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PDP Update

The PDP Updates are one-page documents that are prepared by ICANN staff to inform the GAC and other interested parties about potential opportunities to engage in and contribute to on-going GNSO PDP efforts. They are published on a regular basis and translations of these can be found on the GAC website. Please, also refer to our Policy Briefings for information on these and other GNSO activities.

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Policy Development Process Update

New gTLD Subsequent Procedures

January 2016

Issue
Possible changes or adjustments to the GNSO principles, recommendations, and implementation guidance from the 2007 Final Report on the Introduction of New Generic Top-Level Domains.

Upcoming important dates
The GNSO Council considered the Final Issue Report on New gTLD Subsequent Procedures during its 17 December 2015 meeting, where a PDP on New gTLD Subsequent Procedures was initiated. During the 21 January 2016 meeting, the GNSO Council adopted the charter for the PDP WG and a call for volunteers was issued on 27 January 2016. It is anticipated that the PDP WG will have its first meeting in late February 2016.

Summary
In June of 2014, the GNSO Council created the New gTLD Subsequent Procedures Discussion Group, which was focused on reflecting upon the experiences gained from the 2012 New gTLD round and identifying a recommended set of subjects that should be further analyzed in an Issue Report. It is important to note that there is existing policy from the 2007 Final Report on the Introduction of New Generic Top-Level Domains, which states that the original policy recommendations as adopted by the GNSO Council and ICANN Board has "been designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains," meaning that those policy recommendations remain in place for subsequent rounds of the New gTLD Program unless the GNSO Council decides to modify via a policy development process. At the ICANN53 meeting, The GNSO Council approved a motion to request that a Preliminary Issue Report be drafted by ICANN staff, basing the report on the set of deliverables developed by the Discussion Group, to further analyze issues identified and help determine if changes or adjustments are needed for subsequent new gTLD procedures.

ICANN staff completed the Preliminary Issue Report on New gTLD Subsequent Procedures, which was published for public comment on 31 August 2015, with the comment period closing on 30 October 2015. ICANN staff reviewed public comments received and adjusted the Issue Report accordingly. The Final Issue Report, along with the summary and analysis of public comment received, were submitted to the GNSO Council for its consideration on 4 December 2015 and a PDP on New gTLD Subsequent Procedures was initiated on 17 December 2015. The GNSO Council adopted the PDP WG charter during its 21 January 2016 meeting, with a call for volunteers issued on 27 January 2016.

Engagement Opportunity Status

With the call for volunteers issued, individuals from the GAC are encouraged to participate in the PDP WG if they so choose. In addition, the GAC will be informed of the opportunities for engagement in the process, which could include providing public comments to WG deliverables or input via communiqués.

Additional Information

- Archived project page for the completed Discussion Group effort
  http://gnso.icann.org/en/group-activities/inactive/2015/non-pdp-new-gtld
- GNSO Council Resolution requesting Preliminary Issue Report
  http://gnso.icann.org/en/council/resolutions#201507
- Preliminary Issue Report on New gTLD Subsequent Procedures
  https://www.icann.org/public-comments/new-gtld-subsequent-prelim-2015-08-31-en
- Final Issue Report on New gTLD Subsequent Procedures -
  http://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-final-issue-04dec15-en.pdf
- GNSO Council Resolution initiating PDP -
  http://gnso.icann.org/en/council/resolutions#201512
- GNSO Council Resolution adopting PDP -
  http://gnso.icann.org/en/council/resolutions#20160121-2
- PDP WG Charter - http://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-charter-21jan16-en.pdf
- Active Project Page - http://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures

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Policy Development Process (PDP) Update

Review of All Rights Protection Mechanisms in All gTLDs (PDP)

January 2016
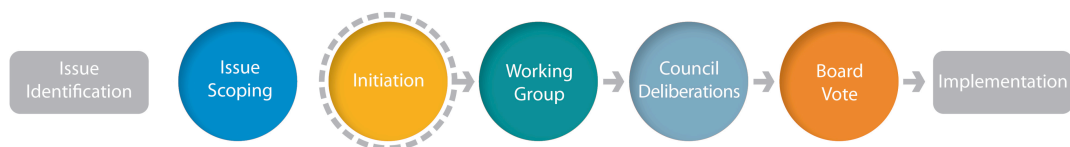
Upcoming important dates
Staff has submitted the Final Issue Report to the GNSO Council who will consider it at its next meeting on 18 February 2016. Based on the Final Issue Report, and taking into account staff recommendations, the GNSO Council will decide on whether or not to initiate a Policy Development Process (PDP). If a PDP is launched, a call for volunteers will be sent out to all SO/ACs to form a PDP Working Group.

Summary
The 'rights protection mechanisms' (RPMs) in this Preliminary Issue Report are concerned with those policies and processes that are aimed at combatting cyber-squatting and providing workable mechanisms for trademark owners to either prevent or remedy certain illegitimate uses of their trademarks at the second level of generic top level domains (gTLDs). The most used of these is the *Uniform Dispute Resolution Policy* (UDRP) that has been an ICANN Consensus Policy since 1999. A number of additional RPMs were developed subsequently to supplement the UDRP as part of the New gTLD Program: the Trademark Clearinghouse (TMCH), the Sunrise and Trademark Claims service periods, the Uniform Rapid Suspension procedure (URS), and the Post-Delegation Dispute Resolution Procedures (PDDRPs).

The Preliminary Issue Report outlines three possible scenarios on how to proceed. As a result of Community input through the public comment forum, staff recommends to proceed with a two-phased PDP. The first phase would focus on the review of all RPMs that have been developed for the new gTLD space. The second phase would then address the review of the UDRP. In its recommendation Staff is following the majority view of the community as expressed in the public comment forum.

PDP Status

Additional Information

- Final Issue Report: http://gnso.icann.org/en/issues/new-gtlds/rpm-final-issue-11jan16-en.pdf
- Public Comment Forum: https://www.icann.org/public-comments/rpm-prelim-issue-2015-10-09-en
- Report on public comments: https://www.icann.org/en/system/files/files/report-comments-rpm-prelim-issue-02dec15-en.pdf

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Policy Development Process Update

Next Generation Registration Directory Services to Replace WHOIS

January 2016

Upcoming important dates
Commencement of Working Group deliberations and outreach to GNSO Stakeholder Groups and Constituencies as well as ICANN Supporting Organizations And Advisory Committees to request early input to help inform the Working Group deliberations.

Summary
In 2012, in response to the recommendations of the first WHOIS Review Team, the Board adopted a two-prong approach that simultaneously directed ICANN to (1) implement improvements to the current WHOIS system based on the Action Plan that was based on the recommendations of the WHOIS Review Team, and (2) launch a new effort, achieved through the creation of the Expert Working Group (EWG), to focus on the purpose and provision of gTLD directory services, to serve as the foundation of a Board-initiated GNSO policy development process (PDP).

The Expert Working Group's Final Report contains a proposed model and detailed principles to serve as the foundation for a PDP to support the creation of the next generation registration directory services to replace WHOIS. This Final Report contains over 160 pages of complex principles and recommendations to be considered in the GNSO PDP. In order to effectively manage the PDP on such a large scale, an informal group of Board members and GNSO councilors collaborated to develop the framework that was approved by the ICANN Board on 26 April 2015. As a result, the Board reconfirmed its request for a Board-initiated GNSO policy development process to define the purpose of collecting, maintaining and providing access to gTLD registration data, and consider safeguards for protecting data, using the recommendations in the EWG Final Report as an input to, and, if appropriate, as the foundation for a new gTLD policy. The Preliminary Issue Report was posted for public comment on 13 July 2015. The public comment forum closed on 6 September, with 13 submissions received, including input from the GAC. The Final Issue Report was submitted to the GNSO Council on 7 October 2015 and the charter for the PDP WG was adopted during the 17 November 2015 Council meeting, followed by the launch of a call for volunteers for WG participants in early January 2016. The Working Group held its first meeting on 26 January 2016.

Engagement Opportunity Status

Following the adoption of the charter for the PDP Working Group, a call for volunteers has been distributed to form the PDP Working Group which is open to anyone interested to participate.

Additional Information
- RDS wiki https://community.icann.org/display/gTLDRDS/Next-Generation+gTLD+Registration+Directory+Services+to+Replace+Whois
- Charter for PDP WG http://gnso.icann.org/en/drafts/whois-ng-gtld-rds-charter-07oct15-en.pdf
- Final Issue Report http://whois.icann.org/sites/default/files/files/final-issue-report-next-generation-rds-07oct15-en.pdf
- Preliminary Issue Report http://whois.icann.org/sites/default/files/files/rds-prelim-issue-13jul15-en.pdf
- Public Comment Forum https://www.icann.org/public-comments/rds-prelim-issue-2015-07-13-en
- Board Resolution https://www.icann.org/resources/board-material/resolutions-2015-04-26-en#1.f

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Policy Development Process (PDP) Update

Privacy and Proxy Services Accreditation Issues in relation to the 2013 Registrar Accreditation Agreement and the Development of a Privacy and Proxy Services Accreditation Program by ICANN

January 2016

Upcoming Important Dates

The GNSO Council voted unanimously to approve the Final Report from the PDP WG. The report contained over twenty policy recommendations that gained Full Consensus within the PDP WG. A Recommendations Report is being prepared for the GNSO Council's approval and transmission to the ICANN Board. A public comment forum will be opened shortly on the final recommendations, prior to Board action. Furthermore official notification to the GAC of the pending consideration by the ICANN Board is expected shortly.

Summary

The Registrar Accreditation Agreement (RAA) is the contract that governs the relationship between ICANN and its accredited registrars (a directory of accredited registrars can be found at http://www.internic.net/regist.html). Its provisions also may have impacts on registrants and other third parties involved in the domain name system. In June 2013, the ICANN Board approved a new 2013 RAA (the provisions of which can be found at http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.pdf). In initiating negotiations for the 2013 RAA between ICANN and the Registrars Stakeholder Group in October 2011, the ICANN Board had also requested an Issue Report from the GNSO that, upon the conclusion of the RAA negotiations, would start a GNSO Policy Development Process (PDP) to address remaining issues not dealt with in the RAA negotiations that would be suited to a PDP. The GNSO Council approved the charter for this effort at its meeting on 31 October 2013 and a Working Group was formed.

The WG published its Initial Report for public comment on 5 May: https://www.icann.org/public-comments/ppsai-initial-2015-05-05-en.. Due to the unusually large volume of comments received (including over 11,000 public comments and almost 150 survey responses), the WG extended its timeline in order to carefully and thoroughly consider all the input received. Having completed its review of all the comments, the WG completed and sent its Final Report to the GNSO Council on 7 December 2015. On 21 January 2016, the GNSO Council voted unanimously to approve all the recommendations contained in the WG's Final Report, all of which attained Full Consensus among the WG.

Engagement Opportunity Status

A public comment forum will be opened shortly on the final recommendations, prior to Board action. Furthermore, official notification to the GAC of the pending consideration by the ICANN Board is expected shortly. In the event that the GAC believes that there are public policy issues raised by these recommendations and provides advice accordingly on those issues, the ICANN Board is expected to take the GAC's advice into account on this matter as set forth in the Bylaws.

Additional Information
WG Charter
http://gnso.icann.org/en/drafts/raa-pp-charter-22oct13-en.pdf
WG Workspace
https://community.icann.org/x/9iCfAg
WG Initial Report
http://gnso.icann.org/en/issues/raa/ppsai-initial-05may15-en.pdf (please refer to the Public Comment Forum for links to the Executive Summary, available in all six UN languages)
WG Final Report
http://gnso.icann.org/en/issues/raa/ppsai-final-07dec15-en.pdf
GNSO Council resolution approving the Final Report
http://gnso.icann.org/en/council/resolutions#201601

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Policy Development Process (PDP) Update

IGO & INGO Access to the Curative Rights Protection Mechanisms of the UDRP & URS

January 2016

Upcoming Important Dates

 The WG continues to discuss the issue of IGO immunity and welcomes further engagement with the GAC. At the WG's request, ICANN has engaged the services of an independent external legal expert to provide an opinion on the current state of international law as regards jurisdictional immunity for IGOs. The WG continues to await an updated proposal from the IGO "small group" in order to proceed further with its work. As a result, the WG will be extending its timeline for a Preliminary Report, with the hope to complete this initial work shortly after ICANN55.

Summary

This PDP originated in a consensus recommendation from the GNSO's prior PDP Working Group on the Protection of International Organization Names in All gTLDs (IGO-INGO WG). This was for the GNSO Council to request an Issue Report, as a preceding step to a possible Policy Development Process to explore possible amendments to existing curative rights protection mechanisms, i.e. the Uniform Dispute Resolution Policy (UDRP) and the Uniform Rapid Suspension (URS) procedure, to address the specific needs of International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs).

Engagement Opportunity Status

On 2 June 2014 the GNSO Council resolved to initiate the PDP following its review of the Final Issue Report, and on 25 June the GNSO Council adopted the charter for the PDP Working Group to be formed. The WG has made significant progress in its deliberations over the topics outlined in its charter, which tasks it to also consider the possibility of developing a separate, narrowly tailored dispute resolution procedure based on the UDRP and/or URS, to apply specifically to those IGOs and INGOs whose identifiers had previously been recommended for protection by the original IGO-INGO WG.

The WG has preliminarily determined: (1) to exclude INGOs from further consideration in the PDP, thus focusing only on IGOs; and (2) that standing to file a complaint may appropriately be based on an IGO's having affirmatively sought protection under Article 6ter of the Paris Convention for the Protection of Industrial Property. It is currently considering the issue of an IGO's jurisdictional immunity, and how this might affect the Mutual Jurisdiction requirement currently in the UDRP and URS. To ensure that it fully understands the issue, the WG has requested ICANN to engage an external legal expert as it continues to await a concrete proposal from the IGO small group. The expert is expected to provide his opinion to the WG by the end of January 2016.

In this regard, the WG welcomes further input from the GAC, especially on topics which may have public international law and policy implications.

Additional Information:

- Final Issue Report on IGO-INGO Access to UDRP & URS processes:
  http://gnso.icann.org/en/drafts/igo-ingo-crp-final-25may14-en.pdf
- Charter for new PDP Working Group (as adopted by the GNSO Council on 25 June 2014): http://gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14-en.pdf
- Amended Charter provisions: http://gnso.icann.org/en/council/resolutions#20150416-3
- WG wiki space including background documents and latest research:
  https://community.icann.org/x/37rhAg

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Policy Development Process (PDP) Update

Protection of Certain International Organization Names in all gTLDs

January 2016

Upcoming Important Dates:
The Implementation Review Team is developing an implementation plan for those Board-adopted PDP recommendations not inconsistent with GAC advice. The GNSO Council is awaiting the final proposal from the IGO "small group" prior to considering possible amendments to the remaining PDP recommendations that are inconsistent with GAC advice.

Summary:
In November 2013, the GNSO Council unanimously adopted all the consensus recommendations from its PDP Working Group regarding protections at the top and second level in all gTLDs for the names and acronyms of certain International Government Organizations (IGOs) and International Non-Government Organizations (INGOs), including the Red Cross international movement and its national societies (RCRC) and the International Olympic Committee (IOC). Notably, on IGO acronyms, the GNSO did not recommend reservation either at the top or second levels; instead it recommended protection by way of claims notices via the Trademark Clearinghouse.

On 30 April 2014 the Board adopted those of the GNSO's recommendations that are not inconsistent with GAC advice received on the topic and requested additional time to consider the remaining recommendations (which include those relating to IGO acronym protections). It also resolved to facilitate dialogue between the GAC, GNSO and other affected parties to resolve the remaining differences. An Implementation Review Team to implement the Board-adopted recommendations under the direction of the Global Domains Division has been formed and has begun to discuss a draft Implementation Plan.

In June 2014 the NGPC requested that the GNSO Council consider amending its remaining policy recommendations with respect to the nature and duration of protection for IGO acronyms, the full names of the entities making up the international Red Cross movement and the names of 189 national Red Cross societies. The GNSO Council responded to the NGPC's request in October seeking further clarification and in January 2015 received the NGPC's reply advising that discussions remain ongoing. In the meantime, at the ICANN meeting in Los Angeles in October 2014, the NGPC resolved to protect the names of the international Red Cross and the 189 national societies on an interim basis. Staff is currently working with the Red Cross on implementation of this resolution.

Engagement Opportunity Status:

The GAC's Los Angeles Communique reaffirmed its previous advice on the protection of IGO names and acronyms and also acknowledges the NGPC's latest resolution to temporarily protect the Red Cross' national society identifiers until the differences between the GNSO's consensus recommendations and GAC advice are reconciled. In its Singapore Communique the GAC expressed its intention to continue to work with interested parties to reach agreement on appropriate permanent protections for IGO names and acronyms, including working with the GNSO PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms. The Buenos Aires Communique expressed the GAC's hope for a concrete solution by ICANN54 while welcoming the preventative protections that remain in place until the implementation of permanent mechanisms. Most recently, the Dublin Communique requested the ICANN Board to facilitate the timely completion of the work of the IGO small group in order to resolve the issue.

Additional Information:
- PDP Working Group Final Report:
- http://gnso.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf
- GNSO Council Recommendation Report to ICANN Board:
  http://gnso.icann.org/en/issues/council-board-igo-ingo-23jan14-en.pdf
- ICANN Board Resolution of 30 April 2014: https://features.icann.org/gnso-policy-recommendations-igo-ingo-protections
- NGPC Letter of 16 June 2014: http://gnso.icann.org/en/correspondence/chalaby-to-robinson-16jun14-en.pdf
- GNSO Council Response of 7 October 2014 to NGPC Letter:
  http://gnso.icann.org/en/correspondence/robinson-to-chalaby-disspain-07oct14-en.pdf
- NGPC Resolution of 12 October 2014 on interim protections for the international Red Cross and national Red Cross entities: https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-10-12-en#2.d
- NGPC Letter Response to GNSO Council of 15 January 2015:
  http://gnso.icann.org/en/correspondence/chalaby-to-robinson-15jan15-en.pdf

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Policy Development Process (PDP) Update

Translation and Transliteration Of Contact Information

January 2016

Upcoming important dates
Following the adoption of the recommendations by the ICANN Board on 28 September 2015, ICANN Staff is currently preparing an Implementation Plan. Once completed, they will send out a call to form an Implementation Review Team to assist with the adequate implementation of all recommendations. Currently, this is expected to take place in early 2016.

Summary
The Policy Development Process (PDP) on the translation and transliteration had its inaugural meeting on 19 December 2013. It focused its work the following issues:

1. Whether it is desirable to translate contact information to a single common language or transliterate contact information to a single common script.

2. Who should decide which party(s) should bear the burden of translating contact information to a single common language or transliterating contact information to a single common script.

The Working Group completed its Final Report, which was approved by the GNSO Council on 24 June. In its Final Report, the Working Group does not recommend to mandate the translation/transliteration of contact information data. Instead the Group recommends that registrants are able to submit contact data in any language/script supported by their registrar; ideally the registrant's native one. The Group expressed in its Final Report that data submitted in a script native to the registrant is most likely to be accurate and that the costs of translating and/or transliterating all Contact Information data would be disproportionate to any potential benefits. On 28 September, the ICANN Board adopted the recommendations.

Engagement Opportunity Status

Staff will send out a call to the Community to join the implementation Review Team (IRT) in due course; although aimed primarily at those Community members who took part in the PDP, the IRT will be open to all.

Additional Information

- Final Report
  http://gnso.icann.org/en/issues/gtlds/translation-transliteration-contact-final-12jun15-en.pdf
- ICANN Board resolution
  https://www.icann.org/resources/board-material/resolutions-2015-09-28-en
- Report on Public Comments prior to Board Consideration
  https://www.icann.org/en/system/files/files/report-comments-transliteration-contact-recommendations-13aug15-en.pdf
- GNSO Council Resolution
  http://gnso.icann.org/en/council/resolutions#20150624-3
- Initial Report
  http://gnso.icann.org/en/issues/gtlds/transliteration-contact-initial-15dec14-en.pdf
- Webinar Recording on Initial Report
  https://icann.adobeconnect.com/p2lzjk3zy0f/
- Report of Public Comment on Initial Report
  https://www.icann.org/en/system/files/files/report-comments-transliteration-contact-initial-19feb15-en.pdf
- Wiki Space
  https://community.icann.org/x/FTR-Ag

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Policy Development Process Update

Inter-Registrar Transfer Policy Part D

November 2015

Upcoming important dates
Following the successful work of the Implementation Review Team, the implementation proposal is currently open for comment until 8 January 2016.

Summary
The Inter-Registrar Transfer Policy (IRTP) is a consensus policy that provides a straightforward procedure for domain name holders to transfer domain names between registrars. An overall review of this policy started in 2007 and the final effort, IRTP Part D is under way since 2013. The WG's Final Report contains 18 Recommendations, including*:

- The statute of limitation to launch a TDRP be extended from 6 to 12 months;
- If a request for enforcement is initiated under the TDRP, the relevant domain should be 'locked' against further transfers;
- **Not to** develop dispute options for registrants as part of the current TDRP;
- That the TDRP be modified to eliminate the First (Registry) Level of the TDRP;
- The WG does **not** recommend the elimination of FOAs;
- The WG also recommended that, once all IRTP recommendations are implemented the GNSO Council, together with ICANN staff, to convene a panel to collect, discuss, and analyze relevant data to determine whether these enhancements have improved the IRTP process and dispute mechanisms, and identify possible remaining shortcomings.

*Please note that these are extracts from a non-exhaustive list, see Final Report for details.

Engagement Opportunity Status

Please consult the implementation proposal and, if applicable, submit feedback to the Public Comment Forum.

Additional Information

- Final Report http://gnso.icann.org/en/issues/transfers/irtp-d-final-25sep14-en.pdf
- ICANN Board Resolution https://www.icann.org/resources/board-material/resolutions-2015-02-12-en#1.d
- GNSO Council Resolution http://gnso.icann.org/en/council/resolutions#20141015-1
- Implementation Review Team Workspace https://community.icann.org/pages/viewpage.action?pageId=53777540
- Public Comment on implementation proposal: https://www.icann.org/public-comments/irtp-d-implementation-2015-11-10-en

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Policy Development Process (PDP) Update

'Thick' WHOIS Policy Development Process

January 2016

Upcoming dates

Implementation Review Team (IRT) meetings occur regularly for ICANN Staff to consult with experts from affected parties and discuss implementation proposals (see https://community.icann.org/x/3b7hAg for further details).

The IRT is expected to meet during ICANN 55 and will discuss the outcome of ongoing Public Comment periods on the Proposed Implementation of Consensus Policy Requiring Consistent Labeling and Display of RDDS (Whois) Output for All gTLDs and the Registration Data Access Protocol (RDAP) Operational Profile for gTLD Registries and Registrars. Additionally, the IRT will continue its exploration of an implementation path for the transition from thin to thick of .COM, .NET and .JOBS.

Summary

ICANN specifies WHOIS service requirements through its agreements with gTLD Registries and Registrars. Registries have historically satisfied their WHOIS obligations under two different models, characterized as "thin" and "thick" WHOIS registries. In a thin registration model the Registry only collects and publishes the minimal information associated with the domain name from the Registrar (such as DNS technical information). All of the registrant's contact information is maintained by the Registrar, which publishes it via their own WHOIS services. In a thick registration model the Registry collects both sets of data (domain name and registrant) from the Registrar and in turn publishes that data via WHOIS. The Council initiated a Policy Development Process (PDP) to consider a possible requirement of "thick" WHOIS for all gTLDs. This issue is one that also affects access to WHOIS data, which is a law-enforcement-related issue. The GAC has indicated its interest in both WHOIS and law enforcement-related issues in previous GAC Communiqués. The Thick WHOIS WG finalized its report and submitted it to the GNSO Council on 21 October 2013. The GNSO Council unanimously adopted the recommendation to require Thick WHOIS for all gTLD registries at its meeting on 31 October 2013. Following the public comment forum and the notification of the GAC, the ICANN Board considered the recommendations and adopted these at its meeting on 7 February 2014.

Engagement Opportunity Status

Following the adoption of the recommendations by the ICANN Board, an Implementation Review Team has been formed to work with ICANN staff on the development of the implementation plan. The proposed implementation and policy language will eventually be published for public comment.

Additional Information
Final Report: http://gnso.icann.org/en/issues/whois/thick-final-21oct13-en.pdf
http://gnso.icann.org/en/group-activities/thick-whois.htm
Implementation Review Team work space: https://community.icann.org/display/TWCPI