Pre-ICANN67 GNSO Policy Webinar

19 February 2020

Agenda

1 Welcome and Introduction

2 New gTLD Subsequent Procedures PDP

3 Review of All Rights Protection Mechanisms in All gTLDs PDP
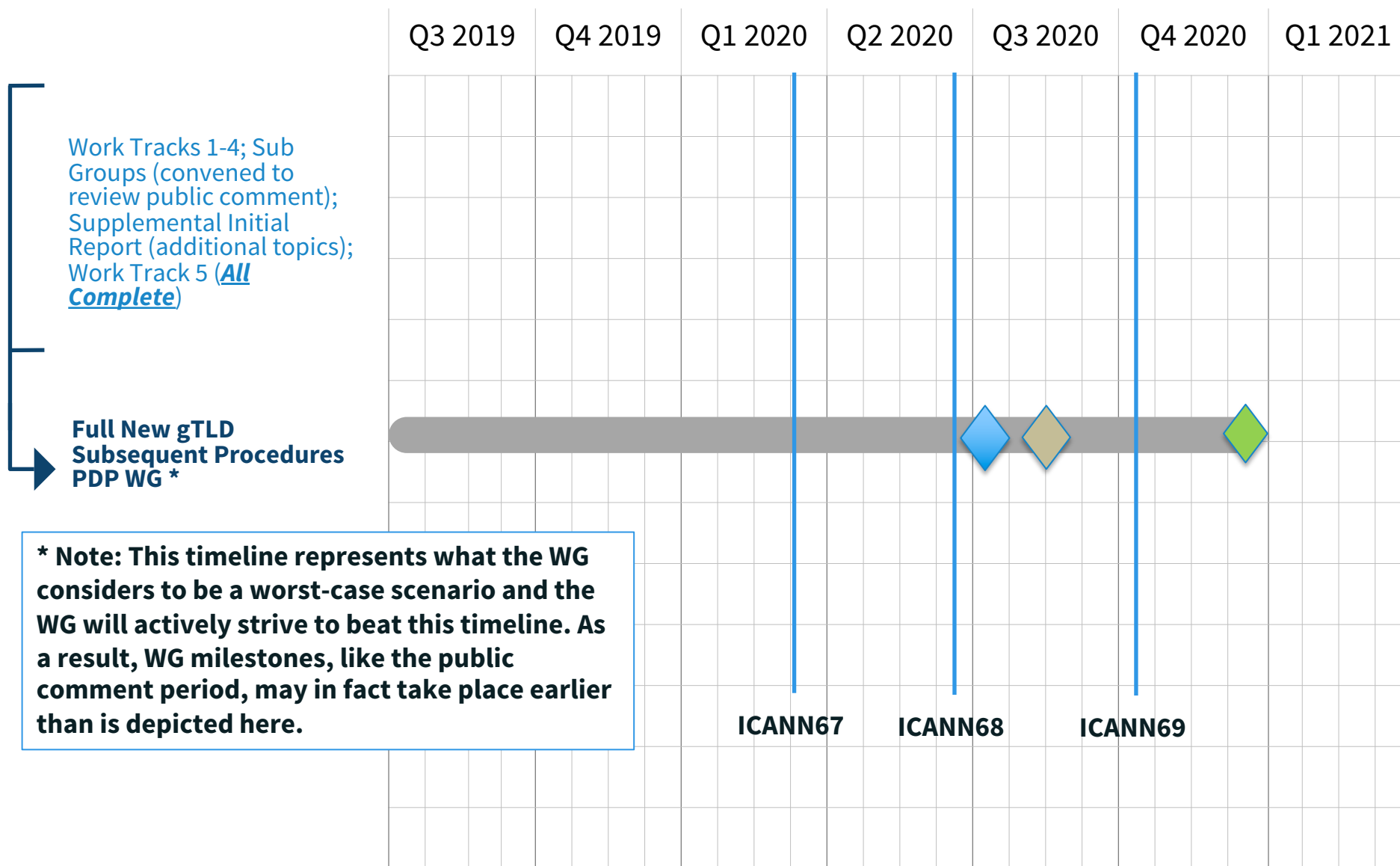
4 EPDP on gTLD Registration Data

5 Questions & Answers

Introduction

New gTLD Subsequent Procedures PDP Working Group

SubPro Timeline *

	Q3 2019	Q4 2019	Q1 2020	Q2 2020	Q3 2020	Q4 2020	Q1 2021

Work Tracks 1-4; Sub Groups (convened to review public comment); Supplemental Initial Report (additional topics); Work Track 5 (***All Complete***)

Full New gTLD Subsequent Procedures PDP WG *

* Note: This timeline represents what the WG considers to be a worst-case scenario and the WG will actively strive to beat this timeline. As a result, WG milestones, like the public comment period, may in fact take place earlier than is depicted here.

ICANN67   **ICANN68**   **ICANN69**

What are the current challenges and issues?

- Previously, there was an expectation of an additional limited public comment period on areas of new solutions. *Now, the expectation is for all recommendations to be available*, which significantly impacts the timeline.
  - Project Change Request submitted to the GNSO Council, primarily for this reason.

- *The list of topics identified in the WG's Charter is extensive.* While the WG has now progressed to developing draft Final Recommendations in many cases, there remain a number of challenging topics with pending deliberations (e.g., closed generics, predictability framework, string contention resolution, etc.).

- Some WG members unwilling to move off their position as there may be a lack of incentive to reach compromise.

- Accordingly, there are several topics where the WG may not be able to agree on consensus recommendations.

Previously identified challenges and issues, still relevant

- 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.

- Despite a large number of WG members, participation continues to come from a limited subset of participants, who sometimes dominate the conversation. Discussion on mail list is limited as well.

- Some WG members are continuing to show up to meetings without an understanding or appreciation of conversations that have already taken place, or without having reviewed materials shared and to be discussed.

How can the Council and community assist?

- Reinforce with your respective communities that the MSM works best when everyone participates in good faith, seeking a solution everyone can live with (e.g., no one gets everything they want).

- Councilors and their respective communities should familiarize themselves with the anticipated PDP outcomes in advance of delivery of the Final Report.

- Continue to support efforts to coordinate with the ICANN Board, Council leadership, and ICANN org on interim operational readiness activities for the New gTLD Program.

- 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.

What to expect at ICANN67

- Three open meetings at ICANN67:

  - <u>Saturday, 07 March 2020, Gran Cancún 2</u>

  - Session 1: 15:15-16:45 (local time)

  - Session 2: 17:00-18:30 (local time)

  - <u>Monday, 09 March 2020, Gran Cancún 1</u>

  - Session 3: 10:30-12:00 (local time)

- The WG will engage in substantive discussion on a selection of open topics, which have substantial overlap with topics that are of interest to the GAC (note, the GAC has made participation in the SubPro sessions a priority at ICANN67).

Sessions at ICANN67 and Further Information

ICANN67 Schedule: https://67.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

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

Current Timeline

Dec 2016 TM-PDDRP Review Complete

Oct 2018 URS Review Complete

July 2019 TM Claims & Sunrise Review Complete

Oct 2019 TMCH Review Complete

Oct-Mar 2020 Finalize Recommend-ations

May-Sep 2020 Review Public Comments

Mid-Oct 2020 Final Report to GNSO Council

- 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 **Mid-October 2020 (5.5 months-extension)**

Current Timeline (Cont.)

- ◉ **Revisited Initial Review of the URS**

  - ○ **ICANN66 – Early December 2019**: Finalized Sub Team recommendations & completed deferred action items [<mark>completed</mark>]

  - ○ **Mid December 2019 – Mid January 2020**: Ascertained more specific support levels for individual proposals – eliminated 19 individual proposals out of 36, reducing the number of proposals for comment and subsequent discussion [<mark>completed</mark>]

- ◉ **Extend Review Period for Draft Initial Report & Public Comment**

  - ○ **Late January – End of ICANN67**: Complete review of draft Initial Report [<mark>ongoing</mark>]

  - ○ **18 March 2020**: Publish Initial Report for Public Comment

  - ○ **May – September 2020**: Review Public Comments with the possibility of additional weekly meetings

  - ○ **Mid-September – Mid-October**: Publish Final Report

What are the current challenges and issues?

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, falling behind in workplan and projected timeline, resulted in the submission of a Project Change Request to the GNSO Council

What are the current challenges and issues? (Cont.)

- Project Change Request **shifts the publication date** of the:

  - o Initial Report from January 2020 to March 2020

  - o Final Report from mid-April to mid-October 2020

- **WG Co-Chairs Commitment:**

  - o Commit to <u>work together</u> with the common goal to complete Phase 1 on time, <u>understanding that there may be consequences</u> for the work (e.g., suspension of the PDP) if this is not done;

  - o <u>Be firm with the Working Group</u>, and <u>do whatever needs to be done</u>, in order to deliver the Final Report in a timely manner; and

  - o <u>Develop a detailed plan</u> to produce the Initial Report, review comments and produce a Final Report and <u>clearly communicate this process</u> to working group members.

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
Project Change & WG Co-Chairs Commitment	Hold WG Co-Chairs accountable, closely monitor WG progress against its work plan, provide guidance when there is challenge (e.g., the evaluation of public comments takes longer than anticipated)

What to expect at ICANN67

◉ Three open meetings at ICANN67:

    Saturday, 07 March 2020, Room Gran Cancún (GNSO)
    Session 1: 12:15-13:15 (local time)
    Session 2: 13:30-15:00 (local time)

    Sunday, 08 March 2020, Room Cozumel 2
    Session 3: 17:00-18:30 (local time)

    Monday, 09 March 2020, Room Gran Cancún (GNSO)
    Session 4: 13:30-15:00 (local time)

◉ Final review of the draft Initial Report

◉ All community members are welcome to attend

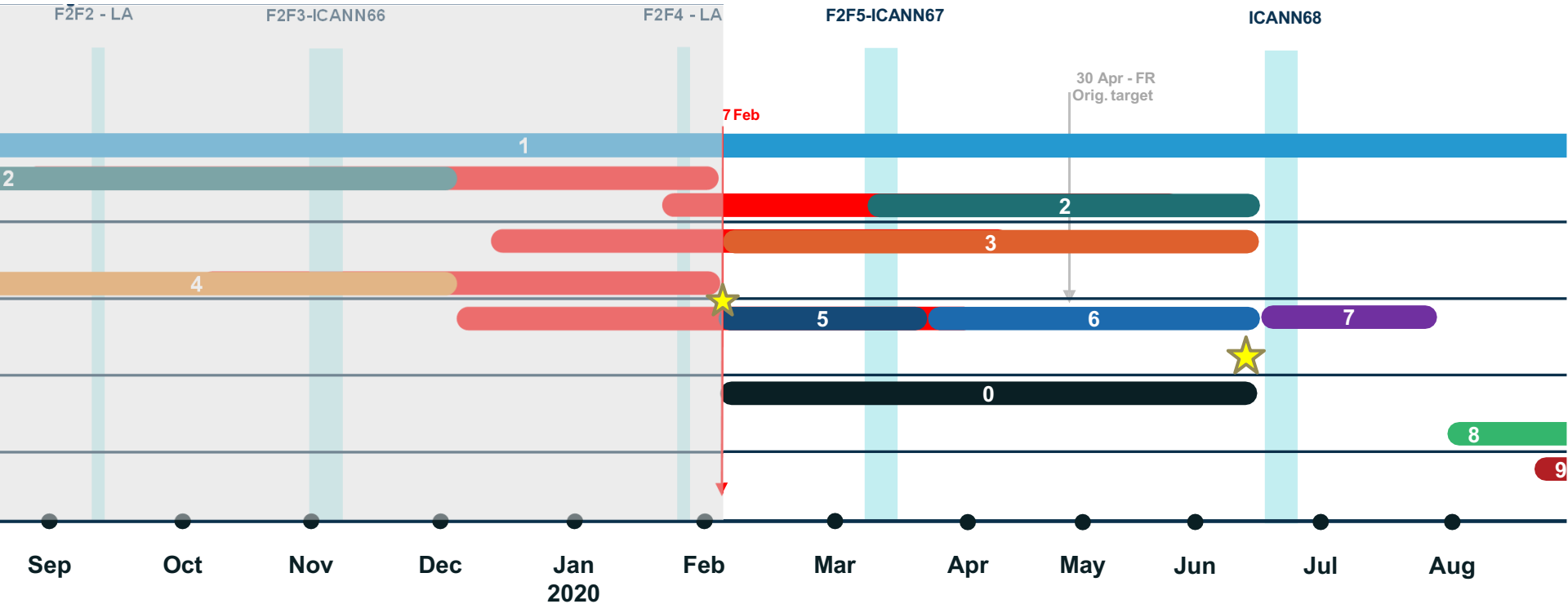# Sessions at ICANN67 and Further Information

ICANN67 Schedule: https://67.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

- Trademark Claims Sub Team Documents Page: https://community.icann.org/x/9YIWBg

EPDP on the Temporary Specification for gTLD Registration Data – Phase 2

EPDP Phase 2 - Summary Timeline

07 February 2020

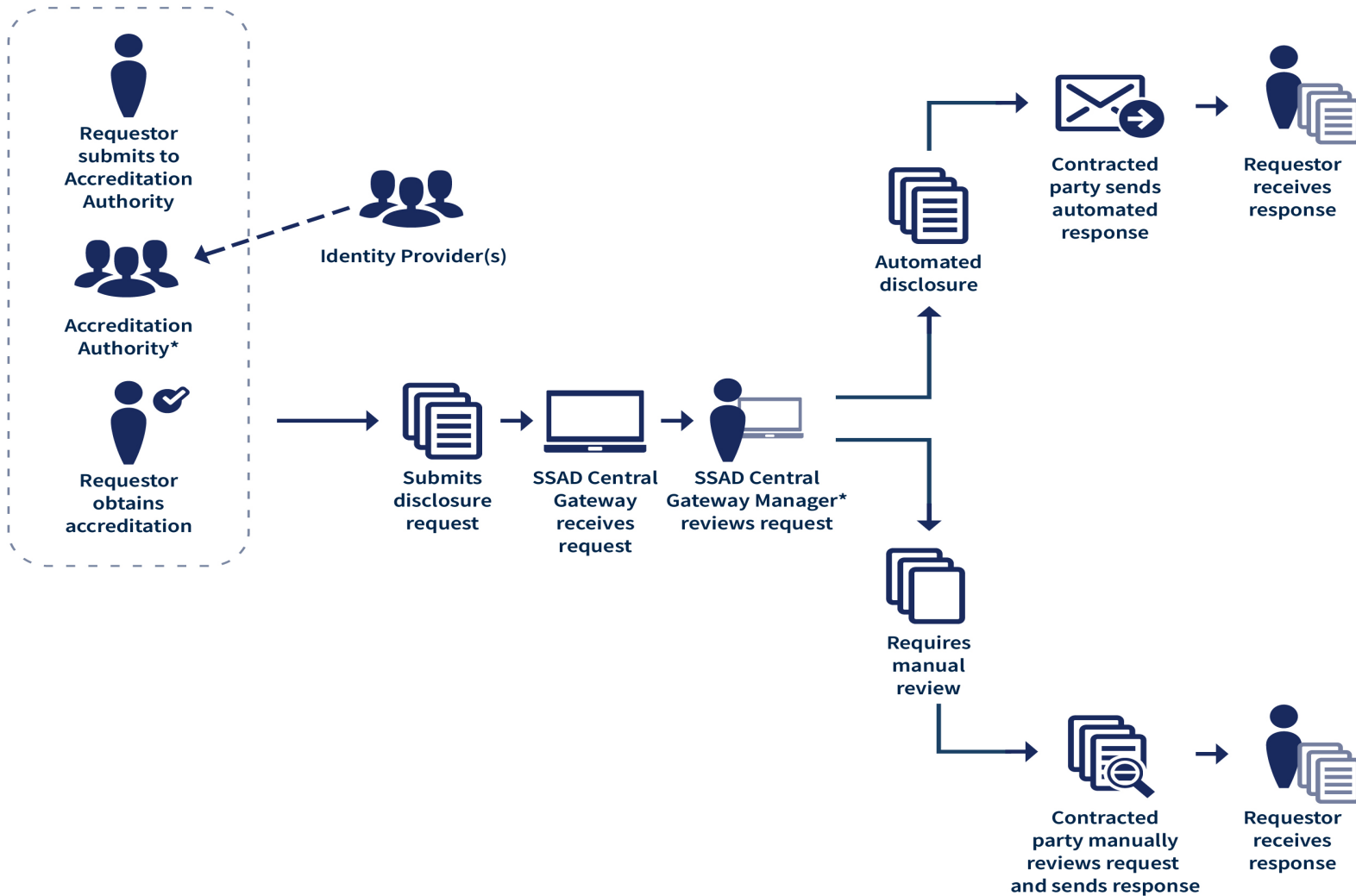| 1	Project Management, Workplan, & Factsheet	2	EPDP-P2 Priority 1 Deliberations	3	EPDP-P2 Priority 2 Deliberations(1)
4	Construct Initial Report	5	Public Comment on Initial Report	6	Review of Public Comment & Submission of Final Report
7	Council Consideration of Final Report	8	Public Comment prior to Board Consideration(2)	9	Board Consideration

Complete: 73%   Status: ◆   Condition: ■

🔴 Behind Schedule   0 Priority 1 – Unplanned

(1) Items from priority 2 could be incorporated in the Final Report for priority 1, depending on their date of completion or they may be presented separately in a separate report and public comment.

Overview of Proposed SSAD Model

Requestor submits to Accreditation Authority

Identity Provider(s)

Accreditation Authority*

Requestor obtains accreditation

Submits disclosure request

SSAD Central Gateway receives request

SSAD Central Gateway Manager* reviews request

Automated disclosure

Contracted party sends automated response

Requestor receives response

Requires manual review

Contracted party manually reviews request and sends response

Requestor receives response

* Accreditation Authority and the Central Gateway are the responsibility of ICANN Org who may outsource this function.

What are the current challenges and issues?

- On 7 February, the EPDP – Phase 2 Team published its Initial Report for [public comment](#).

- The deadline to submit public comments is **Monday, 23 March** – **<u>no extensions.</u>**

- The ICANN board's approval of resources for EPDP Phase 2 extends only through FY2020, which ends on 30 June 2020.

- In order to meet this deadline, the EPDP Team must publish its Final Report by **11 June 2020.**

How can the Council and community assist?

- Encourage Stakeholder Groups and Constituencies to review the Initial Report and provide public comments by **23 March**

- Encourage Stakeholder Groups and Constituencies to refrain from relitigating issues already discussed within the EPDP Team and provide constructive feedback on the Initial Report

- Encourage EPDP Team Members from your Stakeholder Groups and Constituencies to strive for compromise, consensus-building and the continued good faith use of the "cannot live with" standard as the Team works toward its Final Report

What to expect at ICANN67

- Following the publication of its Initial Report, EPDP Team will commence its work on priority 2 items (legal vs. natural, redaction of city field, etc.) – for those items that result in quick resolution, it may be possible to catch up and include these issues in the Final Report. For those requiring more time, either work continues or referral to the GNSO Council.

- Focus during ICANN67 in Cancun will be on addressing priority 2 items.

- On Monday, 9 March, there will be a plenary session, during which the community is invited to hear more about, and provide feedback to, the EPDP Team's Initial Report

Sessions at ICANN67 and Further Information

Meetings

The Expedited Policy Development Process (EPDP) Team currently has four sessions scheduled at ICANN66:

- Saturday, 7 March from 08:30-18:30 (EST)
- Sunday, 8 March from 17:00-18:30 (EST)
- Monday, 9 March from 10:30-12:00 (EST)
- Thursday, 12 March from 13:30-15:00 (EST)

Resources

- EPDP Phase 2 Webpage: https://go.icann.org/2O8UTP6
- EPDP Phase 2 Workspace: https://go.icann.org/2LKujuF
- EPDP Charter: https://go.icann.org/2MsBAAx
- EPDP Phase 2 Initial Report: https://go.icann.org/2HkEvWX

Questions

Thank you