# ICANN GNSO

Generic Names Supporting Organization

# Policy Briefing **ICANN58** Edition

The GNSO Background Briefings are produced by ICANN's Policy staff supporting the GNSO. These are drafted specifically in preparation for ICANN meetings to provide the Community with concise background information on all relevant GNSO policy efforts.

For more information on the GNSO @ ICANN58:

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### Welcome to ICANN58 from the GNSO Chair



On behalf of myself, the Vice Chairs, and the entire Generic Names Supporting Organization (GNSO) Council, I'd like to extend a warm welcome to ICANN58 Copenhagen. In our first meeting of 2017, the GNSO Community has planned a full schedule of sessions for our six days together in Denmark. In particular, the GNSO Council will continue some of its initiatives from 2016, while laying the groundwork for new projects for the year ahead.

The GNSO community will leverage ICANN58 to advance policy development work already underway in key areas. First, the Next-Generation Registration Directory Service (RDS) Policy Development Process (PDP) Working Group will examine several high-level concepts related to registration directory services, and aims towards reaching consensus on these concepts before revisiting the possible requirements for RDS. The New Generic Top-Level Domain (gTLD) Subsequent Procedures PDP will use its working session at ICANN58 to discuss and seek feedback on issues related to new gTLD policy and program implementation. And the Review of Rights Protection Mechanisms in All gTLDs PDP will hold a face-to-face session, as it continues its work on Phase One of the PDP, which includes a review of the Trademark Clearinghouse (TMCH).

The International Governmental Organization (IGO)-International Non-Governmental Organization (INGO) Access to Curative Rights Protection Mechanisms PDP recently published its Initial Report for Public Comment. At ICANN58, the Working Group plans to present its preliminary recommendations and public comments received to date, and to hear feedback from the community. Also on the topic of IGO protections, the GNSO is working with the Board and GAC to discuss inconsistencies between GAC advice and GNSO policy on second-level protections for certain names and acronyms of the Red Cross and IGO acronyms, and how these could be reconciled. The GNSO will engage with the GAC in two public sessions in ICANN58 to facilitate the discussions on this topic.

The GNSO Council itself also has several important topics on its agenda for Copenhagen, including the consideration of a proposed charter for a GNSO Standing Selection Committee. If adopted, this Committee would be tasked with making recommendations to the GNSO Council on all GNSO appointments to ICANN structures, such as Review Teams, Liaisons, and even the GNSO representative to the Empowered Community.

While work related to implementing the Internet Assigned Numbers Authority (IANA) transition continues, the post-transition ICANN offers an exciting opportunity to return our focus to the core policy development activities that are essential to ICANN's mission.

#### continued WELCOME TO ICANN58 FROM THE GNSO CHAIR

This work is strengthened by the contributions of countless volunteers, and we encourage engagement and participation from community members around the world.

For newcomers, the best way to get acquainted with these issues is to attend an ICANN meeting, either remotely or in person. But ICANN meetings aren't the only way to engage. If you are interested in any GNSO or cross-community project, and want to learn how to get involved, please do not hesitate to reach out to the leadership of your stakeholder group or constituency or any member of the Council, myself included. We'll help new volunteers find the best way to contribute their work and expertise in the days and months ahead.

And, once again, velkommen til København!

James Bladel GNSO Chair

#### ICANN58 at a Glance

ICANN58 is the first meeting of 2017, also known as the Community Forum. This 6-day format follows the traditional ICANN meeting structure with time dedicated to Supporting Organization (SO) and Advisory Committee (AC) work as well as cross-community interaction. It includes Constituency Day, Cross-Community Sessions (formerly known as High Interest Topics), and the Public Forum. Those interested in activities in the Generic Names Supporting Organization (GNSO) may consider attending the GNSO Council Public Meeting, which is scheduled to take place on Wednesday, 15 March 2017 (Day 5).

The GNSO Policy Support Team has assembled this Policy Briefing document to facilitate your preparation for ICANN58. This document provides a status update of GNSO's Policy Development Processes (PDP) Working Groups (WGs) and a high-level overview of their work planned for ICANN58. The document also provides background and reference materials for GNSO policy-related activities, including GNSO co-chartered Cross-Community Working Groups and PDP Implementation Review Teams. Please note that any reference to meeting times on this document is provisional – you are encouraged to consult the ICANN meeting schedule for the latest information. This resource is intended to help the community prepare for the meeting and support full and active participation by all attendees.

If you are a newcomer and unfamiliar with the GNSO policy development process, we recommend you to take the <u>Intro to the GNSO</u> online learn course. This course will help you navigate through the structure and content in this Policy Briefing.

#### **ICANN58 MEETING INFO**

- Meeting page: meetings.icann.org/en/copenhagen58
- Schedule: schedule.icann.org
- Register for ICANN58: registration.icann.org
- Remote participation: meetings.icann.org/en/remote-participation
- Expected standard of behavior: goo.gl/qLmDao

#### **GNSO RELATED INFORMATION**

- GNSO 1-stop-shop for ICANN58: gnso.icann.org/en/icannmeeting
- Project List: gnso.icann.org/en/council/project

If you have any questions about this Policy Briefing or GNSO policy activities, please contact us at **policy-staff@ICANN.org**. Safe travels to those traveling to Copenhagen and we look forward to a productive meeting.

#### **GNSO Policy Support Team**

## Policy Development Process: Next-Generation Registration Directory Service to Replace WHOIS

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

In addition to a face-to-face Policy Development Process (PDP) Working Group (WG) meeting on Saturday, 11 March (Day 1) of ICANN58, the WG will also provide a status update to the Generic Names Supporting Organization (GNSO) community on Sunday, 12 March (Day 2). Furthermore, the WG has tentatively scheduled a session on Wednesday, 15 March (Day 5) during which members may meet with data protection commissioners, depending on their availability, and/or continue its deliberations from Day 1.

#### WHAT IS THIS ABOUT?

In April 2015, the ICANN Board reaffirmed 'its request for a Board-initiated GNSO policy development process to define the purpose of collecting, maintaining and providing access to generic top-level domain (gTLD) registration data, and consider safeguards for protecting data, using the recommendations in the Expert Working Group (EWG) Final Report as an input to, and, if appropriate, as the foundation for a new gTLD policy'.

Following the publication of the PDP Final Issue Report, the GNSO Council adopted the charter for the PDP WG, which commenced its deliberations at the end of January 2016. During the first phase its work, the WG has been tasked with providing the GNSO Council with recommendations on the following two questions: 1) What are the fundamental requirements for gTLD registration data? And 2) Is a new policy framework and next-generation registration directory services (RDS) needed to address these requirements?

#### WHY IS THIS IMPORTANT?

Comprehensive 'WHOIS' policy reform remains the source of long-running discussions within ICANN. Any discussion of the 'WHOIS' system for gTLD domain name registration data – hereafter called gTLD RDS – typically includes topics such as purpose, accuracy, availability, privacy, data protection, cost, policing, intellectual property protection, security, and malicious use and abuse. ICANN's requirements for gTLD domain name registration data collection, maintenance, and provision have undergone some important changes. Nevertheless, after almost 15 years of GNSO task forces, working groups, workshops, surveys, and studies, the policy is still in need of comprehensive reforms that address the significant number of contentious issues attached to it.

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The WG compiled an <u>initial list of possible requirements</u> for gTLD registration directory services, providing a foundation upon which to recommend answers to these two questions: 1) What are the fundamental requirements for gTLD registration data and directory services? And 2) Is a new policy framework and next-generation RDS needed to address these requirements?

Following initial deliberations on a few of the possible requirements at ICANN57, the WG concluded that deliberations on detailed requirements may be more productive and time effective if the WG first deliberates on key concepts to provide a common foundation. Accordingly, the WG has adjusted its approach to start deliberating on sub-questions relating to charter questions for Users/Purposes, Data Elements, and Privacy. The WG will use these sub-questions – refined as necessary during deliberation – to discuss and attempt to reach rough consensus on possible RDS policy requirements and associated key concepts.

When developing its work plan, the WG agreed to look at all three charter questions – Users/Purposes, Data Elements, and Privacy – as applicable, with the understanding that WG deliberation will likely bounce around some and be iterative in nature. To rotate among the questions, the WG randomly selected the charter question on Users/Purposes and started by deliberating on the first sub-question ('Should gTLD registration thin data be accessible for any purpose or only for specific purposes?'). Deliberation will continue on that sub-question until sufficient agreement has been reached to serve as an assumption for any dependencies in the next charter question's first sub-question. Deliberation will continue, iterating through all three charter questions and sub-questions in a flexible manner, using draft agreements as working assumptions to address interdependencies, but allowing for further refinement as those agreements evolve.

WG agreements reached to date can be found here: **community.icann.org/x/p4xlAw** (See 2.1 and 2.2 of the Key Concepts draft document). To facilitate deliberation on key concepts, the WG has been using brief polls in between meetings to confirm tentative rough consensus reached by those who participated in the meetings and to provide an opportunity for those who were absence to express their viewpoints. The WG Leadership Team has found this approach to be quite successful so far.

#### WHAT ARE THE EXPECTED NEXT STEPS?

After reaching rough consensus on a collection of key concepts in the iterative manner described above, it is hoped that the WG will have established a foundation for completing deliberations on its long list of individual possible requirements, as necessary. The WG would systematically consider possible requirements with the goal of trying to reach as strong a consensus as possible as to whether the WG supports each possible requirement, including how it is worded as outlined in the **document about possible approach to consensus**. Due to interdependencies, WG deliberation will likely continue to be iterative. As part of this process, the WG is expected to review the input received from GNSO Stakeholder Groups (SGs)/Constituencies (Cs), as well as ICANN Supporting Organizations (SOs)/Advisory Committees (ACs). SOs/ACs responded to a second outreach message that was sent in July 2016 seeking additions to the list of possible requirements.

#### **HOW CAN I GET INVOLVED?**

Anyone interested can join this effort at any time. Complete the registration form at **goo.gl/forms/bb65ilznLv** or contact the GNSO Secretariat **gnso-secs@icann.org**.

#### MORE INFORMATION

- PDP Webpage: gnso.icann.org/en/group-activities/active/rds
- WG Workspace: community.icann.org/x/rjJ-Ag
- WG Charter: gnso.icann.org/en/drafts/whois-ng-gtld-rds-charter-07oct15
- Final Issue Report: goo.gl/0ZrpVK
- Board-GNSO Process Framework for this PDP: goo.gl/zq3edl

#### **BACKGROUND**

Pursuant to its Resolution on 8 November 2012, the ICANN Board directed the ICANN CEO to launch a new effort to redefine the purpose of collecting, maintaining and providing access to gTLD registration data, and consider safeguards for protecting data. This effort would serve as a foundation for new gTLD policy and contractual negotiations. Moreover, the Board directed the preparation of an Issue Report on the purpose of collecting and maintaining gTLD registration data, and on solutions to improve accuracy and access to gTLD registration data, as part of a Board-initiated GNSO PDP. The Board then went on to pass a resolution that led to the creation of the **EWG**. The Board referred to this as a 'two-pronged approach' that is based on 'broad and responsive action' in relation to the reform of gTLD Registration Data.

To enable effective consideration of the many significant and interdependent policy areas that the GNSO must address, the Board approved a Process Framework, collaboratively developed by GNSO Councilors and Board members, to structure this complex and challenging PDP for success. This phased process includes:

- Phase 1: Establishing requirements to determine if and why a next-generation RDS is needed to replace today's WHOIS system;
- Phase 2: If so, designing a new policy framework that details functions that must be provided by a next-generation RDS to support those requirements; and
- Phase 3: Providing guidance for how a next-generation RDS should implement those policies, coexisting with and eventually replacing the legacy WHOIS system.

Throughout this three-phase process, the many inter-related questions that must (at minimum) be addressed by the PDP include:

- Users/Purposes: Who should have access to gTLD registration data and why (i.e., for what purposes)?
- Gated Access: What steps should be taken to control data access for each user/ purpose?
- Data Accuracy: What steps should be taken to improve data accuracy?
- Data Elements: What data should be collected, stored, and disclosed?
- Privacy: What steps are needed to protect data and privacy?
- Coexistence: What steps should be taken to enable next-generation RDS coexistence with and replacement of the legacy WHOIS system?
- Compliance: What steps are needed to enforce these policies?
- System Model: What system requirements must be satisfied by any next-generation RDS implementation?
- Cost: What costs will be incurred and how must they be covered?
- Benefits: What benefits will be achieved and how will they be measured?
- Risks: What risks do stakeholders face and how will they be reconciled?

The framework developed to guide this PDP also includes many opportunities for gathering input to inform this PDP and key decision points at which the GNSO Council will review progress made to determine next steps.

**STAFF RESPONSIBLE:** Marika Konings and Lisa Phifer (consultant)

# Policy Development Process: New Generic Top-Level Domain Subsequent Procedures

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

The Policy Development Process (PDP) Working Group (WG) is set to **meet** on Saturday, 11 March (Day 1) at 8:30-12:15 for a face-to-face working session, during which it expects to make progress on a number of different topics currently under discussion within the WG's four sub teams. The WG is also expected to **meet** on Wednesday, 15 March (Day 5) at 17:00-18:30, when it will have a lively and productive dialogue on a selection of topics of broad community interest.

#### WHAT IS THIS ABOUT?

The PDP on New Generic Top-Level Domain (gTLD) Subsequent Procedures, initiated in December 2015 and chartered in January 2016, is intended to determine what, if any changes need to be made to the existing policy recommendations from the 2007 *Final Report on the Introduction of New Generic Top-Level Domains*, such as:

- Clarifying, amending, or overriding existing policy principles, recommendations, and implementation guidance;
- · Developing new policy recommendations; and,
- Supplementing or developing new implementation guidance

It should be noted that the existing policy recommendations adopted by the Generic Names Supporting Organization (GNSO) Council and ICANN Board have "been designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains." It means that these recommendations would remain in place unless the PDP WG determines that changes are needed.

#### WHY IS THIS IMPORTANT?

The New gTLD Program marked a seminal moment in ICANN's history. In spite of great interest and over 1,000 successful TLD delegations, changes to existing policies and implementation guidance might be needed for subsequent procedures of new gTLD launches. Note, the <u>Final Issue Report</u> and the PDP WG <u>charter</u> identified a number of subjects that may require analysis and policy development.

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The PDP WG started its work on 22 February 2016 and began deliberations on a set of six subjects that are considered overarching or foundational in nature, and sought the community's input on these six subjects. The PDP WG is establishing three drafting teams that will be focused on delivering proposals related to the overarching issues. The PDP WG has also established four separate Work Tracks that are addressing the remaining subjects identified in the WG's charter – these Work Track sub teams are meeting on a bi-weekly basis and are performing preliminary analysis on their respective topics. The PDP WG expects to complete its community comment 2 (CC2), which will focus on the four Work Tracks' subjects, ahead of ICANN58. CC2 will be distributed to community leaders, as well as posted for Public Comment.

#### WHAT ARE THE EXPECTED NEXT STEPS?

The PDP WG will consider input and feedback received from ICANN58, as well as CC2, to allow it to continue deliberations on the Work Tracks' subjects. The PDP also anticipates receiving and taking into account the work of other new gTLD related efforts within the community (e.g., the Competition, Consumer Trust and Consumer Choice Review Team, Cross-Community Working Group on the Use of Country and Territory Names, etc.) and integrating dependencies into its work plan where applicable.

#### **HOW CAN I GET INVOLVED?**

This PDP WG is open to all participants. If you are interested in joining the WG effort, please email <a href="mailto:gnso-secs@ICANN.org">gnso-secs@ICANN.org</a>.

#### MORE INFORMATION

- PDP Webpage: gnso.icann.org/en/group-activities/active/new-gtldsubsequent-procedures
- WG Workspace: community.icann.org/x/RgV1Aw
- WG Charter: gnso.icann.org/en/issues/new-gtlds/subsequent-procedurescharter-21jan16
- Final Issue Report: goo.gl/yGRgAN

#### continued POLICY DEVELOPMENT PROCESS: NEW GENERIC TOP-LEVEL DOMAIN SUBSEQUENT PROCEDURES

#### **BACKGROUND**

While the application submission period for the initial new gTLD round closed in June 2012, the GNSO Council continues to play a role in evaluating the first round and proposing policy recommendations, if necessary, for changes to subsequent rounds. A **discussion group** was created to begin the evaluation process and possibly identify areas for future GNSO policy development. Upon considering the deliverables of the Discussion Group, the GNSO Council requested a Preliminary Issue Report to be delivered by ICANN staff. After incorporating Public Comment on its Preliminary Issue Report, staff prepared and delivered the Final Issue Report. Subsequently, the GNSO Council initiated the PDP and adopted the WG charter.

STAFF RESPONSIBLE: Steve Chan, Julie Hedlund and Emily Barabas

## Policy Development Process: Review of All Rights Protection Mechanisms in All Generic Top-Level Domains

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

The Policy Development Process (PDP) Working Group (WG) will be holding a face-to-face meeting on Saturday, 11 March (Day 1) at 11.00-13.45. In addition, the WG welcomes everyone to its open community session on Monday, 7 November (Day 3) at 11:00-12:15. The WG is expected to provide an update on its current work on reviewing the Trademark Clearinghouse (TMCH), which is part of Phase One of this two-phased PDP.

#### WHAT IS THIS ABOUT?

This PDP is conducted in two phases. Phase One will cover all the Rights Protection Mechanisms (RPMs) applicable to generic top-level domains (gTLDs) launched under the 2012 New gTLD Program, namely the Trademark Post-Delegation Dispute Resolution Procedures (TM-PDDRP), the TMCH, the Sunrise and Trademark Claims service periods that are offered through the TMCH, and the Uniform Rapid Suspension dispute resolution procedure (URS). Phase Two will focus on reviewing the Uniform Dispute Resolution Policy (UDRP), which has been an ICANN Consensus Policy since 1999.

#### WHY IS THIS IMPORTANT?

The UDRP is a long-standing Consensus Policy that has never undergone any substantial review. Previous community feedback indicated that, although in principle a functioning Policy, it might have some procedural and substantive shortcomings. In addition, community feedback on the RPMs developed for the 2012 New gTLD Program indicated that certain aspects of their application and scope might merit review, especially if there is to be a further expansion of the gTLD space. By the conclusion of both phases of the PDP, the WG is expected to have considered the overarching issue as to whether all the RPMs collectively fulfill the purposes for which they were created, or whether additional policy recommendations are needed. The outcomes of this PDP are also intended to create a coherent and uniform mechanism for future reviews of all RPMs.

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The Generic Names Supporting Organization (GNSO) Council initiated the PDP on 18 February 2016 and chartered the WG in March 2016. The WG began its Phase One work with reviewing the TM-PDDRP and gathering data for the TMCH review.

#### WHAT ARE THE EXPECTED NEXT STEPS?

At ICANN58, the WG is expected to continue its review of the structure and scope of the TMCH, and begin its work on the use and operations of the TMCH. Upon completion of its initial review of the TMCH, the WG will consider the Sunrise and Claims services that are offered through the TMCH. The WG expects to complete Phase One by early 2018, at which point it will publish a Preliminary Report on its recommendations regarding the RPMs developed for the 2012 New gTLD Program for Public Comment. In addition, the WG continues to coordinate its timelines and work with other related efforts, such as the New gTLD Subsequent Procedures PDP, the Competition, Consumer Choice and Consumer Trust Review, and the TMCH Independent Review.

#### **HOW CAN I GET INVOLVED?**

The WG is open to all. You may join as either a Member (with full posting rights to the mailing list and the ability to participate in all WG meetings) or as an Observer (with read-only status for the mailing list). Please email the GNSO Secretariat at <a href="mailto:gnso-secs@ICANN.org">gnso-secs@ICANN.org</a> if you wish to join the group.

#### **MORE INFORMATION**

- PDP Webpage: gnso.icann.org/en/group-activities/active/rpm
- WG Workspace: <u>community.icann.org/x/wCWAAw</u>
- WG Charter: gnso.icann.org/en/drafts/rpm-charter-15mar16
- Final Issue Report: goo.gl/DwQY9w

#### **BACKGROUND**

In October 2011, prior to the launch of the 2012 New gTLD Program, ICANN staff published a Final Issue Report on the current state of the UDRP. The recommended course of action at the time was for the GNSO Council to hold off from initiating a PDP until after the new URS had been in operation for at least 18 months. The GNSO Council followed this recommended course of action and staff published a new Preliminary Issue Report in September 2015 that covered all existing RPMs. The Final Issue Report that led to this current PDP was published in January 2016, and outlined the two-phased approach that was eventually adopted by the GNSO Council.

**STAFF RESPONSIBLE:** Mary Wong

Policy Development Process: International Governmental Organization-International Non-Governmental Organization Access to Curative Rights Protection Mechanisms

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

The Policy Development Process (PDP) Working Group (WG) will be holding an open session on Wednesday, 15 March (Day 5) at 13.45-15.00. At this session, the WG plans to discuss the community feedback received to date to its preliminary recommendations, which were published for Public Comment on 20 January 2017. The WG will review all input received from the community in preparing its Final Report, which it hopes to submit to the Generic Names Supporting Organization (GNSO) Council by ICANN59. It particularly welcomes community members with expertise on the topics covered by its Initial Report to attend its open session.

#### WHAT IS THIS PDP ABOUT?

This PDP was initiated in June 2014 by the GNSO Council to consider whether existing curative rights mechanisms – namely, the Uniform Dispute Resolution Policy (UDRP) and Uniform Rapid Suspension (URS) procedure – should be modified to address the needs of International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs) in relation to protection for their names and acronyms at the second level of the domain name system, in both existing and new generic top-level domains (gTLDs).

#### WHY IS THIS IMPORTANT?

Protecting the names and acronyms of IGOs and INGOs at the top and second levels has been a long-standing issue over the course of the New gTLD Program. The GNSO had previously recommended certain protective measures to the ICANN Board. Nevertheless, those that pertained to IGO acronyms and some specific names and acronyms of the Red Cross movement differed from the advice provided by the Governmental Advisory Committee (GAC) to the Board. In early 2014, the Board adopted those of the GNSO's recommendations that were consistent with GAC advice, and tasked its New gTLD Program Committee (NGPC) to develop a proposal that would take into account the remaining inconsistencies. Since then, work has continued in relation to reconciling the inconsistencies between GAC advice and GNSO policy on IGO acronyms and specific Red Cross identifiers.

The scope of this current PDP is not dependent on the outcome of those discussions that focus on the issue of preventive (i.e. before a third party registers a domain name) rather than on curative (i.e. following a third party's domain name registration) protections. However, a small group of Board, GAC and IGO representatives had worked on a proposal that touched on both types of protections for IGO acronyms; the proposal was delivered to the GAC and the GNSO before ICANN57. The PDP WG considered the proposal in preparing its preliminary recommendations prior to publishing them.

As the WG's preliminary recommendations concerning IGOs are not consistent with the small group's proposal, the WG will also be monitoring the facilitated dialogue between the GAC and GNSO that will take place at ICANN58 on the broader topic of Red Cross and IGO protections (Saturday, 11 March at 07:30-09:30, and Sunday, 12 March at 18:30-20:30). To the extent that the outcomes of this facilitated dialogue, if any, relate to curative rights for IGOs or INGOs, these will need to be considered and factored into their final deliberations by the WG.

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The WG's charter directed the WG to consider: 1) whether the UDRP and URS should be amended to resolve the problems faced by IGOs and/or INGOs and if so in what way; or 2) if a separate, narrowly tailored dispute resolution procedure should be developed to apply only to IGOs and/or INGOs. The WG's preliminary recommendations, as published for Public Comment, essentially recommend that no changes be made to either the UDRP or URS and that no specific new process need be developed. In addition, the WG developed some specific recommendations for IGOs, including the basis upon which an IGO may demonstrate standing to file a complaint under the UDRP and URS. The WG also analyzed the issue of IGO jurisdictional immunity with the assistance of an external legal expert. It decided against modifying the Mutual Jurisdiction clause of the UDRP and URS which requires a complainant to agree to submit to the jurisdiction of a national court. In this regard it is requesting community feedback on two options for dealing with the situation where an IGO successfully pleads immunity in a national court where there is an appeal brought by a losing registrant to that court.

#### WHAT ARE THE EXPECTED NEXT STEPS?

The WG will continue its review of all public comments and community input received after ICANN58 in preparing its final recommendations and Final Report. It hopes to submit the Final Report to the GNSO Council for the Council's action by ICANN59, although its timeline may be impacted by the outcomes of the GAC-GNSO facilitated dialogue on Red Cross and IGO protections.

continued POLICY DEVELOPMENT PROCESS: INTERNATIONAL GOVERNMENTAL ORGANIZATION-INTERNATIONAL NON-GOVERNMENTAL ORGANIZATION ACCESS TO CURATIVE RIGHTS PROTECTION MECHANISMS

#### **HOW CAN I GET INVOLVED?**

The Public Comment forum and the open community session at ICANN58 is an excellent opportunity to contribute to shaping the final recommendations for this PDP. In addition, and although it is at a late stage in its work, the WG continues to be open to anyone; please contact the GNSO Secretariat at <a href="mailto:gnso-secs@ICANN.org">gnso-secs@ICANN.org</a> to be added to the mailing list.

#### MORE INFORMATION

- WG Initial Report containing preliminary recommendations: goo.gl/mg60wl
- Public Comment of the WG Initial Report: goo.gl/g5Hc0x
- PDP Webpage: gnso.icann.org/en/group-activities/active/igo-ingo-crp-access
- WG Workspace: community.icann.org/x/37rhAg
- WG Charter: gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14

#### **BACKGROUND**

IGOs and INGOs face certain challenges in fully using the UDRP and URS for a number of reasons. IGOs see the Mutual Jurisdiction requirement for both processes as jeopardizing their jurisdictional immunity status. For both IGOs and INGOs, the fact that the UDRP and URS were designed as protective mechanisms for trademark owners means that they cannot use these procedures unless they also own trademarks in their names and/or acronyms. Both types of organizations are also concerned about the cost involved in using these procedures, which means diverting resources and funds from their primary missions. The GAC has issued advice on the topic which the WG continues to take into account in its deliberations.

**STAFF RESPONSIBLE:** Mary Wong and Steve Chan

# Cross-Community Working Group: New Generic Top-Level Domains Auction Proceeds

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

The Cross-Community Working Group (CCWG) has scheduled a face-to-face meeting on Wednesday, 15 March (Day 5) at 15:15-16:30. The CCWG is expected to continue its deliberations per its work plan (community.icann.org/x/yJXDAw).

#### WHAT IS THIS ABOUT?

The New Generic Top-Level Domain (gTLD) Program established auctions as a mechanism of last resort to resolve the competition sets between identical or similar terms (strings) for new gTLDs – known as string contention. Most string contentions (approximately 90% of sets scheduled for auction) have been resolved through other means before reaching an auction conducted using ICANN's authorized auction service provider, Power Auctions LLC. However, it was recognized from the outset that significant funds could accrue as a result of several successful auctions conducted by ICANN. Following the ICANN Board's commitment to do so, the auction proceeds derived from such auctions have been reserved and earmarked within ICANN until such time as the ICANN Board authorizes a plan for the appropriate use of the funds. These proceeds are to be considered as an exceptional, one-time source of revenue.

A CCWG has now been chartered by the Address Supporting Organization (ASO), the At-Large Advisory Committee (ALAC), the Country Code Names Supporting Organization (ccNSO), the Generic Names Supporting Organization (GNSO), the Governmental Advisory Committee (GAC), the Security and Stability Advisory Committee (SSAC), and the Root Server System Advisory Committee (RSSAC) to propose the mechanism that should be developed in order to allocate the new gTLD Auction Proceeds. Following approval of the proposal(s) by the Chartering Organizations, it will be submitted to the ICANN Board for its consideration.

#### WHY IS THIS IMPORTANT?

The new gTLD Auction Proceeds, derived from these last resort auctions, are distinct and ring-fenced funds. As such the Auction Proceeds are a single revenue source (derived from all new gTLD Auction Proceeds round 1). The proceeds, net of direct auction costs, are fully segregated in separate bank and investment accounts. The proceeds are invested conservatively and any interest accrues to the proceeds. 17 contention sets have been resolved via ICANN auction since June 2014.

The total net proceeds to date are \$233.5 million USD. Details of the proceeds can be found at <a href="newgtlds.icann.org/en/applicants/auctions/proceeds">newgtlds.icann.org/en/applicants/auctions/proceeds</a>. As of 13 February 2017, 15 contention sets remain to be resolved, but it is important to keep in mind that approximately 90% of contention sets scheduled for auction are resolved prior to the auction. The total amount of funding resulting from auctions, will not be known until all relevant applications have resolved contention.

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT AND EXPECTED NEXT STEPS?

The CCWG held its first meeting on 26 January 2017 and has been meeting every two weeks since. As one of its first actions, the CCWG has launched a survey to determine the expertise available from within the CCWG members and participants as well as identifying topics on which the CCWG may need to be briefed at the outset or during the course of its deliberations. The CCWG is currently in the process of developing its work plan which is expected to include a review of the charter questions as well as identifying what expertise may be needed (internal or external) to address the questions outlined in the charter.

#### **HOW CAN I GET INVOLVED?**

Anyone interested can join this effort at any time. Please complete the registration form at **goo.gl/forms/mL5pqhvTrtTgwOWM2** or contact the GNSO Secretariat at **gnso-secs@ICANN.org**.

#### MORE INFORMATION

- CCWG Workspace: community.icann.org/x/yJXDAw
- CCWG Charter: <u>community.icann.org/x/DJjDAw</u>
- Updated discussion paper published to reflect public comments received:
   gnso.icann.org/en/drafts/new-gtld-auction-proceeds-07dec15

#### **BACKGROUND**

Following a number of sessions on this topic during the ICANN53 in Buenos Aires (see <a href="buenosaires53.icann.org/en/schedule/mon-soac-high-interest">buenosaires53.icann.org/en/schedule/mon-soac-high-interest</a> and <a href="buenosaires53.icann.org/en/schedule/wed-cwg-new-gtld-auction">buenosaires53.icann.org/en/schedule/wed-cwg-new-gtld-auction</a>), a discussion paper was published in September 2015 to solicit further community input on this topic as well as the proposal to proceed with a CCWG on this topic.

As the feedback received on the **discussion paper** confirmed the support for moving forward with a CCWG, James Bladel, GNSO Chair, reached out to all the ICANN Supporting Organizations (SOs) and Advisory Committees (ACs) to ask for volunteers to participate in a Drafting Team (DT) to develop a charter for a CCWG on this topic. All ICANN SOs/ACs, apart from the ccNSO, responded to this request and have put forward volunteers to participate in the drafting team. The GNSO Council appointed Jonathan Robinson to chair the DT, which commenced its deliberations on Tuesday, 23 February 2016. A draft charter for community discussion was published in advance of ICANN56 and discussed during the cross-community session held at ICANN56. Following ICANN56, the DT reviewed all the input received and updated the proposed charter accordingly. On 13 September 2016, this proposed charter was shared with all ICANN SOs/ACs with the request to review it and identify any pertinent issues that would prevent adoption of the charter, if any. Subsequently, a webinar was held on 13 October 2016 to allow for some additional time and information to undertake this review. The final proposed charter was submitted to all ICANN SOs/ACs on 17 October 2016 following which each ICANN SO/AC confirmed the adoption of the charter. Subsequently, a call for volunteers was launched and the CCWG was formed.

**STAFF RESPONSIBLE:** Marika Konings and Joke Braeken (ccNSO)

## Cross-Community Working Group: Use of Country and Territory Names as Top-Level Domains

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

The Cross-Community Working Group (CWG) has produced an Interim Report containing a summary of its work as well as a series of recommendations. It is anticipated that the Public Comment period on this report will be open during ICANN58. Therefore, the group does not plan to hold a face-to-face session in Copenhagen.

#### WHAT IS THIS ABOUT?

Following in the footsteps of the Study Group on the Use of Names for Countries and Territories as top-level domains (TLDs), the purpose of this CWG is to further review the issues pertaining to the use of country and territory names as TLDs and develop a policy framework.

#### WHY IS THIS IMPORTANT?

The treatment of country and territory names as TLDs is a topic that has been discussed by the At-Large Advisory Committee (ALAC), Country Code Names Supporting Organization (ccNSO), Generic Names Supporting Organization (GNSO), Governmental Advisory Committee (GAC), and the ICANN Board for a number of years. So far, issues regarding the treatment of representations of country and territory names have arisen in a wide range of ICANN policy processes, including the Internationalized Domain Name (IDN) fast track, ccNSO IDN Policy Development Process (PDP), and the development of the new gTLD Applicant Guidebook (AGB). The CWG on Use of Country and Territory Names as TLDs (UCTN) was chartered to investigate the feasibility of a uniform policy framework on this important issue that could be applied across all TLDs. The creation of such a framework could be a helpful step forward in the continuous development of the domain name system (DNS).

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The CWG has produced an Interim Report that includes extensive background information on the issue area, a full summary of the group's activities and accomplishments, and a series of recommendations. As outlined in the Report, the CWG-UCTN divided its work into three sections: 2-character TLDs; 3-character TLDs; and full name country and territory name TLDs. The CWG reached preliminary consensus in support of maintaining the status quo of 2-character codes as exclusively reserved for country code TLDs (ccTLDs). The community expressed a diverse set of views on 3-character codes, and no consensus was reached on this topic. The CWG did not progress to considering full name country and territory name TLDs. The group deemed that it is not feasible within its limited mandate to develop a consistent and uniform definitional framework that could be applicable across the respective Supporting Organizations (SOs) and Advisory Committees (ACs) defining rules guiding the use of country and territory names as top-level domains.

#### WHAT ARE THE EXPECTED NEXT STEPS?

It is anticipated that the CWG will begin accepting comments from the public on its Interim Report prior to ICANN58. After the closure of the Public Comment period, the CWG will consider the comments received and revise its conclusions and recommendations, if deemed appropriate to be included in the Final Paper. This paper will be submitted to the ccNSO Council and the GNSO Council for discussion, adoption, and next steps.

#### **HOW CAN I GET INVOLVED?**

To review the Interim Report and submit input during the Public Comment period, please visit **icann.org/public-comments**.

#### **MORE INFORMATION**

CWG Workspace: <u>community.icann.org/x/X7XhAg</u>

**STAFF RESPONSIBLE:** Emily Barabas (GNSO), Steve Chan (GNSO), Bart Boswinkel (ccNSO), and Joke Braeken (ccNSO)

# Implementation Status: Generic Names Supporting Organization Review Working Group

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

The Working Group (WG) is set to **meet** on Wednesday, 15 March (Day 5) at 15:15-16:45 for a face-to-face working session where it expects to make progress on Phase 1 of the Implementation Plan.

#### WHAT IS THIS ABOUT?

The Generic Names Supporting Organization (GNSO) Council adopted the **charter** of the GNSO Review Working Group during its meeting on 21 July 2016. This WG developed an Implementation Plan for the **GNSO Review recommendations**. On 15 December 2016, the GNSO Council **approved** the plan and on 03 February 2017, the ICANN Board **adopted** it.

#### WHY IS THIS IMPORTANT?

The independent examiner of the GNSO Review assessed the extent to which the improvements resulting from the 2008 Review have been implemented and whether they successfully addressed the concerns that led to the Review. The independent examiner also evaluated whether the GNSO, as it is currently constituted, can respond to its changing environment.

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The GNSO Review WG developed an Implementation Plan, which contains a realistic timeline for the implementation, definition of desired outcomes, and a way to measure current state as well as progress toward the desired outcome for the 34 recommendations in the **GNSO Review Final Report**. This Implementation Plan was approved by the GNSO Council and subsequently by the ICANN Board. Following the approval, the WG is expected to execute and oversee the implementation of the GNSO Review recommendations.

#### WHAT ARE THE EXPECTED NEXT STEPS?

The WG has begun to consider the steps required to implement the recommendations in Phase 1 of the plan. Phase 1 consists of items identified as already underway.

#### **HOW CAN I GET INVOLVED?**

This WG is open to all participants. If you are interested in joining this effort, please contact the GNSO Secretariat at <a href="mailto:gnso-secs@ICANN.org">gnso-secs@ICANN.org</a>.

#### **MORE INFORMATION**

- GNSO Review Implementation Plan: goo.gl/HYs47B
- GNSO Review Final Report: goo.gl/5nu9Wd
- WG Webpage: gnso.icann.org/en/group-activities/other/review/2014
- WG Workspace: community.icann.org/x/ZhmsAw
- WG Charter: community.icann.org/x/pRmsAw

#### **BACKGROUND**

On 14 April 2016 the GNSO Council approved a motion to adopt the GNSO Review Recommendations Feasibility and Prioritization Analysis. Based on the review of the GNSO An alysis, the ICANN Board of Directors adopted the GNSO Review recommendations on 25 June 2016. In its resolution the ICANN Board requested that the GNSO Council convene a group to oversee the implementation of the recommendations. The Board further requested that an Implementation Plan be submitted to the Board no later than six months after the adoption of the Board's resolution. The GNSO Review WG was formed to develop the Implementation Plan. The GNSO Council approved it in December 2016 and the ICANN Board adopted it in February 2017. In particular, the Board supports the 3-phased prioritization approach laid out in the Implementation Plan and indicated it would welcome more implementation details for Phase 2 and 3 regarding the high, medium, and low priority recommendations. The Board directs the GNSO Review WG to provide updates to its Organizational Effectiveness Committee (OEC) every six months, detailing progress and measurability. The Board will also consider any budgetary implementations of the GNSO review implementation as part of the then-applicable annual budgeting process.

**STAFF RESPONSIBLE:** Julie Hedlund and Marika Konings

## Implementation Status: Generic Names Supporting Organization Bylaws Implementation Drafting Team

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

The Bylaws Implementation Drafting Team (DT) is set to <u>meet</u> on Wednesday, 15 March (Day 5) at 17:00-18:30 for a face-to-face working session where it expects to review possible updates to the Generic Names Supporting Organization (GNSO) Operating Procedures, or the ICANN Bylaws, as they relate to the GNSO.

#### WHAT IS THIS ABOUT?

The DT was created in part to provide the GNSO Council with a draft implementation plan for any necessary updates to the GNSO Operating Procedures, or possibly the ICANN Bylaws as they relate to the GNSO, arising as a result of the revised ICANN Bylaws adopted in May 2016. The Council requested that this DT submit the proposed implementation plan by 30 September 2016 (see **full Council resolution**), but later extended that timeline. On 12 October 2016, the DT submitted its Final Report to the GNSO Council along with a Minority Statement. The GNSO Council **accepted** the report on 01 December 2016 and directed "ICANN Policy Staff to draft proposed language for any necessary modifications or additions to the GNSO Operating Procedures and, if applicable, those parts of the ICANN Bylaws pertaining to the GNSO". Furthermore, the GNSO Council requested that "ICANN Legal evaluate whether the proposed modifications are consistent with the post-transition Bylaws and report their findings to the GNSO Council".

#### WHY IS THIS IMPORTANT?

On 27 May 2016 the ICANN Board adopted a set of new ICANN Bylaws that reflect changes needed to implement the IANA Stewardship Transition Proposal. Following the completion of the transition, the GNSO Council recognized that changes may need to be made to the GNSO's current Operating Procedures and related mechanisms and to the ICANN Bylaws. The goal is to give effect to the new roles and obligations of the GNSO under the new ICANN Bylaws, such as those in this table, including but not limited to the GNSO's participation in the Empowered Community. It tasked the DT to put forward recommendations for needed further changes to ICANN Bylaws and/or GNSO Operating Procedures to enable effective GNSO participation in ICANN activities.

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT?

As directed by the GNSO Council, ICANN Policy staff is working on proposed language for any necessary modifications or additions to the GNSO Operating Procedures and/or ICANN Bylaws which are expected to be published for Public Comment. As part of this work, staff have identified a number of questions and made assumptions that they want to consult on with the DT before publishing the proposed changes for Public Comment. The meeting in ICANN58 will allow the DT to provide feedback and input on the staff's identified questions and assumptions.

#### WHAT ARE THE EXPECTED NEXT STEPS?

Following the feedback of the DT, staff is expected to publish the proposed changes to the GNSO Operating Procedures for Public Comment. The GNSO Council expects that any comments received will be given meaningful consideration. Following its review of those comments, the Council will consider the proposed changes for adoption.

#### **HOW CAN I GET INVOLVED?**

Follow the work of the DT during its face-to-face working session in ICANN58.

#### MORE INFORMATION

DT Workspace: <u>community.icann.org/x/yhCsAw</u>

DT Final Report: goo.gl/6XtZHb

DT Minority Statement submitted to the GNSO Council: goo.gl/Fw01pe

**STAFF RESPONSIBLE:** Julie Hedlund, Marika Konings, and Mary Wong

Implementation Status: Generic Names
Supporting Organization-Governmental
Advisory Committee Facilitated Dialogue on
International Governmental Organization
and Red Cross Protection

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

The Generic Names Supporting Organization (GNSO) and the Governmental Advisory Committee (GAC) are expected to engage in two sessions designed as facilitated dialogues, to try to resolve the outstanding differences regarding the protection of names and acronyms of Red Cross and International Governmental Organizations (IGOs) in the domain name space. These sessions are open to observers, and will be held on Saturday, 11 March (Day 1) at 07:30-09:30 and Sunday, 12 March (Day 2) at 18:30-20:30.

#### WHAT IS THIS ABOUT?

This section of the Policy Briefing should be read together with the following section on Implementation Status for the Protection of IGO-International Non-Governmental Organization (INGO) Identifiers in All generic top-level domains (gTLDs) Policy Recommendations.

The Protection of IGO-INGO Identifiers in All gTLDs Policy Development Process (PDP) was completed in November 2013. Although all the PDP Working Group (WG) recommendations were accepted by the GNSO Council, the ICANN Board to date has approved only those recommendations that are consistent with the GAC advice received on the subject.

The remaining recommendations are still under Board consideration. These remaining recommendations concern Red Cross National Society names, international Red Cross movement names and acronyms, and IGO acronyms. The GNSO-GAC facilitated dialogue sessions at ICANN58 are intended to try to reconcile the inconsistencies between GAC advice and GNSO policy on the remaining recommendations, to develop solutions acceptable to both the GAC and the GNSO regarding appropriate protections at the second level of the domain name system (DNS) for these various organizational identifiers.

#### WHY IS THIS IMPORTANT?

The ICANN Bylaws contain specific provisions that outline specific steps to be taken by the Board in cases where it disagrees either with GAC advice or GNSO PDP recommendations. In this case, the Board elected not to trigger either of these processes when it adopted only those GNSO PDP recommendations that were consistent with GAC advice in April 2014, and it requested additional time to consider the remaining, inconsistent recommendations.

The Protection of IGO-INGO Identifiers in All gTLDs was launched by the GNSO Council in November 2012 to consider what the appropriate form and scope of protections would be, at both the top and second level of the DNS, for the Red Cross, the International Olympic Committee (IOC), and IGOs and INGOs other than the Red Cross and IOC. All these organizations perform important public interest or humanitarian work and have reported that cyber-squatting and related abuse of domain names identical or confusingly similar to their names and acronyms could significantly impact their missions and resources. The PDP outcomes that were adopted by the GNSO Council and approved by the Board included consensus recommendations that a limited list of Red Cross, IOC, IGO and INGO identifiers be reserved. For the Red Cross, these are "Red Cross", "Red Crescent", "Red Crystal", and "Red Lion and Sun" at the top and second level. For IGOs, only their full organizational names will be reserved at the second level. The appropriate DNS protections for many of the other identifiers that are associated with the Red Cross and IGOs - i.e. Red Cross National Society names, the names and acronyms of the international Red Cross movement, and IGO acronyms – have yet to be finalized.

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT?

Following a suggestion made by the ICANN Board at ICANN57 in November 2016, the GAC and GNSO agreed to conduct a dialogue facilitated by former Board member Bruce Tonkin, to attempt to resolve the outstanding differences. This dialogue will be based on a set of agreed documents – comprising a Problem Statement for each topic (Red Cross and IGOs) and a Briefing Paper that outlines the applicable international and/or national law, existing ICANN mechanisms that can be leveraged, the differences that remain between the GAC advice and GNSO recommendations, and the scope of ICANN's mission. A mailing list has been created for the participants, and the GAC and GNSO have nominated their representatives who will take part in the dialogue sessions. For transparency purposes, the discussions will be open to all to observe, recorded and transcribed.

#### WHAT ARE THE EXPECTED NEXT STEPS?

Following the conclusion of the facilitated discussions, which may extend beyond ICANN58, the proposed outcomes (if any) will need to be sent back to the GAC and the GNSO, for each to consider and possibly approve, in accordance with their internal processes. The Board is then expected to take action in accordance with the ICANN Bylaws on the final results of this reconciliation process.

#### **HOW CAN I GET INVOLVED?**

You may follow the progress of the discussions by reviewing the background information on this project, observing the discussions (including on the **email list** set up for this purpose), and looking out for any Public Comment forums that may be launched as part of the final reconciliation process.

#### **MORE INFORMATION**

- Facilitated Dialogue Workspace: <u>community.icann.org/x/eoPRAw</u>
- Protection of IGO-INGO Identifiers in All gTLDs PDP Webpage:
   gnso.icann.org/en/group-activities/active/igo-ingo
- ICANN Board resolution of April 2014 adopting the PDP recommendations consistent with GAC advice and requesting time for remaining recommendations: icann.org/en/groups/board/documents/resolutions-30apr14
- GAC webpage listing GAC Communique advice relating to IGO protections:
   gacweb.icann.org/display/GACADV/IGO+Names+and+Acronyms

STAFF RESPONSIBLE: Mary Wong (GNSO), Olof Nordling (GAC) and Nigel Hickson (GSE)

Implementation Status: Protection of International Governmental Organization-International Non-Governmental Organization Identifiers in All Generic Top-Level Domains Policy Recommendations

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

The Implementation Review Team (IRT) is scheduled to meet at ICANN58 on Wednesday, 15 March (Day 5) at 15:15-16:45 to complete its deliberations over a proposed draft implementation plan and prepare for the Public Comment process as the next step.

#### WHAT IS THIS ABOUT?

The Policy Development Process (PDP) on the Protection of International Governmental Organization (IGO)-International Non-Governmental Organization (INGO) Identifiers in All Generic Top-Level Domains (gTLDs) was initiated to develop policy recommendations for the provision of protection for identifiers (e.g. names or acronyms) of certain IGOs and INGOs, including the Red Cross/Red Crescent Movement (RCRC) and the International Olympic Committee (IOC).

The PDP Working Group (WG) completed its work in November 2013 and all of its consensus recommendations were **approved** by the Generic Names Supporting Organization (GNSO) Council. In April 2014, the ICANN Board **adopted** those of the PDP recommendations that were consistent with GAC advice received on the topic, and requested more time to consider the remaining, inconsistent recommendations. The adopted recommendations relate to protection at the top and second level for specific RCRC, IOC and IGO full names (with an Exception Procedure to be designed for the affected organizations), and a 90-days Claims Notification process at the second level for certain INGO acronyms.

This project covers only the implementation status of the recommendations that were adopted by the ICANN Board in April 2014. It is not concerned with the ongoing resolution process for the remaining, inconsistent recommendations (including on IGO acronyms and remaining names of the RCRC) or the deliberations of the ongoing PDP Working Group (WG) on IGO-INGO Curative Rights Protections.

#### WHY IS THIS IMPORTANT?

Issues related to whether certain international organizations such as IGOs, the RCRC and the IOC should receive special protection for their names at the top level

and second level in the domain name system have been raised throughout the development of the 2012 New gTLD program. In the PDP launched by the GNSO Council, the scope of organizations was expanded to also consider INGOs (other than the RCRC and IOC). All these organizations perform important public interest or humanitarian work and have reported that cyber-squatting and related abuse of domain names identical or confusingly similar to their names and acronyms could significantly impact their missions and resources.

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT?

Following the Board's adoption of the GNSO policy recommendations that were consistent with GAC advice, ICANN staff under the leadership of the Global Domains Division (GDD) began developing an Implementation Plan. An Implementation Review Team (IRT) comprising community members and led by GDD was formed and is meeting regularly to discuss and agree on timelines and steps for implementation. Most recently, the IRT discussed completion of the Draft Consensus Policy language, the proposed process for updating the list of IGO and INGO names, and needed features for the 90-days Claims Notification system that would apply to INGO identifiers (other than the RCRC and IOC).

#### **HOW CAN I GET INVOLVED?**

The GDD is finalizing the draft consensus policy Implementation Plan, in coordination with IRT. Once finalized, the draft consensus policy Implementation Plan will be published for Public Comment.

#### WHAT ARE THE EXPECTED NEXT STEPS?

If you wish to join the IRT, contact the GNSO Secretariat at <a href="mailto:gnso-secs@ICANN.org">gnso-secs@ICANN.org</a>. You may also join the IRT meeting in ICANN58 to provide feedback on their work and to find out more about their progress.

#### **MORE INFORMATION**

- PDP Webpage: gnso.icann.org/en/group-activities
- IRT Workspace: community.icann.org/x/RJFCAw

**STAFF RESPONSIBLE:** Dennis Chang (GDD)

# Implementation Status: Thick WHOIS Policy Recommendations

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

A working session has been scheduled on Wed, 15 Marc (Day 5) at 09:00-10:30. It is geared toward members of the Thick WHOIS Implementation Review Team (IRT) and other interested parties, such as registries and registrars. Participants will discuss the published policy implementation plan. These discussions will include topics of particular interest to all generic top-level domain (gTLD) registries and registrars, including requirements for all contracted parties, implementation mechanisms, timeline and near-term deliverables.

#### WHAT IS THIS ABOUT?

ICANN specifies WHOIS service requirements through Registry Agreements (RAs) and the Registrar Accreditation Agreement (RAA) for the gTLD registries. Registries have historically satisfied their WHOIS obligations under two different models. The two models are often characterized as "thin" and "thick" WHOIS registries. This distinction is based on how two distinct sets of data are maintained.

In a thin registration model the Registry only collects the information associated with the domain name from the Registrar. The Registry in turn publishes that information along with maintaining certain status information at the Registry level. Registrars maintain data associated with the registrant of the domain and provide it via their own WHOIS services, as required by Section 3.3 of the RAA for those domains they sponsor. 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 Generic Names Supporting Organization (GNSO) Council initiated a Policy Development Process (PDP) to consider a possible requirement of "thick" WHOIS for all gTLDs. The PDP WG finalized its report and submitted it to the GNSO Council on 21 October 2013. The GNSO PDP WG concluded that requiring all gTLD registries to provide thick WHOIS services with a consistent labeling and display would improve stability of and access to WHOIS data as well as potentially reduce acquisition and processing cost for consumers of WHOIS data. 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 Governmental Advisory Committee (GAC), the ICANN Board considered the recommendations and adopted these at its meeting on 7 February 2014.

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT?

Following the ICANN Board approval of the GNSO recommendations on Thick WHOIS in February 2014, an IRT was formed. Various impact assessments and implementation proposals have been discussed with the IRT in the two decoupled work streams: transition from thin to thick for .COM, .NET and .JOBS (Transition Policy); and the consistent labeling and display of WHOIS output for all gTLDs as per Specification 3 of the 2013 RAA (CL&D Policy). In June 2015, ICANN's General Counsel's Office released to the IRT a Legal Review Memorandum per the GNSO Council's recommendation. In December 2015, a Proposed Implementation of CL&D Policy was released for Public Comment. Following the Public Comment, the CL&D Policy was published on 26 July 2016. In August 2016, Registry Stakeholder Group (RySG) submitted a Request for Reconsideration regarding the CL&D Policy. In October 2016, the revised policy was published for another Public Comment to allow for additional comments. The Transition Policy was also released for Public Comment in the same time period. Following the Summary and Analysis Reports in January 2017, the implementations for both the CL&D Policy and the Transition Policy were published on 1 February 2017. CL&D Policy must be implemented by 1 August 2017. Thick WHOIS for new registration must be implemented by 1 May 2018 and the transition of thick registration data for existing registration must be implemented by 1 February 2019.

#### MORE INFORMATION

- PDP Webpage: gnso.icann.org/en/group-activities/active/thick-whois
- IRT Workspace: community.icann.org/x/t77hAg
- Public Comment period on CL&D Policy Proposal: <u>icann.org/public-comments/</u> <u>rdds-output-2015-12-03</u>
- Public Comment period on Transition from thin to thick for .COM, .NET and .JOBS: <u>icann.org/public-comments/proposed-implementation-gnso-thick-rdds-whois-transition-2016-10-26</u>
- Thick WHOIS Transition Policy for .COM, .NET and .JOBS: <u>icann.org/resources/pages/thick-whois-transition-policy-2017-02-01</u>
- Registry Registration Data Directory Services Cl& D Policy: <u>icann.org/resources/pages/rdds-labeling-policy-2017-02-01</u>

**STAFF RESPONSIBLE:** Dennis Chang (GDD)

# Implementation Status: Privacy and Proxy Services Accreditation Issues Policy Recommendations

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

A half-day working session has been scheduled for Saturday, 11 March (Day 1) at 13:45-18:00. This will be a working meeting of the Implementation Review Team (IRT), but any interested party is invited to attend. Members of the Governmental Advisory Committee (GAC)'s Public Safety Working Group (PSWG) who are working to develop a proposed law enforcement disclosure framework for accredited Privacy and Proxy Service providers have been invited to attend and discuss this topic with the IRT.

#### WHAT IS THIS ABOUT?

A privacy service allows domain name registration in the registrant's name, but all other contact details displayed in the publicly-accessible WHOIS system are those given by the privacy service provider, not by the registrant. A proxy service allows the registered name holder to license the use of the domain to a customer who actually uses the domain; the contact information displayed in the WHOIS system is that of the proxy service provider. The ICANN organization is implementing a new Privacy and Proxy Service Provider Accreditation Program, pursuant to policy recommendations that were developed by the Generic Names Supporting Organization (GNSO) Privacy and Proxy Services Accreditation Issues Policy Development Process (PDP) Working Group (WG), adopted by the GNSO Council in January 2016, and adopted by the ICANN Board in August 2016.

#### WHY IS THIS IMPORTANT?

The 2013 Registrar Accreditation Agreement (RAA) contains a temporary specification that governs registrars' obligations in respect of privacy and proxy services. This specification will expire on 1 January 2018 or when ICANN implements a privacy and proxy accreditation program, whichever first occurs.

#### WHAT IS THE CURRENT STATUS OF THIS PROJECT?

An IRT of more than 40 community members has been formed under the direction of ICANN's Global Domains Division (GDD). The IRT commenced its meetings in October 2016. The IRT is currently discussing questions related to the PDP final recommendations and reviewing draft proposed sections of the Privacy and Proxy Service Provider Accreditation Policy.

In January, the IRT elected to pursue an expedited timeline in light of the recently-announced 1 January 2018 expiration date of the 2013 RAA's interim Specification on Privacy and Proxy Registrations. The IRT will strive to complete its work, to the extent feasible, prior to the expiration of the interim RAA Specification, but the timeline could be impacted by unexpected developments. The project timeline will be revisited and updated quarterly on the ICANN.org <a href="implementationstatus">implementationstatus</a> web page.

#### WHAT ARE THE EXPECTED NEXT STEPS?

The IRT is meeting weekly, and is currently discussing questions surrounding the draft Accreditation Policy and related questions.

The GAC's PSWG is working to develop a proposed law enforcement disclosure framework for Privacy and Proxy Service providers, to be refined within the IRT. The IRT has requested a proposed draft framework to be shared for discussion purposes prior to ICANN58.

If available, the IRT will discuss this proposal with the PSWG members in attendance during the IRT's half-day session at ICANN58. A detailed agenda for this meeting will be posted prior to the session.

#### **HOW CAN I GET INVOLVED?**

If you are a community member with experience and interest in this topic, and wish to join the IRT, send an email indicating your interest to the GNSO Secretariat at <a href="mailto:gnso-secs@ICANN.org">gnso-secs@ICANN.org</a>.

#### MORE INFORMATION

- PDP Final Report: gnso.icann.org/en/issues/raa/ppsai-final-07dec15
- PDP Webpage: gnso.icann.org/en/group-activities/active/ppsa
- IRT Workspace: <u>community.icann.org/x/VA2sAw</u>

**STAFF RESPONSIBLE:** Amy Bivins (GDD)

# Implementation Status: Translation and Transliteration of Contact Information Recommendations

#### WHAT CAN I EXPECT AT ICANN58 IN RELATION TO THIS TOPIC?

The Implementation Review Team (IRT) is hosting a face-to-face session on Wednesday, 15 March (Day 5) at 9:00-10:00 to discuss its work in relation to the Translation and Transliteration of Contact Information (T/T) Policy Development Process (PDP) Working Group (WG)'s recommendations.

#### WHAT IS THIS ABOUT?

The continued internationalization of the domain name system (DNS) means registrations from registrants unfamiliar with Latin script are increasing. In October 2012 the GNSO Council requested an Issue Report to address whether it is desirable to translate or transliterate contact information into one common language or script. In December 2013, the GNSO T/T PDP Working Group (WG) was formed to provide an answer to this question as well as to who would carry the burden if mandatory translation or transliteration of contact information were recommended.

In its Final Report, the PDP WG does not recommend to mandate the translation or transliteration of contact information data. Instead, the WG recommends that registrants are able to submit contact data in any language and script supported by their registrar; ideally the registrant's native one. The WG expressed in its Final Report that data submitted in a script and language 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.

## WHAT IS THE CURRENT STATUS OF THIS PROJECT AND WHAT ARE THE EXPECTED NEXT STEPS?

The ICANN Board <u>adopted</u> the recommendations of the PDP Working Group in September 2015.

As of February 2017, the IRT has been engaged in discussions around language and script tags for data entered into registration directory services. The team is discussing the necessity of such tags, and how to gather data to provision language and script information for those tags should they be deemed a necessity in terms of implementing the T/T PDP WG's recommendations. Discussions around potential policy language pertaining to these tags will be the subject of upcoming IRT meetings.

#### **HOW CAN I GET INVOLVED?**

The IRT is composed of members of the PDP Working Group. Newcomers and interested parties are welcome to join as observers. Send an email indicating your interest to the GNSO Secretariat at <a href="mailto:gnso-secs@ICANN.org">gnso-secs@ICANN.org</a>.

#### **MORE INFORMATION**

- PDP WG Final Report: goo.gl/MgZ42S
- ICANN Board adopting the recommendations contained in the PDP WG Final Report: <u>icann.org/resources/board-material/resolutions-2015-09-28</u>

**STAFF RESPONSIBLE:** Brian Aitchison (Global Domain Division)

<sup>&#</sup>x27;Translation' is defined as the translation of a text into another language whereas 'transliteration' is the writing of a word using the closest corresponding letters of a different alphabet.

<sup>&</sup>lt;sup>2</sup> Contact information' is a subset of Domain Name Registration Data and thus the information that enables someone using a Domain Name Registration Data Directory Service (such as WHOIS) to contact the domain name registration holder.

# **GNSO Schedule in ICANN58 Copenhagen**

11 Mar

DAY 1: SATURDAY		
TIME	MEETING	ROOM
	Policy Development Process (PDP) Working Group (WG) Face-to-Face Sessions	
7:30 - 9:30	Governmental Advisory Committee (GAC)-Generic Names Supporting Organization (GNSO) Facilitated Discussion on Red Cross/International Governmental Organizations (IGOs) (Session 1)	Hall C1.4
8:30 - 12:15	PDP WG 1: New Generic Top-Level Domain (gTLD) Subsequent Procedures	Hall B4.2
10:00 - 13:45	PDP WG 2: Review of All Rights Protection Mechanisms (RPMs) in All New gTLDs	Hall C1.4
14:00 - 17:00	PDP WG 3: Next-Generation gTLD Registration Directory Services (RDS) to Replace WHOIS	Hall C1.4
17:00 - 18:30	History of the GNSO - Fireside Chat with Glen de St Gery	Hall C1.4
From 19:00	GNSO Council informal dinner	Off-site

# **GNSO Schedule in ICANN58 Copenhagen**

12 Mar

DAY 2: SUNDAY		
TIME	MEETING	ROOM
	GNSO Working Sessions	
9:00 - 9:30	Discussion Topic 1: IGO-International Non-Governmental Organization (INGO) Curative Rights Protection Mechanisms PDP	Hall C1.4
9:30 - 10:00	Discussion Topic 2: Next Generation gTLD Registration Directory Services to Replace WHOIS	Hall C1.4
10:00 - 10:30	Discussion Topic 3: New gTLDs Subsequent Procedures PDP	Hall C1.4
10:30 - 10:45	MORNING COFFEE BREAK	
10:45 - 11:15	Discussion Topic 4: Review of all Rights Protection Mechanisms (RPMs) in All New gTLDs	Hall C1.4
11:15 - 11:45	Discussion Topic 5: Privacy/Proxy Accreditation Implementation Review Team (IRT)	Hall C1.4
11:45 - 12:15	Discussion Topic 6: Discussion of motions	Hall C1.4
12:15 - 13:00	LUNCH	
13:00 - 14:30	Meeting with ICANN Board	Hall C1.4
14:30 - 15:00	Meeting with Customer Standing Committee (CSC)	Hall C1.4
15:00- 15:15	AFTERNOON COFFEE BREAK	
15:15 - 16:45	Meeting with the GAC	Hall A2
17:00 - 18:30	Stakeholder (SG)/Constituency (C) Meetings	Various
18:30 - 20:30	GAC-GNSO Facilitated Discussion on Red Cross/IGOs (Session 2)	Hall A2

# **GNSO Schedule in ICANN58 Copenhagen 13-14 Mar**

DAY 3: MONDAY		
TIME	MEETING	ROOM
9:00 - 10:30	Opening Ceremony	Hall A1
10:30 - 11:00	MORNING COFFEE BREAK	
11:00 - 12:15	<b>Cross-Community Topic 1:</b> Supporting Organization (SO), Advisory Committee (AC) & PDP Working Group Updates	Hall A1
12:15 - 13:45	Joint lunch meeting with Country Code Names Supporting Organization (ccNSO) Council	Hall C1.4
14:00 - 15:00	<b>Cross-Community Topic 2:</b> Domain Name System (DNS) Abuse Mitigation	Hall A2
15:00 - 15:15	AFTERNOON COFFEE BREAK	
15:15 - 16:45	Cross-Community Topic 3: Underserved Regions	Hall A2
15:15 - 16:45	Cross-Community Discussion with Data Protection Commissioners	Hall A1
17:00 - 18:30	Public Forum 1	Hall A1
Evening	Gala Night	(TBD)

DAY 4: TUESDAY		
TIME	MEETING	ROOM
9:00 - 18:00	SG/C Meetings, Sessions with ICANN Board	Various
18:30 - 19:30	Informal Council Meeting Prep Session (closed, invitation only with recordings)	Hall C1.4

# **GNSO Schedule in ICANN58 Copenhagen**

15 Mar

DAY 5: WEDNESDAY		
TIME	MEETING	ROOM
9:00 - 10:30	Review of all Rights Protection Mechanisms (RPMs) in All New gTLDs (PDP)	Hall C1.4
9:00 - 10:30	Thick WHOIS (IRT)	Hall B5.1
10:30 - 11:00	MORNING COFFEE BREAK	
11:00 - 13:00	GNSO Council Public Meeting	Hall C1.4
12:15 - 13:45	LUNCH	
13:45 - 15:00	IGO-INGO Curative Rights (PDP)	Hall B4.2
15:00 - 15:15	AFTERNOON COFFEE BREAK	
15:15 - 16:30	Auction Proceeds (Cross-Community Working Group – CCWG)	Hall C1.4
15:15 - 16:45	GNSO Review (WG)	Hall B4.2
15:15 - 16:45	IGO-INGO (IRT)	Hall B5.1
17:00 - 18:30	New gTLDs Subsequent Procedures (PDP)	Hall C1.4
17:00 - 18:30	GNSO Bylaws Implementation (Drafting Team – DT)	Hall B4.1

# **GNSO Schedule in ICANN58 Copenhagen**

16 Mar

DAY 6: THURSDAY		
TIME	MEETING	ROOM
9:00 - 10:30	Cross-Community Topic 5: Toward a Data Driven ICANN	Hall A1
10:30 - 11:00	MORNING COFFEE BREAK	
11:00 - 12:30	GNSO Wrap-Up Session	Hall C1.4
12:15 - 13:45	LUNCH	
13:45 - 15:00	PUBLIC FORUM 2 (PART 1)	Hall A1
15:00 - 15:15	AFTERNOON COFFEE BREAK	
15:15 - 16:45	Public Forum 2 (part 2)	Hall A1
17:00 - 18:30	Public ICANN Board Meeting	Hall A1
18:30	Community Wrap-Up Cocktail	Sponsorship Area

### **Acronym Helper**

**AC** ...... Advisory Committee **AGB** ..... Applicant Guide Book

**ALAC** ...... At-Large Advisory Committee **ASO** ...... Address Supporting Organization

**C**..... Constituency

CC2 ..... community comment 2

ccNSO...... Country Code Names Supporting Organization

**CCWG** ...... Cross-Community Working Group

**CL&D Policy** .... consistent labeling and display of WHOIS output for all gTLDs

**CWG**..... Cross-Community Working Group

**DNS** ..... domain name system

**DT** ...... Drafting Team

**EWG** ..... Expert Working Group

**GAC** ...... Governmental Advisory Committee

**GDD** ...... Global Domains Division

**GNSO** ...... Generic Names Supporting Organization

gTLD ..... generic top-level domain

IANA ..... Internet Assigned Numbers Authority

**IDN** ...... Internationalized Domain Name

**IGO** ...... International Governmental Organizations **INGO** ..... International Non-Governmental Organizations

IOC ....... International Olympic Committee
IRT ...... Implementation Review Team
NGPC ...... New gTLD Program Committee

**OEC** ..... Organizational Effectiveness Committee

**PDP** ...... Policy Development Process **PSWG** ...... Public Safety Working Group

**RA** ...... Registry Agreement

**RAA** ...... Registrar Accreditation Agreement

**RSSAC** ...... Root Server System Advisory Committee

**RySG** ...... Registry Stakeholder Group

**SG** ...... Stakeholder Group **SO** ...... Supporting Organization

**SSAC** ...... Security and Stability Advisory Committee

T/T...... Translation and Transliteration of Contact Information

**TM-PDDRP.....** Trademark Post-Delegation Dispute Resolution Procedures

**TMCH** ..... Trademark Clearinghouse

**UCTN**..... Use of Country and Territory Names as TLDs

**UDRP.....** Uniform Dispute Resolution Policy

**URS** ...... Uniform Rapid Suspension

**WG** ...... Working Group

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Generic Names Supporting Organization