

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

July 2016

Upcoming Important Dates

In January 2016, 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. Subsequently, a Recommendations Report was [approved](#) by the GNSO Council for transmission to the ICANN Board, a public comment forum opened and notification provided to the GAC prior to Board action, in accordance with the ICANN Bylaws. In its recent [Marrakech Communiqué](#), the GAC requested a meeting with the ICANN Board, possibly at ICANN56, to facilitate the GAC's possibly providing timely advice of public policy concerns in relation to the PDP recommendations. At its recent meeting in May 2016, the ICANN Board [acknowledged](#) receipt of the GNSO's recommendations, and requested more time to consider them, including time for the provision and consideration of GAC advice, if any. The GAC discussed PPSAI during one of its sessions at ICANN56 and provided Advice accordingly including the advice that the ICANN Board 'direct the Implementation Review Team (IRT) to ensure that the GAC concerns are effectively addressed in the implementation phase to the greatest extent possible'. The Board anticipates taking further action on the matter, taking into account the GAC Advice, at the first Board meeting following the ICANN56 Public Meeting in Helsinki, Finland on 29 July 2016.

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. Consonant with the requirements of the ICANN Bylaws, a public comment forum was opened on the final recommendations from 5 February to 16 March (<https://www.icann.org/public-comments/ppsai-recommendations-2016-02-05-en>), the GNSO Council approved the transmission of a Recommendations Report to the ICANN Board on 18 February, and notification provided to the GAC on 19 February. The Board began consideration of the GNSO recommendations at its May 2016 meeting, and will take up the matter again after ICANN56, to allow for the provision of timely GAC advice which happened during ICANN56.

Engagement Opportunity Status



The public comment forum on the final PDP recommendations closed on 16 March. Pursuant to the ICANN Bylaws, any GAC advice that is timely provided will be taken duly into account by the Board.

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>

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>

GNSO Council Recommendations Report to the ICANN Board

<http://gnso.icann.org/en/drafts/council-board-ppsai-recommendations-09feb16-en.pdf>

ICANN Board notification to the GAC

<https://gacweb.icann.org/download/attachments/27492514/2016-02-19-Steve-Crocker-to-Thomas-Schneider-GNSO-PDP.pdf?version=1&modificationDate=1456046942000&api=v2>

ICANN Board resolution of May 2016: <https://www.icann.org/resources/board-material/resolutions-2016-05-15-en#2.a>

GAC Communique

https://gacweb.icann.org/download/attachments/27132037/20160630_GAC%20ICANN%2056%20Communique_FINAL%20%5B1%5D.pdf?version=1&modificationDate=1469016353728&api=v2

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

July 2016

Upcoming Important Dates

In late June, the Working Group (WG) received the final report from the external legal expert that had been engaged by ICANN at the WG's request to provide an opinion on the state of international law on the topic of IGO jurisdictional immunity. The WG is currently deliberating the policy options and practical alternatives for addressing the specific needs of IGOs in relation to curative rights protections (such as the UDRP and URS) at the second level in all gTLDs. The WG continues to expect an updated proposal from the IGO "small group" to further inform its work. It is beginning to discuss its preliminary recommendations which it hopes to publish in an Initial Report for public comment before ICANN57.

Summary

This Policy Development Process (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 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. 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 a full understanding of the state of international law on the issue, the WG requested ICANN to engage an external legal expert as it continues to await a concrete proposal from the IGO small group. The WG is currently considering the implications of his legal opinion on the PDP issues as it prepares to develop preliminary recommendations for its Initial Report.

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:

- 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>
- Final Report on IGO jurisdictional immunity from the external legal expert: <https://community.icann.org/download/attachments/56131791/Swaine%20-%20Updated%20IGO%20Immunity%20Memo%20-%202017%20June%202016.pdf?version=1&modificationDate=1467111617000&api=v2>

Protection of Certain International Organization Names in all gTLDs

July 2016

Upcoming Important Dates:

The Implementation Review Team continues to work with ICANN staff on implementing those Board-adopted PDP recommendations that are 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. Following its letter to the ICANN Board requesting Board input on next steps for resolution of the outstanding issues on this topic in late May, the GNSO Council held a discussion with interested Board members at ICANN56. The Council is currently expecting a response from the Board to its letter following up on the recent discussions.

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. The GNSO Council will proceed to consider if it should make amendments to its adopted recommendations, pursuant to the GNSO Operating Procedures, upon receipt of a response to its 31 May letter from the Board and delivery of the IGO “small group” final proposal.

Engagement Opportunity Status:



The GAC's [Los Angeles Communiqué](#) 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 Communiqué](#) 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 Communiqué](#) 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. In its [Dublin Communiqué](#), the GAC requested the ICANN Board to facilitate the timely completion of the work of the IGO small group in order to resolve the issue of IGO protections. The GAC's [Marrakech Communiqué](#) noted the GAC's hope for resolution of the remaining differences between the GNSO and the GAC as to permanent protections for the Red Cross identifiers at issue. Most recently, the GAC's advice in its [Helsinki Communiqué](#) was for the Board to continue to pursue discussions with the GAC and the GNSO, and to engage with the IGOs, to reach a resolution on the issues.

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 Council Letter to the Chair of the ICANN Board, 31 May 2016:
<https://www.icann.org/en/system/files/correspondence/gnso-council-chairs-to-crocker-31may16-en.pdf>

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

July 2016

Upcoming important dates

The Working Group is aiming to complete its review of the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP) by end-August. It has established a Sub Team to perform data collection for its upcoming review of the Trademark Clearinghouse (TMCH), which it hopes to begin in September, and for which it is coordinating with ICANN staff and the independent reviewer of the TMCH (the Analysis Group) whose Draft Report is expected to be published in late July.

Summary

The 'rights protection mechanisms' (RPMs) in this PDP refer to those policies and processes that are aimed at combatting cyber-squatting and that were developed to provide 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 well-known of these RPMs is the *Uniform Dispute Resolution Policy* (UDRP), which has been an ICANN Consensus Policy since 1999. A number of additional RPMs were developed subsequently to supplement the UDRP as part of the 2012 New gTLD Program: the Trademark Clearinghouse (TMCH) and the associated the Sunrise and Trademark Claims service periods, the Uniform Rapid Suspension procedure (URS), and the Post-Delegation Dispute Resolution Procedures (PDDRPs).

The GNSO Council chartered this Working Group to conduct the PDP in two phases. The first focuses on the review of all RPMs that have been developed for the 2012 New gTLD Program, and the second phase addresses the review of the UDRP. The Working Group began meeting in April 2016 and approved its Work Plan for Phase One, which involves first addressing the TM-PDDRP followed by the TMCH. As part of its mandated initial outreach to all ICANN Supporting Organizations, Advisory Committees and GNSO Stakeholder Groups and Constituencies, the Working Group sent a letter soliciting input on the scope of its work in late May, with a closing date of 5 July. However, groups that wish to provide input even after the closing date are invited to inform the Working Group of their intention as soon as is feasible.

Engagement Opportunity Status



Anyone may join the Working Group either as a full member or a mailing list observer. All SO/ACs are encouraged to provide feedback to the WG's [request for input](#).

Additional Information

- The Working Group Charter: <http://gnso.icann.org/en/drafts/rpm-charter-26feb16-en.pdf>
- Work Plan: <https://community.icann.org/x/wBeOAw>
- Request for Input: <https://community.icann.org/x/zheOAw>

Translation and Transliteration Of Contact Information

July 2016

Upcoming important dates

A kickoff call with the Implementation Review Team (IRT) was held on 19 July 2016. Global Domains Division (GDD) staff is currently drafting a preliminary implementation plan and policy language for review by the IRT during their second call, expected to take place in early August. The implementation plan expected to be complete and posted on the community wiki by the end of July. Currently, the plan projects an implementation announcement date in December 2016, with a policy effective date of 1 August 2017.

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 has formed and Implementation Review Team and held a kickoff call on 19 July. The IRT has yet to appoint a liaison to the GNSO. This will be discussed on their next call in early August.

Additional Information

- Translation and Transliteration Community Wiki:
<https://community.icann.org/display/gnsottcii/Translation+and+Transliteration+of+Contact+Information+IRT+Home>

- 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>
- GNSO Council Resolution
<http://gnso.icann.org/en/council/resolutions#20150624-3>
- Wiki Space
<https://community.icann.org/x/FTR-Ag>

New gTLD Subsequent Procedures

July 2016

Issue

Review and recommend 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, or possibly develop new policy recommendations](#).

Upcoming important dates

The PDP WG first met in late February 2016, and has been meeting on a weekly basis. The PDP WG requested input on a series of overarching questions from Supporting Organizations, Advisory Committees, Stakeholder Groups, and Constituencies prior to ICANN56 in Helsinki and looks forward to being able to consider community responses that are expected to be received by the end of July.

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. The PDP WG held its first meeting on 22 February 2016 and is currently meeting on a weekly basis. While the PDP WG is still in its early stages of deliberations, it is aware of efforts related to New gTLDs underway within the community, particularly the Competition, Consumer Trust & Consumer Choice Review Team; the PDP WG understands that coordination with other community efforts is needed to promote comprehensive solutions and outcomes.

Engagement Opportunity Status



Though the PDP WG has begun its deliberations and there are members from the GAC participating, additional individuals from the GAC are always 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, input via communiqués, and periodic requests for input from the PDP WG to the GAC and other community groups. The PDP WG made a formal request for input from the GAC prior to ICANN56 in Helsinki and anticipates making at least one additional request for input in regards to the remaining subjects identified in the PDP WG's Charter..

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>
- PDP WG Community Wiki - <https://community.icann.org/x/RgV1Aw>

Next Generation Registration Directory Services (RDS) to Replace WHOIS

July 2016

Upcoming important dates

The WG has recently completed its work on a possible approach to consensus in deliberation of possible requirements and developed a first list of possible requirements. The WG will now commence work on developing use cases which are expected to facilitate the review of the list of possible requirements and agreement on which requirements should apply to RDS. Further formal and informal input opportunities are expected to occur throughout the WG's 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 and is continuing meeting on a weekly basis. The WG's work plan can be found here: <https://community.icann.org/x/olxIAw>. The WG has developed a list of possible requirements which will serve as a basis for further deliberations. This list is in the process of being triaged to facilitate the review and consideration of these possible requirements in conjunction with use cases that are in the process of being developed.

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. The WG has reached out 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.

Additional Information

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