

GNSO Scope and Consensus Policy Discussion



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Background

- Presentation prepared to provide guidance to the GNSO and its working groups
- Information is presented in summary form and is not exhaustive
 - Need to refer to contracts for specific limitations
 - Need to refer to Bylaws for overall scope issues
- Information obtained from Registrar Accreditation Agreement (RAA) and from the .org Agreement
 - Each registry contract varies and may have different limitations
- Presentation does not constitute legal advice or a waiver or modification of any ICANN agreement

ICANN GNSO SCOPE

OVERALL INQUIRY ON ICANN'S MISSION

- Is it within ICANN's Mission as specified in the ICANN Bylaws?

“The mission of ICANN is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems.”

- In particular, ICANN coordinates:
 - Allocation and assignment of the three unique identifiers for the Internet
 - Domain names
 - IP addresses and autonomous system numbers
 - Protocol port and parameter numbers
 - Operation and evolution of the DNS root name server system
 - Policy development reasonably and appropriately related to these technical functions

ICANN GNSO SCOPE

- Is the topic consistent with ICANN's Core Values as described in the Bylaws?
 - Among ICANN's core values:
 - Preserving and enhancing the operational stability, reliability, security, and interoperability of the Internet
 - Introducing and promoting competition in domain name registrations
 - Where feasible and appropriate, depending on the market to promote and sustain competition
 - Limiting ICANN's activities to those activities requiring or significantly benefiting from global coordination
- GNSO-Specific Inquiry
 - The GNSO is responsible for developing and recommending to the Board substantive policies relating to gTLDs

Is the topic on the list of subjects for "Consensus Policies" under the Registry Agreement?

Is the topic on the list of subjects for "Consensus Policies" under the Registrar Agreement?

Is the topic enforceable on registries or registrars through other contract terms?

Is it a topic expected to produce a policy recommendation to guide ICANN's activities?

Yes



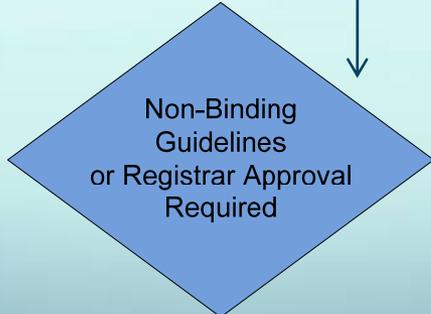
No



Yes



No



Yes



**TOPIC
PROPOSED TO
APPLY TO
REGISTRARS**

Is the topic
identified under
RAA § 4.2 as a
Consensus
Policy?

Is the topic any of the
Following:

Uniform or
coordinated resolution
reasonably necessary to facilitate
interoperability, technical reliability, or
operational stability of
Registrars, Registries, the DNS,
or the Internet
(4.2.1)

Implementation of
ICANN policies
or specifications relating to
a DNS registry or to
Registry Services
(4.2.2)

Resolution of disputes re:
the registration of domains
(as opposed
to use of domains), including where
policies take into account use of the
domain
(4.2.3)

Principles for
allocation of Registered
Names (4.2.4)

Is the topic any of the Following:

Accurate and up-to-date domain contact and nameserver information (4.2.4)

Prohibitions on domain name warehousing or speculation by registrars or registries (4.2.5)

Reservation of domain names (4.2.7)

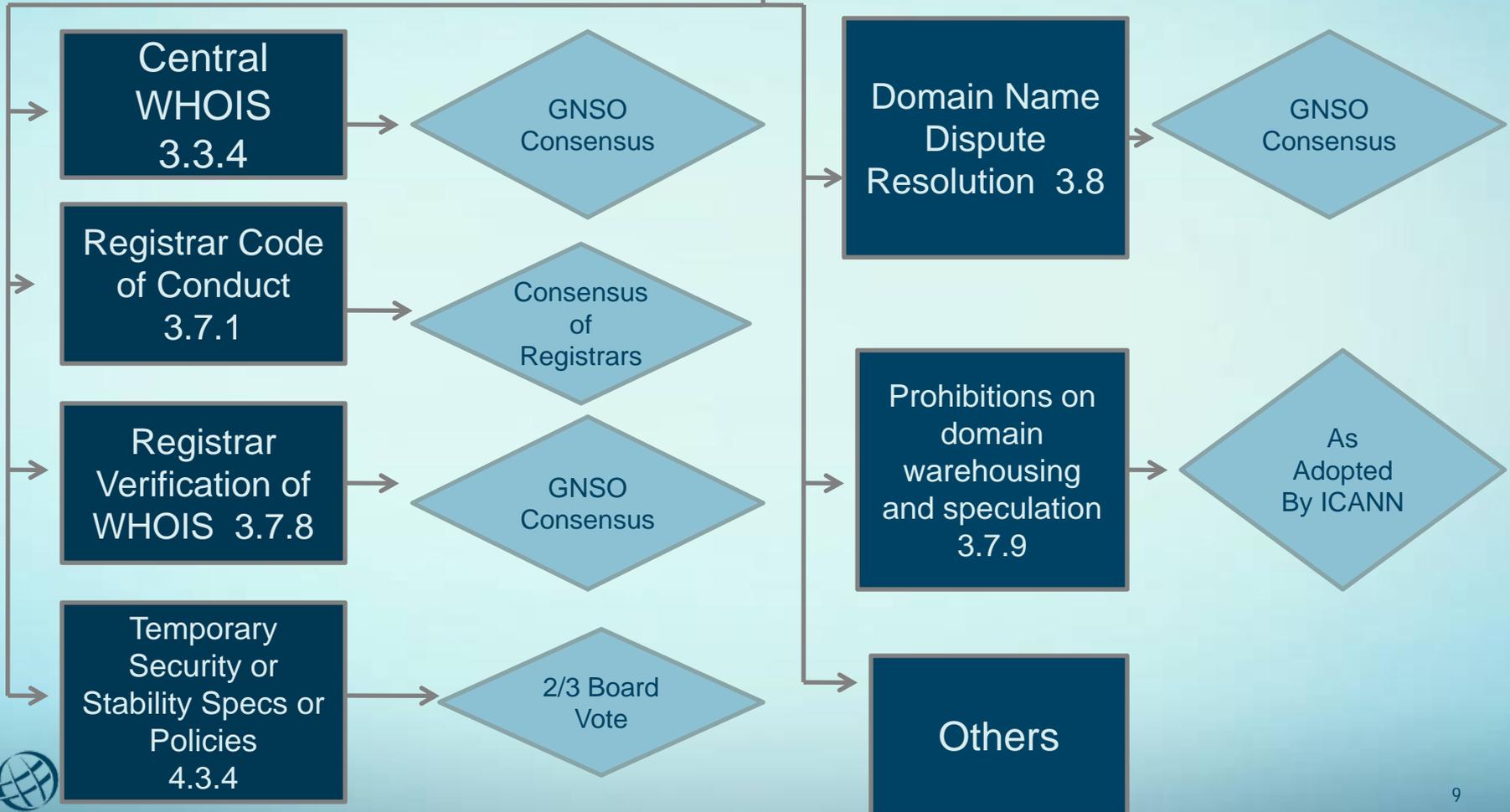
Procedures to avoid disruptions of registrations due to suspension or termination of a registry/registrar (4.2.8)

Transfers of registration data upon a change in registrars (4.2.9)

Section 4.2.3- Resolution of Disputes

- Domain registration dispute resolution policies that take into account use may be appropriate for GNSO policy
 - Example- UDRP combines bad faith registration and bad faith use
 - Examples of Registration Abuse-
 - False WHOIS
 - Stolen Credit Cards used to Purchase domains
- Dispute resolution policies involving registration abuse alone without taking into account “use” may be appropriate for GNSO policy

Other Registrar Contract Terms



**Registrar Contact -
Limitations on GNSO
Policies**

The following topics excluded:

Policies that prescribe or limit the price of Registrar Services (3.7.9)

Policies that would unreasonably restrain competition (2.3.2)

Policies that single out a registrar for disparate treatment unless justified by substantial and reasonable cause (2.3.3)

Others

**TOPIC
PROPOSED TO
APPLY TO
REGISTRIES**

Is it a subject
specified as a
Consensus Policy
under the Registry
Agreement?

Is the topic any of the
Following:

**Uniform or coordinated
resolution reasonably
necessary to facilitate
interoperability
Security Stability of
the Internet or DNS**

**Functional and
performance
specifications
for Registry
Services**

**Security and
Stability of the
registry
database**

**Registry policies to
implement
Consensus Policies
relating to registry
operations or
registrars**

**Resolution of
disputes re:
registration of
domains (as
opposed to use
of domain name)**

Principles for
allocation of
Registered
Names

Prohibitions on
domain name
warehousing or
speculation by
registries or
registrars

Reserved
names due to
confusion,
intellectual property,
or technical
management of the
DNS or Internet

Accurate and
up to date
domain name
information

Procedures to
avoid disruptions
due to
suspension or
termination of a
registry/registrar

Resolution of
disputes re:
parties that may
register or
maintain
registrations

**Registry Contact -
Limitations on GNSO
Policies**

The following topics excluded:

Price of Registry Services

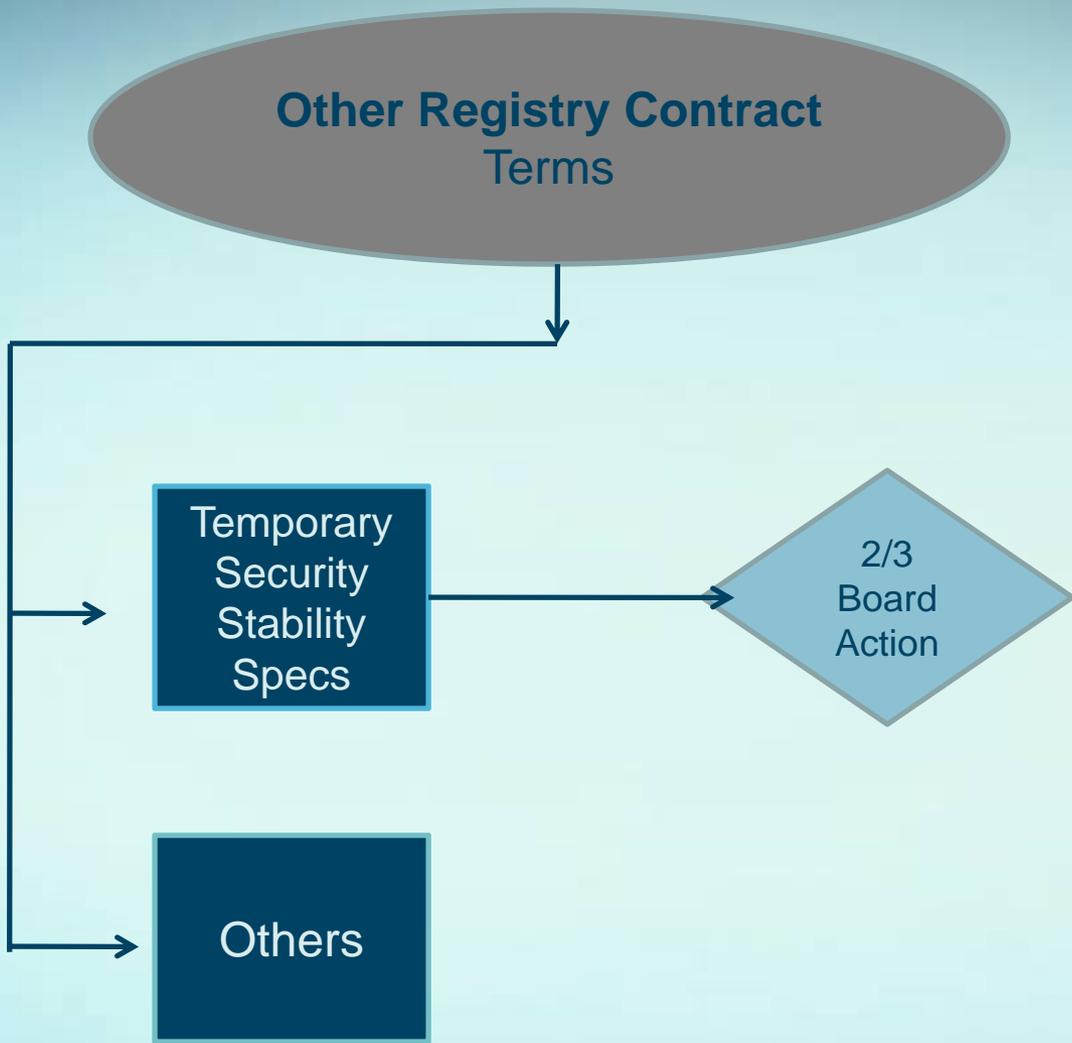
Standards for considering proposed Registry Services

Terms for renewing or terminating the Registry Agreement

Modify ICANN's obligations to Registry

Modify contract limits on Consensus Policies or Technical Specs or Policies

Others



Possible Outcomes of Policy Work

- Binding Policies on Contracted Parties
- Non-Binding Policies on Contracted Parties
- Best Practices/Codes of Conduct
- Advice to ICANN
 - Recommend Contract Changes
- Technical Specifications

Thank You