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Generic Names Supporting Organization

PDP Update
June 2015

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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GNSO POLICY DEVELOPMENT UPDATE

ISSUE
Inter-Registrar Transfer Policy Development Process – Part C

UPCOMING IMPORTANT DATES: Public comment on the proposed policy language and process began on 30 March 2015 (comments may be submitted until 16 May). The IRT is meeting regularly to discuss the comments received.

SUMMARY

The Inter-Registrar Transfer Policy (IRTP) is a consensus policy to provide a straightforward procedure for domain name holders to transfer domain names between registrars. An overall review of this policy identified areas that require clarification or improvement, which were labeled A-E, and addressed in a series of PDPs. This PDP, which is known as IRTP Part C, reviews whether a process for 'change of control' is needed; whether the current Forms of Authorization (FOAs) should be time-limited, and; whether the use of IANA IDs should be required. The PDP has produced recommendations that were adopted unanimously by the GNSO Council on 17 October 2012. The ICANN Board adopted the recommendations on 20 December 2012. These recommendations are:

- **Recommendation #1** – The adoption of a new consensus policy specifying the rules and procedures applicable to circumstances where there is a change of registrant.[1]
- **Recommendation #2**: Forms of Authorization (FOAs), once obtained by a registrar, should be valid for no longer than 60 days, with certain exceptions, and additional procedures to be followed.
- **Recommendation #3**: All gTLD Registry Operators should be required to publish the Registrar of Record's IANA ID in the TLD's WHOIS. The IRTP Part C Final Report includes additional information and rules related to use of the IANA IDs and/or proprietary IDs. (note: the implementation of this specific recommendation was announced on 2 July 2014 as part of the Additional Whois Information Policy, see https://www.icann.org/news/announcement-2014-07-02-en)

ENGAGEMENT OPPORTUNITY STATUS

An Implementation Review Team is working with ICANN staff on the development of the Change of Registrant process and proposed policy language (recommendation #1). Draft policy language has been reviewed and awaits final agreement by the IRT before publishing the public comment which is targeted for mid-February.

Recommendation #2, FOA expiration beyond 60 days is also in development - draft text has been

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[1] Further details concerning the rules and requirements for the change of registrant policy are detailed in the IRTP Part C Final Report under the heading 'Proposed "Change of Registrant" Process for gTLDs' on page 4-8.

reviewed and approved by the Implementation Review Team (IRT). The work products of these two recommendations are expected to be published for public comment and community feedback before ICANN 53.

Lastly, the publishing of the Registrar of Record IANA ID in WHOIS output has been deployed in 2015 with a Policy Effective date of 31 January 2016 via an update to the IRTP (https://www.icann.org/resources/pages/policy-awip-2014-07-02-en).

FINAL REPORT
http://gnso.icann.org/en/issues/irtp-c-final-report-09oct12-en.pdf

ADDITIONAL INFORMATION
http://gnso.icann.org/en/group-activities/irtp-c-wg.htm

GNSO POLICY DEVELOPMENT UPDATE

ISSUE
Inter-Registrar Transfer Policy Development Process – Part D

UPCOMING IMPORTANT DATES: The ICANN Board adopted all 18 recommendations during ICANN 52 in Singapore. ICANN staff is preparing the launch of an Implementation Review Team, for which a call for volunteers will be sent out in due course.

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

The Public Comment Period closed on 1 December 2014 and a Report of Public Comment has been posted. The GAC was notified to provide input in case public policy issues were raised by the IRTP Part D PDP Recommendations. The ICANN Board adopted the recommendations on 12 February 2015.

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
  • Public Comment: https://www.icann.org/en/system/files/files/report-comments-irtp-d-recommendations-12dec14-en.pdf
  • GNSO Council Resolution: http://gnso.icann.org/en/council/resolutions#20141015-1

GNSO POLICY DEVELOPMENT UPDATE

<u>ISSUE</u>

Locking of a Domain Name subject to UDRP Proceedings

<u>UPCOMING IMPORTANT DATES:</u> Implementation effective date (The modified UDRP Rules will take effect 31 July 2015).

<u>SUMMARY</u>

The GNSO Council initiated a policy development process (PDP) to address the limited issues associated with the locking of a domain name subject to Uniform Dispute Resolution Policy (UDRP) proceedings. Currently there is no requirement to lock names during the period between filing a complaint and the commencement of proceedings, and no definition of 'status quo' (a term used in the UDRP), which has resulted in different interpretations and confusion. The Working Group was tasked to make recommendations to the GNSO Council to address the issues identified with the locking of a domain name subject to UDRP Proceedings. The WG submitted its Final Report containing seventeen full consensus recommendations to the GNSO Council on 5 July 2013. These recommendations are expected to usefully clarify and standardize how a domain name is locked and unlocked during the course of a UDRP Proceeding for all parties involved. The GNSO Council unanimously adopted the Final Report and its recommendations at its meeting on 1 August. The recommendations were posted for public comment prior to being considered for adoption by the ICANN Board (see http://www.icann.org/en/news/public-comment/locking-domain-name-recommendations-02aug13-en.htm). One comment was received in support of the recommendations. The Board adopted the recommendations at its meeting on 28 September 2013.

<u>GAC ENGAGEMENT OPPORTUNITY STATUS</u>

Following review of the public comments received on the proposed implementation (see https://www.icann.org/public-comments/udrp-rules-proposed-2014-05-19-en), Staff has worked with the IRT to finalize the proposed implementation language. The final implementation language and effective date (31 July 2015) have been communicated to the affected parties (see https://www.icann.org/news/announcement-2014-11-17-en).

<u>FINAL REPORT</u>
http://gnso.icann.org/en/issues/locking/domain-name-final-05jul13-en.pdf

<u>ADDITIONAL INFORMATION</u>

http://gnso.icann.org/en/group-activities/locking-domain-name-wg.htm

GNSO POLICY DEVELOPMENT UPDATE

<u>ISSUE</u>
Translation and Transliteration of Contact Information Policy Development Process

<u>DEFINITON</u>
Translation: translation of text into another language; transliteration: writing a word by using the closest corresponding letters of a different alphabet

<u>UPCOMING IMPORTANT DATES</u>: The WG has now reviewed the comments that were submitted for its Initial Report. Members are now working on completing the Final Report, targeting its publication for ICANN 53.

<u>SUMMARY</u>
The Policy Development Process (PDP) on the translation and transliteration had its inaugural meeting on 19 December 2013 and since then the Group is discussing 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.

In its Initial Report, the Working Group does not recommend to mandate the translation/transliteration of contact information data. However, as there was no unanimity in the Working Group with regards to this recommendation, the Group asks the Community explicitly to supply in their public comments additional arguments for/against translation of contact information to help inform deliberations in the run up to its Final Report. A majority of comments supported the existing preliminary recommendation not to mandate translation/transliteration of contact information.

<u>ENGAGEMENT OPPORTUNITY STATUS</u>

The Working Group is currently completing its Final Report, remaining open for anyone to join its deliberations. The Group aims to conclude its work by ICANN 53.

<u>ADDITIONAL INFORMATION:</u>
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/
Repot of Public Comment: 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

GNSO POLICY DEVELOPMENT UPDATE

ISSUE: Protection of Certain International Organization Names in all gTLDs

UPCOMING IMPORTANT DATES: Continuing implementation of Board-adopted PDP recommendations not inconsistent with GAC advice; GNSO Council consideration of possible amendments to remaining GNSO PDP recommendations to reconcile inconsistencies with GAC advice; implementation of Board resolution on interim protections for national Red Cross societies.

SUMMARY:
In November 2013, the GNSO Council unanimously adopted 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). The GNSO did not recommend reservation of IGO acronym identifiers either at the top or second levels; instead it recommended that protection for IGO acronyms be done 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 is being formed.

In June 2014 the NGPC had 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. At the Los Angeles meeting, 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.

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

GNSO POLICY DEVELOPMENT UPDATE

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

UPCOMING IMPORTANT DATES: The GAC's response to the WG's December 2014 for input was received in early May. Initial input from IGO representatives was received in Jan 2015, with a follow-up from the WG sent in early April. The WG continues to discuss issues raised by its Charter, including on IGO immunity, and welcomes further engagement with the GAC.

SUMMARY

This effort originated in a consensus recommendation from the GNSO's prior 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 (PDP), 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. The WG notes that this is purely a preliminary procedural issue, and does not mean it will necessarily be recommending either amending the existing processes or developing a new one. It is currently considering the issue of an IGO's immunity from suit, and how this might affect the Mutual Jurisdiction requirement currently in the UDRP and URS.

The WG continues to welcome input from the GAC, especially on topics such as IGO immunity, 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
- WG wiki space including background documents and latest research:
  https://community.icann.org/x/37rhAg

GNSO POLICY DEVELOPMENT UPDATE

<u>ISSUE</u>
Privacy & Proxy Services Accreditation Issues in relation to the 2013 Registrar Accreditation Agreement and the development of a Privacy & Proxy Services Accreditation Program by ICANN

<u>UPCOMING IMPORTANT DATES</u>
Public comment period opened for Initial Report–5 May 2015; forum closes on 7 July 2015.

<u>SUMMARY</u>
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 has published its Initial Report for public comment: https://www.icann.org/public-comments/ppsai-initial-2015-05-05-en. Following the closure of the public comment period, the WG will review all input received and prepare a Final Report for submission to the GNSO Council (estimated for September 2015).

<u>GAC ENGAGEMENT OPPORTUNITY STATUS</u>

<u>ADDITIONAL INFORMATION:</u>
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)
Template for submitting public comments: https://s.zoomerang.com/s/VTLNGF5

GNSO POLICY DEVELOPMENT UPDATE

<u>ISSUE</u>: 'Thick' WHOIS Policy Development Process

<u>UPCOMING IMPORTANT DATES:</u> Implementation Review Team meetings occur regularly. A further review of the implementation plan, issues, and risks are being discussed in subsequent IRT sessions. ICANN's General Counsel's Office is also working on the legal review per the GNSO Council's recommendation and a note on the scope of the legal review was shared with the IRT. Regular IRT sessions are scheduled twice monthly until all implementation tasks have been performed.

<u>SUMMARY</u>

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.

<u>GAC ENGAGEMENT OPPORTUNITY STATUS</u>

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.

<u>FINAL REPORT</u>
http://gnso.icann.org/en/issues/whois/thick-final-21oct13-en.pdf

<u>ADDITIONAL INFORMATION</u>
http://gnso.icann.org/en/group-activities/thick-whois.htm
Implementation Review Team work space: https://community.icann.org/display/TWCPI

GNSO POLICY DEVELOPMENT UPDATE

<u>ISSUE</u>
Policy Development Process on gTLD Registration Data Services (or the Next Generation Registration Directory Services to Replace WHOIS)

<u>UPCOMING IMPORTANT DATES</u>: Publication of Initial Report for public comment (target date: June), input through GAC Quick Look Mechanism.

<u>SUMMARY</u>
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 next step is now the publication of a Preliminary Issue Report for public comment (target date: June 2015)

<u>GAC ENGAGEMENT OPPORTUNITY STATUS</u>

As per the GAC-GNSO Consultation Group recommendations concerning issue scoping, notification has been sent to the GAC to allow the GAC to provide input on the Preliminary Issue Report through the GAC quick look mechanism as well as any other input that may be submitted in response to the public comment forum.

<u>ADDITIONAL INFORMATION:</u>
Board Resolution: https://www.icann.org/resources/board-material/resolutions-2015-04-26-en#1.f