GNSO Public Forum

Dr Bruce Tonkin

Chair, GNSO Council

Marrakech, June 27, 2006

Agenda

- Review policy process
- Policy for New gTLDs
- Update on WHOIS
- Policy for Existing gTLDs contracts
- Policy for gTLDs with IDN strings

Policy Development Process (PDP)

- Request issues report
- Issues Report
- Initiate PDP with terms of reference
  - Public comment
- Preliminary Task Force Report or Initial Report
  - Public comment
- Final Report for Council vote
- Board Report
  - GAC advice to Board
- Board vote

Phases

- **In some cases we have broken work on large policy issues into phases, and issued interim reports for public comments**
- **Drafts of the documents are often published**

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New gTLDs - timeline

- **Draft Initial report – available now**
- **Initial Report – July 06**
  - **Public comment**
- **Final Report – Oct 06**
- **Board Report – Nov 06**
- **Board vote – Dec 06, Sao Paulo**

New gTLD work

- **Should new gTLDs be introduced?**
- **Yes – provided other recommendations are accepted with respect to selection criteria**

New gTLD work

- **Selection criteria?**
- **Process criteria**
  - **Application fees, timelines etc**
- **Technical criteria**
  - **Base set of standards such as IETF RFCs, ICANN IDN guidelines**
  - **Comply with ICANN policies**

New gTLD work

- **Selection criteria?**
- **String choice, purpose/charter choice, organisation/sponsor choice, registrant constraints**
- **Draft: Applicants must offer a clearly differentiated domain name space with respect to defining purpose.**

New gTLD work

Other proposals similar to sponsored round of 2004:

- **applicants for a new gTLD must represent a well defined community and registrants are limited to members of that community**
- **a new gTLD applicant must establish a charter that addresses a defined purpose with eligibility criteria, and registrants must meet the eligibility criteria**
- **accurate verification of registrant eligibility**
- **applicants must explain how the new TLD maximized benefits for the global Internet community.**

New gTLD work

- **Selection criteria?**
- **Applicant must have financial and operational resources to meet the other criteria**

New gTLD work

- **Allocation methods?**
- **Assuming that initial introduction may be in batches**
  - **E.g A start and end date for receiving applications**
  - **E.g A 3 month period**
- **In future – process in order of receipt**

New gTLD work

- **Allocation method?**
- **Process batch in first-come, first-served order that meet criteria**
- **Contention for the same string:**
  - **Auction or Lottery?**
  - **Comparative evaluation?**

New gTLD work

- **Contractual conditions?**

“Need to strike the right balance between ensuring certainty for market players and preserving flexibility of the regulatory process to accommodate the rapidly changing market, technological and policy conditions”

New gTLD work

- **Contractual conditions?**
- **Pre-published framework agreement**
- **Any material alterations to the frame agreement should be subject to a public comment period before approval by the ICANN Board**
- **Consistent approach with respect to registry fees, taking into account differences in regional, economic and business models.**
- **Need to comply with new ICANN policies developed during the lifetime of the agreement, in 5 areas:**

New gTLD work

- **5 areas where compliance can change:**
  - **Issues to facilitate interoperability, security and/or stability of the Internet**
  - **Functional and performance specifications for the provision of registry services (as defined below)**
  - **Security and stability of the registry database for the TLD**
  - **Registry policies relating to registry operations or registrars**
  - **Resolution of disputes regarding the registration of domain names (as opposed to the use of domain names)**

New gTLD work

- There should be renewal expectancy
- Operators could expect renewal of their agreements provided that they had not been in material breach of the contract or repeatedly failed to perform to the standard required in the contract
- There should be mechanisms to terminate the contract if the operator has been found in repeated breach of the contract

New gTLD work

- **With respect to the use of personal data, the Committee supported limited use (only for the purpose for which it was collected) of any personal data and supported requiring the gTLD registry to define the extent to which personal data would be made available to third parties.**

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WHOIS background

WHOIS work Objectives

- **Improve the effectiveness of the WHOIS service, whilst taking into account where appropriate the need to ensure privacy protection for the Personal Data of natural persons**
- **Seeking to improve access control and processes for correcting inaccurate data**

WHOIS Status of work

- **WHOIS task force working on 4 work items to improve the WHOIS service**
- **Task force was stuck for months on agreeing to a definition of WHOIS purpose between two options**
- **GNSO Council selected one option so that the work can proceed, after receiving public input**

WHOIS Next steps

- **Task Force will produce a Preliminary Task Force Report that addresses all terms of reference for public input**
- **Definition of purpose could be improved or clarified to avoid current different interpretations**
- **The definition needs to be seen in context with any proposed improvements to WHOIS**

Formulation 1

- **provide information sufficient to contact a responsible party for a particular gTLD domain name who can resolve, or reliably pass on data to a party who can resolve, issues related to the configuration of the records associated with the domain name within a DNS nameserver.**

Regarding data collected

- **Any changes to the data collected is out of scope**
- **Most registrars also collect additional data such as the IP address and credit cards used by the registrant when registering the name**

Regarding data retention

- **All collected data must be kept while a registrar and for an additional 3 years after ceasing to be a registrar**

Public and non-public access

- **If any data is removed from general public access, then the task force must identify how this data can be accessed by those with a legitimate need**
- **GNSO welcomes continued dialogue with those that can demonstrate a legitimate need for access**

Whois Task Force Report

GNSO Public Forum

Marrakech

June 27, 2006

Prepared by: Jordyn Buchanan, Chair

Presented by: Avri Doria

Terms of Reference

- **Define the purpose of the contacts displayed in Whois**
- **Determine what data should be displayed for public access in Whois; determine how to access data not available for public access**
- **Improve process for notifying registrants of inaccurate Whois data, and improve process for investigating and correcting inaccurate data.**

Timeline

- Ongoing policy development work
- October : Preliminary Report, including policy recommendations
- November : End of public comment period
- December : Final report presented to GNSO council
- Early 2007 : Board consideration

Policy Development

- **Ongoing discussions on each of the remaining terms of reference - attempting to develop a comprehensive approach instead of separate reports on each item**
- **Using a proposal called Operational Point of Contact (OPOC) as a template to guide discussions**
  - **All elements of the proposal are subject to ongoing discussion and potential changes**
  - **Proposal has no formal status other than as a starting point for discussion**

OPOC Proposal (initial discussion template)

http://tinyurl.com/zu3bj

- Replaces administrative and technical contacts with a new operational contact
- Removes all contact information about registrant except for their name. Includes full contact information for operational contact.
- Non-contact information (DNS servers, status, dates) all remain unchanged
- Adds consistency and additional validation in the process of responding to inaccurate data
- Limits the amount of data displayed by thick registries (most information is displayed only by registrars)

Current Issues

- **What contact information about the registrant should be displayed?**
- **Should the administrative and technical contacts be replaced with a new operational contact?**
- **Should specific time limits govern the process for responding to complaints of inaccurate Whois data? If so, what should they be?**
- **How should domains with inaccurate contact information be treated? Should there be a difference between first instance and repeat offenders?**

Watch For Updates

http://gnso.icann.org/

- Everyone's feedback welcome, encouraged and needed.

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Maureen Cubberly

Chair

Task Force on contracts for existing gTLDs

Marrakech, June 27, 2006

Contracts for existing gTLDs

- **Policy would only apply if an existing gTLD operator sought to change their agreement or if a new entity becomes the operator**
- **Draft Preliminary Task Force Report – available now**
- **Seeking further expert advice**
  - **E.g competition law, price regulation, definitions of market power/dominance**
- **Preliminary Task Force Report – Oct 06**

Areas of work

- **Examining areas where consistency would be useful**
  - **Registry agreement renewal**
  - **Limitations to comply with new ICANN policies**
  - **Price controls for registry services**
  - **ICANN fee structure**
  - **Limitations on using registry data**
  - **Investments required for infrastructure**

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IDN gTLDs - timeline

- **Draft Issues Report – available now**
- **Formed a GNSO working group to consider this report and liaising with ccNSO with respect to scope of any GNSO work**
- **Issues Report – July 06**
- **Decision to initiate a PDP – July 06**
- **Further information in IDN workshop**

GNSO Framework

- **GNSO working group recommends studying new IDN gTLDs using same framework as used for the new gTLD policy development process**
- **IDNs highlight some of the complexities around introducing new gTLDs**

IDN Selection criteria

- **Selection of appropriate IDN strings**
- **Selection of an appropriate organization to operate a TLD with a particular string**

IDN Selection criteria

- What requirements must an organization meet to be allocated an IDN TLD?
- If strings are differentiated with respect to purpose
  - Maybe hard to tell when dealing with different scripts and different languages
- How many strings are appropriate for a particular TLD purpose?
- ccTLDs restricted to ISO3166 table. What IDN strings should be allowed for ccTLDs?
- gTLD operators may be prevented from using an IDN string that could be confused with a country name in a particular script and language

IDN Allocation problems

- **How to resolve allocation of a string between two parties that both want a particular string?**
- **The same string may have different meanings for people in different parts of the world**
- **Two strings that are technically different may visually look similar**

IDN Contractual Conditions

- **E.g require an IDN operator to comply with IETF standards as well as ICANN IDN guidelines**

Other issues

- **For two TLD strings for the same purpose, should the same second level strings in these TLDs resolve to the same Internet location?**
- **Should the script used in a string at the second level match the script used in the string at the top level?**
- **Should there be competition between two operators of strings for the same purpose?**
- **UDRP becomes more complex for trademark dispute resolution when add additional scripts**
- **Scope for confusing the human user increases, which leads to additional opportunities for phishing, SPAM etc**

Next steps for GNSO on IDN

- **Update issues report**
- **Identify scope of policy work within the GNSO**
- **Clearly identify policy work that will be done elsewhere – e.g within the ccNSO or GAC**