ICANN GNSO

Generic Names Supporting Organization

Policy Briefing ICANN62 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.

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Welcome to ICANN62 from the GNSO Chair



Dear Colleagues:

The Generic Names Supporting Organization (GNSO) is hard at work preparing for ICANN62 and planning a full schedule of activities for the 2018 Policy Forum. On behalf of Council leadership and the entire GNSO Council, I welcome your participation in this meeting and look forward to our time together in Panama City, Panama. In addition to the regular slate of policy development work that occurs at each ICANN meeting, the GNSO will devote sessions to several key initiatives that I would like to bring to your attention.

As you are likely well aware, the ICANN organization and community have been actively taking steps to ensure that the registration directory service (RDS), currently WHOIS, is in compliance with the European Union's General Data Protection Regulation (GDPR). The ICANN Board adopted a Temporary Specification on Generic Top-Level Domain (gTLD) Registration Data on 17 May 2018 as an interim measure to bring existing WHOIS obligations in line with GDPR requirements. This has, in turn, necessitated the commencement of a new policy development process (PDP) which must be completed in a one-year period to take effect after the final possible renewal of the Temporary Specification. The GNSO Council, as manager of the PDP, has the responsibility to ensure that the appropriate mechanisms are in place and needed resources are available to deliver on this responsibility. As a result, the GNSO will be devoting as much time as possible to commence the policy deliberations related to the Temporary Specification at ICANN62.

This is, notably, the first time the GNSO faces the need to complete a PDP in such an expedited timeline. It provides a natural opportunity to leverage the developing outcomes of another key initiative of the GNSO Council this year – PDP 3.0. This initiative focuses on the review of the PDP with a view toward improving effectiveness and efficiency of the PDP. The discussions of PDP 3.0 began at the GNSO Council's first ever Strategic Planning Session held in January 2018, and continued between the Council, PDP leadership teams, and community members at ICANN61. In Panama City, the Council will keep working to identify and evaluate potential incremental changes to improve the PDP that have been outlined in the following **paper**. Insights from this paper will inform discussions about the incremental changes that can be immediately applied to ongoing PDPs, as well as the newly commencing PDP that will review the Board's Temporary Specification and future policy development efforts.

You may notice some changes to the GNSO schedule this year compared to previous Policy Forum meetings. As a general theme, the ICANN62 GNSO schedule reflects the Council's commitment to continuous reflection and improvement. This commitment

continued WELCOME TO ICANN60 FROM THE GNSO CHAIR

is evident in some changes to how we meet and how we strategically make use of the limited face-to-face time. In particular, PDP meetings have been prioritized over GNSO Council meetings, so as to provide non-conflicting time for the community to come together as a whole on important topics in the cross-community sessions. The updates and administrative work that have usually taken place in Council weekend sessions and preparatory meetings will instead be provided through a series of webinars held before ICANN62. We look forward to trying this new format and welcome your input on further improvements that can be made for future meetings, following ICANN62.

In Panama City, GNSO working groups (WGs) will be meeting to make progress on various areas of policy development work. Each day of the Panama meeting has a theme; the bulk of a PDP WG's sessions are scheduled in a single day to provide the WGs the best opportunity to progress their work. In particular, look out for working sessions of the New gTLD Subsequent Procedures (SubPro) PDP WG and the Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP WG. The SubPro PDP WG will focus its discussions on its Initial Report, which is anticipated to be published around the ICANN62 timeframe. The RPMs PDP WG expects to continue with its review of the Uniform Rapid Suspension (URS) dispute resolution procedure, including discussing initial results of surveys that were sent to selected URS practitioners and the three URS providers. Both PDPs are nearing important milestones that make significant blocks of face-to-face time extremely valuable and opportune.

Even though other WGs may not meet in Panama City, they continue their work. This includes: (1) the International Governmental Organization and International Non-Governmental Organization (IGO-INGO) Access to Curative Rights Protection Mechanisms PDP WG; (2) the reconvened PDP WG that is considering a possible modification to prior GNSO policy recommendations concerning the protection of Red Cross National Society names; and (3) the GNSO Review WG tasked with the implementation of the GNSO Review recommendations. In addition, the Next-Generation gTLD Registration Directory Services to Replace WHOIS PDP WG has opted not to meet during ICANN62, so as to re-align and focus the community's efforts on the policy development necessary to follow the Board's Temporary Specification.

At ICANN62, cross-community sessions will be held on topics of common interest across the ICANN community, with a focus on engagement among different Supporting Organizations (SOs) and Advisory Committees (ACs). In line with the objectives of the Policy Forum, many of the cross-community sessions will have a policy focus. Participants may be particularly interested in the sessions devoted to the: (1) discussion of GDRP Compliance, WHOIS, and next steps for policy development related to registry directory services; (2) discussions of Geographic Names at the Top-Level (Work Track 5 of the SubPro PDP WG); and (3) presentation of the CCWG on Accountability Work Stream 2 Final Recommendations.

continued WELCOME TO ICANN60 FROM THE GNSO CHAIR

Furthermore, the GNSO will also engage with other parts of the ICANN community at ICANN62. It will invite individual ICANN Board members to participate in policy-related discussions, as well as hold joint meetings with the Country Code Names Supporting Organization (ccNSO) and the Governmental Advisory Committee (GAC).

At ICANN62, the GNSO will hold a daily policy briefing each morning to share information about the sessions planned for that day and answer your questions about activities underway. This is a great initiative to help newcomers and seasoned community members get oriented, stay informed, and make the most of their time at ICANN62. I encourage you to take advantage of these policy briefing sessions, which help support your full and active participation at the Policy Forum. You are always welcome to reach out to a Council member, myself, or a member of the policy support staff to discuss the GNSO topics for ICANN62.

Wishing you happy, safe, and healthy travels to Panama City. See you soon!

Heather Forrest GNSO Chair

Register for the Pre-ICANN62 GNSO Policy Webinar



The Generic Names Supporting Organization (GNSO) Policy Support Team is pleased to announce a Pre-ICANN62 GNSO Policy Webinar. It will be held on Monday, 18 June 2018 from 21:00-22:30 UTC.

Register for the Pre-ICANN62 GNSO Policy Webinar here: https://goo.gl/forms

The goal of the webinar is to enhance your preparation for ICANN62 and facilitate your engagement in the GNSO's policy development activities. The leaders of major GNSO policy development process (PDP) working groups (WGs) will provide in-depth reviews of their topics, current issues, and what to expect at ICANN62.

This webinar will offer participants an opportunity to ask questions about policy development work. A question and answer exchange will follow each WG presentation. To optimize your participation at the webinar, read the Pre-ICANN62 GNSO Policy Briefing and come prepared with your questions.

This webinar will complement the Pre-ICANN62 Policy Webinar, which provides a high-level overview of the activities of all ICANN Supporting Organizations (SOs) and Advisory Committee (ACs). It also serves as a replacement for the GNSO PDP updates, which have been usually held during the GNSO Council weekend sessions during ICANN public meetings.

The GNSO Policy Support Team looks forward to your participation!

ICANN62 at a Glance

As the second ICANN Public Meeting of 2018, ICANN62 will follow the Policy Forum format. The Policy Forum is a four-day meeting highlighting cross-community policy development activities with sessions focused on policy work and outreach. A key element of the Policy Forum is a series of cross-community discussions that provide community members from all Supporting Organizations (SOs) and Advisory Committees (ACs) an opportunity to collaborate on issues of common interest. The Policy Forum will also dedicate time for Generic Names Supporting Organization (GNSO) policy development process (PDP) working groups (WGs) to conduct face-to-face working sessions. The GNSO Council's Public Meeting will take place on Wednesday, 27 June 2018.

The GNSO Policy Support Team has developed this briefing document to help community members prepare for ICANN62. It provides an overview of the status of GNSO PDP WGs and information about other GNSO policy-related activities, including GNSO co-chartered Cross-Community Working Groups and PDP Implementation Review Teams (IRTs). Links to additional background reading are included for those who would like to do a deep dive as they prepare for sessions at ICANN62.

Newcomers to ICANN and the GNSO may be interested in online learning opportunities that will further help them make the most of the upcoming meeting. We highly recommend taking the <u>Introduction to the GNSO</u> course on <u>ICANN Learn</u>. The course will make it easier to navigate through the structure and content of this Policy Briefing with a better understanding of PDPs. All are encouraged to enroll.

Please note that any reference to meeting times in this document is provisional. Please consult the ICANN meeting schedule for the latest information.

ICANN62 MEETING INFORMATION

- Meeting page: https://meetings.icann.org/en/panamacity62
- Schedule: https://schedule.icann.org/
- Register for ICANN62: https://registration.icann.org/
- General remote participation info: https://meetings.icann.org/en/remote
- GNSO session remote participation details: http://go.icann.org/gnsoremote
- Expected standard of behavior: https://go.icann.org/2ChDUjG

GNSO-RELATED INFORMATION

- GNSO one-stop shop for ICANN62: https://gnso.icann.org/en/icannmeeting
- Project list: https://gnso.icann.org/en/council/project

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

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

WHAT CAN I EXPECT AT ICANN62 IN RELATION TO THIS TOPIC?

The Policy Development Process (PDP) Working Group (WG) does not have any scheduled face-to-face meetings at ICANN62. The WG Leadership has indefinitely suspended the WG's meetings in light of the activities with respect to General Data Protection Regulation (GDPR) compliance. These activities specifically include the ICANN Board's recent adoption of a Temporary Specification for Generic Top-Level Domain (gTLD) Registration Data (Implementation of GDPR Interim Compliance Model).

The Generic Names Supporting Organization (GNSO) Council is considering the initiation of an Expedited Policy Development Process (EPDP) to meet the requirements of the consensus policy development process. This consensus policy development process needs to be completed within a one-year period. The team that will be tasked with undertaking the consensus policy development process may commence its deliberations at ICANN62. Please check the ICANN62 schedule for further details.

WHAT IS THIS ABOUT?

In April 2015, the ICANN Board requested this GNSO PDP on the Next-Generation Registration Directory Service (RDS) to Replace WHOIS. The goal of the PDP is to "define the purpose of collecting, maintaining, and providing access to generic top-level domain (gTLD) registration data, and consider safeguards for protecting data." The Board also asked the GNSO to "...[use] 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."

At the end of January 2016, the PDP WG commenced its deliberations, attempting to answer questions posed in the PDP Final Issue Report and charter. During Phase 1 of this PDP, 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? (2) Are a new policy framework and next-generation (next-gen) registration directory services needed to address these requirements?

WHY IS THIS IMPORTANT?

Comprehensive 'WHOIS' policy reform remains one of the most pertinent and critical issues within ICANN. Any discussion of the 'WHOIS' system for gTLD domain name registration data – hereafter called gTLD registration directory services –

involves various topics. These include 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 more than 15 years of GNSO task forces, working groups, workshops, surveys, and studies, the policy is still in need of comprehensive reforms that address the many contentious issues attached to it.

WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The RDS PDP WG has been working on the fundamental requirements for gTLD registration data and directory services. It has also been working to understand whether a new policy framework and next-generation RDS are needed to address these requirements.

Prior to the suspension of meetings, the WG was working to reach initial rough consensus agreement on key concepts related to the WG's charter questions concerning RDS users/purposes, data elements, privacy, and access.

In late 2017, the WG focused on defining: (1) potentially-legitimate purpose(s) for processing registration data, (2) the data elements required for each of those purposes, and (3) potential users of that data.

Starting from the purposes listed in the EWG Final Report, small drafting teams in the WG were formed to better understand and then define each purpose for full WG discussion. The WG used weekly calls and polls to facilitate development of tentative rough consensus agreements on these topics and associated key concepts, including the criteria for evaluating the legitimacy of purposes for processing registration data.

By the end of January 2018, <u>49 initial points</u> of rough consensus had been reached during iterative and ongoing deliberation. The WG drafted an overall <u>statement</u> <u>of purpose</u> for registration data and directory services, which guided all initial agreements. The WG also drafted detailed definitions for 12 potentially-legitimate purposes and related data, posted on its <u>Phase 1 Documents page</u> (under "Final Outputs produced by Drafting Teams as input to full WG deliberation").

Following ICANN61, the RDS PDP Leadership decided to suspend WG meetings indefinitely, including face-to-face meetings at ICANN62. This decision was made in light of the uncertain status of GDPR-related work, noting it would ultimately be up to the GNSO Council to determine the status of the RDS PDP going forward. The GNSO Council will consider the next steps for this PDP in light of the ICANN Board's recent <u>adoption</u> of the <u>Temporary Specification for gTLD Registration Data</u>.

HOW DOES THE TEMPORARY SPECIFICATION FOR GTLD REGISTRATION DATA AFFECT THIS PDP? WHAT ARE THE EXPECTED NEXT STEPS?

On 17 May 2018, the ICANN Board approved the proposed Temporary Specification for gTLD Registration Data. The GNSO Council is currently discussing the proposed next steps, including the potential mechanism that could be used to meet the one-year timeline afforded under the rules for adopting a Temporary Specification. Following these discussions, the Council will consider next steps for not only the Temporary Specification, but also the RDS PDP. These next steps could include suspension or termination of the RDS PDP. The WG is awaiting further direction from the GNSO Council regarding its continued work, if any.

MORE INFORMATION

- PDP Webpage: gnso.icann.org/en/group-activities/active/rds
- WG Workspace: <u>community.icann.org/x/rjJ-Ag</u>
- WG Work Plan: community.icann.org/x/olxlAw
- WG Charter: gnso.icann.org/en/drafts/whois-ng-gtld-rds-charter-07oct15
- Final Issue Report: https://go.icann.org/2En83UJ
- Board-GNSO Process Framework for this PDP: https://go.icann.org/2EG1V9s

BACKGROUND

Pursuant to its Resolution on 8 November 2012, the ICANN Board directed the ICANN President and 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, as part of a Board-initiated GNSO PDP, 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. 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.

The ICANN Board approved a Process Framework to enable effective consideration of the many significant and interdependent policy areas that the GNSO must address. GNSO Councilors and Board members collaboratively developed this Process

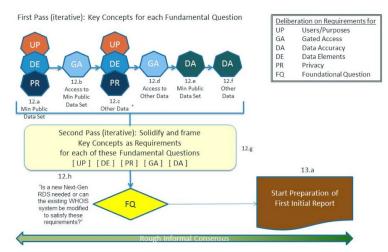
continued POLICY DEVELOPMENT PROCESS: NEXT-GENERATION REGISTRATION DIRECTORY SERVICE TO REPLACE WHOIS

Framework 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.
- 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 interrelated 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?



Note: The graphic above illustrates the iterative approach in the WG deliberation. The numbers (e.g., 12.a, 12.b...13.a) refer to the steps in the PDP WG Phase 1 **Work Plan**.

STAFF RESPONSIBLE: Marika Konings, Lisa Phifer (consultant), Caitlin Tubergen

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

WHAT CAN I EXPECT AT ICANN62 IN RELATION TO THIS TOPIC?

The Policy Development Process (PDP) Working Group (WG) is set to meet on Monday, 25 June 2018, from 09:00-12:00 local time and Thursday, 28 June 2018, from 13:30-15:00 local time for face-to-face working sessions. It expects to provide updates and seek feedback on preliminary recommendations/outcomes on a number of different topics currently under discussion within the WG's Work Tracks (WTs) 1-4. In addition, the WG's Work Track 5 (WT5), dedicated to geographic names at the top-level, will seek to advance its work during a pair of cross-community sessions, one on Monday, 25 June 2018, from 15:15-16:45 local time and the other on Thursday, 28 June 2018, also from 15:15-16:45 local time.

WHAT IS THIS ABOUT?

The PDP on New Generic Top-Level Domain (gTLD) Subsequent Procedures was initiated in December 2015 and chartered in January 2016. It aims 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." Essentially, this means that these recommendations will 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. The <u>Final Issue Report</u> and the PDP WG <u>charter</u> identified a number of subjects that require analysis and potential 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 overarching or foundational subjects. It established four WTs to address the remaining subjects identified in the WG's charter. After completing preliminary discussions on their respective topics and considering input received through public consultations (e.g., face-to-face meetings, Public Comment), the WG and the WTs developed preliminary recommendations/outcomes, as well as identified areas where they are specifically seeking community input.

The PDP's WT5 is devoted solely to the issue of geographic names at the top-level. WT5 has a shared leadership model amongst the At-Large Advisory Committee (ALAC), the Country Code Names Supporting Organization (ccNSO), the Governmental Advisory Committee (GAC), and the GNSO. WT5 has agreed to its **Terms of Reference** and begun its substantive deliberations, including reviewing the existing geographic terms and their respective rules in the 2012 Applicant Guidebook (AGB). It is also considering geographic terms that were not identified in the AGB.

WHAT ARE THE EXPECTED NEXT STEPS?

The WG aims to complete and publish its Initial Report for Public Comment prior to ICANN62 or shortly thereafter. The Initial Report is expected to include the WG's and its WT1-4's preliminary recommendations/outcomes, options and questions where community input is specifically needed, as well as a record of the substantive deliberations.

The WT5 will continue its deliberations, particularly around determining what is a geographic name in the context of the New gTLD Program, as well as the corresponding treatment of those names. WT5 will publish its own Initial Report, separate from that published around the ICANN62 timeframe.

HOW CAN I GET INVOLVED?

This PDP WG is open to all participants. If you are interested in joining the WG effort, please email <code>gnso-secs@ICANN.org</code>. As the WG has already been in operation for a substantial amount of time and has progressed in its deliberations, newcomers are expected to catch up on the discussions to date and to not reopen previously closed topics, unless new information is presented.

MORE INFORMATION

- PDP Webpage: http://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures
- WG Workspace: community.icann.org/x/RgV1Aw
- WG Charter: https://go.icann.org/2G7BdUf
- Final Issue Report: https://go.icann.org/2Eoutkv

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 the ICANN organization. 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, Emily Barabas, Julie Hedlund

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

WHAT CAN I EXPECT AT ICANN62 IN RELATION TO THIS TOPIC?

The Policy Development Process (PDP) Working Group (WG) will be holding three open meetings on Wednesday, 27 June 2018 (90 minutes) and Thursday, 28 June 2018 (one 75-minute session and one 90-minute session). Please check the ICANN62 meeting schedule for actual times and meeting locations. All community members are welcome to attend all the WG's open sessions. The WG will be continuing its review of the Rights Protection Mechanisms (RPMs) covered by Phase One of this two-phased PDP.

WHAT IS THIS PDP ABOUT?

This PDP is being conducted in two phases. Phase One covers all the RPMs applicable to generic top-level domains (gTLDs) launched under the 2012 New gTLD Program. These RPMs are: the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP), the Trademark Clearinghouse (TMCH), the Sunrise and Trademark Claims services that are offered through the TMCH, and the Uniform Rapid Suspension (URS) dispute resolution procedure. Phase Two will focus on reviewing the Uniform Dispute Resolution Policy (UDRP), which has been an ICANN Consensus Policy since 1999. The WG is currently in Phase One and hopes to complete this stage of work by early 2019.

WHY IS THIS IMPORTANT?

Community feedback on the RPMs developed for the 2012 New gTLD Program indicated a need to review their application and scope, especially if there is to be a further expansion of the gTLD space. The 2012 New gTLD Program RPMs are new mechanisms that have now been in use for several years. The UDRP is a long-standing Consensus Policy that has never undergone any substantial review. By the conclusion of both phases of this 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, which was completed in late 2016. The WG has largely completed an initial review of the structure and scope of the TMCH. It also has launched an extensive data collection exercise, involving professionally-designed surveys of targeted respondent groups, to obtain quantitative and anecdotal evidence that can assist with its review of the Sunrise and Trademark Claims services that are offered through the TMCH. Analysis Group, the vendor selected by the ICANN organization (ICANN org) through a **Request for Proposal** (RFP) process, has begun working with a Working Group Sub Team to finalize the Sunrise and Claims survey questions, with the aim to launch the surveys before ICANN62. While this data gathering effort is ongoing, the WG has continued with its review of the URS dispute resolution procedure. Three Sub Teams identified additional data needs and inquiries specifically concerning URS providers, practitioners, and related documents. Before ICANN62, the WG is expected to receive responses to questions intended for the current URS providers and experienced URS practitioners. One of the URS-related Sub Teams is beginning to review and examine certain categories of URS cases to collect and analyze various data points such as domain(s) at issue, parties, responses, panelist(s), and outcomes.

WHAT ARE THE EXPECTED NEXT STEPS?

The WG is aiming to complete an initial URS review around the ICANN62 timeframe. Subsequently, it plans to review the survey results for Sunrise and Trademark Claims, which are anticipated to be available in the third quarter of 2018. After the completion of these reviews, the WG is aiming to prepare preliminary recommendations for these RPMs by ICANN63.

The WG is aiming to complete Phase One of this PDP in early 2019, at which point it will publish a Preliminary Report on its recommendations regarding these RPMs for Public Comment. In this regard, the WG will continue to coordinate its timelines and work with other related efforts, such as the New gTLD Subsequent Procedures PDP, and the Competition, Consumer Choice, and Consumer Trust 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 gnso-secs@ICANN.org if you wish to join the group.

As the WG has operated for a substantial amount of time and progressed in its deliberations, newcomers are expected to catch up on the discussions to date and to not reopen previously closed topics, unless new information is presented.

MORE INFORMATION

- PDP Webpage: gnso.icann.org/en/group-activities/active/rpm
- WG Workspace: <u>community.icann.org/x/wCWAAw</u>
- WG Charter: www.gnso.icann.org/en/drafts/rpm-charter-15mar16-en.pdf
- Final Issue Report: https://go.icann.org/2BvPivt

BACKGROUND

In October 2011, prior to the launch of the 2012 New gTLD Program, ICANN org 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, Julie Hedlund, Ariel Liang, Berry Cobb (consultant)

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

WHAT CAN I EXPECT AT ICANN62 IN RELATION TO THIS TOPIC?

The Policy Development Process (PDP) Working Group (WG) will not be holding any meetings at ICANN62. However, the Generic Names Supporting Organization (GNSO) Council may have the opportunity to begin consideration of the WG's Final Report.

WHAT IS THIS ABOUT?

This PDP was initiated in June 2014 by the GNSO Council to consider whether existing curative rights mechanisms at the second level of the domain name system (DNS), namely, the Uniform Dispute Resolution Policy (UDRP) and the Uniform Rapid Suspension (URS) dispute resolution procedure, should be modified to address the needs of International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs). IGOs and INGOs have highlighted certain difficulties they face in using these mechanisms to protect their names and acronyms.

WHY IS THIS IMPORTANT?

Protecting the names and acronyms of IGOs and INGOs at the top-level and second-level of the DNS 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. However, those recommendations did not address the topic as to whether existing domain name dispute resolution procedures provided adequate protection for IGO and INGO names and acronyms. The GNSO Council subsequently tasked this 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.

WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The WG's preliminary recommendations, as published for Public Comment in January 2017, essentially recommended that no changes be made to either the UDRP or URS and that no specific new process be developed for IGOs. The WG also 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, as well as the issue of IGO jurisdictional immunity. Community feedback was received during the Public Comment period on all of the WG's preliminary recommendations. The WG has completed its review of all public comments received, including input from the Governmental Advisory Committee (GAC), a number of IGOs, and the broader ICANN community. As a result, the WG has modified some of its preliminary recommendations and is seeking to reach consensus on various policy options on the remaining issue under consideration. The remaining issue specifically concerns with the situation where a losing registrant files a judicial proceeding against an IGO who may wish to claim jurisdictional immunity in that court.

WHAT ARE THE EXPECTED NEXT STEPS?

The WG is in the concluding phases of its work and hopes to complete its Final Report prior to ICANN62 for possible GNSO Council consideration during the meeting.

HOW CAN I GET INVOLVED?

While the WG is in a late stage in its work, it continues to be open to anyone. Importantly, newcomers are expected to catch up on the discussions to date and to not reopen previously closed topics, unless new information is presented. Please contact the GNSO Secretariat at gnso-secs@lCANN.org to be added to the mailing list.

MORE INFORMATION

- WG Initial Report containing preliminary recommendations: go.icann.org/201
- Public Comment of the WG Initial Report: https://go.icann.org/2C0tY2u
- PDP Webpage: gnso.icann.org/en/group-activities/active/igo-ingo-crp
- WG Workspace: <u>community.icann.org/x/37rhAg</u>
- WG Charter: gnso.icann.org/en/drafts/igo-ingo-crp-access-charter-24jun14

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

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, Steve Chan

Policy Amendment Process: Protections for Certain Red Cross Names in All Generic Top-Level Domains

WHAT CAN I EXPECT AT ICANN62 IN RELATION TO THIS TOPIC?

While the Policy Development Process (PDP) Working Group (WG) will not be meeting at ICANN62, the Generic Names Supporting Organization (GNSO) Council is expected to receive an update on the status of the work, with the WG set to publish its Final Report in August 2018.

WHAT IS THIS ABOUT?

This section of the Policy Briefing should be read together with the following section entitled "Implementation Status: Protection of International Governmental Organization (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 PDP was completed in November 2013. Although the GNSO Council accepted all the PDP WG recommendations, the ICANN Board to date has approved only those recommendations that are consistent with the Governmental Advisory Committee (GAC) advice received on the subject. These recommendations have been subsequently **implemented** with a Policy Effective date of 1 August 2018. The remaining recommendations are still under Board consideration. These were the subject of a facilitated dialogue between the GAC and the GNSO at ICANN58 as part of an ongoing process to attempt to reconcile the GAC advice and the GNSO PDP recommendations.

Following that facilitated discussion, the ICANN Board requested that the GNSO Council consider initiating the GNSO policy amendment process in accordance with the GNSO's procedures. The GNSO Council agreed to launch the policy amendment process and reconvene the original PDP WG. The aim is to see if a finite, limited list of specific names of 191 Red Cross National Societies as well as a limited, defined set of variants for these names can be developed.

In May 2017, the GNSO Council voted to initiate the GNSO's documented process to consider amendments to previously completed PDP recommendations, prior to their adoption by the ICANN Board. These recommendations relate to appropriate protections for the names of the National Societies of the Red Cross and the International Red Cross Movement. The original PDP WG has been reconvened for this purpose.

WHY IS THIS IMPORTANT?

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

The GNSO Council launched the PDP on the Protection of IGO-INGO Identifiers in All gTLDs in November 2012. The aim is to consider what the appropriate form and scope of protections would be at both the top-level and second-level of the Domain Name System (DNS), for the Red Cross, the International Olympic Committee (IOC), and other IGOs and INGOs. All these organizations perform important public interest or humanitarian work. Cybersquatting and related abuse of domain names identical or confusingly similar to their names and acronyms could significantly impact their missions and resources. The GNSO Council approved and the Board adopted part of the PDP outcomes, which 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-level and second-level. For IGOs, only their full organizational names are reserved at the second-level. The appropriate DNS protections for many of the other identifiers 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. The facilitated dialogue that took place between representatives of the GAC and the GNSO at ICANN58 was an attempt to reconcile the remaining inconsistencies between GAC advice and the GNSO PDP recommendations.

The GNSO Council's vote in May 2017 initiated the policy amendment process only for specific names associated with the Red Cross. Discussion over IGO acronyms is ongoing.

WHAT IS THE CURRENT STATUS OF THIS PROJECT?

After reviewing the legal basis for protection, the reconvened PDP WG has reached preliminary agreement to recommend that a specific, finite set of names be withheld from registration at the second-level of the DNS. The PDP WG is finalizing what specific, limited variants of those names will be included, as well as reviewing its draft Initial Report with proposed recommendations.

WHAT ARE THE EXPECTED NEXT STEPS?

It is important to note that the GNSO's policy amendment process must take place before the Board acts on the PDP recommendations. The GNSO Council's policy amendment process mandates that the proposed amendment be posted for Public Comment. The Public Comment period will begin just prior to ICANN62. After the Public Comment period closes, the WG will review submitted comments and consider changes to its proposed recommendations, if any. Consequently, the GNSO Council will consider whether to approve the amendment with a target for the Council's August 2018 session. The amendment will be considered approved only if a supermajority of the GNSO Council votes to approve. The Board will then be expected to act 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, and looking out for any Public Comment forum to be launched in June 2018 as part of the final reconciliation process.

MORE INFORMATION

- Protection of IGO-INGO Identifiers in All gTLDs PDP Webpage:
 gnso.icann.org/en/group-activities/active/igo-ingo
- Protection of IGO-INGO Identifiers in All gTLDs PDP WG Workspace:
 community.icann.org/x/2YJEAg
- ICANN Board resolution of April 2014 adopting the PDP recommendations consistent with GAC advice and requesting more time for the remaining recommendations: <u>icann.org/en/groups/board/resolutions-30apr14</u>
- GAC webpage listing GAC Communiqué advice relating to IGO protections:
 gacweb.icann.org/display/GACADV/IGO
- Documents, meetings, and mailing list for GAC-GNSO facilitated dialogue:
 community.icann.org/x/eoPRAw
- ICANN Board resolution at ICANN58 requesting that the GNSO Council consider amending the adopted PDP recommendations pertaining to Red Cross names: www.icann.org/resources/board/resolutions-2017-03-16
- GNSO PDP Manual: gnso.icann.org/en/council/manual-01sep16
- GNSO Council resolution initiating the policy amendment process:
 gnso.icann.org/en/council/resolutions-20170503-071

STAFF RESPONSIBLE: Mary Wong, Berry Cobb (consultant)

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 ICANN62 IN RELATION TO THIS TOPIC?

The Implementation Review Team (IRT) does not plan to meet at ICANN62.

WHAT IS THIS ABOUT?

This section of the Policy Briefing should be read together with the previous section entitled "Policy Amendment Process: Protections for Certain Red Cross Names in All Generic Top-Level Domains".

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. These include 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** the PDP recommendations that were "not inconsistent" 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 full names.

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 policy amendment process for the remaining, inconsistent recommendations (e.g., 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?

Throughout the development of the 2012 New gTLD program, issues related to whether certain international organizations (e.g., IGOs, the RCRC, and the IOC) should receive special protection for their names at the top and second level in the Domain Name System have been raised. 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. They have reported that cyber-squatting and related abuse of domain names (e.g., domain names that are identical or confusingly similar to the organizations' names and acronyms) could significantly impact their missions and resources.

WHAT IS THE CURRENT STATUS OF THIS PROJECT?

On 16 January 2018, the implementation of the Consensus Policy for the Protection of Certain Specific IGO and INGO Identifiers for All gTLDs was published. Contracted parties will have until 1 August 2018 to complete implementation of the new requirements for certain specific names of IGOs, the IOC, and the RCRC. For INGOs, the implementation period will be 12 months from the release of the INGO Claims Systems Specification which is currently under development by the ICANN org.

WHAT ARE THE EXPECTED NEXT STEPS?

In coordination with the IRT, the Global Domains Division (GDD) is working with the affected parties to implement the policy by the policy effective dates.

HOW CAN I GET INVOLVED?

If you wish to join the IRT, contact the GNSO Secretariat at gnso-secs@icann.org. As the IRT has already been in operation for a substantial amount of time and has progressed in its deliberations, newcomers are expected to catch up on the discussions to date and to not reopen previously closed topics, unless new information is presented.

MORE INFORMATION

- Announcement of the Implementation of the Consensus Policy: icann.org/news
- Published Policy: icann.org/resources/pages/igo-ingo-protection-policy-2018
- Public comment proceeding on the Proposed Implementation of GNSO
 Consensus Policy Recommendations for the Protection of IGO&INGO Identifier
 in All gTLDs: icann.org/public-comments/igo-ingo-protection-2017-05-17-en
- PDP Webpage: http://gnso.icann.org/en/group-activities/active/igo-ingo
- IRT Webpage: https://community.icann.org/x/RJFCAw

STAFF RESPONSIBLE: Dennis Chang (GDD)

Implementation Status: Thick WHOIS Policy Recommendations

WHAT CAN I EXPECT AT ICANN62 IN RELATION TO THIS TOPIC?

The Implementation Review Team (IRT) does not plan to meet at ICANN62.

WHAT IS THIS ABOUT?

ICANN specifies WHOIS service requirements through Registry Agreements (RAs) and the Registrar Accreditation Agreement (RAA) for the generic top-level domain (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 recommends all gTLD registries to provide thick WHOIS services with a consistent labeling and display (CL&D). It would improve stability of and access to WHOIS data, as well as potentially reduce acquisition and processing cost for consumers of WHOIS data. During its meeting on 31 October 2013, the GNSO Council unanimously adopted the recommendation to require thick WHOIS for all gTLD registries. Following the public comment forum and the notification of the Governmental Advisory Committee (GAC), the ICANN Board considered the recommendations and adopted these during its meeting on 7 February 2014.

WHAT IS THE CURRENT STATUS OF THIS PROJECT?

The CL&D of the Registration Data Directory Service (RDDS) Output for All gTLDs policy has completed implementation by the policy effective date of 1 August 2017.

For the Thick WHOIS Transition Policy for .COM, .NET, and .JOBS, the ICANN Board passed a <u>resolution</u> to defer contractual compliance enforcement for six months. ICANN Contractual Compliance will defer enforcing the following milestones until the dates listed below:

- 30 November 2018: The registry operator must begin accepting Thick WHOIS data from registrars for existing registrations in .COM, .NET and .JOBS.
- By 30 April 2019: All registrars must send Thick WHOIS data to the registry operator for all new registrations in .COM, .NET and .JOBS.
- By 31 January 2020: All registrars are required to complete the transition to Thick WHOIS data for all registrations in .COM, .NET and .JOBS.

MORE INFORMATION

- PDP Webpage: gnso.icann.org/en/group-activities/active/thick-whois
- IRT Workspace: <u>community.icann.org/x/t77hAg</u>
- Public Comment period on CL&D Policy Proposal: <u>icann.org/public-comments/</u> <u>rdds-output-2015-12-03</u>
- Public Comment proceeding 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 ICANN62 IN RELATION TO THIS TOPIC?

The Implementation Review Team (IRT) is finalizing materials to publish for Public Comment. It is expected that these materials will be posted for Public Comment either shortly before or soon after ICANN62. There is no face-to-face IRT meeting scheduled for ICANN62.

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 Registration Data Directory Service (RDDS) 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 while contact information displayed in the RDDS system is that of the proxy service provider.

The ICANN organization (ICANN org) 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 RAA contains a temporary specification that governs registrars' obligations in respect of privacy and proxy services. This specification will expire on 1 July 2019 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. As of May 2018, the IRT is currently reviewing the draft Accreditation Agreement and other program materials in preparation for the Public Comment phase.

On 4 May 2018, the ICANN org received a <u>letter</u> from the Registrar Stakeholder Group (RrSG). The RrSG requested ICANN org to pause the work of the IRT, pending the creation of a new, permanent policy created through the policy work now being

initiated, possibly via an expedited process, following the Board's adoption of a Temporary Specification to comply with GDPR. The Coalition for Online Accountability wrote to the ICANN org on 11 May 2018, opposing the RrSG request and encouraging the ICANN org to proceed to the Public Comment phase.

The ICANN org is considering the impact of GDPR-related issues, including the Temporary Specification, on the proposed accreditation program requirements. Any issues or conflicts that are identified will be discussed with the IRT, but the ICANN org is not currently planning to pause the work of the IRT pending the GDPR-related Expedited Policy Development Process (EPDP).

WHAT ARE THE EXPECTED NEXT STEPS?

The ICANN org is in the final stages of reviewing the proposed accreditation program materials, including those related to GDPR. The ICANN org will present any GDPR-related issues to the IRT for discussion prior to initiating the Public Comment period. Any policy-related issues will be referred to the GNSO Council.

The project timeline will be revisited and updated quarterly on the ICANN.org **implementation status webpage**.

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 <code>gnso-secs@ICANN.org</code>. As the IRT has already been in operation for a substantial amount of time and has progressed in its deliberations, newcomers are expected to catch up on the discussions to date and to not reopen previously closed topics, unless new information is presented. Broad community input is encouraged during the Public Comment phase.

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 ICANN62 IN RELATION TO THIS TOPIC?

The Implementation Review Team (IRT) does not plan to meet at ICANN62. However, it will continue holding its teleconferences.

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 Generic Names Supporting Organization (GNSO) Council requested an Issue Report to address whether it is desirable to translate or transliterate¹ contact information² into one common language or script. In December 2013, the GNSO Translation and Transliteration of Contact Information (T/T) Policy Development Process (PDP) Working Group (WG) was formed to provide an answer to this question. The WG was also tasked with determining who would carry the burden if mandatory translation or transliteration of contact information were recommended.

In its Final Report, the PDP WG did not recommend mandating the translation or transliteration of contact information data. Instead, the WG recommended that registrants submit contact data in any language and script supported by their registrar, ideally the registrant's native one. The WG expressed 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 EXPECTED NEXT STEPS?

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

In late September 2017, the ICANN org prepared a <u>draft policy document</u> for the IRT's review. This document is based on the entirety of the IRT's input received during the course of the implementation. The IRT is currently reviewing the document and will discuss it during its next teleconferences.

^{&#}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.

² 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.

The implementation's projected effective date is to be determined. There are a number of technical, logistical, and coordination issues that need to be considered before deciding on a policy effective date. Issues include the roll-out of the Registration Data Access Protocol (RDAP) and work within the Next-Generation Generic Top-Level Domain (gTLD) Registration Directory Services (RDS) to replace WHOIS PDP.

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. To become an observer, send an email indicating your interest to the GNSO Secretariat at gnso-secs@ICANN.org. As the IRT has already been in operation for a substantial amount of time and has progressed in its deliberations, newcomers are expected to catch up on the discussions to date and to not reopen previously closed topics, unless new information is presented.

MORE INFORMATION

- PDP WG Final Report: goo.gl/MgZ42S
- ICANN Board adopting the recommendations contained in the PDP WG Final Report: icann.org/resources/board-material/resolutions-2015-09-28
- IRT Workspace: community.icann.org/x/0SeOAw

STAFF RESPONSIBLE: Brian Aitchison (Global Domains Division - GDD)

Implementation Status: Generic Names Supporting Organization Review Working Group

WHAT CAN I EXPECT AT ICANN62 IN RELATION TO THIS TOPIC?

The Working Group (WG) is set to update the Organizational Effectiveness Committee (OEC) of the ICANN Board of Directors and the Generic Names Supporting Organization (GNSO) Council, concerning its progress on the Implementation Plan.

WHAT IS THIS ABOUT?

The GNSO Council adopted the <u>charter</u> of the GNSO Review Working Group during its meeting on 21 July 2016. This WG developed an <u>Implementation Plan</u> for the <u>GNSO Review recommendations</u>. On 15 December 2016, the GNSO Council <u>approved</u> the plan and on 3 February 2017, the ICANN Board <u>adopted</u> it.

WHY IS THIS IMPORTANT?

The independent examiner of the GNSO Review assessed which 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. It contains a projected timeline for the implementation, definition of desired outcomes, and a way to measure 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 now executing and overseeing the implementation of the GNSO Review recommendations. At ICANN60, the WG provided a report on the implementation progress to the OEC of the ICANN Board of Directors and to the GNSO Council. It also provided an update to the GNSO Council at ICANN61.

WHAT ARE THE EXPECTED NEXT STEPS?

The WG has completed implementation of the <u>Phase 1 recommendations</u>, which consist of items identified as already underway. It has also completed the implementation of <u>Phase 2 recommendations</u>, which are of high priority. The WG is in the process of discussing and approving the implementation of the <u>Phase 3</u> recommendations. The WG will provide a report to the OEC at ICANN62, as well as

the GNSO Council during its meeting on Wednesday, 27 June 2018. For the current status see the **wiki workspace**.

HOW CAN I GET INVOLVED?

This WG is open to all participants. If you are interested in joining this effort, please email <code>gnso-secs@lCANN.org</code>. As the WG has already been in operation for a substantial amount of time and has progressed in its deliberations, newcomers are expected to catch up on the discussions to date and to not reopen previously closed topics, unless new information is presented.

MORE INFORMATION

- GNSO Review Implementation Plan: goo.gl/HYs47B
- GNSO Review Final Report: https://go.icann.org/2H9ljKp
- WG Webpage: gnso.icann.org/en/group-activities/other/review/2014
- WG Workspace: <u>community.icann.org/x/ZhmsAw</u>
- 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 Analysis, 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 three-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 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, Marika Konings, and Emily Barabas

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

WHAT CAN I EXPECT AT ICANN62 IN RELATION TO THIS TOPIC?

The Cross-Community Working Group (CCWG) is organizing a face-to-face meeting from 15:15-16:45 local time on Wednesday, 27 June 2018. The CCWG is expected to provide an update on the Initial Report and preview proposed recommendations with the community. The Initial Report is expected to be published after ICANN62.

WHAT IS THIS ABOUT?

The New Generic Top-Level Domain (gTLD) Program established auctions as a last resort to resolve the competition sets between identical or similar terms (strings) for new gTLDs – an issue known as string contention. Ninety percent of contention sets scheduled for auction have been resolved through other means before reaching an auction conducted by Power Auctions LLC, ICANN's authorized auction service provider. However, it was recognized from the outset that significant funds could accrue as a result of several successful auctions. The 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.

All ICANN Supporting Organizations (SOs) and Advisory Committees (ACs) have chartered a CCWG to propose the mechanism to allocate the new gTLD Auction Proceeds. Following approval by the Chartering Organizations, the CCWG will submit its proposal(s) to the ICANN Board for consideration.

WHY IS THIS IMPORTANT?

The new gTLD Auction Proceeds, derived from these last resort auctions, are distinct and ring-fenced funds. 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 with any interest accruing to the proceeds. Since June 2014, 17 contention sets have been resolved via ICANN auctions. The total net proceeds to date are \$233.5 million USD. Details of the proceeds can be found here. As of 10 February 2018, nine contention sets remain to be resolved. It is important to keep in mind that approximately 90 percent 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?

The CCWG commenced its deliberations at the end of January 2017. It currently has 26 members appointed by the different Chartering Organizations, 46 participants, and 36 observers. The CCWG is tasked with developing a proposal(s) on the mechanism that should be developed to allocate the new gTLD Auction Proceeds. As part of this proposal, the CCWG is also expected to consider the scope of fund allocation and due diligence requirements that preserve ICANN's tax status, as well as related matters such as potential or actual conflicts of interest. The CCWG will NOT make any recommendations or determinations with regard to specific funding decisions (i.e., which specific organizations or projects are to be funded or not).

Furthermore, the CCWG deliberated on its approach for dealing with the charter questions and the proposed timeline. It agreed to the following phases:

- Initial run-through of all charter questions to assess initial responses, identify
 possible gating questions, and determine the potential order in which questions
 need to be dealt with;
- 2. Address any charter questions that have been identified as requiring a further detailed response before commencing the next phase;
- 3. Compile a list of possible mechanisms that could be considered by the CCWG;
- 4. Determine which mechanism(s) demonstrates most potential to meet CCWG expectations and conforms with legal and fiduciary constraints;
- 5. Answer charter questions, as organized per Phase 1, for mechanism(s) that demonstrate the most potential;
- 6. Publish Initial Report for public comment following consensus on mechanism and responses to charter questions that meet legal, fiduciary, and audit constraints.

To date, it has completed work on Phases 1 and Phase 2. Work products coming out of these phases, including the proposed objectives for fund allocation and examples of possible projects, were **shared** with the ICANN Board liaisons for feedback. The CCWG is in the process of reviewing the **feedback** in order to determine whether to update its work products.

As part of Phase 3, the CCWG identified a number of external experts and a set of questions for these external experts to address. The **input** received has helped

the CCWG to better understand the strengths and weaknesses of each mechanism under consideration, namely:

- Creation of a new ICANN Proceeds Allocation Department as part of the ICANN organization (ICANN org) to manage the fund.
- Creation of a new ICANN Proceeds Allocation Department as part of the ICANN org, which would work in collaboration with existing charitable organization(s).
- Creation of a new structure independent from the ICANN org, such as an ICANN foundation.
- Usage of one or more established entities, such as foundation or fund, with the ICANN org overseeing their processes to ensure mission and fiduciary duties are met.

As part of Phase 4, the CCWG took a straw poll to determine whether any of the mechanisms identified above would not sufficiently meet the CCWG identified criteria or conform with legal and fiduciary constraints. Such mechanisms could therefore be discarded for the next phase of its work. The CCWG identified criteria includes cost-effectiveness and capabilities to operate and execute globally distributed projects. The results of the straw poll did not demonstrate a clear preference for one mechanism over another, although a slight preference was identified by CCWG members who ranked the different mechanisms according to the CCWG identified criteria.

WHAT ARE THE EXPECTED NEXT STEPS?

The CCWG has commenced Phase 5 to answer the charter questions for each mechanism. Following this exercise, the CCWG may be able to verify whether views within the CCWG have changed with regard to the mechanism that best meets the different criteria. After the conclusion of Phase 5, the CCWG is expected to share the outcome of its work with the community for input through its Initial Report, which is expected to be published after ICANN62.

HOW CAN I GET INVOLVED?

Anyone interested can join this effort at any time as a participant or observer. Please complete the <u>registration form</u> or email the Generic Names Supporting Organization (GNSO) Secretariat at <u>gnso-secs@ICANN.org</u>.

MORE INFORMATION

- New gTLD Auction Proceeds CCWG Workspace, including Charter, background documents and information: <u>community.icann.org/x/yJXDAw</u>
- CCWG Charter Question templates: community.icann.org/Charter
- CCWG Work Plan: community.icann.org/Work+Plan

BACKGROUND

Following a number of sessions on this topic during the ICANN53 in Buenos Aires (see https://buenosaires53.icann.org/en/schedule/mon-soac-high-interest and https://buenosaires53.icann.org/en/schedule/wed-cwg-new-gtld-auction), 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. The feedback received confirmed the support for moving forward with a CCWG. James Bladel, the GNSO Chair at the time, reached out to all the ICANN SOs and 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 and ACs, apart from the Country Code Supporting Organization (ccNSO), responded to this request and have put forward volunteers to participate in the DT. The DT 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 and ACs with the request to review it and identify pertinent issues that would prevent adoption of the charter, if any. Subsequently, a webinar was held on 13 October 2016 to allow for additional time and information to undertake this review. The final proposed charter was submitted to all ICANN SOs and ACs on 17 October 2016, and subsequently each ICANN SO and AC confirmed the adoption of the charter. Subsequently, a call for volunteers was launched and the CCWG was chartered by all ICANN SOs and ACs to propose the mechanism to allocate the new gTLD Auction Proceeds. The Chartering Organizations are, namely, the Address Supporting Organization (ASO), the At-Large Advisory Committee (ALAC), the ccNSO, the GNSO, the Governmental Advisory Committee (GAC), the Security and Stability Advisory Committee (SSAC), and the Root Server System Advisory Committee (RSSAC). Following approval by the Chartering Organizations, the CCWG will submit its proposal(s) to the ICANN Board for consideration.

STAFF RESPONSIBLE: Marika Konings, Joke Braeken (ccNSO)

GNSO Schedule for ICANN62 Panama City 25 June

DAY 1: MONDAY		
TIME	MEETING	
8:00-8:30	GNSO Policy Briefing	
9:00-10:15	New gTLD Subsequent Procedures (SubPro) Policy Development (PDP) Working Group (WG)	
9:00-10:15	Registry Stakeholder Group (RySG) Membership Policy Meeting	
9:00-10:15	Non-Commercial Stakeholder Group (NCSG) Meeting with GNSO Board Members	
9:00-10:15	Commercial Stakeholder Group (CSG) Strategic Outlook Planning with the ICANN Multistakeholder Strategy and Strategic Initiatives (MSSI) [c]	
10:15-10:30	Coffee Break	
10:30-12:00	SubPro PDP WG	
10:30-12:00	NCSG Policy Committee	
10:30-12:00	CSG with GNSO Board Members [c]	
12:00-13:30	Lunch Break	
12:00-15:00	GNSO Working Session	
13:30-15:00	Not-for-Profit Operational Concerns Constituency (NPOC) Members Session	
15:00-15:15	Coffee Break	
15:15-16:45	Cross-Community Session: Geographic Names at the Top-Level (SubPro PDP Work Track 5) – Part 1	
15:15-16:45	Internet Services Providers and Connectivity Providers (ISPCP)	
15:15-16:45	Commercial and Business Constituency (BC) Strategic Outlook Planning with MSSI [c]	
16:45-17:00	Transfer Break	
17:00-18:30	High Interest Session: Update on Registration Directory Services (RDS) to Replace WHOIS	
18:30-19:30	Joint GNSO and Country Code Names Supporting Organization (ccNSO) Councils Meeting	

GNSO Schedule for ICANN62 Panama City 26 June

DAY 2: TUESDAY		
TIME	MEETING	
8:00-8:30	Intellectual Property Constituency (IPC) Outreach	
8:30-9:00	GNSO Policy Briefing	
8:30-10:15	IPC Closed Session [c]	
9:00-10:15	Placeholder: Next-Generation RDS to Replace WHOIS PDP Next Steps [c]	
10:15-10:30	Coffee Break	
10:30-15:00	Placeholder: RDS PDP Next Steps [c]	
10:30-12:00	Registry Service Evaluation Policy Meeting	
11:30-12:30	GNSO Meeting with the Governmental Advisory Committee (GAC)	
12:00-13:30	Lunch Break	
12:15-13:15	IPC Open Meeting	
12:15-13:15	RySG Executive Committee (ExCom) Meeting [c]	
13:30-15:00	Non-Commercial Users Constituency (NCUC) Members Session	
15:00-15:15	Coffee Break	
15:15-16:45	Cross-Community Session: General Data Protection Regulation (GDPR) Compliance, Access WHOIS, Accreditation – Part 1	
17:00-18:30	Cross-Community Session: GDPR Compliance, Access WHOIS, Accreditation – Part 2	
18:30-19:30	GNSO Council Informal Preparatory Session [c]	

GNSO Schedule for ICANN62 Panama City 27 June

DAY 3: WEDNESDAY		
TIME	MEETING	
8:30-9:00	GNSO Policy Briefing	
9:00-10:15	Placeholder: PDP Discussion	
9:00-10:15	Registrar Stakeholder Group (RrSG) – GDPR: Tucows' Lessons from One Month into Tiered Access	
9:00-10:15	RySG Strategic Outlook Planning with MSSI [c]	
10:15-10:30	Coffee Break	
10:30-12:00	Review of All Rights Protection Mechanisms (RPMs) in All Generic Top-Level Domains (gTLDs) PDP WG PDP WG	
10:30-13:15	RrSG Membership Meeting	
12:00-13:30	Lunch Break	
12:15-13:15	NCSG Strategic Outlook Planning with MSSI [c]	
13:00-15:00	GNSO Council Public Meeting	
15:00-15:15	Coffee Break	
15:15-16:45	RySG Meeting with ICANN Contractual Compliance [c]	
15:15-16:45	Cross-Community Working Group (CCWG) on New gTLD Auction Proceeds	
15:15-16:45	CSG Open Meeting	
16:45-17:00	Transfer Break	
17:00-18:00	High Interest Session: CCWG on Enhancing ICANN Accountability Work Stream 2 Final Recommendations	
17:00-18:30	CCWG on New gTLD Auction Proceeds	
17:00-18:30	Contracted Parties House (CPH) Tech Ops Meeting	
18:30-19:30	GNSO Council Strategic Outlook Planning with MSSI [c]	

GNSO Schedule for ICANN62 Panama City 28 June

DAY 4: THURSDAY		
TIME	MEETING	
8:30-9:00	GNSO Policy Briefing	
8:30-9:00	CPH/NCSG GDPR Session	
9:00-10:15	RPM PDP WG	
9:00-10:15	CPH GDPR Session	
10:15-10:30	Coffee Break	
10:30-12:00	RPM PDP WG	
10:30-12:00	CPH ExCom Meeting [c]	
10:30-12:00	ISPCP Strategic Outlook Planning with MSSI [c]	
12:00-13:30	Lunch Break	
12:15-13:15	GNSO Wrap-Up Session	
13:30-15:00	SubPro PDP WG	
13:30-15:00	NPOC ExCom Meeting [c]	
15:00-15:15	Coffee Break	
15:15-16:45	BC Meeting	
15:15-16:45	Cross-Community Session: Geographic Names at the Top-Level (SubPro PDP Work Track 5) – Part 2	
16:45-17:00	Transfer Break	
17:00-18:30	Placeholder: High Interest Session: RDS	
17:00-18:30	Registration Data Access Protocol (RDAP) Pilot WG	

Acronym Helper

Learn more about **ICANN Acronyms and Terms**

AC Advisory Committee **AGB** Applicant Guide Book **ALAC** At-Large Advisory Committee **ASO** Address Supporting Organization **BC** Business Constituency **BRG.....** Brand Registry Group C Constituency CC2 Community Comment 2 **ccNSO** country code Names Supporting Organization **CCWG......** Cross-Community Working Group **CL&D Policy.....** Consistent Labeling & Display Policy of WHOIS output for all gTLDs **CPH** Contracted Party House **CSG** Commercial Stakeholder Group **CWG** Cross-Community Working Group **DNA.....** Domain Name Association **DNS** Domain Name System **DT** Drafting Team **EPDP** Expedited Policy Development Process **EU** European Union **EWG.....** Expert Working Group **ExCom** Executive Committee **GAC** Governmental Advisory Committee **GDD**..... Global Domains Division **GDPR.....** General Date Protection Regulation **GNSO......** Generic Names Supporting Organization **gTLD** generic Top-Level Domain **HDI** Healthy Domains Initiative IANA..... Internet Assigned Numbers Authority **ICANN org** ICANN Organization **IDN.....** Internationalized Domain Name **IGO.....** International Governmental Organizations **INGO** International Non-Governmental Organizations **IOC.....** International Olympic Committee **IPC.....** Intellectual Property Constituency IRT..... Implementation Review Team **ISPCP......** Internet Service Providers and Connectivity Providers Constituency **NCPH.....** Non-Contracted Party House

NCSG...... Non-Commercial Stakeholder Group **NCUC......** Non-Commercial Users Constituency

Next-Generation

Acronym Helper

NGPC..... New gTLD Program Committee

NPOC...... Not-for-Profit Operational Concerns Constituency

OEC Organizational Effectiveness Committee

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

RA Registry Agreement

RAA Registrar Accreditation Agreement

RCRC Red Crescent Movement

RDAP Registration Data Access Protocol
RDDS Registration Data Directory Service
RDS Registration Directory Services

RFP Request for Proposal

RPM..... Rights Protection Mechanism

RSEP Registry Service Evaluation Process

RSP Registry Service Provider

RSSAC Root Server System Advisory Committee

RRA Registry-Registrar Agreement
RrSG Registry Stakeholder Group
RySG Registry Stakeholder Group

SG Stakeholder Group

SO Supporting Organization

SSAC Security and Stability Advisory Committee

SubPro Subsequent Procedures

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

ICANN | GNSO

Generic Names Supporting Organization