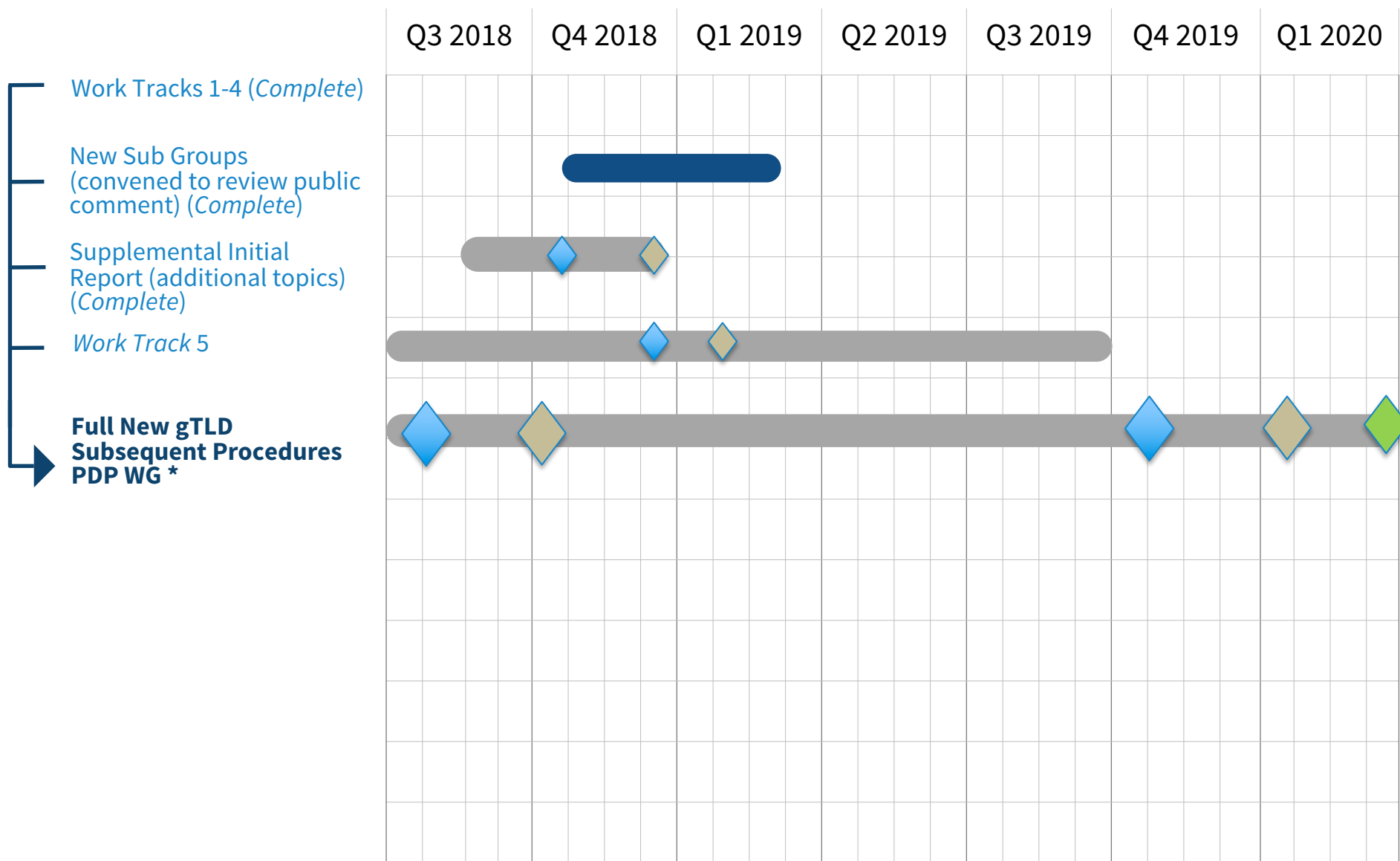


Close of Public Comments



Final Report Delivered to Council

# SubPro Timeline, Add'l Public Comment



**KEY**



Publish Initial Report



Close of Public Comments



Final Report Delivered to Council

# What are the current challenges and issues?

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- ⦿ The WG is developing draft final recommendations, but there are several areas which may not have consensus recommendations.
- ⦿ Some WG members are continuing to show up to meetings without an understanding or appreciation of conversations that have already taken place, or having reviewed materials shared and to be discussed.
- ⦿ Some WG members continue to assert that their strongly held opinion must be upheld, losing sight of how the MSM model works and consensus is reached.
- ⦿ Some WG members seem to lack the incentive to reach compromise.
- ⦿ Despite a large number of WG members, participation continues to come from a limited sub-set of participants, who sometimes dominate the conversation. Discussion on mail list is limited as well.

# How can the Council and community assist?

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- ◉ Continue to remain available as a resource for consultation/escalation in respect of the issues identified.
- ◉ Continue to support the co-chairs if any remedial actions are necessary from WG member disruption.
- ◉ The WG appreciates the outreach to the Board on the potential interdependencies for the Name Collisions Analysis Project. The WG would appreciate progress and resolution on potential interdependencies for string similarity (with the ccTLD Fast Track).
- ◉ Continue to support efforts to coordinate with GDD on interim operational readiness activities for the New gTLD Program.



# What to expect at ICANN66

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- ⦿ Four open meetings at ICANN66:
  - Saturday, 02 November 2019, Room 511A
    - Session 1: 12:15-13:15 (local time)
    - Session 2: 13:30-15:00 (local time)
  - Monday, 04 November 2019, Room 511A
    - Session 3: 15:15-16:45 (local time)
    - Session 4: 17:00-18:30 (local time)
- ⦿ WT5 will present its recommendations to the full WG in sessions 1 and 2.
- ⦿ During sessions 3 and 4 the WG will discuss possible issues for further public comment and small teams addressing predictability, closed generics, and RSP pre-approval.

# Sessions at ICANN66 and Further Information

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**ICANN66 Schedule:** <https://66.schedule.icann.org/>

## Resources

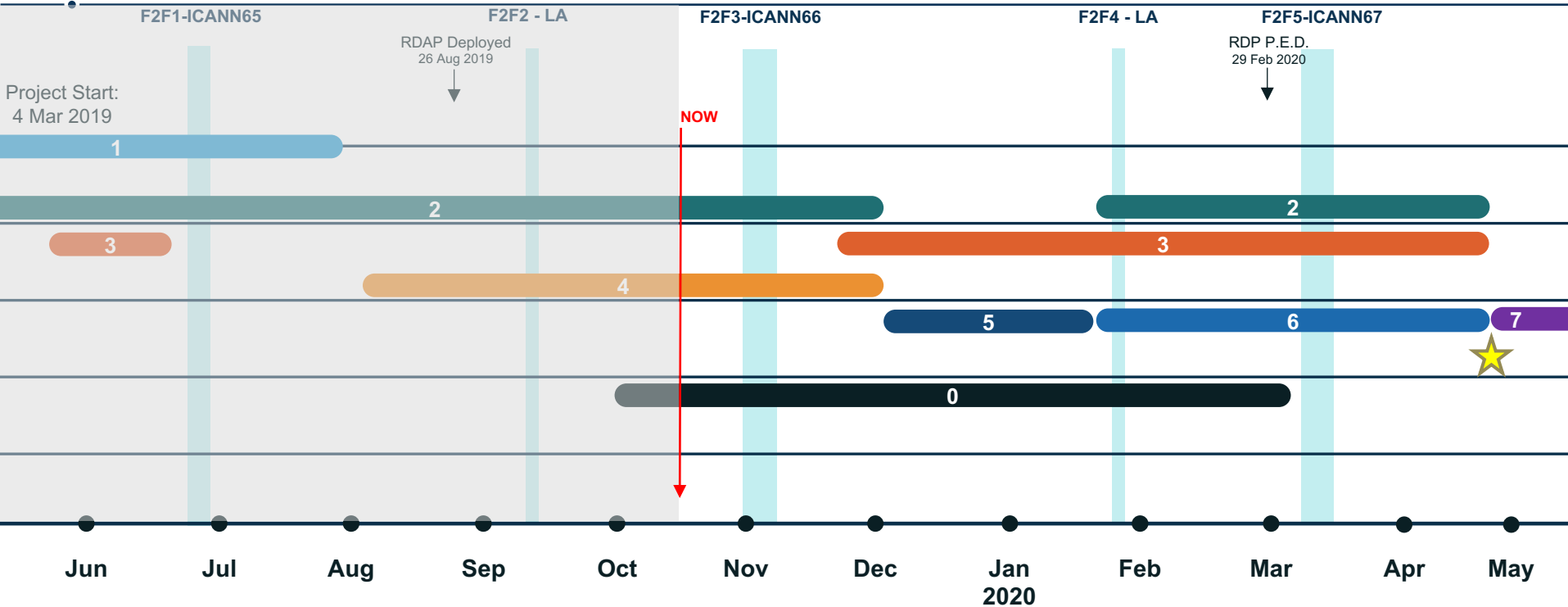
- ◉ GNSO Project Page: <https://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures>
- ◉ WG Wiki: <https://community.icann.org/x/RgV1Aw>
- ◉ WG Charter: <https://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-charter-21jan16-en.pdf>
- ◉ WG Work Plan: <https://community.icann.org/x/NAp1Aw>

# Questions

# EPDP on the Temporary Specification for gTLD Registration Data (Phase 2)

# EPDP Phase 2 - Summary Timeline

15 October 2019



Complete: 31%    Status: ●    Condition: ■

(1) Items from priority 2 could be incorporated in the Initial / Final Report for priority 1, depending on their date of completion or presented separately.  
 (2) These phases of the project occur after the GNSO Council's adoption of the Final Report, and will appear when the timeline advances there.

# What are the current challenges and issues?

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- While many groups believe the work should continue at a rapid pace, keeping up with the deadlines that are associated with this pace has proven challenging.
- The EPDP Legal Committee's work to prioritize questions for submission to the outside legal counsel appears to be time consuming.
- The group has significant work ahead to solidify draft recommendations for an Initial Report by the target date of December 2019, which will require dedication, compromise and mutual understanding.
- The EPDP Team has been unable to work on Priority 2 issues (legal vs. natural, redaction of city field, etc.) due to limited time and bandwidth.

# How can the Council assist?

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- Thank you to the Council for requesting the resources necessary to complete this work
- Encourage Stakeholder Groups and Constituencies to review the Initial Report (when published) and provide public comments
- Closely monitor the deliberations and potential recommendations to be able to flag if there is any indication that either the EPDP Team is not addressing the charter questions or is going beyond what it was asked to address

# What to expect at ICANN66

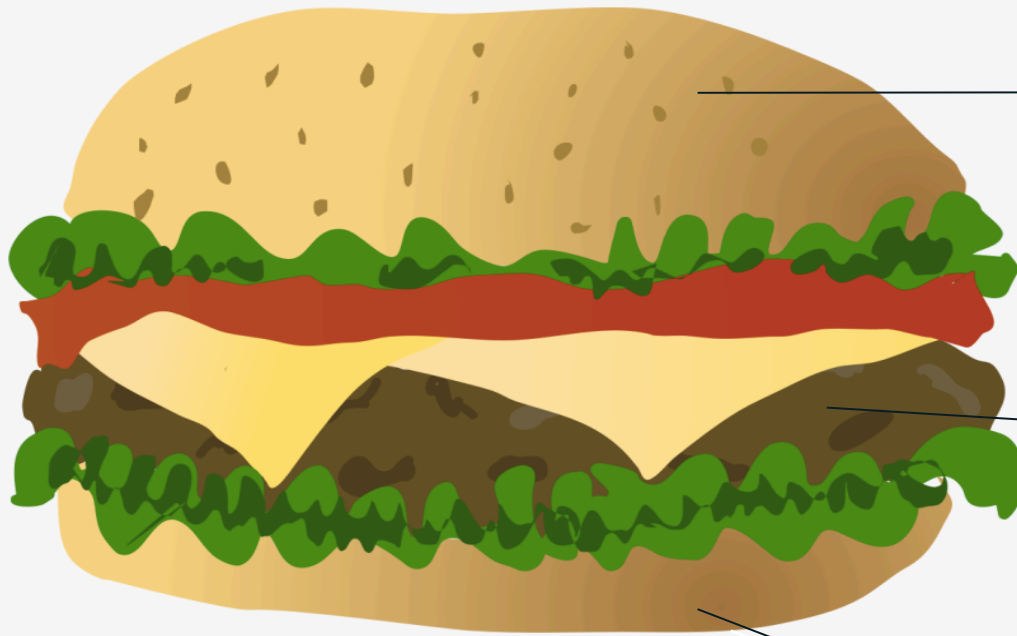
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- Following review of several real-life use cases for requestors of nonpublic registration data, the EPDP Team distilled common themes to develop building blocks and policy principles on a variety of topics.
- The building blocks include, among others, purposes for requesting nonpublic registration data, accreditation of requestors, categorization of users, content of requests, query policy, acceptable use policy, etc.
- The building blocks will be used to form the draft policy recommendations in the EPDP Team's Initial Report, which is targeted to be published in December 2019.



# What to expect at ICANN66

## The “Hamburger” Model



**TOP BUN** = the “demand side”, which are individuals or entities that request access to non-public gTLD registration data.

**BURGER PATTY** = SSAD or the interface that determines the interaction modalities between the demand and supply side

**BOTTOM BUN** = the supply side, which are registries and registrars that hold gTLD registration data.

# Sessions at ICANN66

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## Meetings

The Expedited Policy Development Process (EPDP) Team currently has four sessions scheduled at ICANN66. The currently scheduled sessions are in local time:

- ⦿ **Saturday, 2 November from 08:30-18:30**
- ⦿ **Sunday, 3 November from 17:00-18:30**
- ⦿ **Monday, 4 November from 15:15-18:30**
- ⦿ **Thursday, 7 November from 13:30-15:00.**

In addition, a plenary session has been scheduled for Monday 4 November from 10.30 – 12.00.

# Further Information

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- ⦿ **Resources**

- ⦿ Phase 2 Building Blocks: <https://community.icann.org/x/k5lCBw>
- ⦿ EPDP Initial Report: <https://go.icann.org/2E6DEbh>
- ⦿ EPDP Final Report: <https://go.icann.org/2TNA63g>
- ⦿ EPDP Webpage: <https://go.icann.org/2O8UTP6>
- ⦿ EPDP Workspace: <https://go.icann.org/2LKujuF>
- ⦿ EPDP Charter: <https://go.icann.org/2MsBAAx>

# Questions

# Engage with ICANN



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