

ISPCP Constituency Meeting Notes (Sydney ICANN)

gNSO Council Reform

Tony Holmes reviewed the current gNSO Council organization (his presentation slides are available on the ISPCP web site: <http://www.ispcp.info/pstn-sydn>). He discussed the new constituencies that have emerged and talked about where they should be located within the new organization. Tony also laid out the problem surrounding naming the new House the “User House.” There was significant discussion surrounding ISPCP concerns about naming the house. Jaime Wagner suggested the name: “Contract Affected Party.” Malcolm Hutty said that we should find a way to move some of the new parts of the organization so that they go to the contracted party side. Alain Bidron emphasized that we are not a “user” community.

There was substantial discussion about how to handle those new constituencies that aspire to be contracted parties but are not yet contracted or recognized. There was general agreement that these constituencies should not be in the non-contracted parties house.

The discussion came back to naming as a means to distinguish who should be in this part of the gNSO. Malcolm suggested “Registrants and Resolvers,” but Karen Northey suggested that, for many people outside of ICANN, this wouldn’t mean much.

ACTION: Support for the name “Users and Providers” was given with direction to the gNSO Councilors to support “non-contracted parties” as long as it was clear that those organizations intending to become contracted parties should not be in this part of the gNSO.

gNSO Working group Participation

Tony Holmes reviewed the list of the working groups in the gNSO and the ISPCP commitments for staffing those groups (see: <http://www.ispcp.info/pstn-sydn>).

Tony also discussed a gNSO Operations Team proposal that would divide the gNSO Council into a group that worked on Administrative activities from a group that worked on Policy activities. The constituency had a long discussion regarding the merits of dividing up the work in this way and what it would mean to have duplication of staffing requirements – rather than simply tasking the gNSO Council to do both. There was general disapproval of the proposed Admin/Policy split.

ACTION: Tony Holmes asked for formal support for the gNSO Councilors to oppose the Admin/Policy gNSO Council split. Consensus was reached that the ISPCP Councilors should oppose the proposal.

ICANN Bylaws and New gNSO Council

Tony Harris provided a short review of the proposed changes to the ICANN bylaws that would implement the new gNSO Council and some of the underlying reforms. There was a general discussion about the timing of the voting on the Bylaws changes and the implications for the Seoul ICANN meeting. In particular, Jaime Wagner asked if there was going to be enough time to get the new Council seated by

the Seoul meeting. It was also noted that the Bylaws changes had not gone through a proper review cycle in any of the constituencies. The discussion included a request by gNSO Councilors that advice be given to them on how to vote regarding the new Bylaws changes.

ACTION: The ISPCP Constituency directed its Councilors to vote against allowing the new Bylaws changes to come to a vote in the Sydney meeting.

The IRT Report

J. Scott Evans of Yahoo! was a guest speaker on the IRT report and recommendations for the New Applicant Handbook. His presentation slides are available on the ISPCP web site (<http://www.ispcp.info/pstn-irt.ppt>).

J. Scott began with a little history of the Intellectual Property concerns that have been raised regarding the procedures in the Second draft of the New Applicant Guidebook. He then reviewed the Board discussions and decisions that led up to the formation of the IRT after the Mexico City ICANN meeting. A list of the people and organizations that participated in the work of the IRT was presented.

In order to solve the Intellectual Property and trademark concerns of rightsholders, the IRT considered a wide variety of proposed adjustments to the New Applicant Guidebook. J. Scott reported that each of these proposals was examined against a checklist of criteria, including:

- What are the harms that are being addressed by the solution?
- Will the solution scale?
- Does it accommodate territorial variations in trademark rights?
- Does it conform to extent of actual legal rights?
- Does solution work in light of IDNs?
- To what extent can solution be gamed and abused?
- Is it the least burdensome solution?
- Is it technologically feasible?
- How will solution affect consumers and competition?
- What are the costs and who pays for them?

The first of the proposed solutions from the IRT is an IP Clearinghouse. The Clearinghouse is intended to be a centralized database of details of registered trademarks. The goal of the IP Clearinghouse is to reduce the time and expense related to identifying trademarks for registries, registrars and trademark owners. Crucially, this Clearinghouse is also intended to support a Globally Protected Marks List (GPML).

The IRT has also proposed an Uniform Rapid Suspension System (URS). This is intended to be an “immediate” remedy for the clearest, undisputable cases of cybercrime. Built into the URS is an appeals system and sanctions for any brand holders who try to use the URS for abusing legitimate registrants. The URS process also results in domain names being frozen and not allowed to be transferred for 14 days.

The IRT proposal also suggests that there be a thick WHOIS in place and that there be a Post-Delegation Dispute Resolution mechanism at Top Level of the DNS.

The ISPCP Constituency had a significant discussion regarding the IRT proposal and there was substantial discussion about whether to support the proposal during the meetings in Sydney.

ACTION: by consensus, the ISPCP agreed to support the principles of the IRT paper without supporting the specific recommendations of the IRT report. In particular, the ISPCP would use its mailing list to continue discussion of the IRT proposals after the Sydney meeting.

Implications of Signing the Root Zone

Mark McFadden gave a presentation [available on the ISPCP website at <http://www.ispcp.info/pstn-str.pptx>] on the implications of signing the root zone.

Mark gave a history and overview of DNSSEC and explained why ISPs would be interested signing the root. He discussed the US government Notice of Inquiry that led to a public discussion of whether and how to sign the root. There was no opposition to signing the root during this public inquiry; in fact, most people and organizations wanted it to be accomplished immediately. Both ICANN and Verisign had developed approaches to signing the root prior to the NOI and made those approaches public during the public review process.

What emerged after the public consultation process was a cooperative approach between ICANN and Verisign that has led to an “interim” strategy for signing the root. Mark noted that “interim” was probably a poor word choice, because it denotes that the process would come to an end. Instead, what will happen is an interim evaluation of the root signing and the process for managing the keys. As ICANN and Verisign learn more about the mechanics of managing the keys and signing the root zone, new procedures will be put in place to adapt and improve the root zone management process.

Barbara Roseman of IANA was present to field questions from the ISPCP on this topic.

Root Zone Scaling Study

Lyman Chapin gave an overview of ICANN’s Root Zone Scaling Study. In February of this year, the ICANN Board asked the Root Server System Advisory Committee (RSSAC), the Security and Stability Advisory Committee (SSAC), and the ICANN staff to study the potential impact on the root zone stability that might arise when IPv6 address records, IDN top level names, other new TLDs, and new records to support DNS security are added to the root zone. The Board seemed particularly interested in the aggregate effect on root zone operations. The study is also supposed to examine the impacts of expanding the DNS root zone on operations.

Overall, the root system has the following goals and considerations

- The data in/for the root zone should move through the provisioning and publication process with zero errors.

- The root zone provisioning and publication subsystems should be robust and resilient to attack/corruption/delay.
- The root zone system should be nimble/adaptable to changes in technology and policy.

Lyman suggested that this study would examine the ramifications on scaling up the root zone system on both size and rate of change.

Lyman indicated that the study was currently underway and that five people had been selected to collect the data, do the modeling and perform the study. An initial report is due on August 31, 2009 which will then be published for public comment. A final report is due to be sent to the ICANN Board in time for the Seoul ICANN meeting.