

Pre-ICANN68 GNSO Policy Webinar



17 June 2020

Agenda

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Welcome and
Introduction

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New gTLD
Subsequent
Procedures PDP

3

Review of All Rights
Protection
Mechanisms in All
gTLDs PDP

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EPDP on gTLD
Registration Data

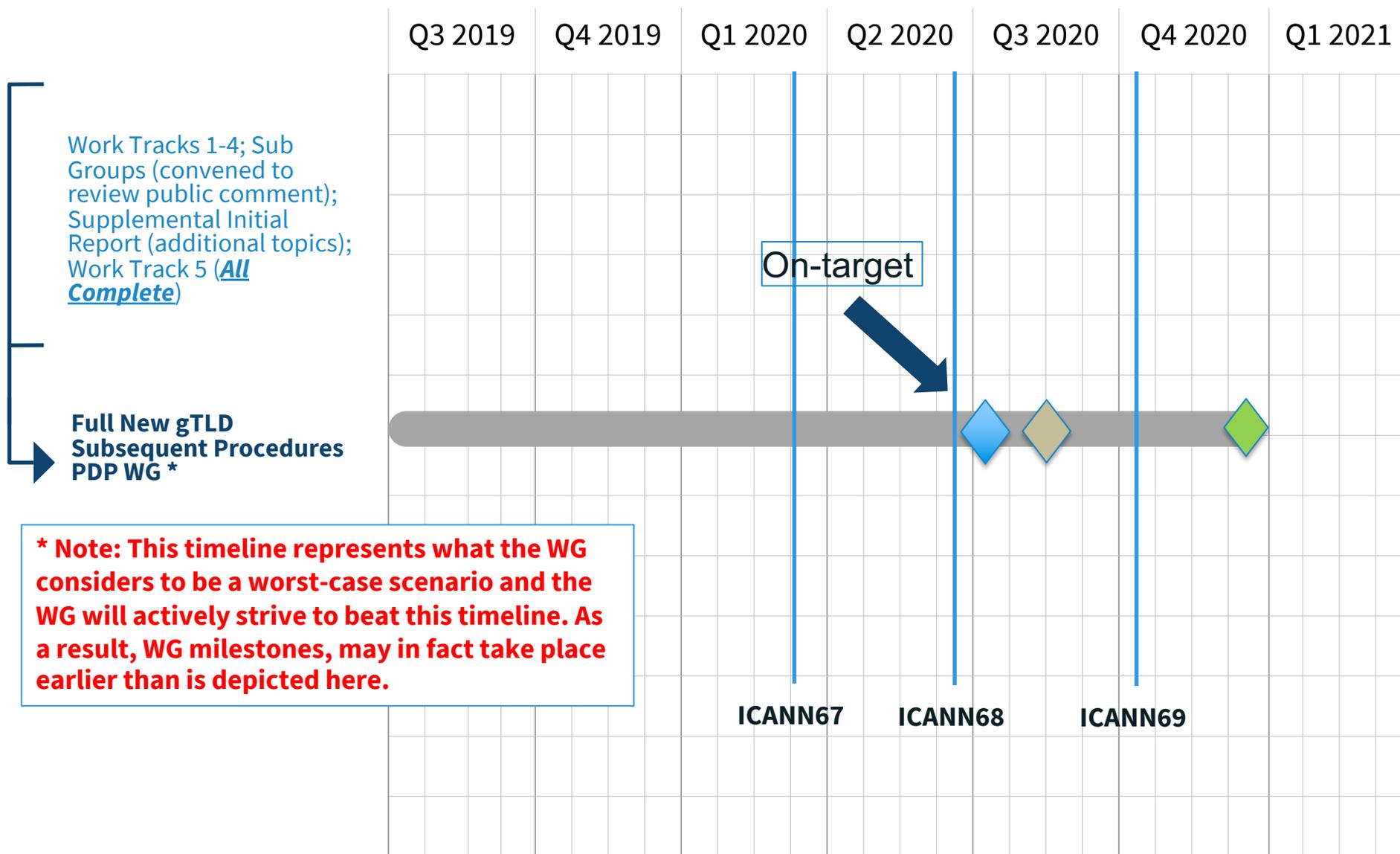
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Questions &
Answers

Introduction

New gTLD Subsequent Procedures PDP Working Group

SubPro Timeline *



KEY



Publish draft Final Report for public comment



Close of Public Comments



Final Report Delivered to Council

What are the current challenges and issues?

- ⦿ As the entire draft Final Report will be published for public comment, the WG will need to set expectations that new information is welcomed, *not just restating positions*
- ⦿ While the WG has made strides in developing draft Final Recommendations, including for challenging topics (e.g., closed generics, predictability framework, string contention resolution, etc.), some of these topics may not be able to achieve consensus.
- ⦿ Some WG members unwilling to move off their position as there may be a lack of incentive to reach compromise (e.g., happy with the status quo).

How can the Council and community assist?

- ⦿ Reinforce with your respective communities that the MSM works best when everyone participates in good faith, seeking a solution everyone can live with (e.g., no one gets everything they want).
- ⦿ Work with your communities to submit focused public comments to the draft Final Report.
- ⦿ Councilors and their respective communities should familiarize themselves with the anticipated PDP outcomes in advance of delivery of the Final Report. We are in the home stretch!
- ⦿ Continue to support efforts to coordinate with the ICANN Board, Council leadership, and ICANN org on interim operational readiness activities for the New gTLD Program. *Consider whether a Pre-IRT, similar to EPDP Phase 1, will help support timely implementation.*
- ⦿ Continue to remain available as a resource for consultation/escalation in respect of the issues identified.

What to expect at ICANN68

- ⦿ One open meetings at ICANN68:
 - Tuesday, 22 June 2020 at 00:30 UTC for 90 minutes
- ⦿ The WG will engage in substantive discussion on one of the remaining open topics – a predictability framework for the New gTLD Program.
- ⦿ The WG may also hold a non-ICANN Meeting related WG session during one of its regular rotating times.

Sessions at ICANN68 and Further Information

ICANN67 Schedule: <https://68.schedule.icann.org/>

Resources

- ◉ GNSO Project Page: <https://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures>
- ◉ WG Wiki: <https://community.icann.org/x/RgV1Aw>
- ◉ WG Charter: <https://gnso.icann.org/en/issues/new-gtlds/subsequent-procedures-charter-21jan16-en.pdf>
- ◉ WG Work Plan: <https://community.icann.org/x/NAp1Aw>

Review of All Rights Protection Mechanisms (RPMs) in gTLDs PDP Working Group

Current Timeline



- Chartered in March 2016 to conduct a two-phased PDP
- Phase 1 – RPMs applicable to gTLDs launched under the 2012 New gTLD Program:
 - Trademark Post-Delegation Dispute Resolution Procedures (TM-PDDRP)
 - Trademark Clearinghouse (TMCH)
 - Sunrise and Trademark Claims offered through the TMCH
 - Uniform Rapid Suspension (URS) dispute resolution procedure.
- Phase 2 – UDRP (an ICANN Consensus Policy since 1999)
- Aiming to complete Phase 1 by **Mid-October 2020 (5.5 months-extension granted in February 2020)**

Current Timeline (Cont.)

- ⦿ **18 March – 4 May 2020:** Initial Report Published for Public Comment
 - Received comments from 55 contributors – 5 ICANN groups, 12 individuals, 38 organizations
- ⦿ **May – July 2020:** Review Public Comments with the possibility of additional weekly meetings
 - **Sub Group A:** Review public comments for TMCH, Sunrise, Trademark Claims, and TM-PDDRP related recommendations and questions for community input
 - **Sub Group B:** Review public comments for URS related recommendations and questions for community input
 - **Full Working Group:** Review public comments for individual WG member proposals on URS & TMCH, and overarching/general issues
- ⦿ **August – Early September:** Conduct Consensus Call on Final Recommendations & Complete Final Report
- ⦿ **Mid September – Mid October:** Submit Final Report to GNSO Council

What are the current challenges and issues?

Public Comment Volume: Extensive public comments need to be reviewed/discussed in parallel within a stringent timeline

Divergence: Members hold strong, divergent opinions; difficult to reach consensus and disagreements about the level of support

Relitigate Issues: Temptation to re-open previously discussed topics and proposals lacking wide support at the full WG level; use tactics to stall progress

Time Management: Spending a long time debating process issues and uncompromising positions, falling behind in workplan and projected timeline, resulted in the submission of a Project Change Request to the GNSO Council

How are the challenges and issues being addressed?

⦿ Working Group Co-Chairs Commitment

- Commit to work together with the common goal to complete Phase 1 on time, understanding that there may be consequences for the work (e.g., suspension of the PDP) if this is not done;
- Be firm with the Working Group, and do whatever needs to be done, in order to deliver the Final Report in a timely manner; and
- Develop a detailed plan to produce the Initial Report, review comments and produce a Final Report and clearly communicate this process to working group members.

⦿ Sub Group Remit Parameters

- Sub Group may determine that it should refer the subject Recommendation to the Working Group
 - (a) if any Public Comments provided any new and material perspectives which the Working Group had not considered in making its initial Recommendation; have raised any new facts that materially strengthen or diminish the assumptions on which the recommendation was based; suggest a solution that has not already been considered by the Working Group;
 - (b) if any initial Recommendations received widespread and substantial opposition not already considered by the Working Group in making its initial Recommendations;
- (a) and/or (b) exists: Sub Group may decide to refer the new perspective or revised recommendation to the Working Group as a whole for deliberation;
- (a) and/or (b) not exist: Sub Group will reflect this to the Working Group on the assumption that the particular Recommendation be maintained “as is”;
- Any final revision of the Recommendation language is subject to consideration and agreement of the full Working Group.

How can the Council and community assist?

Challenge	Assistance
Divergence	Push members to find mutual ground, accept disagreement, and move forward
Relitigating Issues	Enforce rules against reopening closed topics
Time Management	Closely monitor timeline, urge participants to be accountable and refrain from engaging in debates that are unproductive
Working Group Co-Chairs Commitment, Sub Group Remit, Public Comment Volume	Hold Working Group Co-Chairs and Sub Group leaders accountable, closely monitor progress against its work plan, provide guidance when there is challenge (e.g., the evaluation of public comments takes longer than anticipated), be willing to step in to ensure timeline is met

What to expect at ICANN68

- ⦿ One open meeting at ICANN68:

Tuesday, 23 June 2020

Working Session: 10:30 MYT/02:30 UTC Zoom 4 (GNSO)

- ⦿ Ongoing review of public comments on the Initial Report
- ⦿ All community members are welcome to attend
- ⦿ **ICANN68 Schedule:** <https://68.schedule.icann.org/>

Further Information

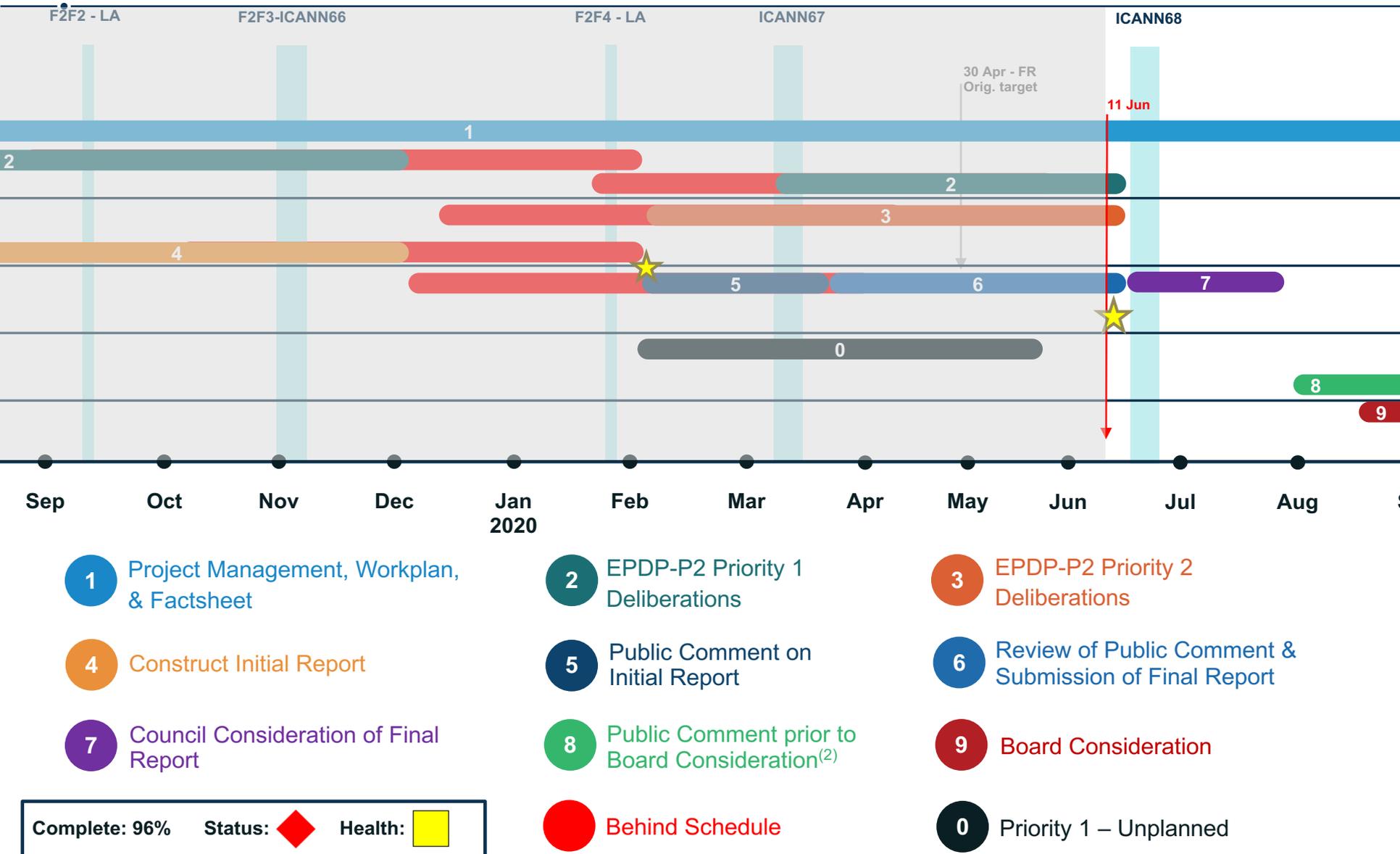
Resources

- ⦿ GNSO Project Page: <https://gns0.icann.org/en/group-activities/active/rpm>
- ⦿ Working Group Wiki: <https://community.icann.org/x/wCWAaw>
- ⦿ Working Group Charter: <https://gns0.icann.org/en/drafts/rpm-charter-15mar16-en.pdf>
- ⦿ Working Group Work Plan: <https://community.icann.org/x/wBeOAw>

EPDP on the Temporary Specification for gTLD Registration Data – Phase 2

EPDP Phase 2 - Summary Timeline

11 Jun 2020



*Please note this timeline is subject to change following the GNSO Council's view of the EPDP Project Change Request (PCR).

What are the current challenges and issues?

- EPDP Team is endeavoring to complete its Final Report before the imminent departure of its chair on 30 June.
- The “mechanism for evolution of SSAD” is a must have element for a number of groups, and the Team is currently working to find an approach that is acceptable to all.

How can the Council and community assist?

- Encourage EPDP Team Members Members from your Stakeholder Groups and Constituencies to provide timely feedback on assigned homework (review of final report recommendations and associated templates, and Priority 2 items)
- Encourage EPDP Team Members from your Stakeholder Groups and Constituencies to strive for compromise, consensus-building, and constructive engagement during the “cannot live with” review of the draft Final Report

What to expect at ICANN68

- The EPDP team does not have any planned sessions for ICANN68, unless unexpected delay in finalizing the Final Report..
- At this time, the week of ICANN68 is planned as a “silent week,” during which EPDP Team members will review the Final Report and provide final suggestions and edits.
- Based on the Team’s meeting tomorrow, Leadership will determine if the Team needs to meet next week during its usual time (outside of ICANN68).

Questions